

NEEDHAM PLANNING BOARD
Wednesday, August 14, 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)

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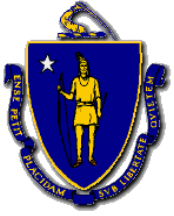
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Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. MBTA Communities (Section 3A of MGL c. 40A) Zoning Initiative
 - Overview of Comments Received from Executive Office of Housing and Livable Communities (EOHLC), Lee Newman, Director of Planning and Community Development & Town Counsel, Christopher Heep.
 - Presentation of staff recommended MBTA zoning by-law revisions required to address comments received from EOHLC and Attorney General, Town Counsel, Christopher Heep.
 - Presentation of Revised Zoning Changes Requested for 100 West Street, Attorney Tim Sullivan.
 - Overview of Site Plan Approval Framework and Planning Board Permitting Authority, Town Counsel Christopher Heep.
2. Review and approve final MBTA Communities zoning language for transmittal to Select Board and initiation of the public hearing process.
3. Board of Appeals –August 15, 2024.
4. Discussion of & Vote to approve Large House Study Committee charge and committee composition.
5. Minutes.
6. Report from Planning Director and Board members.
7. Correspondence.

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



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Sent via email to lnewman@needhamma.gov

August 1, 2024

Lee Newman
Director of Planning and Community Development
1471 Highland Avenue
Needham, MA 02492

**Re: Town of Needham: Pre-Adoption Review Application for Compliance with MBTA
Communities/Section 3A of the Zoning Act**

Dear Mr. Newman:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Needham on May 1, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Needham's proposed district called the "Multifamily Overlay District," (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Needham is designated as a Commuter Rail community with 11,891 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 1,784 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. There are discrepancies between the district labels in the Compliance Model, the application, and the zoning by-law. For District Compliance, please ensure these abbreviations and district names

are consistent.

2. In Section 3.17.5, a lot partially within an underlying zoning district cannot have a building or structure for multifamily residential use within 110 feet of the lot line of an abutting lot containing an existing single family residential structure. Depending on the uses surrounding the district, this may affect its unit capacity.
3. The affordable housing requirement (12.5% of all units) would require an Economic Feasibility Analysis (EFA) because it is over 10% per Section 4B of the 3A Guidelines. However, if using the 10% figure suggested in the by-law, there is no requirement for an EFA.
4. The definition of “family” in the zoning bylaw (Section 1.3 Definitions) may be interpreted as a cap on occupancy, as it relates to occupancy of “dwelling units” : *“(3) not more than three unrelated individuals per dwelling unit living as a single housekeeping unit. The Board of Appeals may issue a special permit for up to two additional individuals per dwelling unit.”* Please ensure that residential dwelling units permitted in the District are not subject to this cap.
5. For the “Neighborhood Plan Option,” under Checklist Parameters in the Compliance Model, there is a maximum of 48 dwelling units per acre listed for the B subdistrict, which is not reflected in the zoning.
6. The submitted GIS shapefiles are missing required fields. Please ensure that the resubmitted shapefiles adhere to the following guidelines linked [here](#) and attached to this email.
7. EOHLC recommends that the Town review its Site Plan Review with counsel to ensure that the standards set forth are objective, nondiscretionary, and consistent with case law for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Needham. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

A handwritten signature in blue ink that reads "Caroline 'Chris' Kluchman". The signature is fluid and cursive, with the first name "Caroline" written in a larger, more prominent script than the last name "Kluchman". The nickname "'Chris'" is written in a smaller, more compact script between the first and last names.

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Rebecca Rausch
Representative Denise Garlick

ARTICLE 1: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT ~~(BASE PLAN)~~

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

1. By amending Section 1.3, Definitions by adding the following terms:

Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

~~**Multi-family housing** – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.~~

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

3.17 Multi-family Overlay District

3.17.1 Purposes of District

The purposes of the Multi-family Overlay District include, but are not limited to, the following:

- (a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
- (b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
- (c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3.17.2 Scope of Authority

In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Housing Overlay District, the terms of the Multi-family Overlay District shall apply.

If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning bylaws

applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB
- (e) HAB
- (f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

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Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which Parking Spaces are accommodated on multiple stories; a Parking Space area that is underneath all or part of any story of a structure; or a Parking Space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more Parking Spaces without a built structure above the space. A solar panel designed to be installed above a surface Parking Space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

- (a) Multi-family housing.

3.17.4.2 Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

- (a) Parking, including surface parking and structured parking on the same lot as the principal use.
- (b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 [Table of Regulations](#), Subsection 4.4.1 [Minimum Lot Area and Frontage](#), Subsection 4.4.4 [Front Setback](#), Subsection 4.6.1 [Basic Requirements](#), and Subsection 4.6.2 [Front and Side Setbacks](#).

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 ^{a, b}	10 ^{a, d}	20 (side) ^{a, b, e}	20 ^{a, b}	20 ^{a, b}

- (a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 [Side and Rear Setbacks Adjoining Residential Districts](#) or Subsection 4.6.5 [Side and Rear Setbacks Adjoining Residential Districts](#) shall not apply.
- (b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.
- (c) An underground parking structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the lot line and the surface of the garage structure shall be suitably landscaped in accordance with Subsection 4.4.8.5 [Landscaping Specifications](#).
- (d) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.
- (e) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.

3.17.5.2 Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 [Table of Regulations](#), Subsection 4.4.2 [Maximum Building Bulk](#), Subsection 4.4.3 [Height Limitation](#), Subsection 4.6.1 [Basic Requirements](#), and Subsection 4.6.4 [Height Limitation](#).

	A-1	B	ASB-MF	CSB	HAB	IND
Maximum Building Height (stories)	3.0	3.0	3.0 ^c	3.0	3.0	3.0
Maximum Building Height (feet)	40	40	40 ^c	40	40	40

- (a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not occupy more than 25% of the gross floor area of the building.
- (b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 [Building Height Requirements](#) and Subsection 3.17.5.1 [Lot Area, Frontage and Setback Requirements](#) to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
- (c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit for a height of four stories and 50 feet, provided that the fourth story is contained under a pitched roof, having a maximum roof pitch of 45 degrees, or is recessed from the face of the building (street-facing)by a minimum of 12 feet as shown in the Design Guidelines adopted for the Needham Center Overlay District under Subsection 3.8.8 [Design Guidelines](#).

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	B	ASB-MF	CSB	HAB	IND
Floor Area Ratio (FAR)	0.50	N/A	1.00 ^b	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	18	N/A	N/A	18	N/A	N/A

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit for an FAR of 1.4.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.5.5 Use of Dwelling Units

Consistent with the Executive Office of Housing and Livable Communities' Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, and notwithstanding anything else contained in the Zoning By-Law to the contrary, Multi-family housing projects shall not be required to include units with age restrictions, and units shall not be subject to limit or restriction concerning size, the number or size of bedrooms, a cap on the number of occupants, or a minimum age of occupants.

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3.17.6 Off-Street Parking

- (a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.
- (b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.
- (c) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.
- (d) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.

- (e) The minimum number of bicycle parking spaces shall be one space per dwelling unit.
- (f) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

- (a) Notwithstanding anything in the Zoning By-Laws outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.
- (b) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.
- (c) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.
- (d) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.
- (e) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.
- (f) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.
- (g) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.
- (h) Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances.
- (i) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8" trunk diameter or larger, and the volume of earth cut and fill.
- (j) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.
- (k) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies [in writing](#) to the Building Commissioner that the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

- (a) 4.3.2 Driveway Openings
- (b) 4.3.3 Open Space

- (c) 4.3.4 Building Location, with the substitution of “Multifamily Dwelling” for “apartment house.”

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

- (a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing.

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Development Standards.

Affordable Units shall be:

- (a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- (b) Dispersed throughout the development;
- (c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- (d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- (e) Distributed proportionately among unit sizes; and
- (f) Distributed proportionately across each phase of a phased development.
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3.17.9 Site Plan Review.

3.17.9.1 Applicability.

Site Plan Review, [as provided for in this Section 3.17.](#) is required for all [Multi-family housing](#) projects within the Multi-Family Overlay District. [Notwithstanding any other provision contained in the Zoning By-Law, except as expressly provided for in this Section 3.17, Multi-family housing projects are not subject to site plan or special permit review pursuant to Section 7.](#)

3.17.9.2 Submission Requirements.

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

- (a) Locus plan;
- (b) Location of off-site structures within 100 feet of the property line;
- (c) All existing and all proposed building(s) showing setback(s) from the property lines;
- (d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;
- (e) Existing and proposed contour elevations in one-foot increments;
- (f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;
- (g) Driveways and access to site, including width of driveways and driveway openings;
- (h) Facilities for vehicular and pedestrian movement;
- (i) Drainage;
- (j) Utilities;
- (k) Landscaping including trees to be retained and removed;
- (l) Lighting;
- (m) Loading and unloading facilities;
- (n) Provisions for refuse removal; and
- (o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer.

3.17.9.3 Timeline.

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide any written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval.

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

- (a) the Applicant has submitted the information as set forth in Subsection 3.17.8.2 Development Standards; and
- (b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, and the development standards contained in Subsection 3.17.7 Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing.

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.7 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design ~~Guidelines~~Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

4. By amending the first paragraph of Section 7.7.2.2, Authority and Specific Powers, to add site plan reviews under Section 3.17 to the jurisdiction of the Design Review Board, so that this paragraph reads as follows:

The Design Review Board shall review requests for site plan review and approval submitted in accordance with Section 3.17 Multi-family Overlay District, Section 7.4 Site Plan Review and requests for special permits in accordance with Section 4.2.11 Planned Residential Development, Section 4.2.10 Flexible Development and Section 6.11 Retaining Walls and, for a minor project that only

involves a change in the exterior façade of a building in the Center Business District, shall review and may approve such façade change.

5. By amending Section 7.7.3, Procedure, by inserting in the second paragraph, after the second sentence, a new sentence to read as follows:

Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17.

so that this paragraph reads as follows:

Within twenty (20) days of receipt of a Design Review application, the Design Review Board shall hold a meeting, to which the applicant shall be invited, for the purpose of conducting a review of the proposed project or activity. Within fifteen (15) days of the meeting, a preliminary design review report shall be sent to both the applicant and to the Planning Board, when a special permit is required under Sections 7.4, 4.2.11 and 4.2.10. Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17. However, if the proposed project or activity involves **only** a building permit or sign permit from the Building Commissioner, or is a “Minor Project” under Site Plan Review (all as described in Subsection 7.7.2.2), no preliminary report is required and the written advisory report of the Design Review Board to the applicant and the Building Commissioner shall be a final report.

ARTICLE 2: AMEND ZONING BY-LAW – MAP CHANGE FOR ~~MBTA-MULTI-FAMILY~~ OVERLAY DISTRICT (BASE PLAN ~~OPTION~~)

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

- (a) Place in the A-1 Subdistrict of the ~~MBTA-Multi-family~~ Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

- (b) Place in the CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of

Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (c) Place in the IND Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (d) Place in the CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (e) Place in the B Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

- (f) Place in the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue: southerly by the westerly sideline of Oakland Avenue to the point of beginning.

- (g) Place in the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less; northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

- (h) Place in the IND Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the intersection with the westerly sideline of M.B.T.A; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (i) Place in the ASB-MF Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet

to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwestly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

- (j) Place in the HAB Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwestly by the westerly sideline of M.B.T.A. to the point of beginning.

- (k) Place in the IND Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwestly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwestly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less;

southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

- (l) Place in the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park

Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

ARTICLE 3: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT (NEIGHBORHOOD HOUSING PLAN) Article 3 Neighborhood Housing

To see if the Town will vote to amend the Needham Zoning By-Law, inclusive of those amendments adopted under Article 1 and Article 2, as follows, and to act on anything related thereto:

1. Amending the definition of Mixed-Use Building in Section 1.3 to include the Multi-family Overlay District, so that the definition reads as follows:

Mixed-Use Building – A building in the Needham Center, Chestnut Street, Garden Street or Multi-family Overlay District in which the ground floor facing the street is used for such retail or restaurant uses as may be permitted by right or by special permit in the applicable overlay district, and other ground-floor and upper-floor space is used for other commercial use(s) or dwelling units(s), and subject to any additional qualifications provided for in the applicable overlay district.

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1-2. Amending Section 3.17 Multi-family Overlay District by revising Subsection 3.17.2.1 Subdistricts to read as follows:

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The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB-E (Chestnut Street Business – East)
- (e) CSB-W (Chestnut Street Business – West)
- (f) CSB-GS
- (g) HAB
- (h) IND
- (i) IND-C (Industrial – Crescent)

2-3. Amending Subsection 3.17.1 Purposes of District by amending the last paragraph to read as follows:

Toward these ends, Multi-family housing and mixed-use development (where allowed) in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3.4. Amending Subsection 3.17.4. Use Regulations, by adding the following paragraph (b) to Subsection 3.17.4.1 Permitted Uses:

3.17.4.1 Permitted Uses

(b) In the B and CSB subdistricts: ~~A Mixed-Use Building containing Ground floor commercial use(s) on the ground floor is permitted by right, provided that all upper floors shall be used as a component of a mixed-use building with Multi-family Housing on the upper floors are permitted as of right.~~ Commercial uses are limited to the uses, listed below:

(b)

- i. Retail establishments serving the general public containing less than 5,750 gross square feet of floor area. In multi-tenanted structures the provisions of the section will individually apply to each tenant or use and not to the aggregate total of the structure.
- ii. Retail trade or shop for custom work or the making of articles to be sold at retail on the premises.
- iii. Offices and banks.
- iv. Craft, consumer, professional or commercial service established dealing directly with the public and not enumerated elsewhere in this section.
- v. Personal fitness service establishment, provided- all required off-street parking is provided on-site for all land uses located on the subject site and in adherence with the requirements of Section 5.1.2, Required Parking, absent any waivers from the provisions of Subsection 5.1.1.5 and 5.1.1.6.
- vi. Manufacturing clearly incidental and accessory to retail use on the same premises and the product is customarily sold on the premises.
- vii. Laundry; coin operated or self-service laundry or dry-cleaning establishment.

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4.5. Amending Subsection 3.17.4. Use Regulations, by adding the following after Subsection 3.17.4.1 Permitted Uses and renumbering Subsection 3.17.4.2 Accessory Uses to 3.17.4.3:

3.17.4.2 Special Permit Uses in the B and CSB Subdistricts.

The following uses are permitted by Special Permit from the Planning Board in the B and CSB sub-districts of the Multi-family Overlay District:

- (a) A Mixed-Use Building containing commercial use(s) listed below on the ground floor, provided that all upper floors shall be used as Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing; on the upper floors. Commercial uses are limited to the uses listed below:
 - i. Restaurant serving meals for consumption on the premises and at tables with service provided by a server.
 - ii. Take-out operation accessory to the above.
 - iii. Take-out food counter as an accessory to a food retail or other non- consumptive retail establishment.
 - iv. Retail sales of ice cream, frozen yogurt, and similar products for consumption on or off the premises.
 - v. Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere.
 - vi. Personal fitness service establishment, where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Subsection 5.1.2 Required Parking but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.

v.

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5.6. Amending Section 3.17 Multi-family Overlay District by replacing the tables in Subsection 3.17.5 Dimensional Requirements with the tables below, with all other text, including footnotes, contained in Subsection 3.17.5 to remain unamended unless noted below:

3.17.5. Dimensional Requirements

Replace the table in 3.17.5.1 Subsection Lot Area, Frontage and Setback Requirements with the tables below:

Table 1A. Lot Area, Frontage and Setback Requirements

	A-1	B	ASB-MF	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20	25
Minimum Side and Rear Setback (feet)	20	20 ^{a, b}	10 ^{a, d}	20 ^{a, b}	20 ^{a, b}

Table 1B. Lot Area, Frontage and Setback Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Minimum Lot Area (square feet)	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	80	80	80	80
Minimum Front Setback (feet) from the front property line	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 10 feet or average of setbacks within 100 feet, whichever is smaller	25
Minimum Side and Rear Setback (feet)	20 (side) 30 (rear) a, b	20 ^{a, b}	20 ^{a, b}	20 ^{a, b}

And delete footnote (e).

Replace the table in Subsection 3.17.5.2 **Building Height Requirements** with the tables below:

Table 2A. Building Height Requirements

	A-1	B	ASB-MF	HAB	IND
Maximum Building Height (stories) ^d	4.0	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 ^c	3.0	3.0
Maximum Building Height (feet) ^d	50	50 55 with commercial ground floor or see 3.17.8.1	40 ^c	40	40

Table 2B. Building Height Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Maximum Building Height (stories) ^d	3.0 3.5 with commercial ground floor or see 3.17.8.1	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 3.5 with commercial ground floor or see 3.17.8.1	3.0
Maximum Building Height (feet) ^d	40 45 with commercial ground floor or see 3.17.8.1	50 55 with commercial ground floor or see 3.17.8.1	40 45 with commercial ground floor or see 3.17.8.1	40

And add new footnote (d):

- (d) The requirements of Subsection 4.4.7 Business Use in Other Districts are not applicable to commercial ground floor uses in the MFOD.

Replace the table in Subsection 3.17.5.3 **Building Bulk and Other Requirements** with the tables below:

Table 3A. Building Bulk and Other Requirements

	A-1	B	ASB-MF	HAB	IND
Floor Area Ratio (FAR)	1.00	2.00	1.00 ^b	1.00	1.0
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	36	N/A	N/A	24	24

Table 3B. Building Bulk and Other Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Floor Area Ratio (FAR)	2.00	2.00	2.00	0.75
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	N/A	N/A	N/A	24

~~6-7.~~ Amending Section 3.17 Multi-family Overlay District by adding the following to Subsection 3.17.7 **Development Standards**, to read as follows:

- (l) For a mixed-use building, entrances to ground-floor dwelling units shall be located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building.
- (m) For a mixed-use building, the ground floor of the front façade shall contain only retail ~~or~~ restaurant ~~or office~~ uses allowed by right or by special permit.

~~7-8.~~ Amending Section 3.17 Multi-family Overlay District by adding a new paragraph to Subsection 3.17.8.1 **Provision of Affordable Housing**, immediately following the first paragraph, to read as follows:

3.17.8.1 Provision of Affordable Housing.

In the B and CSB subdistricts, an Applicant may provide an additional 7.5% of units as Workforce Housing Units in place of the requirement for a commercial ground floor to achieve the additional allowable height listed in Tables 2A and 2B under Subsection 3.17.5.2 **Building Height Requirements**.

~~8-9.~~ Amending Section 3.17 Multi-family Overlay District by modifying the first line of Subsection 3.17.8.2 **Development Standards** to read as follows:

Affordable Units, including Workforce Housing Units, shall be:

ARTICLE 4: AMEND ZONING BY-LAW – MAP CHANGE FOR ~~MBTA-MULTI-FAMILY~~ OVERLAY DISTRICT (NEIGHBORHOOD HOUSING PLAN ~~OPTION~~)

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map, inclusive of those changes adopted under Article 2, as follows:

- (a) Place in the CSB-W Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and located directly to the west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, and Needham Town Assessors Map 46, Parcels 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with westerly sideline of Chestnut Street; southwesterly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of property of M.B.T.A; northeasterly by the northerly sideline of M.B.T.A; northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (b) Place in the CSB-E Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east of Chestnut Street as shown on Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33 and 34 superimposing that district over the existing Chestnut Street Business and Single Residence districts and removing the existing CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District, said description being as follows:

Beginning at the point on the easterly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more

or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with easterly sideline of Chestnut; northeasterly by the easterly sideline of Chestnut Street to the point of beginning.

- (c) Place in the CSB-E Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and located at 433 Chestnut Street as shown on Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District, said description being as follows:

Starting at the point of intersection of the westerly sideline of Chestnut Street and the southerly sideline of M.B.T.A.; southerly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of M.B.T.A.; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (d) Place in the CSB-GS Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the ~~Multi-family MBTA~~ Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A to the point of beginning.

- (e) Place in the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing

Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the ~~Multi-family MBTA~~ Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (f) Place in the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Single Residence B and located directly to the west of Highland Avenue and north of Hunnewell Street as shown on Needham Town Assessors Map 69, Parcel 37, superimposing that district over the existing Single Residence B district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of the M.B.T.A and the northerly sideline of Hunnewell Street; thence running northwesterly by the easterly sideline of the M.B.T.A., on an arch one hundred and twenty-one 22/100 (121.22) feet, more or less; southeasterly by the northerly property line of The Suites of Needham LLC, one hundred and sixty 23/100 (160.23) feet, more or less; southwesterly by the easterly sideline of Highland Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the northerly sideline of Hunnewell Street to the point of beginning.

- (g) Remove from the A-1 Subdistrict of the ~~Multi-family MBTA~~ Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park

Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

- (h) Place in the IND-C Subdistrict of the ~~Multi-family MBTA~~-Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the ~~Multi-family MBTA~~-Overlay District, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-

two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

Or take any other action relative thereto.

Alexandra Clee

From: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>
Sent: Wednesday, July 31, 2024 9:58 AM
To: Lee Newman; Alexandra Clee
Subject: 100 West Street
Attachments: Final HONE Zoning with proposed edits.docx; Redline Comments to HONE.pdf; Redline Comments to HONE in Track Changes.docx

Lee and Alex,

As a follow-up to our meeting with the Planning Board last week, attached is an updated version of our suggested edits to HONE's draft zoning amendment in clean and redline form. I have included the redline in PDF and word format.

In summary, we incorporated the following edits in response to the requests from the Board last week:

- Clarified that 70% of the main datum line of the front façade of the building will be setback no more than 15 feet;
- Added a special permit requirement for new curb cuts on Highland and West;
- Capped the height overrun for rooftop appurtenances at 15 feet;
- Included West Street in the fourth floor requirements relating to step-back, peak or other architectural design elements; and
- Modified the FAR carveout to apply to interior portions of building for off-street parking or screened garages unless a special permit is obtained.

Given that the ASB-MF sub-district has an extraordinary setback requirement from residential properties and a clear maximum FAR limitation that limit the allowable building area, we have not included a maximum building coverage requirement. I would note that the B subdistrict is the only district with a maximum building coverage requirement and that district does not have either a similar 110-foot setback requirement from residential properties or a maximum FAR limitation.

Please let me know if you have any questions or comments. Also, could you please let me know, for scheduling purposes, when you think we would meet with the Board to discuss the attached?

Thanks,
Tim

Timothy W. Sullivan
Direct (617) 574-4179
Mobile (617) 645-4361

[Bio](#)

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ARTICLE 1: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT

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

1. By amending Section 1.3, Definitions by adding the following terms:

Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

3.17 Multi-family Overlay District

3.17.1 Purposes of District

The purposes of the Multi-family Overlay District include, but are not limited to, the following:

- (a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
- (b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
- (c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3.17.2 Scope of Authority

In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Housing Overlay District, the terms of the Multi-family Overlay District shall apply.

If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning bylaws applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOB Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB
- (e) HAB
- (f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which Parking Spaces are accommodated on multiple stories; a Parking Space area that is underneath all or part of any story of a structure; or a Parking Space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more Parking Spaces without a built structure above the space. A solar panel designed to be installed above a surface Parking Space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

- (a) Multi-family housing.

3.17.4.2 Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

- (a) Parking, including surface parking and structured parking on the same lot as the principal use.
- (b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.1 Minimum Lot Area and Frontage, Subsection 4.4.4 Front Setback, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.2 Front and Side Setbacks.

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15 ^{f, g}	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 ^{a, b}	10 ^{a, d}	20 (side) ^{a, b, e}	20 ^{a, b}	20 ^{a, b}

- (a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.
- (b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.
- (c) ~~An~~^{Any} underground parking structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the lot line and the surface of the garage structure shall be suitably landscaped in accordance with Subsection 4.4.8.5 Landscaping Specifications.

- (d) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.
- (e) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.
- (f) Seventy percent (70%) of the main datum line of the front facade of the building shall be setback no more than 15 feet, except that periodic front setbacks greater than fifteen (15) feet are allowed if activated by courtyards, landscaping, drive aisles, amenity areas, or other similar site design features that enhance the streetscape. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board if less than seventy percent (70%) of the main datum line front facade of the building is setback 15 feet.
- (g) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an additional curb cut on Highland Avenue or West Street. For the sake of clarity, modifications to existing curb cuts do not require a Special Permit.

3.17.5.2 Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, Subsection 4.4.3 Height Limitation, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.4 Height Limitation.

	A-1	B	ASB-MF	CSB	HAB	IND
Maximum Building Height (stories)	3.0	3.0	3.0 ^c	3.0	3.0	3.0
Maximum Building Height (feet)	40	40	40 ^c	40	40	40

- (a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, stair overruns, elevator overruns, mechanical equipment, roof parapets, architectural screening, or other ornamental features of buildings, which features (i) are in no way used for living purposes ~~and~~; (ii) do not occupy more than 25% of the gross floor area of the building and (iii) do not project more than 15 feet above the maximum allowable height.
- (b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to

accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

- (c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for a height of four stories and 50 feet, provided that the fourth story ~~is contained under~~ along Highland Avenue and West Street incorporates one or more of the following design elements: (i) a pitched roof, having a maximum roof pitch of 45 degrees, ~~or is;~~ (ii) a fourth story recessed from the face of the building ~~(street-facing)~~ by a minimum of 12 feet ~~as shown in the Design Guidelines adopted for the Needham Center Overlay District under Subsection 3.8.8 Design Guidelines;~~ and/or (iii) such other architectural design elements proposed by the Applicant and approved by the Planning Board during the Special Permit process.

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	B	ASB-MF	CSB	HAB	IND
Floor Area Ratio (FAR) ^c	0.50	N/A	1.00 1.3 ^b	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	18	N/A	N/A	18	N/A	N/A

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an FAR of ~~1.4~~up to 1.7.

(c) In the ASB-MF subdistrict, the following shall not be counted as floor area for purposes of determining the maximum floor area ratio: (i) interior portions of a building devoted to off-street parking; (ii) parking garages, structured parking or deck/rooftop parking that are screened from Highland Avenue and the Needham Heights Common. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board to exclude additional areas from floor area for purposes of determining the maximum floor area ratio.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.6 Off-Street Parking

- (a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.
- (b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.
- (c) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.
- (d) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.
- (e) The minimum number of bicycle parking spaces shall be one space per dwelling unit.
- (f) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

- (a) Notwithstanding anything in the Zoning By-Laws outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.
- (b) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.
- (c) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.
- (d) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.
- (e) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.
- (f) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.
- (g) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.
- (h) Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances.
- (i) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8" trunk diameter or larger, and the volume of earth cut and fill.
- (j) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.

- (k) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies writing to the Building Commissioner that the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

- (a) 4.3.2 Driveway Openings
- (b) 4.3.3 Open Space
- (c) 4.3.4 Building Location, with the substitution of "Multifamily Dwelling" for "apartment house."

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

- (a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing.

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Development Standards.

Affordable Units shall be:

- (a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- (b) Dispersed throughout the development;

- (c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- (d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- (e) Distributed proportionately among unit sizes; and
- (f) Distributed proportionately across each phase of a phased development.
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3.17.9 Site Plan Review.

3.17.9.1 Applicability.

Site Plan Review is required for all projects within the Multi-Family Overlay District.

3.17.9.2 Submission Requirements.

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

- (a) Locus plan;
- (b) Location of off-site structures within 100 feet of the property line;
- (c) All existing and all proposed building(s) showing setback(s) from the property lines;
- (d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;
- (e) Existing and proposed contour elevations in one-foot increments;
- (f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;
- (g) Driveways and access to site, including width of driveways and driveway openings;
- (h) Facilities for vehicular and pedestrian movement;
- (i) Drainage;
- (j) Utilities;
- (k) Landscaping including trees to be retained and removed;
- (l) Lighting;
- (m) Loading and unloading facilities;
- (n) Provisions for refuse removal; and
- (o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer.

3.17.9.3 Timeline.

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide

any written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval.

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

- (a) the Applicant has submitted the information as set forth in Subsection 3.17.8.2 Development Standards; and
- (b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, and the development standards contained in Subsection 3.17.7 Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing.

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.7 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

ARTICLE 2 : AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (BASE PLAN OPTION)

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

- (a) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

- (b) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly

by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A., one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A.; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (c) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A., four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one

91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (d) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (e) Place in the B Subdistrict of the MBTA Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

- (f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue: southerly by the westerly sideline of Oakland Avenue to the point of beginning.

- (g) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less; northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

- (h) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A.; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the intersection with the westerly sideline of M.B.T.A.; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (i) Place in the ASB-MF Subdistrict of the MBTA Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

- (j) Place in the HAB Subdistrict of the MBTA Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (k) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

- (l) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

ARTICLE 3 NEIGHBORHOOD HOUSING

To see if the Town will vote to amend the Needham Zoning By-Law, inclusive of those amendments adopted under Article 1 and Article 2, as follows, and to act on anything related thereto:

1. Amending Section 3.17 Multi-family Overlay District by revising Subsection 3.17.2.1 Subdistricts to read as follows:

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB-E (Chestnut Street Business – East)
- (e) CSB-W (Chestnut Street Business – West)
- (f) CSB-GS
- (g) HAB
- (h) IND
- (i) IND-C (Industrial – Crescent)

2. Amending Subsection 3.17.1 Purposes of District by amending the last paragraph to read as follows:

Toward these ends, Multi-family housing and mixed-use development (where allowed) in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3. Amending Subsection 3.17.4. Use Regulations, by adding the following paragraph (b) to Subsection 3.17.4.1 Permitted Uses:

3.17.4.1 Permitted Uses

(b) In the B and CSB subdistricts: Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors are permitted as of right. Commercial uses are limited to the uses, listed below:

- i. Retail establishments serving the general public containing less than 5,750 gross square feet of floor area. In multi-tenanted structures the provisions of the section will individually apply to each tenant or use and not to the aggregate total of the structure.
- ii. Retail trade or shop for custom work or the making of articles to be sold at retail on the premises.
- iii. Offices and banks.
- iv. Craft, consumer, professional or commercial service established dealing directly with the public and not enumerated elsewhere in this section.

- v. Personal fitness service establishment. If there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Subsection 5.1.2 Required Parking but it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.
 - vi. Manufacturing clearly incidental and accessory to retail use on the same premises and the product is customarily sold on the premises.
 - vii. Laundry; coin operated or self-service laundry or dry-cleaning establishment.
4. Amending Subsection 3.17.4. Use Regulations, by adding the following after Subsection 3.17.4.1 Permitted Uses and renumbering Subsection 3.17.4.2 Accessory Uses to 3.17.4.3:

3.17.4.2 Special Permit Uses in the B and CSB Subdistricts.

The following uses are permitted by Special Permit from the Planning Board in the B and CSB sub-districts of the Multi-family Overlay District:

- (a) Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors. Commercial uses are limited to the uses listed below:
 - i. Restaurant serving meals for consumption on the premises and at tables with service provided by a server.
 - ii. Take-out operation accessory to the above.
 - iii. Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment.
 - iv. Retail sales of ice cream, frozen yogurt, and similar products for consumption on or off the premises.
 - v. Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere.
5. Amending Section 3.17 Multi-family Overlay District by replacing the tables in Subsection 3.17.5 Dimensional Requirements with the tables below, with all other text, including footnotes, contained in Subsection 3.17.5 to remain unamended unless noted below:

3.17.5. Dimensional Requirements

Replace the table in 3.17.5.1 Subsection Lot Area, Frontage and Setback Requirements with the tables below:

Table 1A. Lot Area, Frontage and Setback Requirements

	A-1	B	ASB-MF	HAB	IND
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Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20	25
Minimum Side and Rear Setback (feet)	20	20 ^{a, b}	10 ^{a, d}	20 ^{a, b}	20 ^{a, b}

Table 1B. Lot Area, Frontage and Setback Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Minimum Lot Area (square feet)	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	80	80	80	80
Minimum Front Setback (feet) from the front property line	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 10 feet or average of setbacks within 100 feet, whichever is smaller	25
Minimum Side and Rear Setback (feet)	20 (side) 30 (rear) ^{a, b}	20 ^{a, b}	10 ^{a, b}	20 ^{a, b}

And delete footnote (e).

Replace the table in Subsection 3.17.5.2 Building Height Requirements with the tables below:

Table 2A. Building Height Requirements

	A-1	B	ASB-MF	HAB	IND
Maximum Building Height (stories) ^d	4.0	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 ^c	3.0	3.0
Maximum Building Height(feet) ^d	50	50 55 with commercial ground floor or see 3.17.8.1	40 ^c	40	40

Table 2B. Building Height Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Maximum Building Height (stories) ^d	3.0 3.5 with commercial ground floor or see 3.17.8.1	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 3.5 with commercial ground floor or see 3.17.8.1	3.0
Maximum Building Height(feet) ^d	40 45 with commercial ground floor or see 3.17.8.1	50 55 with commercial ground floor or see 3.17.8.1	40 45 with commercial ground floor or see 3.17.8.1	40

And add new footnote (d):

(d) The requirements of Subsection 4.4.7 Business Use in Other Districts are not applicable to commercial ground floor uses in the MFOD.

Replace the table in Subsection 3.17.5.3 Building Bulk and Other Requirements with the tables below:

Table 3A. Building Bulk and Other Requirements

	A-1	B	ASB-MF	HAB	IND
Floor Area Ratio (FAR)	1.00	2.00	1.00 ^b	1.00	1.0
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	36	N/A	N/A	24	24

Table 3B. Building Bulk and Other Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Floor Area Ratio (FAR)	2.00	2.00	2.00	0.75
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	N/A	N/A	N/A	24

6. Amending Section 3.17 Multi-family Overlay District by adding the following to Subsection 3.17.7 Development Standards, to read as follows:
 - (l) For a mixed-use building, entrances to ground-floor dwelling units shall be located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building.
 - (m) For a mixed-use building, the ground floor of the front façade shall contain only retail, restaurant or office uses allowed by right or by special permit.
7. Amending Section 3.17 Multi-family Overlay District by adding a new paragraph to Subsection 3.17.8.1 Provision of Affordable Housing, immediately following the first paragraph, to read as follows:

3.17.8.1 Provision of Affordable Housing.

In the B and CSB subdistricts, an Applicant may provide an additional 7.5% of units as Workforce Housing Units in place of the requirement for a commercial ground floor to achieve the additional allowable height listed in Tables 2A and 2B under Subsection 3.17.5.2 Building Height Requirements.

8. Amending Section 3.17 Multi-family Overlay District by modifying the first line of Subsection 3.17.8.2 Development Standards to read as follows:

Affordable Units, including Workforce Housing Units, shall be:

ARTICLE 4: AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (NEIGHBORHOOD HOUSING PLAN OPTION)

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map, inclusive of those changes adopted under Article 2, as follows:

- (a) Place in the CSB-W Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, and Needham Town Assessors Map 46, Parcels 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with westerly sideline of Chestnut Street; southwesterly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of property of M.B.T.A.; northeasterly by the northerly sideline of M.B.T.A.; northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (b) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east of Chestnut Street as shown on Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33 and 34 superimposing that district over the existing Chestnut Street Business and Single Residence districts and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point on the easterly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16)

feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A., one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with easterly sideline of Chestnut; northeasterly by the easterly sideline of Chestnut Street to the point of beginning.

- (c) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located at 433 Chestnut Street as shown on Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Starting at the point of intersection of the westerly sideline of Chestnut Street and the southerly sideline of M.B.T.A.; southerly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of M.B.T.A.; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (d) Place in the CSB-GS Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of

Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (e) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A., four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Single Residence B and located directly to the west of Highland Avenue and north of Hunnewell Street as shown on Needham Town Assessors Map 69, Parcel 37, superimposing that district over the existing Single Residence B district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of the M.B.T.A. and the northerly sideline of Hunnewell Street; thence running northwesterly by the easterly sideline of the M.B.T.A., on an arch one hundred and twenty-one 22/100 (121.22) feet, more or less; southeasterly by the northerly property line of The Suites of Needham LLC, one hundred and sixty 23/100 (160.23) feet, more or less; southwesterly by the easterly sideline of Highland Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the northerly sideline of Hunnewell Street to the point of beginning.

- (g) Remove from the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) feet from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue; northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

- (h) Place in the IND-C Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc,

sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

Or take any other action relative thereto.

Document comparison by Workshare Compare on Wednesday, July 31, 2024
9:05:00 AM

Input:	
Document 1 ID	netdocuments://4880-9086-6380/1
Description	Final Zoning
Document 2 ID	netdocuments://4880-9086-6380/4
Description	Final Zoning
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
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Style change	
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Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
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Statistics:	
	Count
Insertions	19
Deletions	10
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	29

ARTICLE 1: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT

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

1. By amending Section 1.3, Definitions by adding the following terms:

Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

3.17 Multi-family Overlay District

3.17.1 Purposes of District

The purposes of the Multi-family Overlay District include, but are not limited to, the following:

- (a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
- (b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
- (c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3.17.2 Scope of Authority

In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Housing Overlay District, the terms of the Multi-family Overlay District shall apply.

If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning bylaws applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB
- (e) HAB
- (f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which Parking Spaces are accommodated on multiple stories; a Parking Space area that is underneath all or part of any story of a structure; or a Parking Space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more Parking Spaces without a built structure above the space. A solar panel designed to be installed above a surface Parking Space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

- (a) Multi-family housing.

3.17.4.2 Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

- (a) Parking, including surface parking and structured parking on the same lot as the principal use.
- (b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.1 Minimum Lot Area and Frontage, Subsection 4.4.4 Front Setback, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.2 Front and Side Setbacks.

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15 ^{f, g}	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 ^{a, b}	10 ^{a, d}	20 (side) ^{a, b, e}	20 ^{a, b}	20 ^{a, b}

- (a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.
- (b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.
- (c) Any underground parking structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the lot line and the surface of the garage structure shall be suitably landscaped in accordance with Subsection 4.4.8.5 Landscaping Specifications.
- (d) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure

for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.

- (e) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.
- (f) Seventy percent (70%) of the main datum line of the front facade of the building shall be setback no more than 15 feet, except that periodic front setbacks greater than fifteen (15) feet are allowed if activated by courtyards, landscaping, drive aisles, amenity areas, or other similar site design features that enhance the streetscape. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board if less than seventy percent (70%) of the main datum line front façade of the building is setback 15 feet.
- (g) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an additional curb cut on Highland Avenue or West Street. For the sake of clarity, modifications to existing curb cuts do not require a Special Permit.

3.17.5.2 Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, Subsection 4.4.3 Height Limitation, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.4 Height Limitation.

	A-1	B	ASB-MF	CSB	HAB	IND
Maximum Building Height (stories)	3.0	3.0	3.0 ^c	3.0	3.0	3.0
Maximum Building Height (feet)	40	40	40 ^c	40	40	40

- (a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, stair overruns, elevator overruns, mechanical equipment, roof parapets, architectural screening, or other ornamental features of buildings, which features (i) are in no way used for living purposes; (ii) do not occupy more than 25% of the gross floor area of the building and (iii) do not project more than 15 feet above the maximum allowable height.
- (b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations

shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

- (c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for a height of four stories and 50 feet, provided that the fourth story along Highland Avenue and West Street incorporates one or more of the following design elements: (i) a pitched roof having a maximum roof pitch of 45 degrees; (ii) a fourth story recessed from the face of the building by a minimum of 12 feet; and/or (iii) such other architectural design elements proposed by the Applicant and approved by the Planning Board during the Special Permit process.

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	B	ASB-MF	CSB	HAB	IND
Floor Area Ratio (FAR) ^c	0.50	N/A	1.3 ^b	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	18	N/A	N/A	18	N/A	N/A

- (a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.
- (b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an FAR of up to 1.7.
- (c) In the ASB-MF subdistrict, the following shall not be counted as floor area for purposes of determining the maximum floor area ratio: (i) interior portions of a building devoted to off-street parking; (ii) parking garages, structured parking or deck/rooftop parking that are screened from Highland Avenue and the Needham Heights Common. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board to exclude additional areas from floor area for purposes of determining the maximum floor area ratio.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.6 Off-Street Parking

- (a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.

- (b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.
- (c) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.
- (d) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.
- (e) The minimum number of bicycle parking spaces shall be one space per dwelling unit.
- (f) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

- (a) Notwithstanding anything in the Zoning By-Laws outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.
- (b) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.
- (c) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.
- (d) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.
- (e) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.
- (f) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.
- (g) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.
- (h) Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances.
- (i) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8" trunk diameter or larger, and the volume of earth cut and fill.
- (j) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.
- (k) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies writing to the Building Commissioner that

the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

- (a) 4.3.2 Driveway Openings
- (b) 4.3.3 Open Space
- (c) 4.3.4 Building Location, with the substitution of “Multifamily Dwelling” for “apartment house.”

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

- (a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing.

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Development Standards.

Affordable Units shall be:

- (a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- (b) Dispersed throughout the development;

- (c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- (d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- (e) Distributed proportionately among unit sizes; and
- (f) Distributed proportionately across each phase of a phased development.
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3.17.9 Site Plan Review.

3.17.9.1 Applicability.

Site Plan Review is required for all projects within the Multi-Family Overlay District.

3.17.9.2 Submission Requirements.

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

- (a) Locus plan;
- (b) Location of off-site structures within 100 feet of the property line;
- (c) All existing and all proposed building(s) showing setback(s) from the property lines;
- (d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;
- (e) Existing and proposed contour elevations in one-foot increments;
- (f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;
- (g) Driveways and access to site, including width of driveways and driveway openings;
- (h) Facilities for vehicular and pedestrian movement;
- (i) Drainage;
- (j) Utilities;
- (k) Landscaping including trees to be retained and removed;
- (l) Lighting;
- (m) Loading and unloading facilities;
- (n) Provisions for refuse removal; and
- (o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer.

3.17.9.3 Timeline.

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide any

written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval.

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

- (a) the Applicant has submitted the information as set forth in Subsection 3.17.8.2 Development Standards; and
- (b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, and the development standards contained in Subsection 3.17.7 Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing.

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.7 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

ARTICLE 2 : AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (BASE PLAN OPTION)

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

- (a) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

- (b) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly

property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A., one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A.; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (c) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A., four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (d) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (e) Place in the B Subdistrict of the MBTA Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

- (f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of

Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue; southerly by the westerly sideline of Oakland Avenue to the point of beginning.

- (g) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less; northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

- (h) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A.; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the

intersection with the westerly sideline of M.B.T.A.; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (i) Place in the ASB-MF Subdistrict of the MBTA Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwestwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

- (j) Place in the HAB Subdistrict of the MBTA Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwestwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (k) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

- (I) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

ARTICLE 3 NEIGHBORHOOD HOUSING

To see if the Town will vote to amend the Needham Zoning By-Law, inclusive of those amendments adopted under Article 1 and Article 2, as follows, and to act on anything related thereto:

1. Amending Section 3.17 Multi-family Overlay District by revising Subsection 3.17.2.1 Subdistricts to read as follows:

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

- (a) A-1
- (b) B
- (c) ASB-MF
- (d) CSB-E (Chestnut Street Business – East)
- (e) CSB-W (Chestnut Street Business – West)
- (f) CSB-GS
- (g) HAB
- (h) IND
- (i) IND-C (Industrial – Crescent)

2. Amending Subsection 3.17.1 Purposes of District by amending the last paragraph to read as follows:

Toward these ends, Multi-family housing and mixed-use development (where allowed) in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3. Amending Subsection 3.17.4. Use Regulations, by adding the following paragraph (b) to Subsection 3.17.4.1 Permitted Uses:

3.17.4.1 Permitted Uses

- (b) In the B and CSB subdistricts: Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors are permitted as of right. Commercial uses are limited to the uses, listed below:
 - i. Retail establishments serving the general public containing less than 5,750 gross square feet of floor area. In multi-tenanted structures the provisions of the section will individually apply to each tenant or use and not to the aggregate total of the structure.
 - ii. Retail trade or shop for custom work or the making of articles to be sold at retail on the premises.
 - iii. Offices and banks.
 - iv. Craft, consumer, professional or commercial service established dealing directly with the public and not enumerated elsewhere in this section.

- v. Personal fitness service establishment. If there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Subsection 5.1.2 Required Parking but it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.
 - vi. Manufacturing clearly incidental and accessory to retail use on the same premises and the product is customarily sold on the premises.
 - vii. Laundry; coin operated or self-service laundry or dry-cleaning establishment.
4. Amending Subsection 3.17.4. Use Regulations, by adding the following after Subsection 3.17.4.1 Permitted Uses and renumbering Subsection 3.17.4.2 Accessory Uses to 3.17.4.3:

3.17.4.2 Special Permit Uses in the B and CSB Subdistricts.

The following uses are permitted by Special Permit from the Planning Board in the B and CSB sub-districts of the Multi-family Overlay District:

- (a) Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors. Commercial uses are limited to the uses listed below:
 - i. Restaurant serving meals for consumption on the premises and at tables with service provided by a server.
 - ii. Take-out operation accessory to the above.
 - iii. Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment.
 - iv. Retail sales of ice cream, frozen yogurt, and similar products for consumption on or off the premises.
 - v. Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere.
5. Amending Section 3.17 Multi-family Overlay District by replacing the tables in Subsection 3.17.5 Dimensional Requirements with the tables below, with all other text, including footnotes, contained in Subsection 3.17.5 to remain unamended unless noted below:

3.17.5. Dimensional Requirements

Replace the table in 3.17.5.1 Subsection Lot Area, Frontage and Setback Requirements with the tables below:

Table 1A. Lot Area, Frontage and Setback Requirements

	A-1	B	ASB-MF	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20	25
Minimum Side and Rear Setback (feet)	20	20 ^{a, b}	10 ^{a, d}	20 ^{a, b}	20 ^{a, b}

Table 1B. Lot Area, Frontage and Setback Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Minimum Lot Area (square feet)	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	80	80	80	80
Minimum Front Setback (feet) from the front property line	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 10 feet or average of setbacks within 100 feet, whichever is smaller	25
Minimum Side and Rear Setback (feet)	20 (side) 30 (rear) ^{a, b}	20 ^{a, b}	10 ^{a, b}	20 ^{a, b}

And delete footnote (e).

Replace the table in Subsection 3.17.5.2 Building Height Requirements with the tables below:

Table 2A. Building Height Requirements

	A-1	B	ASB-MF	HAB	IND
Maximum Building Height (stories) ^d	4.0	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 ^c	3.0	3.0
Maximum Building Height(feet) ^d	50	50 55 with commercial ground floor or see 3.17.8.1	40 ^c	40	40

Table 2B. Building Height Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Maximum Building Height (stories) ^d	3.0 3.5 with commercial ground floor or see 3.17.8.1	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 3.5 with commercial ground floor or see 3.17.8.1	3.0
Maximum Building Height(feet) ^d	40 45 with commercial ground floor or see 3.17.8.1	50 55 with commercial ground floor or see 3.17.8.1	40 45 with commercial ground floor or see 3.17.8.1	40

And add new footnote (d):

(d) The requirements of Subsection 4.4.7 Business Use in Other Districts are not applicable to commercial ground floor uses in the MFOD.

Replace the table in Subsection 3.17.5.3 **Building Bulk and Other Requirements** with the tables below:

Table 3A. Building Bulk and Other Requirements

	A-1	B	ASB-MF	HAB	IND
Floor Area Ratio (FAR)	1.00	2.00	1.00 ^b	1.00	1.0
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	36	N/A	N/A	24	24

Table 3B. Building Bulk and Other Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Floor Area Ratio (FAR)	2.00	2.00	2.00	0.75
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre ^a	N/A	N/A	N/A	24

6. Amending Section 3.17 Multi-family Overlay District by adding the following to Subsection 3.17.7 **Development Standards**, to read as follows:
 - (l) For a mixed-use building, entrances to ground-floor dwelling units shall be located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building.
 - (m) For a mixed-use building, the ground floor of the front façade shall contain only retail, restaurant or office uses allowed by right or by special permit.
7. Amending Section 3.17 **Multi-family Overlay District** by adding a new paragraph to Subsection 3.17.8.1 **Provision of Affordable Housing**, immediately following the first paragraph, to read as follows:

3.17.8.1 Provision of Affordable Housing.

In the B and CSB subdistricts, an Applicant may provide an additional 7.5% of units as Workforce Housing Units in place of the requirement for a commercial ground floor to achieve the additional allowable height listed in Tables 2A and 2B under Subsection 3.17.5.2 **Building Height Requirements**.

8. Amending Section 3.17 Multi-family Overlay District by modifying the first line of Subsection 3.17.8.2 Development Standards to read as follows:

Affordable Units, including Workforce Housing Units, shall be:

ARTICLE 4: AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (NEIGHBORHOOD HOUSING PLAN OPTION)

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map, inclusive of those changes adopted under Article 2, as follows:

- (a) Place in the CSB-W Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, and Needham Town Assessors Map 46, Parcels 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with westerly sideline of Chestnut Street; southwesterly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of property of M.B.T.A.; northeasterly by the northerly sideline of M.B.T.A.; northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (b) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east of Chestnut Street as shown on Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33 and 34 superimposing that district over the existing Chestnut Street Business and Single Residence districts and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point on the easterly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property

of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A., one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with easterly sideline of Chestnut; northeasterly by the easterly sideline of Chestnut Street to the point of beginning.

- (c) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located at 433 Chestnut Street as shown on Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Starting at the point of intersection of the westerly sideline of Chestnut Street and the southerly sideline of M.B.T.A.; southerly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of M.B.T.A.; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

- (d) Place in the CSB-GS Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the

easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

- (e) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A., four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

- (f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Single Residence B and located directly to the west of Highland Avenue and north of Hunnewell Street as shown on Needham Town Assessors Map 69, Parcel 37, superimposing that district over the existing Single Residence B district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of the M.B.T.A. and the northerly sideline of Hunnewell Street; thence running northwesterly by the easterly sideline of the M.B.T.A., on an arch one hundred and twenty-one 22/100 (121.22) feet, more or less; southeasterly by the northerly property line of The Suites of Needham LLC, one hundred and sixty 23/100 (160.23) feet, more or less; southwesterly by the easterly sideline of Highland Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the northerly sideline of Hunnewell Street to the point of beginning.

- (g) Remove from the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) feet from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue; northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

- (h) Place in the IND-C Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-

five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

Or take any other action relative thereto.

For PB Use Only
NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, August 15, 2024 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: <u>https://us02web.zoom.us/j/86964757241</u>
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- Minutes Review and approve Minutes from July 18, 2024 meeting.
- 7:30PM **20 Alder Brook Lane** – Amit Schwartz and Neta Levin Schwartz, owners, applied for a Special Permit under section 1.4.6 and any other section of the Zoning By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure for relief of a right setback from 9.6 feet to 9.1 feet; and the left setback from 11 feet to 9.9 feet. This request is associated with the addition and alterations to an existing single-family home. The property is located at 20 Alder Brook Lane, Needham, MA in the Single Residence B (SRB) zoning district.
Continued from July 18, 2024.
- 7:30PM **277 Brookline Street** – Needham Enterprise, LLC, owner, applied to the for a Variance under 3.2.1 and any other applicable section of the Needham By-Law to seek a Plan Substitution and or further relief pursuant to a Variance issued January 18, 1951 for two-family use and any and all other relief necessary and appropriate to permit the demolition of an existing two-family dwelling and replacement to a new two-family structure. The property is located in the Single Residence B (SRB) zoning district.
Continued from July 18, 2024.
- 7:45PM **6 Brook Road** - Tail Waggers Pet Care, Inc., applicant, applied for a Special Permit to allow the operation of a dog daycare/boarding/grooming business under Section 3.2.6.2 (h); and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law. The property is located in the Mixed Use -128 zoning district.

Next ZBA Meeting – September 19, 2024

Next ZBA Meeting – September 19, 2024



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Tail Waggez Pet Care Inc. (Robyn Toscano)			Date: 7/22/24
Applicant Address	217 California St. Newton, MA 02458			
Phone	Work -617-340-2163	Cell-617-470-8248	email	tailwaggez@hotmail.com
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other _____				
If not the owner, a letter from the owner certifying authorization to apply must be included				
Representative Name	William A. Eldredge Jr.			
Address	500 Edmands Road Framingham, MA 01701			
Phone	617-224-6658	email	william.eldredge@gmail.com	
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☒ Other <u>Engineer</u>				
Contact ☒ Me ☐ Representative in connection with this application.				

Subject Property Information

Property Address	6 Brook Road Needham, MA 02494		
Map/Parcel Number	1990740003000000	Zone of Property	Mixed Use - 128
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☒ Yes ☐ No			
Do the spaces meet design requirements? ☒ Yes ☐ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

"Chilly Bears" Apparel Decorating - screen printing - embroidery

Statement of Relief Sought:

Seeking special permit to operate dog daycare/boarding/grooming business in zone Mixed Use-128

Parking waiver for design

Parking waiver for number of spaces

Applicable Section(s) of the Zoning By-Law:

3.2.6.2 (h)

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (<i>square feet</i>)		
Front Setback (<i>feet</i>)		
Rear Setback (<i>feet</i>)		
Left Setback (<i>feet</i>)		
Right Setback (<i>feet</i>)		
Frontage (<i>feet</i>)		
Lot Coverage (%)		
FAR (<i>Floor area divided by the lot area</i>)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	YES
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	YES
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	YES
Electronic submission of the complete application with attachments <i>(Required)</i>	YES
Elevations of Proposed Conditions <i>(when necessary)</i>	N/A
Floor Plans of Proposed Conditions <i>(when necessary)</i>	N/A

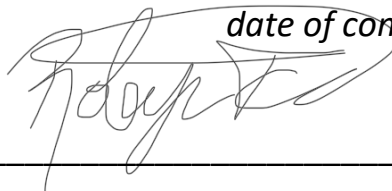
Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



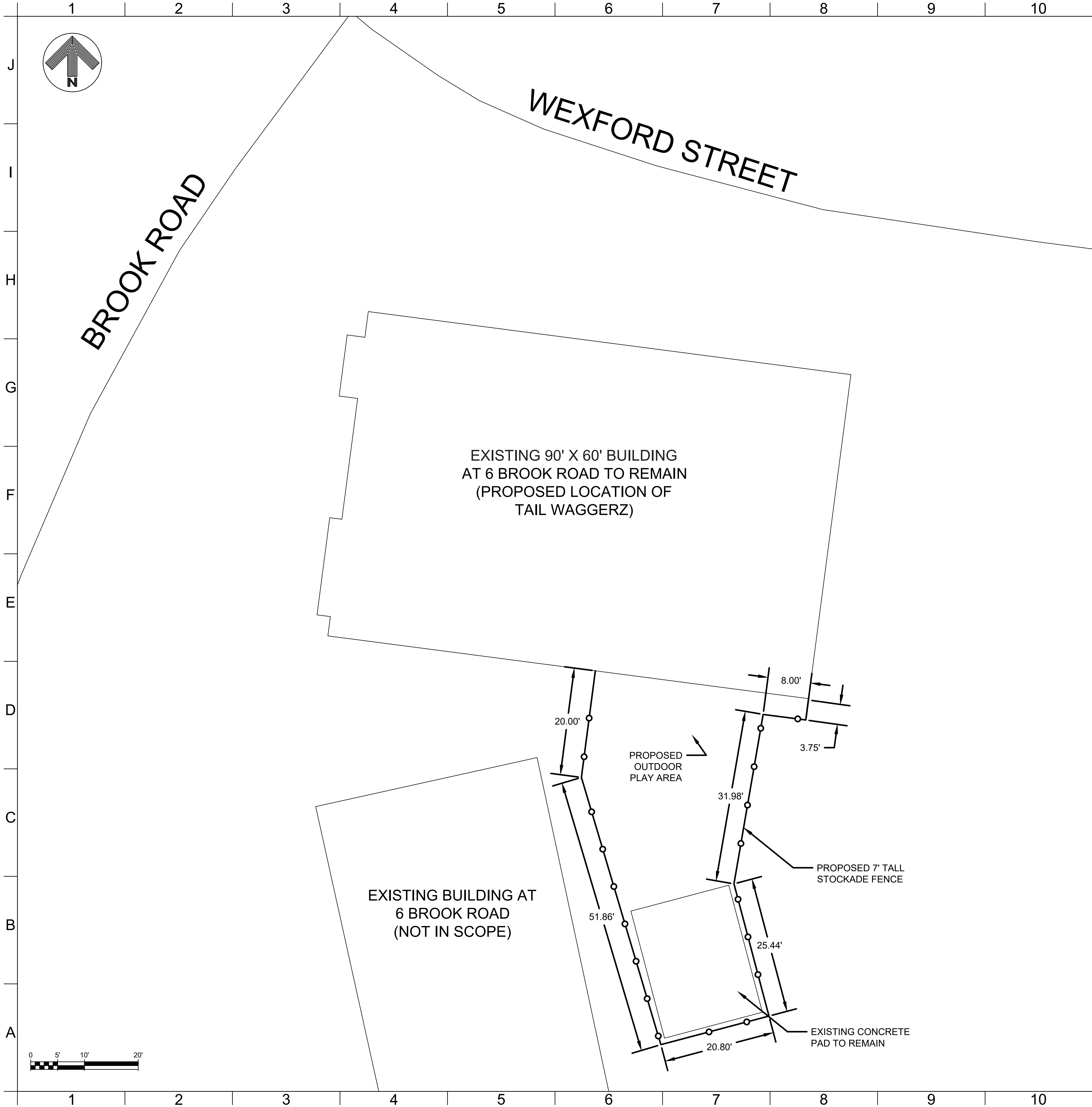
I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 7/15/2024

date of consult

Date: 7/22/2024 Applicant Signature 

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



GENERAL NOTES

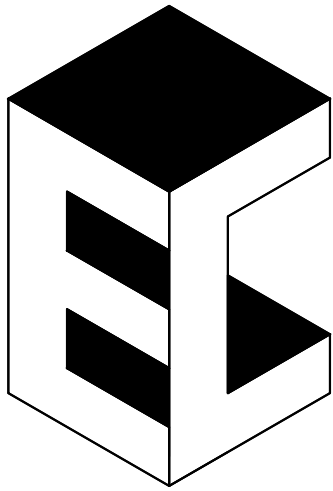
- THIS PLAN IS BEING SUBMITTED AS PART OF A SPECIAL PERMIT APPLICATION TO THE TOWN OF NEEDHAM ZONING BOARD OF APPEALS FOR TAIL WAGGERZ PET CARE, INC.
- THE INTENT OF THIS PLAN IS TO ILLUSTRATE LIMITED EXISTING AND PROPOSED TOPOGRAPHICAL FEATURES ASSOCIATED WITH THE SPECIAL PERMIT APPLICATION ONLY.
- THIS PLAN DOES NOT ESTABLISH OR LOCATE ANY BOUNDARY LINES, PROPERTY LINES, OR PUBLIC RIGHTS-OF-WAY. STREET NAMES ARE PROVIDED FOR GENERAL REFERENCE AND ORIENTATION ONLY.
- BUILDING DIMENSIONS WERE OBTAINED FROM GIS DATA AVAILABLE AT THE TOWN OF NEEDHAM WEBSITE.
- THE SCOPE OF EXTERIOR WORK IS LIMITED TO APPROXIMATELY 162 LINEAR FEET OF 7 FOOT-TALL WOOD STOCKADE-STYLE FENCING TO ENCLOSE AN OUTDOOR PLAY AREA.
- PARKING REQUIREMENTS FOR THIS USE TYPE (PET CARE FACILITY) ARE NOT DEFINED IN SECTION 5.1.2 OF THE NEEDHAM ZONING BY-LAW AMENDED MAY 2023. AS SUCH, REQUIREMENTS FOR A MANUFACTURING OR INDUSTRIAL ESTABLISHMENT WERE USED IN THE CALCULATION BELOW.
- AS SHOWN IN THE CALCULATION BELOW, THE EXISTING AVAILABLE PARKING MEETS BYLAW REQUIREMENTS FOR INDUSTRIAL USE.
- THE EXISTING PARKING IS ALSO ESTIMATED BY TAIL WAGGERZ TO BE SUFFICIENT TO ACCOMMODATE EMPLOYEES AND CUSTOMERS DURING MORNING DROP-OFFS AND AFTERNOON PICK-UPS. BUSINESS HOURS ARE DETAILED IN THE FOLLOWING NOTES.
- WEEKDAY HOURS: 7AM - 7PM.
 - DROP-OFFS BEFORE 10AM ONLY.
 - PICK-UPS ANY TIME (TYPICALLY AFTER 3PM)
- WEEKEND HOURS 8AM - 5PM.
 - DROP-OFF HOURS: 8AM -10AM ONLY.
 - PICK-UP HOURS: 3PM-5PM.

PARKING REQUIREMENT CALCULATION

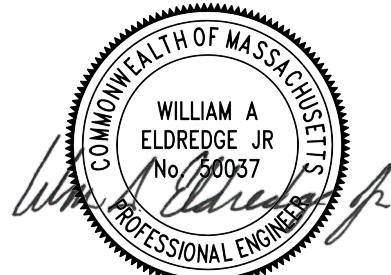
USE:	MANUFACTURING OR INDUSTRIAL ESTABLISHMENT
NUMBER OF OFF-STREET PARKING SPACES REQUIRED PER SECTION 5.1.2 OF THE NEEDHAM ZONING BY-LAW AMENDED MAY 2023:	ONE SPACE PER 400 SQUARE FEET OF FLOOR AREA OR ONE PER TWO EMPLOYEES ON THE LARGEST SHIFT, WHICHEVER IS GREATER.
SQUARE FOOTAGE OF BUILDING:	5,577 SQUARE FEET
NUMBER OF EMPLOYEES ON LARGEST SHIFT:	4
PARKING SPACES REQUIRED BASED ON SQUARE FOOTAGE:	$5400 / 400 = 13.9 = 14$
PARKING SPACES REQUIRED BASED ON NUMBER OF EMPLOYEES ON LARGEST SHIFT:	$4 / 2 = 2$
NUMBER OF EXISTING PARKING SPACES:	10 ALONG WEXFORD STREET, 6 ALONG BROOK ROAD (ESTIMATED). 16 TOTAL.
CONCLUSION:	NUMBER OF EXISTING PARKING SPACES (16) EXCEEDS REQUIRED NUMBER OF PARKING SPACES (14). ALSO SEE NOTE BELOW.

NOTE: ADDITIONAL OFF-STREET PARKING SPACES CAN LIKELY BE ACCOMMODATED ON THE PROPERTY. ONLY THE SPACES IMMEDIATELY ADJACENT TO THE BUILDING ON THE NORTH AND WEST SIDES OF THE BUILDING WERE CONSIDERED ABOVE.

NOT FOR CONSTRUCTION



ELDREDGE
CONSULTING
500 EDMANDS ROAD
FRAMINGHAM, MA 01701



PE SEAL

PROPOSED
TAIL WAGGERZ
PET CARE FACILITY

6 BROOK ROAD
NEEDHAM, MA 02494

BUSINESS OWNERS:
JOSEPH AND ROBYN TOSCANO

BUILDING OWNER:
L & T, LLC

A	07/22/04	ISSUED FOR PERMITTING
MARK	DATE	DESCRIPTION

PROJECT NO:	202400001
DRAWN BY:	W. ELDREDGE
DESIGN BY:	W. ELDREDGE

SHEET TITLE

EXISTING AND
PROPOSED
CONDITIONS

DRAWING NUMBER

C-001

SHEET 1 OF 1

Large House Review Study Committee

Draft: July 15, 2024

General Purpose

In response to concerns expressed at the May 2024 Annual Town Meeting as to the impact new or expanded homes are having on the character of the surrounding residential neighborhood and specifically the action taken under Article 44 to refer the issue to the Planning Board for further study, the Planning Board is appointing the Large House Review Study Committee to develop recommendations on how best to ensure that new residential construction in the Single Residence B and General Residence Districts will complement existing buildings, settings and neighborhood character. The Committee will also explore how the updating and upgrading of structures in such neighborhoods can and should be done, while at the same time conserving the neighborhood's distinctive qualities as change occurs. The Planning Board is taking this action as directed by Town Meeting and with the support of the Select Board.

Background

Tear downs have been an issue in Needham for ~~at least~~^{over} a decade. Data indicates that the demolition of older, smaller, and less expensive houses is now the principal source of lots for the construction of new single-family houses. A total of ~~xxx-845~~ building permits for single-family houses were issued between ~~January 2014~~^{July 2013} and ~~January 2024~~^{June 2023}. In that same period there were 99 building permits for two-families issued (for a total of 944 building permits on two- and single-family buildings). There were 840 residential (both two- and single-family) demolition permits issued in that timeframe. One could deduce that approximately 840 of the new home building permits, or 89%, were replacement homes. The xxx replacement houses, constructed on lots where an existing house has been torn down, accounted for xx% of the source of new house construction over the past 5 years. The remaining ~~xx~~¹¹% was allocated to infill construction ~~at xx%~~ and to subdivision construction ~~at xx%~~. Needham is thus a place where the majority of its new single family home construction is derived from tear downs driven by market demand and the unavailability of infill and subdivision lots.

Current observations suggest that the reforms adopted in 2017 are not meeting the Town's current planning goals and should be further revised to limit and/or disincentive tear down, and/or incentivize additional buildout activity via further changes in the Zoning By-Law. Specifically, that current by-law regulations for new construction in Needham's residential parcels are overly permissive and do not appropriately regulate house size.

This is to the detriment of the town's goals on affordability, sustainability, and has negative impacts on current and future residents.

To address the tear down issue a Large House Study Committee was created in May of 2014 to consider the impact new or expanded homes were having on the character of the neighborhoods within the Single Residence B (SRB) and General Residence (GR) zoning districts. The Committee was tasked with developing recommendations on how the updating of structures in such neighborhoods could and should be done, while at the same time conserving the neighborhood's distinctive qualities as change occurred. As a result of the Committee's work, Zoning By-Law changes focused around issues of house design and neighborhood character were adopted by Town Meeting in May of 2017 as follows: Side and rear yard setback requirements for conforming and nonconforming lots in the SRB and GR districts were revised to ~~to~~ encourage the breaking up of building massing overall and along the sideline in particular; height requirements in all residential districts were revised to secure a height profile for new construction which was more in scale with that of the existing neighborhood and to further discourage the mounding of the grade along the perimeter of the house as a strategy to maximize building height; garage setback requirements in the SRB and GR districts were increased to help reduce the overall perceptions of

massing related to new home construction along the street line without significantly altering desired interior space composition; a floor area ratio requirement was established in the SRB district in an attempt to balance the desire of individual land owners to maximize house size on a lot with the preservation of collective neighborhood character; lot coverage requirements were established in the SRB and GR districts to assure conservation of open space; and front and side yard special permit exceptions for nonconforming structures in the SRB and GR districts were established to assure redevelopment options were available for existing structures rendered nonconforming as a result of the 2017 zoning changes.

~~Current observations suggest that the reforms adopted in 2017 are not meeting the Town's current planning goals and should be further revised to limit and/or disincentive tear down, and/or incentivize addition buildout activity via further changes in the Zoning By-Law. Specifically, that current by-law regulations for new construction in Needham's residential parcels are overly permissive and do not appropriately regulate house size.~~

~~This is to the detriment of the town's goals on affordability, sustainability, and has negative impacts on current and future residents.~~

Project Scope

The study area shall be all properties located in the Single Residence B and General Residence Districts, which are the residential zoning districts with the smallest lot size/dimensional requirements. The Large House Review Study Committee shall consider the impact new or expanded homes are having on the character of the neighborhoods within the studied zoning districts and shall develop recommendations consistent within the overall purpose for the Study Committee as noted above. The Large House Review Study Committee shall:

1. Review past reports, plans and maps prepared by town committees, town officials, state agencies and consultants including the previous Large House Study Committee.
2. Seek the input of neighborhood residents, builders, contractors, real estate agents, property owners and others as required. It is also expected that the Large House Review Study Committee will hold citizen information meetings to elicit general public comments and input.
3. Review and analyze the current Zoning By-Law and Planning Board Regulations and consideration of amendments to each.
4. Analyze the impact of recent planned and potential new housing constructed in the past 5 years in the Residence B and General Residence Districts.
5. Review and analyze alternative zoning dimensions, restrictions or limitations that may address neighborhood concerns.
6. Review the current FAR definition to determine whether it is too permissive and if so how it should be revised including whether the floor area designed for human occupancy on the third floor or basement level of a house should be included in the FAR calculation.
7. Prepare recommendations to amend the Zoning By-Law or propose other regulatory strategies that will protect the characteristics valued by residents in the Single Residence B and General Residence Districts.
8. Generally, identify key issues and needs, analyze alternative solutions, and make recommendations to the Planning Board, both short and long term, within the overall purpose of the Large House Review Study Committee.
9. Prepare Fiscal Impact Analysis to accompany recommendations of Committee.
- 8-10. Coordinate with current efforts around the Stormwater By-Law and Tree By-Law.

Membership

In making appointments to the Large House Review Study Committee, the Planning Board intends to identify qualified candidates who represent a variety of backgrounds and interests comprising representatives from select Town Boards and Commissions, the League of Women Voters, residents with background or experience in architecture, construction, real estate and two (2) members at-large. The Large House Review Committee shall consist of twelve (14) members as follows:

Two (2) members or designee of the Planning Board
Two (2) members or designee of the ~~Select Board of Selectmen~~
One (1) member or designee of the Design Review Board
One (1) member or designee of the Finance Committee
One (1) member or designee of the Historic Commission
One (1) member or designee of the Zoning Board of Appeals
~~One (1) member or designee of the League of Women Voters~~
One (1) Real Estate Broker
One (1) Developer
One (1) Architect
2 Citizen's at Large

It is expected that other interested citizens will also be asked/invited to assist with various assignments related to the mission of the Study Committee.

Target Time Frame

Charge and introduction of Committee – October 2024.
Background research, research of prior completed reports, review of other community approaches – October 2024 – January 2025.
Initial presentation of findings, goals, objectives to Planning Board with feedback from Planning Board – early/mid-February, 2025.
Prepare recommendations to the Planning Board and present – March, 2025.
Planning Board and Study Committee work to prepare zoning by-law amendments and community outreach – April – July 2025.
Warrant Article Town Meeting –October 2025.

Resources

The Director of Planning and Community Development and the Assistant Town Planner will be the staff liaisons for the Study Committee and will be responsible for ensuring that meetings are posted and minutes are taken, transcribed, and posted on the website in a timely manner. Staff resources will include representatives from the Planning and Community Development Department and the Building Department.

Budget

Normal costs such as printing and mailing will be absorbed by the Department of Planning and Community Development.

Other Considerations

The Study Committee shall elect a chair, who shall preside at meetings, a vice chair who shall preside at meetings when the chair is unavailable. All meetings will be conducted in conformance with the Open meeting Law, including the proper notice and posting of meetings, and all records shall be maintained in conformance with the Public Records Law.

As of 08/09/2024 at 10:43am

		New Single Family	New Two-Family	New Multi-Family	Demos - Residential (Not broken down by Single va 2Family
FISCAL YEARS					
	FY14	98	34	11	92
	FY15	85	9	0	84
	FY16	104	6	0	96
	FY17	92	10	12	93
	FY18	84	9	0	90
	FY19	74	9	0	84
	FY20	78	13	0	77
	FY21	70	5	0	69
	FY22	93	2	8	91
	FY23	67	2	16	64
	FY24				
TOTAL		845	99	47	840

NEEDHAM PLANNING BOARD MINUTES

June 18, 2024

The Needham Planning Board meeting, held in person in the Needham Town Hall Board Chambers and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, June 18, 2024, at 7:00 p.m. with Messrs. Alpert, Crocker, Block and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a hybrid manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2024-02: WR Noodle Group, Inc., 247 Newbury Street, Boston, MA 02116, Petitioner (Property located at 998 Great Plain Avenue, Needham, Massachusetts). Regarding the request to renovate the former retail space for use as a full-service noodle restaurant with 36 seats and a takeout station.

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

VOTED: to open the hearing.

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

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

Mr. Alpert stated he did legal work 13 years ago for Jeff and Gary Katz which could be seen as a conflict of interest. He does not feel he has a conflict. He spoke with Town Counsel and was advised to file the form, which he did in accordance with the proposed code of conflict disclosing. George Giunta Jr., representative for the applicant, noted this is the former Harvey's Hardware annex, Parcel 66 on the Assessors Map. There are offices on the upper floors with 1,387 square feet on the first floor and 1,404 square feet in the basement and accessed from a door outside in the back. He gave the history of the property. The applicant wants to redevelop the space for a 36-seat restaurant specializing in noodles with a take-out station. The applicant has 2 other restaurants and has real experience. The use as a restaurant requires a site plan special permit and site plan review. There is no parking so a full parking waiver would be needed. This requires 22 spaces with the take-out requiring 10 spaces. Giancarlo Deli was previously approved with 21 spaces. There were 7 spaces for the prior retail use.

Mr. Giunta Jr. noted there is a large municipal parking lot right behind and all the parking spaces on the road. The hours will be 11:00 a.m. to 9:30 p.m. depending on the demand. The Board of Health had a comment that there was a need for one or 2 dumpsters and parking spaces have been set aside for that. He showed the dumpster area in the alleyway. There is an existing half size dumpster there for the pharmacy. There is also ample space in the back of the building for dumpsters. Mr. Alpert asked if the alleyway was large enough for a truck to get down. Mr. Giunta Jr. stated there is not enough room, but the dumpsters will be wheeled out. Ms. Espada noted there is also a loading zone. Mr. Giunta Jr. noted the loading zone is from Chestnut down the alleyway and there is also access from the rear space to fit 2 half size dumpsters. Mr. McCullen suggested some sort of marking or striping down to not block the secondary access.

Mr. Giunta Jr. stated the menu will be the same as the other locations. Ms. Espada noted the following correspondence for the record, a memo from the Police Department; a memo from the Building Commissioner with comments and a memo from the Board of Health. There were no comments from the Fire Department. She would like to get some comments from

the Fire Department. Engineering had no comments. Mr. Block stated there needs to be resolution with the Health Department with the location of dumpsters and pick up. Also, the sprinkler system. The applicant stated there will be a fire suppression system with the cookware. Ms. Espada stated the building will need to be sprinklered. She noted there is no accessible entrance. Mr. Giunta Jr. noted there will not be an exterior grease trap but there will need to be a grease trap interior to the building. Mr. Block noted the Board would need to receive correspondence from the Board of Health, Fire Department and Building Department. Mr. Giunta Jr. commented the town conditions would need to be satisfied. Ms. Newman noted there needs to be a revised drawing with the location of the dumpster.

Mr. Crocker stated the goal is to fill spaces. He welcomes another restaurant in town. He has no problem going with waivers. He asked if there was a back entrance and was informed there was but it was not public. Mr. McCullen stated there is ample parking in town. Ms. Espada wished the applicant luck. She noted the layout of the dumpsters and the windows. She wants to make sure there is an elevation of what is in the alley. There were no public comments.

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

VOTED: to close the hearing.

Ms. Newman will draft a decision for the next meeting with conditions.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2005-08: Yeat, Inc. d/b/a Sweet Basil, Dave Becker, President, 942 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 936-942 Great Plain Avenue, Needham, MA). Regarding the request to permit the additional of 11 year-round outdoor seats by Sweet Basil adjacent to the building along with the associated parking waiver, as well as parking waiver for additional parklet seats to be subsequently requested of Select Board.

Ms. Espada noted this is a request for 11 year-round outdoor seats. This is a 52-seat restaurant and will require an additional parking waiver of 8 spaces.

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

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

Dave Becker, owner, stated 2 parking spaces have jersey barriers. On hot nights there is a line for Abbots Custards next door. He would have velvet ropes to keep this separate. He will connect with planters and make it look nice. He noted he will have less tables than he did. Ms. Newman noted the Select Board has jurisdiction for the seats adjacent to the building and the public spaces. The Planning Board would need to discuss parking and has jurisdiction over the parklet. Ms. Espada noted the following correspondence for the record: a memo from the Police Department, a memo from the Building Commissioner with no issues, a memo from the Building Department, a memo from the Board of Health and a memo from Engineering.

Ms. Espada asked about winter storage. Mr. Becker stated he would throw the furniture out and buy new each year. He will come up with a better plan. He has been treating it like camping out and redoing it every year. If it is permanent, he will do something else. Ms. Espada asked if there would be lighting. Mr. Becker noted there would be but there is also street lighting. Mr. Alpert stated the legal notice and the application draft decision is different. Ms. Newman noted the application changed from the time it was filed. She wrote the legal decision and then Mr. Becker amended the application. The legal notice was written for more seats than proposed on the final set of drawings. Mr. Alpert clarified the legal notice is for 32 but Mr. Becker wants 28 seats. Ms. Newman stated there will be a waiver of 4 additional spaces. There were no public comments.

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

VOTED: to close the hearing.

Public Hearing:

7:40 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant, LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon at 890 Highland Avenue. Note: This hearing has been continued from the Planning Board meeting of June 4, 2024 and will be further continued to July 11, 2024.

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

VOTED: to continue the hearing to 7/11/24.

ANR Plan – Majorie A. Pine, Petitioner (Property located at 321 Cartwright Road, Needham, MA).

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

VOTED: to accept the requested withdrawal without prejudice.

Decision: Amendment to Major Project Site Plan Review No. 2005-08: Yeat, Inc. d/b/a Sweet Basil, Dave Becker, President, 942 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 936-942 Great Plain Avenue, Needham, MA). Regarding the request to permit the additional of 11 year-round outdoor seats by Sweet Basil adjacent to the building along with the associated parking waiver, as well as parking waiver for additional parklet seats to be subsequently requested of Select Board.

Mr. Block noted Section 3.1 with the total number of seats. He asked if they should specify. Ms. Newman called it out in the Findings. She does not know what the Select Board will do. The Planning Board is approving 11 seats outside and a parking waiver of 8 spaces. She will add language in Section 3.1 noting the parking waiver of 8 spaces has been approved and the applicant cannot go beyond 28 seats. She will reference back to Section 1.4. Mr. Block noted in Section 3.2, it says “furniture that extends beyond the private property line...” He asked if that would be the Select Board as it is on private property. Ms. Newman noted there are no impacts for the 11 seats on the sidewalk. This has the same condition as French Press. Mr. Alpert thinks the Select Board would need to approve also as they staddle the property. Ms. Newman will follow up with the Select Board.

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

VOTED: to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-Law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2005-08, Section 4.2, and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to adopt the decision as drafted with the red lined changes in the packet and further changes this evening.

Appointment:

8:00 p.m. – Discussion of HONE Recommended MBTA Communities Act, Compliance Zoning at 100 West Street, Needham, MA, Timothy Sullivan, Goulston & Storrs, Attorney for Property Owner.

Ms. Espada stated there is a recommendation for an FAR of 1.0. Tim Sullivan, of Goulston & Storrs, represents Well Tower. There have been extensive efforts of HONE for compliance for the MBTA Communities and 100 West Street is part of that zoning. He is here to be proactive. This is a tricky site. He is excited about the prospect of residential. They have looked at the site to see if it is feasible. HONE assumes 187 units for compliance and it fits. One zoning parameter does not line up with the other and he has a couple of suggestions. They have looked at the site and developing 3 stories for residential. The FAR would need to be 1.3 for 187 units and not 1.0, with a corresponding adjustment on the special permit side as well to accommodate areas such as stairways, hallways, elevators and parking garage. All are included in the FAR but do not yield units. The Board should make the FAR 1.3, exclude parking garages and make the 4th story 1.7. With respect to the 4th story, and the minimum threshold, he suggests incorporating as a design standard to soften massing of the 4th story. He feels the Board should consider a maximum setback on Highland Avenue and consider open space along Highland Avenue. FAR is the big one. The process will be whatever the MBTA comes back with as comments.

Mr. Block stated the report from the consultant the Town hired was that this was the one district they singled out as unlikely to be developed. The owner is ready to develop and the Town wants it developed. It has been vacant for many years. A greater density can be absorbed through the site plan process with marginal impact. He asked if there would be a preference for a special permit route. Mr. Sullivan stated it is hard to say. It would probably be likely but he is focused on the Towns' compliance assumption that is by right. Ms. Newman noted this would be a site plan under the MBTA Communities Act. Mr. Block stated there is a strong demand for assisted living and multi-family housing. He noted the setback and asked if they are looking to reduce the setback on the street. Mr. Sullivan noted it is 15 feet now. He feels there should be some flexibility of open space.

Mr. Alpert noted there is a chart with 6 districts. There is a minimum front setback for all 6 but only a maximum for one district. He asked why. Ms. Newman noted that the district currently has a maximum setback. In the Avery Square District, they wanted to maintain the buildings right on the edge. Ms. Espada stated with HONE everything is by right. It would be better to do as a special permit. Her biggest concern is FAR. If they cannot get the FAR they cannot build it. Mr. Alpert stated other areas have a lower FAR. He is questioning if all numbers for all districts are too low. He would have no problem increasing these FARs by a reasonable number so they work. Mr. Sullivan stated they will not rehab the building but plan to take it down. Mr. Alpert commented it seems the client has determined a 4th story or increased FAR would be needed. Mr. Sullivan noted 3 stories at an FAR of 1.3 and the opportunity to request a 4th story. The first 3 stories would comply with the MBTA Communities. Ms. Espada noted there are unique conditions here because it is a standalone. It seems there is more opportunity here. She asked the makeup of the 187 units. Mr. Sullivan will not know that until it is designed. With an FAR of 1.7 it may generate more than 187 units.

Mr. McCullen feels keeping this in its own district is helpful. It is important to work with the developers to bring affordability in and should look at FAR supportively. Mr. Alpert thinks it is great the developer is looking at HONE and thinking it would be good for their parcel. Mr. Block stated the MBTA does not have a requirement for affordable housing. The Town has 12½ % they are meeting through zoning. Mr. Sullivan is aware the MBTA does have a cap. Ms. Newman noted she is waiting on comments from the state due back in August and the zoning has gone to the Attorney General's Office. They have promised comments within the month. Mr. Block feels the Board should get this on the planning calendar to think about. Ms. Newman is reluctant to do that prior to the state's comments.

Mr. Sullivan will submit a letter with suggested tweaks. His suggestions will meet base compliance. Ms. Espada stated some areas the Board will look at separately later on. Mr. Crocker feels it would be helpful to visually see what they would be looking at making changes for. Mr. Sullivan commented there is no increase in height or decreases in setbacks or decreases in the amount of open space. That all stays the same. This site you have a model on it of a similar scale. People can see what the density generally would be.

The Board took a 5-minute recess.

Request to review and approve Landscaping Plan: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Ms. Espada noted the landscape plan went to Tree Warden Ed Olsen at the last meeting. The Board has received correspondence from Mr. Olsen with comments regarding alternating pine and spruce with one single row of trees spacing 6 feet on center. There should be 13 pine and 12 Norway Spruce and requiring a certified arborist to ensure the planting is done correctly. Mr. Block asked for a copy of the original landscape plan and was informed it was never provided. Ms. Newman noted a condition of approval was to mark the trees to remain. Mr. Connaughton stated he had a pre-construction meeting with the Conservation Commission. Mr. Block noted the Board needs clarity on if there is a violation. He wants to make sure the trees to be kept were kept. Ms. Newman stated the Petitioner shall mark in the field and landscape plan the trees to remain.

George Giunta Jr., representative for the applicant, stated there are fairly significant grade changes on the site and trees had to come out. None were marked on the plan to be retained. Mr. Block noted the Planning Director said she did not receive the landscape plan so the condition was not met. His thought is there have been significant complaints and a solution has been proposed by the Town Arborist. Since the condition has not been met, and there is a screening issue with the other neighbor, the Board should consider additional screening on the other border. He feels this is a significant issue. Mr. Giunta Jr. strongly disagrees. The applicant was required to submit a land plan for the buffer and island and any trees in those 2 areas to be retained must be identified. If no trees were to remain, there is no issue. The center island had no trees that were to remain so that is a non-issue. The buffer trees were retained that should have been identified. The landscape plan was submitted and was deemed insufficient, then revised and resubmitted and deemed insufficient again. He would argue that if a violation occurred it was a technical violation only and not a substantive violation. This does not extend to the other side of the property where no landscape plan was required. Every subdivision he has worked on there are trees removed. He cannot recall a sheet in the plan subset that showed which trees were to be removed or to remain. He feels this is above the standard process.

Ms. Newman stated this was approved as drawings were submitted. She discussed the timeline of receiving the documents. She stated the draft documents were submitted early but the landscape plan held things up. This should have been done July of last year. Mr. Alpert stated sheet 2 of 8 shows the cul-de-sac and shows the existing house which straddles the cul-de-sac. The Board was not going to approve which trees were to stay and to go but wanted the applicant to maintain it. Mr. Giunta Jr. noted some of the delay has been trying to work out how the buffer was going to be. Mr. Block raised the issue and it was reviewed by the Tree Warden. The applicant does not object and would be willing to go forward with that. For the height of the trees, the applicant found some 8-foot-tall trees but nothing over 8 feet. He would like 6 to 8 feet in height as that is what is available.

Barry Fogel, representative for Serguei Aliev, who is a direct abutter, noted in the decision on page 3, the Board approved the subdivision, with the last revision date of 2/23/23, and plans submitted. The existing condition plan, Sheet 2 has a legend of the plan and has a symbol that says tree to be removed. A lot of trees were not shown as being cut throughout the property. Very few are shown as being cut. With the plans just submitted, he assumes the planting will be done in the Fall. He should be able to get bigger trees that have grown through the summer. Serguei Aliev, of 31 Marant Drive, noted the original plan has 15 trees and the previous had 11 trees on the 80-foot stretch. There were some trees that were to remain. Trees were already removed when the plan was submitted in February 2024. At the hearings in 2023, the applicant said he wanted to preserve some trees. He feels the applicant did not do enough in his opinion to preserve trees. The Board discussed the existing plan and if trees to be removed were documented. Mr. Fogel stated the approved plan shows very few trees to be cut.

Mr. Giunta Jr. stated this plan, with the grading plan and utility plan, shows trees could not co-exist with the proposed changes. The proposal is the actual proposed grading, proposed road and the proposed utilities. Ms. Espada noted the Board needs to know what was coming down in those locations and that is missing. Mr. Giunta Jr. stated that is the landscape plan. Mr. Crocker commented he knows the property and there were many trees there. Ms. Espada stated the 2/23/23 revision has highlighted trees that are existing that are no longer there. Mr. Alpert commented the discussion does not make sense to him. One sheet shows the proposed house with trees without Xs in the middle of the house. He does not see any trees with Xs on them on any plan. Mr. Crocker disagreed. He stated the public is looking at the plans also. Mr. Alpert stated he is seeing trees but none of them are marked. He feels the Board should be talking about the trees in the buffer zone. He noted the Town does not have a Tree By-Law so developers can do what they want.

Mr. McCullen noted this has been exacerbated because of the time. He feels there have been mistakes on both sides but they need to decide where to go from here. The process should not be this long. It is frustrating to people to be looking at piles of dirt. They need to find the path of least resistance to enable all parties to get a bit of what they want. All parties will not get all they want. There was never an intention not to remove trees. Mr. Alpert asked if Mr. Aliev was ok with Mr. Olsen's suggestions. Mr. Aliev stated he was and has planted 10-to-12-foot trees on his side. They are available. He feels 8 to 10 feet is a reasonable requirement. He would compromise to 6 feet apart. Mr. Fogel feels this is not an insignificant gap in the plans. The applicant was given carte blanche to do whatever he wanted. The applicant should not be given more leeway. He wants the Board to be precise with the size of the trees. He would like no flexibility and a covenant to maintain the trees.

Mr. Giunta Jr. reviewed the proposed changes from Mr. Fogel. There is one paragraph he would like changes to. The changes are not substantive but clarifying. Bob Place, of 914 South Street, stated he did not hire a lawyer but relied on the applicant, the Planning Board and the diagram of trees that would be left behind. He wants to know how the Planning Board will address his side of the property. All the trees along the edge were not marked. The applicant said he could save them and now they are all gone. There are severe visual impacts on his side. He wants a visual border and wants to know what can be done to mitigate this. Ms. Newman stated the applicant was not asked to mark trees to stay and trees to come down on the entire property. That is never required. The landscape plan was for the buffer area and the cul-de-sac interior.

Mr. Block commented a member of the public has been affected by a deficiency in the Board and he feels he has been deceived. He is not sure if the Board needs to get Town Counsel in. The problem is on the Board's part and the applicant's part. Mr. Alpert stated the Town has no Tree By-Law. Multiple developers clear cut the lots. He does not think the Board has the authority to not allow this as developers take down trees. Mr. Giunta Jr. noted there is not a requirement for what trees are staying and what ones are going. Mr. Connaughton agreed to do the buffer to work with the neighbors, but it is not required. Mr. Alpert noted the exception is when the Conservation Commission is involved. Mr. Crocker noted the visual says trees are not coming down and that is what people were seeing. Mr. Fogel commented Subdivision Regulations, Section 3.3.15, says the applicant will preserve trees.

Mr. Block asked Mr. Place what he proposes. Mr. Place would like to work with Mr. Connaughton on a planting buffer. Mr. Connaughton stated he had said he would work with Mr. Place. There is an easement buffer there and he tried to tell Mr. Place that. He would be happy to plant some buffer there. He wants to get this behind him. He was asked how the dust issue is. He is trying to keep it down and the equipment is going slow. The DPW will not let him hook up to the old water line and the new line is being put in. He is glad to level out the piles near the abutters and put some loam and seed to stabilize it for the time being but that would require water. Ms. Newman stated everything was put on hold. She wanted a landscape plan approved, to get the documents done and get all on record. She does not have an approved plan that has been recorded.

Mr. Giunta Jr. stated water is a function of the DPW. They wanted Mr. Connaughton to put a \$20,000 piece of equipment to tap in then they would throw it away when the main has been completed. Ms. Newman stated the DPW was not giving Mr. Connaughton a permit because there was no approved subdivision plan. Mr. Connaughton can do a revised drawing specifying the height of the trees. Mr. Crocker asked about the east side. Mr. Place stated his estimate for plantings is \$100,000 if Mr. Connaughton would like to contribute to that. Mr. Connaughton will touch base with Mr. Place. Ms. Newman would like to get the documents on record outside of a formal meeting for the east side. Mr. Giunta Jr. stated, procedurally, the east side is not an action item under this decision. Ms. Newman will put this on the agenda for the next meeting in July. She will talk with the DPW regarding the water.

Deliberation: 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.

Ms. Espada noted the items to be called out were the hours, a condition on pickleball, higher fencing, plantings, signage and netting. The hours will be 7:00 a.m. to 8:00 p.m. Mr. Block recalled a discrepancy among the neighbors regarding the hours. One wanted earlier in the morning and one wanted later in the evening. Ms. Newman is all set to prepare the decision.

Discussion of & Vote to Adopt Code of Conduct.

Ms. Espada stated there was an updated redlined version. She asked if there were any comments. She noted Section 3.5 looks like a discussion. Mr. Block feels the former paragraph 3.6 should not be deleted. It preserves order. Ms. Espada stated it was recommended by Town Counsel to remove that language. Mr. Alpert noted it is a subjective standard and not objective. People have a right to speech. A discussion ensued. Ms. Espada will send it to Town Counsel with all the changes to see if there is a way to restore part of Section 3.6. Mr. Crocker suggested adding “or the public” in Section 3.3. Mr. Alpert noted Section 3.6 should say “At the Chair’s discretion, the Chair may impose time limits on a member or public’s time to speak and may in the Chair’s discretion recess the meeting in order to restore order.” He does not feel the reasons for should be talked about and the meeting can be recessed but not adjourned. Mr. Block agreed.

Discussion and Comments on Select Board Goals for FY2025 and FY2026.

Mr. Alpert and Mr. Block did not get a chance to review. It will be held to the next meeting. Ms. Espada commented it seems fine to her. The Chestnut Street redevelopment is in 3 years but she feels it should be sooner. She also feels the Tree By-Law should be pushed. Mr. Block stated a large part of the dealings affect the commercial sector in downtown and the Heights but other areas also. The Board should be mindful when dealing with zoning and should consider zoning in some commercial districts. The Board should take a look from time to time based on economic conditions and be mindful. Ms. Espada noted the Select Board Economic Vitality says to evaluate commercial centers in Needham as an initiative to begin and the Tree By-Law is a big one. Mr. McCullen feels they need to take into account tweaking areas that are not performing as well as they could be. Make it more appealing for more businesses to come here. Mr. Block feels the Board should continue with the spreadsheet he developed. Ms. Newman noted they need to create a charge for the Large House Committee. She will work with Mr. Block.

Design Review Board – reappointment of Steve Dornbusch.

Ms. Espada noted there were 2 additional positions they have not been able to fill. Ms. Newman advertised the vacancies and has not been able to fill them. There are the Design Review Board and architect vacancies. She is happy that Mr. Steve Dornbusch is interested in continuing to serve.

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

VOTED: to reappoint Steve Dornbusch.

Minutes

The Board will discuss the minutes at the next meeting.

Report from Planning Director and Board members.

Ms. Newman stated she gave the status of the MBTA last time. She will work with Mr. Block to get the charge for the Large House Committee. She just heard about an \$80,000 grant she is considering applying for. It could pay for a consultant for the parking analysis.

Correspondence

Ms. Espada noted there was correspondence regarding the MBTA Consultants, the HS Tennis Courts and 2 notices of hearing in Newton.

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 10:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

July 11, 2024

The Needham Planning Board meeting, held in person in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Thursday, July 11, 2024, at 7:00 p.m. with Messrs. Alpert, Crocker, Block and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a hybrid manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes one public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant, LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon at 890 Highland Avenue. Note: This hearing has been continued from the Planning Board meetings of June 4, 2024 and June 18, 2024.

Ms. Espada noted the Fire Department has no issues. She noted the fixture in the bathroom needs to come up to code and there is a request for a change of owner. Thomas Miller, attorney for the applicant, noted they met with the Design Review Board (DRB) and made minor revisions related to the expansion. The façade will be brought forward to close off the door and make one contiguous space. Signage will be removed and the sill heights have been revised so the windows will all be contiguous. The project architect has upgraded and carried brick and wood across the front and there will be the same awning with the logo. He feels this will be a benefit to Needham. Ms. Espada noted the following correspondence for the record: comments from the Town Engineer, Police Department, Fire Department, Board of Health whose issues are resolved and the Building Commissioner who had an issue with the bathroom.

Mr. Alpert asked if the owner had read the Special Permit and all the amendments and agrees to them and was informed he had and he agrees. Mr. McCullen stated he is satisfied with the revisions and confirmation from the DRB. Mr. Crocker stated, originally, the windows were going to match the old space. Scott Drago, owner, noted the new space will match the old space now. Mr. Block asked what the outstanding issues were. Ms. Espada noted the Building Commissioner had an issue with the plumbing. Mr. Drago stated he is checking what the rule/requirements are. He currently has 3 bathrooms and this would add a 4th bathroom. Ms. Newman stated there would be a requirement in the decision as much as is required by the Building Commissioner. Ms. Espada opened the hearing for public comment. There were no comments.

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

VOTED: to close the hearing.

Mr. Block asked, in Section 3.4, why restrict the number of lunch service employees? Ms. Newman stated in paragraph 3.5, the original permit went with a number of employees proposed. Mr. Block asked if they still want to limit the number of seats at lunch and the number of employees. Mr. Drago stated the restaurant is under the number of employees now. He should be able to go along with that. The additional space will be mostly overflow and private parties for that area. Mr. Block is satisfied with that condition.

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

VOTED: to GRANT: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006; (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 and 5.1.3 of the Zoning By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following conditions and limitations.

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

VOTED: to approve the decision as presented in the packet with the red lined changes and changes discussed tonight.

Decision: Major Project Site Plan Special Permit No. 2024-02: WR Noodle Group, Inc., 247 Newbury Street, Boston, MA 02116, Petitioner (Property located at 998 Great Plain Avenue, Needham, Massachusetts). Regarding the request to renovate the former retail space for use as a full-service noodle restaurant with 36 seats and a takeout station.

Ms. Espada noted the following correspondence for the record: a memo from Fire Chief Tom Conroy with no issues; an email from Attorney George Giunta Jr., regarding the maximum number of employees and the draft decision. Mr. Giunta Jr. gave his comments to the draft decision and is fine with the edits. Mr. Alpert made one change. He added in Section 1.13, the phrase “as determined by the Board of Health” after “existing dumpster, if necessitated, as determined by the Board of Health.” Ms. Espada asked if there was a transfer in Section 3.10. Ms. Newman stated if in the future they transfer this indicates they would need to come back. Mr. McCullen noted in Section 3.19, the Select Board should be cited rather than the Board of Selectmen.

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

VOTED: to GRANT: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law; (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff waiter or waitress in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant serving meals for consumption on the premises; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the change and/or extension of a lawful, pre-existing, non-conforming use or building, if applicable; and (6) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to approve the decision as presented in the packet with the red lined changes and the changes tonight.

Decision: 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.

Mr. Alpert stated, in the red lined version, Section 3.9 (c) and (d), with the condition with regard to work, he added "Rosemary Street."

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: to GRANT: the requested Amendment to Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2004-01, dated April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018; subject to and with the benefit of the following plan modification, conditions and limitations.

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

VOTED: to approve the decision with the red lined changes set forth in the packet.

Request to review and approve Landscaping Plan: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Ms. Espada stated Tree Warden Ed Olsen has reviewed the plans and feels the correct height is in the plan. He feels it is better to install smaller trees than larger ones. George Giunta Jr., representative for the applicant, noted the revised landscape plan incorporates all changes requested on the easterly side. He has one question. The plan shows a fence going up on the property. Attorney Fogel has requested that be removed. He would like to leave it on the plan and would like it memorialized that there will be a fence. Mr. Alpert asked Ms. Newman what the By-Law says about fences. If the plan does not show a fence, would they need to come back to us for a fence on their own property. Ms. Newman stated there is a deed restriction here, so she is not sure. The property strip has an easement with conditions. Mr. Alpert stated he is inclined to leave it off the plan. Mr. Giunta Jr. stated the intent is to put a fence up. Originally it was shown just in the buffer strip but it would be put on the entire property line.

Barry Fogel, attorney for the abutter, stated the plan shows correctly. The fence should not be on the plan as it is not a condition of subdivision approval. This is a landscape plan and not a requirement for a fence. His client may want to talk to the person putting the fence up as to the type of fence to go up. Mr. Alpert does not think approval is needed from the Building Commissioner to put a fence on your own property. Serguei Aliev, of 31 Marant Drive stated he has no issue with a fence, but it should not be on the plan. Mr. Fogel noted putting it on the other side of the trees was discussed. Ms. Espada reiterated it is Mr. Connaughton's property. Mr. Fogel feels the fence should be removed from the landscape plan. Mr. Giunta Jr. does not entirely disagree. There was an issue in the past with a stone wall. The concern is it should be memorialized. There needs to be something on record that a fence is contemplated and will be there. He has no issue removing the fence from the plan.

Mr. Alpert stated this says "proposed grading plan." It should be proposed grading and landscape plan." Mr. Fogel noted the landscape plan was revised 7/11/24. Mr. Giunta Jr. would be ok to add into the buffer covenant that a fence shall not be prohibited. Mr. Block asked about the east side. Ms. Espada noted that is a separate piece that will be dealt with after this. Mr. Crocker has no issue leaving the fence off the plan. He asked if the Board has ever approved fences on plans? He also asked if the Board was going to vote this and then vote an amendment to this plan for the east side? Mr. Alpert stated there would have to be a whole new hearing. Ms. Newman stated the Board has had fences on plans when landscaping was not wanted.

Mr. Giunta Jr. stated Mr. Fogel's draft has language regarding a certified arborist overseeing installation with respect to the initial plantings and plantings down the road. He took all that out. As part of the subdivision process, to close out and get release of the bond, As-built's would need to be submitted. He has no issue if the Board requires a letter from an arborist that it was done right. He does not want to put in the covenant as that is looking forward. He would rather keep this in the As-Built. He has no objection to the general concept but does not want it in the actual covenant document. Ms. Newman stated the subdivision is bonded. They could put in the agreement a specific provision in addition to the normal requirements

that they would need an As-Built plan and a letter from an arborist. This is ok with Mr. Giunta Jr. and Mr. Fogel as long as it is in writing in the bonding agreement.

Ms. Espada noted additional correspondence that came in from Robert Place, of 914 South Street and Barbara and Reginald Foster, of 898 South Street, with comments and suggestions. Mr. Fogel noted on page 2, where it says “proposed landscape” he suggests adding “with 25 trees of specified species and size” and after “Planting Strip” add “150 feet long.” That reflects what is on the plan. Mr. Giunta Jr. has no objection to that. The Board members all agree. Mr. Fogel would like inserted “whereas absence of fence shown on landscape plan....” Mr. Giunta Jr. would rather have that in the main body. Mr. Fogel and the Board discussed the timing of the plantings. It was mentioned the plantings would be put in in the Fall but it depends on the site plan, grading and water especially. Mr. Fogel feels there should be a deadline for when this will be planted. Mr. Giunta Jr. would prefer not to have a timeline in the document but could put it in the covenant. This is also subject to the availability of water and trees. He is assuming the water lines will be done this Fall or next Spring. Mr. Connaughton noted irrigation would need to be done when the house is completed. Mr. Fogel feels a temporary storage tank could be brought in. He would like a condition the plantings would be done this Fall or next Spring.

Mr. Crocker stated the site has to be prepped for this to occur. He appreciates the neighbor wanting this but it may not be this Fall. He does not want to put the cart before the horse. Grading needs to be done to the property, water has to be brought in and planting needs to be done. He understands the neighbors want this done. They could put in some type of time table on it but the house would not be built by next Spring with water. He feels the Board should not put a deadline of this Fall or next Spring. Mr. McCullen stated the applicant is putting a significant amount of resources into this and he does not want to screw it up. There should not be a provision as there are so many variables to this. Mr. Fogel asked when the grading would be done. Ms. Newman stated within 2 years of execution of the endorsement of the plan. Mr. Giunta Jr. stated the applicant would have to post a bond and cash would be sitting there. The applicant would want to get his cash back. Mr. Fogel would like something in the documents that this would be implemented within 2 years.

Robert Place, of 914 South Street, proposed Mr. Connaughton have access to his water system for his side up to 2½ years to the end of 2026. Planting would go in by the end of May next year. He thought they were in agreement. Mr. Aliev stated he also offered to provide water for his side but would like to have some deadline. Ms. Espada questioned if the Planning Board has jurisdiction over water. The Board keeps talking about water but what is the Board’s purview. Ms. Newman noted they have control over the subdivision. What the neighbors privately agree to on the side is between them. Ms. Espada feels this should have been resolved prior to coming back to talk to the Board. The Board needs to talk about the decision. There are 2 years to get the landscaping done and the water is between the abutters. Mr. Fogel accepts the grading of the swail is more important than the plantings. That needs to be done right. At the end of paragraph 3, regarding maintenance. He proposes adding “if the owner seeks to change the variety of plantings during replacement the owner must work with the owner of 31 Marant Drive.” Mr. Giunta Jr. looks at the covenant as a subdivision with the Planning Board not as a matter between private parties. He would prefer to come back to the Board as this is an indefinite reference.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: to approve the landscape plan as presented tonight and as agreed tonight.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to approve the Buffer Planting Strip Covenant and Restriction as presented to us tonight as agreed to by the parties and with the one change agreed to tonight.

Ms. Espada stated the east side is not part of the decision. She asked if an agreement had been reached. Mr. Giunta Jr. noted there was good dialogue and there are some agreements in principle. He would not want to see the subdivision reopened, which is the only way to amend. He would rather the parties iron out the details. This is not part of the subdivision and not part of the Board’s purview. He wants to see this resolved. The Board would have a posted bond and the lot releases is discretionary as well as occupancy. Mr. Alpert is not sure they can deny lot releases for occupancy. Evans Huber, Attorney for Mr. Place, stated his client and the applicant are making progress. If they reach an agreement what authority does the Planning Board have to enforce it? Mr. Alpert stated if the subdivision plan is not modified the Board has no

authority. Ms. Espada stated this did not come up in the hearings before. Mr. Alpert asked if a minor modification could be done to the Special Permit. Ms. Newman stated they never have. Mr. Huber noted the Board wants to see his client and the applicant reach an agreement. How does the Board see this playing out?

Mr. Alpert is not sure. He thought the applicant would come in with an application to amend the subdivision to include a landscape plan that shows landscaping for the east side as agreed by the parties. Mr. Huber agrees if the applicant is willing to do that. It seems the applicant is willing to act in good faith. It is not much to ask to have a landscape professional draw up a plan and then come back. Mr. Alpert understands Mr. Giunta Jr. has concerns such as the filing fee and notifications. Mr. Giunta Jr. stated that would require re-opening everything. The same thing could be accomplished as a private matter without going through the subdivision process. Ms. Newman stated they did a de minimus change on Central Avenue, to change the name, and on Rockwood Lane, to substitute lawn for trees. It is not a formal amendment. It is called an amended certificate of action or definitive subdivision approval plan with no hearing notice.

Mr. Giunta Jr. stated he would consider it if it could be handled that way. Mr. Alpert stated this was discussed before and de minimus changes have been done. There is always a question if it is allowed but the Board has been doing it. He thinks he would consider a de minimus change. He has no problem with landscaping being considered de minimus. Mr. Block stated they are trying to avoid re-noticing the whole thing. He thinks Mr. Alpert is correct and it should be put on as de minimus. Mr. Huber stated if the parties reach an agreement that would be fine. If no agreement is reached it would not be before the Board. Mr. Alpert commented, if 2 attorneys agree to do this as a private agreement, it should be done that way. He stated there are 3 ways this could be done; 1) work out an agreement and not come back to the Board; 2) come to the Planning Board with an amendment to the decision which would be a legal process or 3) come to the Planning Board with an agreement and a de minimus change. Mr. Crocker agrees it would be a de minimus change. He feels it would be good to come before the Board with de minimus change but that is only his preference. Mr. Block stated it is between the parties to resolve.

Board of Appeals – July 18, 2024

20 Alder Brook Lane – Amit Schwartz and Neta Levin Schwartz, owners.

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

VOTED: “No comment.”

277 Brookline Avenue – Needham Enterprises, LLC, owner.

Ms. Newman verified the historical practices. She would recommend no comment. A variance was issued to allow a 2-family to be built. It would be a determination of the Zoning Board of Appeals if this will be confined to the original structure or allow a new 2-family with a variance.

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

VOTED: “No comment.”

Minutes

Ms. Clee stated the 9/11/23 minutes were done by the Select Board and not sent to the Planning Board.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes of the joint meeting with the Select Board on 9/11/23.

Ms. Espada noted in the minutes of 5/14/24, page 4, last paragraph, take out “paperwork” and add “code of conduct” after NUARI.

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

VOTED: to approve the minutes of 5/14/24 with the one change just discussed.

Ms. Espada noted in the minutes of 6/4/24, page 2, top paragraph, 3rd line, add “sill” after “window” so it says “the window sill does not seem to meet the same elevation as the current”

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

VOTED: to approve the minutes of 6/4/24 with the one change just discussed.

Report from Planning Director and Board members.

Ms. Newman noted there is a meeting next Monday to go through the MBTA zoning. The packet is up and the agenda is out. She wants to 1) give a refresher reminder of what the zoning is as it came out of HONE for the base plan and the regular plan; 2) invite Town Counsel Christopher Heep in to go through the site plan approval for this process and 3) invite Tim Sullivan in who marked up the draft for changes he would specifically like to see for 100 West Street. She received comments from the Attorney General with minimal technical changes or clarifications she suggested be made. She feels they put together some good zoning. Mr. Heep is going to walk them through the changes. The goal is to get to a place where they can take the comments for 100 West and the Attorney General and put them in a draft that reflects this. She needs to revise the zoning and advertise in August for a September public hearing.

Mr. Block stated they are proposing a 2-step interim process -- approve Monday night the proposed changes from the Attorney General’s Office and Tim Sullivan, then comments from the state agency and merge them together. Ms. Newman noted the process would start by sending to the Select Board. She noted Deputy Town Manager Katie King will be at the meeting. Mr. Alpert stated there would not be a vote on Monday. It is just informational. Ms. Newman will give the members a draft charge of the Large House Study Committee and what that Board would look like. She added the Executive Office of Environmental Affairs has a grant they are eligible for. She has submitted an application for the parking study. The total for the study is \$57,000 and she is asking for \$45,000. The cash match would be \$7,900. She feels they will hear back in the Fall. The Traffic Study is going forward now and she should see a draft report by Monday.

Mr. Block stated the Planning Board appointed him to the CPC and one question keeps coming up as relates to financing for the tennis courts. The process should have been with a Special Permit that it should go to the Planning Board first. He will keep them posted. Mr. Alpert stated it went to the CPC first and they had the funding. There was a warrant article that was withdrawn. He takes exception to them going to the CPC first. Ms. Newman commented when Steve Popper was in charge he always came to the Planning Board first.

Correspondence

Ms. Espada noted was a legal notice from Dover regarding ground mounted solar installations and ADUs and correspondence regarding Chapter 91 Waterways. Ms. Newman stated, as part of the permitting process for dredging the Reservoir, they had to file a Chapter 91 form. She wanted the Board to know. Ms. Clee noted there was a request for the Town to answer questions on the Belle Lane Subdivision by Dr. Paul Aswad and a response from Town Manager Kate Fitzpatrick.

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

VOTED: to adjourn the meeting at 9:04 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk

DRAFT

August 13th, 2024

Dear Planning Board Chair,

As neighbors and abutters to the 100 West - Carter property, we have been following the current proposals discussed for this location.

I am sure you understand that this project is of critical importance to our area as it will have a substantial impact on our tightly knit neighborhood now and in the future.

We visualize a Carter re-development to be a concept like the visually pleasing development at 797 Highland Ave.

This developed property at 797 Highland Ave, has a density of 15 units/acre. With this same density applied to the 100 West location, it would result in a similarly pleasing development that would fit nicely into this 4.28-acre parcel, providing adequate space for trees, landscaping, and green areas.



Residential homes surrounding the Carter site have improved greatly with owners making sizable investments in their properties, whether single or two family. The above units could be owned or rented and would draw a diverse population, from young families to retiring seniors who may wish to downsize. Importantly, the above style and unit count would enhance walkability, and improve green and open space therefore moving Needham Heights towards environmental equity.

However, from the discussions on the Planning Board with the lawyer representing WELL LCB a minimum number of 187 units are proposed with a possible special permit for additional units on a setback fourth floor. This type of building project is not attractive and completely out of proportion to our neighborhood. It is urban rather than suburban.



Traffic patterns, volumes of traffic and driver behaviors have become a tremendous issue for surrounding streets, even when traffic is lighter during the summer. It has not been clear from the discussions if these units will be owned, rented or both. It has not been clear from discussions if further parking spaces will be required in any special permit issued or if the excess cars will be forced to park on our neighborhood streets or near businesses.

In reimagining Needham Heights, we have not seen or heard of any proposals for street facing retail, which would be a feature that would enhance and attract more small business. The area would become more vibrant, more walkable, and draw people of all ages.

A development of 187 plus an additional number of units on a setback fourth floor surrounded by single- and two-family districts simply does not fit in this area.

Below is a timeline of public Planning Board discussions regarding demolition and development of the Carter Building at 100 West Street as we understand it. To our knowledge these have been informal discussions, not open hearings. No building plans have been filed with the town as of August 9th, 2024. One special permit allowing "trucks over sidewalks" is on file.

Timeline of recent public meetings:

August 14th, 2024 - Upcoming Presentation of Revised Zoning Changes Requested-100 West
July 25th, 2024 - Presentation of Zoning Changes Requested for 100 West Street
July 15th, 2024 - Meeting Canceled
July 11th, 2024 - No Agenda Item
June 18th, 2024 - Appointment: Discussion of HONE MBTA Act compliance at 100 West

As Needham residents and taxpayers we elected and entrusted you to incentivize development that is in the best interest of Needham and Needham Heights.. We look forward to working with you to make this the best possible project for the Carter building legacy and town.

*Susan and Michael Herman
13 Carey Road
Needham Heights*



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August 2, 2024

OML 2024 – 144

Christopher H. Heep, Esq.
Miyares Harrington
40 Grove Street
Wellesley, MA 02482

By email only: cheep@miyares-harrington.com

RE: Open Meeting Law Complaints

Dear Attorney Heep:

This office received two complaints from Gregg Darish on December 9, 2023, alleging that the Needham Select Board (the “Select Board”) and Needham Planning Board (the “Planning Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Select Board and Planning Board on October 11, 2023, and you responded to the complaints, on behalf of the Select Board and Planning Board, by separate letters dated October 31, 2023. The complaints allege that the notice of the joint meeting held on September 11, 2023, was insufficient, and that the Select Board met in executive session for an improper purpose on September 11, 2023.

We appreciate the patience of the parties while we reviewed these matters. Following our review, we find that neither the Select Board nor Planning Board violated the Open Meeting Law in the ways alleged. In reaching this determination, we reviewed the original complaints, the Select Board’s and Planning Board’s responses to the complaints, and the complaint filed with our office requesting further review. We also reviewed the notice and open and executive session minutes of the Select Board and Planning Board joint meeting held on September 11, 2023, as well as a video recording of the open session portion of that meeting.¹

¹ A video recording of the joint meeting held on September 11, 2023, is available at <https://www.youtube.com/watch?v=iDWOmD-n1aI>.

FACTS

We find the facts as follows. On March 1, 2022, after nine months of hearings and deliberations, the Planning Board issued a decision approving a site plan, submitted by Needham Enterprises, for construction of a 10,034 square foot day care center at 1688 Central Avenue in Needham. The decision included numerous conditions and modifications intended to protect neighborhood and municipal interests, including front set-back requirements, the demolition of a barn, traffic mitigation measures, and soil testing. Needham Enterprises thereafter appealed to Land Court arguing that the Planning Board had required a special permit for the construction of the proposed day care center, in violation of G.L. c. 40A, § 3, often referred to as the “Dover Amendment.”² In August 2023, the Land Court issued a decision finding that the Planning Board exceeded its authority and entered a judgment annulling in whole the Planning Board’s March 1, 2022, decision.

The Select Board duly posted notice of a joint meeting to be held with the Planning Board on September 11, 2023, at 5:00 P.M. The title of the notice stated “Select Board Agenda Special Joint Meeting With Planning Board.” The notice listed two topics: “Discuss Special Town Meeting Draft Warrant Article: “Foster Property Open Space Zoning Non-Binding Resolution” and an Executive Session pursuant to Purpose 3 “To Discuss Potential Litigation Relative to 1688 Central Avenue.”

The September 11, 2023, joint meeting was held as planned. After discussing the open session topic, the Chair of the Planning Board and the Chair of the Select Board separately made motions to convene in executive session “for the purpose of discussing strategy with respect to litigation, namely Needham Enterprises Inc. vs. Needham Planning Board, Land Court Miscellaneous Case #22 MISC 000158.” Both Chairs announced that having such discussions would have a detrimental impact on the Board’s litigating position and stated that each Board would adjourn at the conclusion of the executive session without returning to open session. The Select Board and the Planning Board each voted by roll call to enter executive session.³

Because the Select Board and Planning Board have not publicly released the minutes of the executive session, we do not recount their content in detail here. However, we note that the Select Board and Planning Board discussed whether to appeal the decision of the Land Court.

DISCUSSION

The Open Meeting Law requires that, except in an emergency, “a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.” G.L. c. 30A, § 20(b). The notice must be printed in a legible, easily

² G.L. c. 40A, § 3 states that “no zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

³ We remind the Select Board and Planning Board that meeting minutes should record a roll call vote by documenting the vote of each public body member by name, and that even unanimous votes need to be recorded by roll call in the minutes. See OML 2021-196; OML 2015-131; OML 2013-195.

understandable format and must contain the date, time and place of the meeting, as well as a listing of topics that the chair reasonably anticipates will be discussed. Id. The list of topics shall have “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2015-35; OML 2012-71.⁴

We find that the joint notice of the September 11, 2023, meeting met the requirements of the Open Meeting Law. Two or more public bodies may hold a joint meeting; however, each public body participating in the meeting must provide notice pursuant to G.L. c. 30A, § 20. The public bodies must provide independent notice of their meetings, or if posting a single notice, must clearly state that each public body will be meeting. See OML 2021-153; OML 2019-163. Any notice of a joint meeting must meet all the requirements of the Open Meeting Law and include the public bodies’ names, the date, time, and location of the meeting, and all the topics that the public bodies anticipate discussing. See OML 2023-128; OML 2013-36. Here, the joint notice included the names of both the Select Board and Planning Board, the date, time, and location of the meeting, and included all of the topics that the two Boards anticipated discussing. As such, we find that the single notice of the September 11, 2023, joint meeting was sufficient notice for both public bodies.

The complaint further alleges that the notice did not include sufficient specificity with respect to the executive session topic. Executive session topics must be described, both in the meeting notice and in an announcement during open session, in as much detail as possible without compromising the purpose for which the executive session was called. See G.L. c. 30A, § 21(b)(3); see also District Attorney for the N. Dist. v. Sch. Comm. of Wayland, 455 Mass. 561, 567 (2009) (“[a] precise statement of the reason for convening in executive session is necessary ... because that is the only notification given the public that a [public body] would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper”).

Here, the notice of the September 11, 2023, meeting listed an executive session “To Discuss Potential Litigation Relative to 1688 Central Avenue.” The verbal statement made prior to entering executive session added the additional detail of the case name, the court in which the litigation was pending, as well as the docket number of the case. We find that the notice was sufficiently specific where the Board identified the specific litigation matter it planned to discuss during the executive session. See OML 2020-28. A public body need not list each and every detail about a topic in order to comply with the law’s requirements. See OML 2018-7; OML 2014-122.

Next, we determine whether the Select Board properly convened in executive session on September 11, 2023, to discuss whether the Planning Board should appeal the Land Court decision involving 1688 Central Avenue. A public body may enter an executive, or closed, session for any of the ten purposes enumerated in the Open Meeting Law provided that it has first convened in an open session, that a majority of members of the body have voted to go into

⁴ Open Meeting Law determinations may be found at the Attorney General’s website; <https://www.mass.gov/the-open-meeting-law>.

executive session, that the vote of each member is recorded by roll call and entered into the minutes, and the chair has publicly announced whether the open session will reconvene at the conclusion of the executive session. G.L. c. 30A, §§ 21(a), (b); see also OML 2014-94.

One permissible reason to convene in executive session is “to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G.L. c. 30A, § 21(a)(3) (“Purpose 3”). This purpose offers the narrow opportunity to discuss strategy with respect to litigation that is pending or clearly and imminently threatened or otherwise demonstrably likely; the mere possibility of litigation is not sufficient to invoke Purpose 3. See Doherty v. School Committee of Boston, 386 Mass. 643, 648 (1982); Perryman v. School Committee of Boston, 17 Mass. App. Ct. 346, 352 (1983); OML 2012-05. Generally, to convene an executive session under Purpose 3, a public body must have a bargaining or litigating position to protect. See OML 2012-116.

The complaints allege that the Select Board convened in executive session for an improper purpose because the litigation matter discussed was against the Planning Board not the Select Board, and therefore the Select Board did not have a litigating position to protect. The Select Board maintains that the Planning Board did not possess independent authority to engage in an appeal; rather, that authority is vested with the Select Board and therefore the Select Board’s participation in the executive session discussion was both appropriate and necessary.

In previous determinations, we have found that a public body properly met in executive session under Purposes 2 or 3 even though that public body was not a named party in a litigation matter or was not directly involved in a bargaining matter but had a role to play in the litigation or contract negotiation matter. See OML 2011-47 (finding that finance committee could utilize Purpose 3 to enter executive session to discuss litigation strategy even though not a named party in litigation because it undertook “certain legal, financial and real estate appraisal analyses of the proposed settlement agreement” and was “an active participant in litigation strategy”); OML 2014-141 (finding that finance committee properly convened in executive session under Purposes 2 and 3 as committee was active in municipal contract negotiations and therefore possessed a bargaining position); OML 2023-233 (finding that advisory committee properly met in executive session under Purpose 3, even though committee was not a named party to the litigation matters, because advisory committee had to approve transfer of funds for the purpose of settling the litigation matters). We find that the Select Board similarly had a role to play here with respect to the Land Court litigation matter that was discussed during the September 11, 2023, joint meeting. Therefore, we find that it was permissible for the Select Board to meet in executive session to discuss whether to appeal the decision of the Land Court.

Although not specifically raised in the complaints, we further find that the Planning Board had a litigating position to protect where it was a party to the litigation matter that was discussed during the September 11, 2023, executive session. Because the Planning Board had a litigating position to protect and discussed a pending litigation matter, whether to appeal the Land Court decision, which was an appropriate discussion for executive session under Purpose 3, the Planning Board could have invited the Select Board to participate in the executive session discussions. See OML 2021-99 (“public body may invite an individual or other public body to

attend or participate in an executive session if the public body believes that doing so would assist the public body in its work and would not undermine the stated purpose for the meeting in executive session.”).

Finally, with respect to the concerns raised in the complaints that each Board deliberated outside of a meeting to discuss whether to schedule an executive session meeting for purposes of discussing the pending Land Court matter, the Open Meeting Law defines “deliberation” as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” See G.L. c. 30A, § 18. However, deliberation does not include the distribution of a meeting agenda or scheduling information. See OML 2015-69. Moreover, the Boards explain that executive sessions are scheduled by the respective Chair of each Board, and we have not been presented with any evidence that a quorum of members of the Select Board or Planning Board discussed this matter outside of a properly posted meeting. Our office will not conduct broad audits of public bodies based on generalized allegations. See OML 2013-180; OML 2012-106.

In his request for further review, the complainant alleges that the Planning Board did not create or timely approve minutes of the September 11, 2023, joint meeting. We generally decline to review an allegation that was not included within the original complaint to the Planning Board because the Board has not had an opportunity to respond to it. See G.L. c. 30A, § 23(b); 940 CMR 29.05(3). We find that this allegation was not clearly raised in the original complaint and thus we do not review its merits. We remind the Planning Board that the Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). We note that the Select Board has created and approved minutes of the open session portion of the September 11, 2023, meeting. Thus, the Planning Board may review and adopt a copy of those minutes, as it was functionally a joint meeting of the two bodies. See OML 2013-38; OML 2011-16. In addition, we note that both the Select Board and Planning Board have each created executive session minutes of the meeting.⁵

⁵ Executive session minutes may be withheld from disclosure to the public “as long as publication may defeat the lawful purposes of the executive session, but no longer.” G.L. c. 30A, § 22(f). When the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the public records law applies to withhold them, in whole or in part, from disclosure. See id. Public bodies have an obligation to review the minutes of executive sessions at reasonable intervals to determine if continued non-disclosure of minutes is warranted, and to announce that determination at the next meeting following its review. See G.L. c. 30A, § 22(g)(1); OML 2015-94; OML 2013-56.

CONCLUSION

For the reasons stated above, we find that neither the Select Board nor Planning Board violated the Open Meeting. We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Select Board or Planning Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



KerryAnne Kilcoyne
Assistant Attorney General
Division of Open Government

cc: Gregg Darish – By email only: gjdarish@gmail.com
Needham Select Board – By email only: selectboard@needhamma.gov
Needham Planning Board – By email only: Planning@needhamma.gov
Needham Town Clerk Louise L. Miller – By email only: lmiller@needhamma.gov

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

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PRESS RELEASE

Governor Maura Healey Signs Most Ambitious Legislation to Address Housing Costs in State History

Affordable Homes Act to build or save 65,000 homes through \$5.1 billion in authorizations and 49 policy initiatives

FOR IMMEDIATE RELEASE:

8/06/2024

Governor Maura Healey and Lt. Governor Kim Driscoll

Executive Office of Housing and Livable Communities

MEDIA CONTACT

Karissa Hand, Press Secretary**Phone**[617-725-4025](tel:6177254025) (tel:6177254025)



BOSTON — Governor Maura Healey today signed into law the most ambitious legislation in Massachusetts history to tackle the state's greatest challenge – housing costs. The Affordable Homes Act and related initiatives will support the production, preservation and rehabilitation of more than 65,000 homes statewide over the next five years. It is the largest housing bond bill ever filed in Massachusetts, at more than triple the spending authorizations of the last housing bill passed in 2018.

The historic legislation authorizes \$5.16 billion in spending over the next five years along with 49 policy initiatives to counter rising housing costs caused by high demand and limited supply. Key spending authorizations and policy changes include allowing accessory dwelling units, an unprecedented investment in modernizing the state's public housing system, boosts to programs that support first-time homebuyers and homeownership, incentives to build more housing for low to moderate-income residents, support for the conversion of vacant commercial space to housing and support for sustainable and green housing initiatives.

"The Affordable Homes Act creates homes for every kind of household, at every stage of life, and unlocks the potential in our neighborhoods. Today we are taking an unprecedented step forward in building a stronger Massachusetts where everyone can afford to live," said **Governor Healey**. "What the Affordable Homes Act represents is our ability to come together and address our toughest challenges. I am deeply grateful to our partners in the Legislature for their leadership and look forward to the work ahead in implementing this law and making affordable homes a reality for every resident of our state."

“Housing plays a critical role in supporting our local economies and this bill will make a meaningful difference in helping Massachusetts residents to live, work and stay here in the state that they love,” said **Lieutenant Governor Kim Driscoll**. “We went big with the Affordable Homes Act, and it received incredible support from members of the Legislature, advocates, employers, business leaders and health care professionals. Together we understand the importance of investing in housing in order to remain a competitive state.”

In addition to the unprecedented level of spending authorizations, the Affordable Homes Act creates key policy initiatives, including allowing accessory dwelling units under 900 square feet by right on single-family lots. Often referred to as in-law apartments, accessory dwelling units can be attached or detached from a single-family home and often take shape as a basement or attic conversion, a cottage in a backyard or a bump-out addition to a home. This new policy replaces a patchwork of zoning regulations across the state with a uniform law that allows homeowners on single-family lots to add these small units without needing a special permit or variance unless they want to add more than one. Construction of ADUs is still subject to local building codes. The Healey-Driscoll Administration estimates that between 8,000 and 10,000 ADUs will be built across the state over the next five years due to passage of the law.

Another significant policy action enacted with the Affordable Homes Act is the creation of a Seasonal Communities designation. The Seasonal Communities designation is the first step in developing unique tools for communities with a substantial variation in their housing needs due to seasonal employment in places such as Cape Cod and the islands and the Berkshires. A framework for these tools will be developed by a Seasonal Communities Coordinating Council, which the Affordable Homes Act also creates.

“From ADUs to seasonal communities, this administration in partnership with the Legislature has now adopted some of the most forward-looking and proven practices to not only meet this moment, but also set a course to meet the housing needs of our communities for years to come,” said **Housing and Livable Communities Secretary Ed Augustus**. “The passage of the Affordable Homes Act is a monumental step toward building a Massachusetts where everyone – from our talented workforce and families to our retirees – can afford to live and thrive.”

In addition to new policy initiatives and spending authorizations for housing, the Affordable Homes Act authorizes a record \$2 billion for the repair, rehabilitation and modernization of the state’s public housing portfolio. Massachusetts has the largest public housing portfolio in the U.S. with more than 43,000 units, but it has been underfunded for decades.

“Public housing is a vital piece of our housing portfolio here in Massachusetts,” said **Deputy Secretary of Housing and Livable Communities Jennifer Maddox**. “It provides access to affordable housing for thousands of residents while also serving as one of our best defenses against homelessness. But for too long it has suffered from underinvestment. With the passage of this bill, we say to those residents, you deserve to live with dignity in a community you can be proud of.”

The bill also creates additional opportunities to develop vacant or underutilized commercial space into housing through the creation of the Commercial Property Conversion program and the Commercial Property Conversion Tax Credit.

"The availability of housing, particularly housing that families can afford, is at the core of everything we hope to accomplish. Our economy and our state are only as strong as the people who live here, and the Affordable Homes Act represents a huge step forward, giving us the tools we need to speed the production of new homes," said **Administration and Finance Secretary Matthew J. Gorzkowicz**. "Since taking office, we have been able to significantly increase capital spending for housing, dedicating 52 percent of the growth in the capital budget over the past two years to this mission. We remain committed to continuing to make progress in this area to realize the full potential of this legislation."

Other key initiatives include the creation of the Momentum Fund. This new program creates a permanent revolving fund to be administered by MassHousing to accelerate the development of mixed-income multifamily housing. The Affordable Homes Act authorizes an initial \$50 million for the fund, which will help directly move the needle on the development of multifamily homes that can be difficult to build due to the high-cost environment.

"The Healey-Driscoll Affordable Homes Act is a critically important and comprehensive piece of legislation **that will make housing in Massachusetts more accessible, more available and more affordable,**" said Newton Mayor Ruthanne Fuller. "Newton was pleased to welcome Governor Healey, Lieutenant Governor Driscoll, Housing Secretary Augustus and Secretary of Administration and Finance Gorzkowicz to Newton for the official signing of this landmark legislation. It is fitting that the ceremony was held at the Golda Meir House so that we can shine a light on the amazing work of 2LifeCommunities, a leader in providing affordable housing here in Newtown and Greater Boston."

Other programs receiving dramatic increases in authorizations by the Affordable Homes Act include \$800 million for the Affordable Housing Trust Fund, which doubles the previous authorization, an increase in the Housing Stabilization and Investment Fund to \$425 million and \$275 million for sustainable and green housing initiatives, which is more than four times the previous authorization. The Historic Rehabilitation Tax Credit – a key component for repurposing historic properties for housing – is doubled to \$110 million with this law.

At Tuesday's event in Newton, Governor Healey also announced new Responsible Contractor Guidance for affordable housing developments funded by the Executive Office of Housing and Livable Communities. These standards reflect the commitment of the Healey-Driscoll Administration and HLC to assure that construction workers receive the full protection of our labor laws, including prohibitions against wage theft and compliance with worker protections. The Responsible Contractor Standards further reflect this administration's commitment to making sure that those who violate these laws do not participate in projects receiving funding from many of the resources authorized in this bill.

The Affordable Homes Act is one piece of the Healey-Driscoll Administration's strategy to push back against rising housing costs impacting Massachusetts residents. The Administration continues to work with 177 communities on implementation of the [MBTA Communities Law \(/info-details/multi-family-zoning-requirement-for-mbta-communities\)](#) signed into law in 2021 and last fall, the governor signed three executive orders targeted at increasing housing production. Those executive orders created a [Housing Advisory Council \(/executive-orders/no-621-establishing-the-housing-advisory-council\)](#) to develop a statewide housing plan, created an [Unlocking Housing Production Commission \(/executive-orders/no-622-establishing-the-commission-on-unlocking-housing-production\)](#) to develop

recommendations for streamlining housing production and directed state agencies to develop an [expanded inventory](#) (/executive-orders/no-623-identifying-opportunities-for-the-use-of-surplus-and-underutilized-land-for-housing) of state-owned land suitable for housing. And [the governor's tax cuts](#) (/news/governor-healey-signs-first-tax-cuts-in-more-than-20-years) signed into law last fall included substantial increases to both the Housing Development Incentive Program and the Low-Income Housing Tax Credit, two programs important to building both market rate and low-income housing.

Statements of Support

Senate President Karen E. Spilka (D-Ashland):

"An affordable, equitable, and competitive Commonwealth is one in which a renter can find an apartment within their budget, a family can afford a down payment on their first home, and residents aren't priced out of communities where they want to live. With the Governor's signature, the Affordable Homes Act will help us take a powerful step towards making that vision a reality, while rectifying decades of underinvestment that has led to our housing crisis. I am profoundly grateful to Governor Healey for filing this bill, Senators Edwards and Brownsberger for their leadership on the Senate and compromise bills, all of my colleagues in the Senate and our partners in the House, as well as all of the advocates and stakeholders who worked with us to take meaningful action on housing this session."

House Speaker Ronald J. Mariano (D-Quincy):

"I'm incredibly proud of the investments included in this bill, which together make the largest investment in affordable and middle-income housing in the history of the Commonwealth. Given that Massachusetts is one of the most expensive states in the entire country to buy a home or rent an apartment, the funding and tax credits provided by this bill will be crucial as we work to ensure that every Massachusetts resident can afford to live here, work here, and raise a family here. I want to thank Governor Healey for filing the Affordable Homes Act, as well as my colleagues in the House and our partners in the Senate for carefully considering every aspect of this legislation, and for recognizing the need for significant action on housing."

Senator Michael J. Rodrigues (D-Westport), Chair of the Senate Committee on Ways and Means:

"With the Governor today signing the Affordable Homes Act, we in state government delivered on our promise to fully address the housing crisis that we face in the Commonwealth today. It is truly the greatest single impediment to really making it in Massachusetts, where realizing the American Dream is getting tougher every day. This crisis takes many forms, the lack of available housing, the lack of affordable housing, housing access, penalties for the under-served communities, and the wait list for seniors and lower income families. This comprehensive housing package eliminates those barriers-and more-by dedicating \$5.16 billion in a multi-year package to tackle this crisis head on. The signing of this legislation today now puts these ambitious plans in motion."

Senator Lydia Edwards (D-Boston), Senate Chair of the Joint Committee on Housing:

"I am thrilled to celebrate the official signing of the Affordable Homes Act, a transformative piece of legislation that promises to bring much-needed relief to countless families across our state. This act is a testament to our commitment to ensuring every resident has access to safe, affordable housing, and it represents a significant step forward in our ongoing efforts to build stronger, more inclusive communities. I applaud Governor Healey and my fellow legislators for their dedication and hard work in making this vision a reality. Together, we are laying the foundation for a brighter, more equitable future for all."

Representative James Arciero (D-Littleton), House Chair of the Joint Committee on Housing:

"I am incredibly proud to celebrate the signing of the Affordable Homes Act, the largest investment in housing in the history Massachusetts, with my colleagues in the Legislature and the Healey-Driscoll Administration. The Affordable Homes Act is the first, major critical step needed in addressing our housing crisis. It reduces barriers for individuals seeking affordable home options, increases housing production and inventory, and creates more tools in the toolbox to help cities and towns offer more affordable housing options. This encompassing bill showcases critical input from our state and local officials, community stakeholders, advocates and residents. It demonstrates our collective work from housing tours, from hours of hearings and testimonies and countless meetings. Everyone has made a stamp on this historic bill."

Chrystal Kornegay, CEO, MassHousing:

"This is an historic bond bill, and we congratulate the Governor and Lieutenant Governor, their team, and the Legislature for working together to make the Affordable Homes Act a reality. This legislation will accelerate new mixed-income housing production, help more Massachusetts families achieve homeownership, and bring substantial clean energy improvements to the residents of affordable housing communities. MassHousing looks forward to acting as a partner in the bill's implementation."

Tamara Small, CEO, NAIOP Massachusetts:

"NAIOP is grateful to the Healey-Driscoll Administration and the Legislature for their commitment to advancing bold legislation to meet the needs of residents across Massachusetts. This legislation is an important step for the Commonwealth - and sets us on the right path to tackle our 200,000-unit shortfall. NAIOP looks forward to continuing to work with policymakers and the development community to address barriers to new housing development while advancing creative solutions to move the ball forward on housing."

Greg Vasil, CEO of the Greater Boston Real Estate Board:

"This new law is a dynamic and bold statement of Massachusetts' efforts to address this longstanding housing crisis, particularly the efforts to reduce barriers to and investing heavily in housing creation. We applaud the Governor and her administration, the Speaker, Senate President and all the stakeholders who are dedicated to leading the Commonwealth through this moment and championing reforms which are paramount to making Massachusetts a more affordable place to live and work."

Roger Herzog, Executive Director, Community Economic Development Assistance Corporation (CEDAC):

"The Affordable Homes Act (AHA) is impactful legislation that meets this historic moment of need head-on. Governor Healey, Lt. Governor Driscoll, Secretary Augustus and team created a bold package that will now significantly increase opportunities to finance, produce and revitalize much-needed affordable housing - especially for low-income households across Massachusetts. CEDAC is eager and ready to play an important role in this comprehensive approach through the bond programs it manages for the production and renovation of supportive housing and childcare facilities. CEDAC is also excited about the Supportive Housing Pool Fund established as part of the legislation, which will support production and operation of permanent supportive rental housing for a wide range of individuals and families. The passage and enactment of this bill truly demonstrates how committed the Healey-Driscoll Administration has been about addressing the need to create more affordable housing in our state and creating a comprehensive housing

policy infrastructure. In addition to the capital authorizations for housing programs, its many and exciting provisions include new zoning and funding resources, and a renewed focus on equity issues through the creation of an Office for Fair Housing. I applaud the Massachusetts Legislature for their swift passage of this critical piece of legislation.”

Jay Ash, President and CEO, Massachusetts Competitive Partnership:

“This historic bill will address one of Massachusetts most pressing issues - the housing crisis that is limiting opportunities for individuals and families and creating a stranglehold on our economy. The Healey-Driscoll Administration and Housing Secretary Augustus, as well as our Legislature, deserve a great deal of credit for prioritizing record funding and promising initiatives that will support the housing production our state needs. If ever we needed to adopt the mantra 'build baby build' - it's now, in Massachusetts, for housing. This new act will provide the resources for developers to build and for many of us to contribute to housing solutions that will benefit our residents and our economy.”

Clark Ziegler, Executive Director, Massachusetts Housing Partnership:

“The Affordable Homes Act is a major step forward for the Commonwealth. It includes an unprecedented state financial commitment to affordable housing coupled with bold policy reforms that will unlock housing production and help put a lid on rising housing costs. A bill of this magnitude was only possible because the Governor and House and Senate leadership came together to confront the state’s housing crisis. They recognized that the Commonwealth’s future depends on our ability to ensure housing opportunity for all our residents. There’s always more to be done and Governor Healey has laid the groundwork for even further progress in the next legislative session.”

Symone Crawford, Executive Director, Massachusetts Affordable Housing Alliance:

“MAHA applauds the passing of this historic Bond Bill and Gov. Healey's leadership. While this is a significant step forward, we recognize that there is still much work to be done to close the racial homeownership gap in Massachusetts. Let's continue to push for progress and ensure equitable access to homeownership for all.”

JD Chesloff, President & CEO, Massachusetts Business Roundtable:

“In a recent survey of Roundtable members – CEOs and senior executives from some of the largest employers in Massachusetts – 83% cited the state’s high cost of living as our greatest competitiveness challenge, and 91% said addressing the high cost of housing by increasing production was the best solution. This is the focus of the Affordable Homes Act, a bold step in addressing our state’s housing challenges. The Roundtable is grateful to Governor Healey, Secretary Augustus, and the Legislature for advancing this essential and comprehensive law. We look forward to working collaboratively with all stakeholders as we transition to the law’s implementation.”

Jesse Kanson-Benanav, Executive Director of Abundant Housing Massachusetts:

“It was a great honor to work with Governor Healey’s team and partners in the legislature to advocate for Accessory Dwelling Units by-right statewide. I am proud that Massachusetts will now have the strongest ADU law in New England. This is a critical win for the growing pro-housing movement in Massachusetts. ADUs are a gentle yet effective tool in the Massachusetts toolbox to address our severe housing storage.

We look forward to continuing our work together to build more attainable homes for current and future residents.”

Michael Duffany, Founder of M. Duffany Builders in Falmouth and President of the Home Builders and Remodelers Association of Massachusetts:

“With today’s signing of the Affordable Homes Act, Governor Healey has made good on her promise to tackle the state’s greatest challenge – the lack of affordable housing, especially new single-family homes for first-time and first-generation homebuyers. The American Dream of owning a home is still the best way for middle class families, especially those who have been historically excluded from homeownership, to build wealth for the future.”

Bart Mitchell, President & CEO, The Community Builders:

“The Affordable Homes Act is the bold action Massachusetts needs. Thanks to Gov. Healey’s groundbreaking leadership and record investments, this legislation gives communities strategic new tools to make neighborhoods more affordable, equitable and resilient. As a mission-driven housing provider in Massachusetts for over 60 years, TCB applauds the Healey Administration for helping us build and sustain strong communities where all people can thrive.”

Nicole Obi, President & CEO, Black Economic Council of Massachusetts:

“BECMA is pleased to see the Affordable Homes Act signed into law today, ensuring critical investments that will increase affordable homeownership and support equitable housing development across the Commonwealth. We’ve advocated for the passing of this bill throughout the legislative session because of the initiatives and provisions, including funding for MassDREAMS, the Commonwealth Builder Program, Sustainable and Green Housing Initiatives, and the Office of Fair Housing and the Fair Housing Fund, that will promote inclusive economic growth for small, diverse business owners and communities of color.”

Daphne Principe-Griffin, Interim President & CEO, United Way of Massachusetts Bay:

“The Affordable Homes Act will help ensure everyone benefits from our Commonwealth’s housing investments – including, and especially, those who have the most to gain from them – our neighbors experiencing homelessness. The Affordable Homes Act provides United Way and our partners the ability to expand on highly effective, cost-efficient and proven strategies to reduce, and ultimately end, chronic homelessness in Massachusetts. It will benefit our entire community, and especially our neighbors with behavioral health needs or substance addiction needs, survivors of domestic violence, survivors of human trafficking, survivors of sexual violence, and those at risk of entering or transitioning out of the foster care system. Thanks to the Healey Administration and House and Senate leadership, supportive housing and services will now be more quickly and equitably accessed by our most vulnerable residents. We applaud the collective efforts of legislative champions and advocates that ensure all are given the foundation of stable housing needed to thrive.”

Donna Brown-Rego, Executive Director, MassNAHRO:

“MassNAHRO and the 240 Local Housing Authorities that we represent are beyond excited about the Affordable Homes Act. This historic investment in public housing will allow LHAs to invest, upgrade, preserve, and expand the public housing portfolio to ensure more residents of the Commonwealth have

safe and suitable homes. We thank the Healey-Driscoll Administration, the House, and the Senate for prioritizing this important issue.”

Brooke Thomson, President & CEO, Associated Industries of Massachusetts:

“The Affordable Homes Act represents a significant step toward addressing the Commonwealth's housing crisis. The bill provides much-needed investments and implements key policy changes without imposing any anticompetitive policies. This historic investment will help to reduce the prohibitive cost of housing in the state and help to ensure that the people who work for Massachusetts businesses can also live here. We have a supply problem, and the only solution is to build our way out and provide access to thousands of new homes for our workers. AIM appreciates the opportunity to collaborate with the Healey-Driscoll Administration and the Legislature on this important measure.”

Michael Curry, Esq., President and CEO of the Massachusetts League of Community Health Centers:

“We applaud the Healey-Driscoll administration and the Legislature for passing The Affordable Homes Act to fight back against high rent and home prices, which have outpaced household incomes for years. By addressing the housing crisis head-on, we have a once-in-a-generation opportunity to reduce the inequities caused by astronomical housing prices, give families a chance to create generational wealth by increasing home ownership opportunities, and provide much needed support for all workers, including our health center workforce, who increasingly cannot afford to live in the communities they serve.”

Lizbeth Heyer, President of 2Life Communities:

“The Affordable Homes Act embodies an unprecedented commitment to addressing the housing crisis and ensuring Massachusetts is an affordable place for all residents to call home. “This bill unlocks incredible potential to ensure that every demographic in the state has a home that meets their needs, and we are especially grateful for the creation of a special commission tasked with making recommendations for the production of safe, affordable, and healthy senior housing. We applaud the Healey-Driscoll Administration and the Legislature for their bold leadership on this urgent issue.”

Viviana Abreu-Hernandez, President of MassBudget:

“The Affordable Homes Act is a meaningful step on the path toward more equitable housing policy in our state. It authorizes urgently-needed investments in affordable housing and public housing, reduces barriers to production by allowing Accessory Dwelling Units (ADUs) by right, and takes important steps toward equity by establishing a fair housing office, foreclosure mediation pilot, and the sealing of some eviction records. We know that no one bill can solve our housing crisis by itself. As we celebrate this victory, we must continue to work with urgency to establish ongoing revenue sources to meet our affordable housing needs, and to stabilize all residents who are facing displacement and homelessness.”

Worcester City Manager Eric D. Batista:

“The Affordable Homes Act is a critical piece of legislation to help address the housing crisis and jumpstart the production of new housing. Thank you to the Healey-Driscoll Administration and EOHLC Secretary Augustus for their continued prioritization of affordable housing resources. As the second largest city in New England, the City of Worcester understands the important role we play in addressing affordable housing across the Commonwealth and we look forward to continued partnership with the state to implement creative, bold housing solutions.”

Aaron Gornstein, President and CEO of Preservation of Affordable Housing:

"This historic housing legislation will provide unprecedented new resources to expand affordable housing production and preservation initiatives across the Commonwealth. We are grateful to the Healey-Driscoll Administration and the Massachusetts legislature for ensuring that the housing needs of low- and moderate-income residents are at the forefront of their policy agenda."

Gilbert Winn, CEO of WinnCompanies:

"The groundbreaking Affordable Homes Act will have an immediate impact on the Commonwealth's housing needs by unleashing numerous affordable and mixed-income projects that had been awaiting adequate resources to move into construction. It will deliver a tangible boost to our state's competitiveness and quality of life. We're very fortunate to have the Healey-Driscoll Administration and a Legislature willing to commit tremendous resources to well-designed programs that match urgency of the moment."

Timothy P. Murray, President & CEO of Worcester Regional Chamber of Commerce:

"The Affordable Homes Act will not only help create desperately needed housing for people of all income levels, but equally as important, create countless job opportunities in the construction trades."

Georgia Katsoulomitis, Executive Director of Massachusetts Law Reform Institute:

"We commend the Governor and legislators for advancing critical protections for tenants to enable them to seal their eviction record, for public housing tenants facing redevelopment so they will have technical assistance to help them through complicated deals, and for owners facing foreclosure. Housing is a human right and we look forward to our continued collaboration on these productive, positive policies."

Walter Ramos, J.D., President and CEO of Rogerson Communities:

"Massachusetts is amid a once in a generation housing crisis and the passage of today's legislation provides many tools and resources to navigate through it. This bill will produce several of the puzzle pieces needed to address the broad housing needs of individuals at every age in our Commonwealth and, as an organization focused on older adults, we are specifically delighted to see the creation of a special commission focused on those with disabilities and seniors as a major step in dealing with this segment of the emergency. We are grateful to the Healey-Driscoll Administration, and the leadership of the House and the Senate for getting this historic legislation to this point. Now the time to put these tools to work is upon us."

Eneida Román, President and CEO of Amplify LatinX:

"In working to advocate for and advance Latino prosperity in the Commonwealth, we know that housing affordability is one of the main concerns for Latinos, which make up 14% of the state's population. We celebrate the signing of the Affordable Homes Act and look forward to continuing to collaborate with our legislative partners, the Governor's office, and the Latino community in support of more measures that address equity gaps, boost Latino prosperity, and ultimately, make Massachusetts a more equitable, economically competitive place where everyone can thrive."

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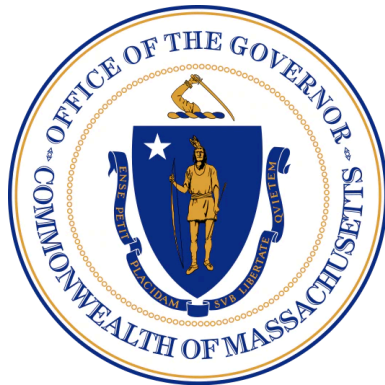
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Karissa Hand, Press Secretary

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Kevin Connor, EOHLC



Governor Maura Healey and Lt. Governor Kim Driscoll

Since taking office, Governor Healey and Lieutenant Governor Driscoll's top priority has been building a Massachusetts that's competitive, equitable, and affordable for every family, worker, and business.

Executive Office of Housing and Livable Communities

The Executive Office of Housing and Livable Communities (EOHLC) was established in 2023 to create more homes and lower housing costs for Massachusetts residents. EOHLC also distributes funding to municipalities, oversees the state-aided public housing portfolio, and operates the state's Emergency Family Shelter (EA) program.



[\(1\)](#)

All	Site	Public Records
Topics (/topics/massachusetts-topics)	Policies (/massgov-site-policies)	Requests (/topics/public-records-requests)

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NEEDHAM PLANNING BOARD 2024 MEETING SCHEDULE

MEETING DATE	LOCATION
January 2, 2024	Charles River Room & Hybrid
January 16, 2024	Charles River Room & Hybrid
February 6, 2024	Charles River Room & Hybrid
February 27, 2024	Charles River Room & Hybrid
March 5, 2024	Charles River Room & Hybrid
March 19, 2024	Charles River Room & Hybrid
April 2, 2024	Charles River Room & Hybrid
WEDNESDAY, April 24, 2024	Charles River Room & Hybrid
Early May – Town Meeting	
May 14, 2024	Charles River Room & Hybrid
June 4, 2024	Charles River Room & Hybrid
June 18, 2024	Charles River Room & Hybrid
Thursday, July 11, 2024	Charles River Room & Hybrid
Monday July 25, 2024	Zoom only
Wednesday, August 14, 2024	Charles River Room & Hybrid
August 27, 2024	Charles River Room & Hybrid
Thursday, September 5, 2024	BROADMEADOW SCHOOL – In Person & Hybrid
September 17, 2024	POWERS Hall – Town Hall & Hybrid
September 24, 2024	Charles River Room & Hybrid
October 15, 2024	Charles River Room & Hybrid
October 29, 2024	Charles River Room & Hybrid
WEDNESDAY, November 6, 2024	Charles River Room & Hybrid
November 19, 2024	Charles River Room & Hybrid
December 3, 2024	Charles River Room & Hybrid
December 17, 2024	Charles River Room & Hybrid

All Planning Board meetings begin at 7:00 p.m. unless otherwise noted.
Information in red denotes a change, addition or unusual day of the week.

8/8/2024