

NEEDHAM PLANNING BOARD MINUTES

July 25, 2024

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Natasha Espada, Chairman, on Thursday, July 25, 2024, at 7:15 p.m. with Messrs. Alpert, Crocker and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes does not include and public hearings and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from Town Counsel Christopher Heep, dated 6/20/24, regarding the Open Meeting Law requirements; an email from Joe Matthews, dated 7/14/24, regarding Planning Board concerns; and an email from Jeanne McKnight, dated 7/24/24, regarding 100 West Street revisions to the HONE draft zoning.

MBTA Zoning Initiative

Overview of Current HONE MBTA Zoning Proposal, Lee Newman

Presentation of Zoning Changes Requested for 100 West Street, Tim Sullivan

Review of Comments Received from Attorney General on Current HONE MBTA Zoning Proposal

Planning Director Ms. Newman gave an overview of the HONE MBTA proposal and the final recommendations. Two plans have been recommended: 1) the Base Compliance Plan which more closely mirrors the existing profile and meets the minimum requirement of the MBTA Communities Act and 2) the Neighborhood Housing Plan, which has an adjustment to the zoning district to allow more housing to be built by adjusting FAR and density and meets, and exceeds, the minimum compliance requirements. Needham requires 1,784 units. In the Base Compliance Plan there would be 1,868 units and in the Neighborhood Housing Plan there would be 3,294 units. The land area is similar with 100 acres and 92 acres respectively. A decision was made to present zoning proposals in a series of steps that were built on each other. In Article 1, the Base Plan creates a multi-family overlay district with recommended district boundaries and dimensional standards. Article 2 is the map change for the Base Compliance Plan. If these 2 Articles pass to allow great density, Article 3 would amend Article 1 and 2 and inserts the Neighborhood Housing Plan as modified. Article 4 would be the map change for the Neighborhood Housing Plan to accompany Article 3.

Mr. Alpert asked why the difference in the maps. Ms. Newman noted the district follows the Highland Avenue corridor from Hunnewell Street to the Junction and captures the apartments at Charles Court. The Neighborhood Plan also includes the Apartment District where Avery School shows up in the Base Plan and not the Neighborhood Plan. In geometry there is one apartment district that shows up in the Neighborhood Plan that is not in the Base Plan and that is at Hunnewell and Highland. The Chestnut Street Business District is changed due to the proximity to residential on the east side of Chestnut Street to the Hartney Greymont property. A separate subdistrict on the west side has been fractured out. Mr. Crocker clarified the Base Plan has the Avery District but not multi-family at Hunnewell and Highland, then flips and it is not on the Neighborhood Plan. Ms. Newman noted that will have added units. She wanted to keep the number of units palatable. Ms. Espada stated they are trying to keep the counts down. The area is already developed so areas were chosen where housing could be created. The compromise was to lower the numbers.

For a comparison of the scenarios, Ms. Newman gave an overview of existing unit counts, existing units and unit capacity, how many with an overlay special permit capacity and Base Plan unit capacity. The Base Compliance Plan has a unit capacity of 526 and the Neighborhood Housing Plan would have a capacity of 877. Ms. Espada stated developers are struggling. There have been many proposals that have not gone anywhere. Ms. Newman noted the Base Plan has zoning parameters of lot size, height, units/acre, FAR and parking per acre. There are 2 changes from the existing in the Business

Districts – 2 stories goes to 3 stories and 1.5 parking spaces per unit goes down to one space per unit. This follows dimensional requirements as currently exist.

Ms. Newman noted the Neighborhood Housing Plan zoning parameters include overall density profile with 3 variables – height, which will increase from 3 stories to 4 stories, FAR, which has an upward adjustment at varying levels, and dwelling units per acre, which is eliminated or adjusted. The half story is added in select districts to incent if commercial development is on the first floor or there is 7.5% workforce housing. The zoning language in Article 1 creates zoning framework for the Base Plan with definitions updated in foundational zoning. This adds a district multi-family overlay to the foundational zoning. It creates a new multi-family overlay district that 1) establishes the purpose of the district, 2) defines scope of authority, 3) identifies sub-districts being creating that are coming off the maps, 4) creates definitions used in the By-Law in terms of regulations, 5) creates use regulations, 6) creates dimensionals that lays out everything such as lot area, frontage, setback requirements, which follow setbacks as they currently exist, 7) height requirements and lays out exceptions to the heights, 8) bulk and other requirements, 9) off-street parking requirements, 10) development standards and 11) requirements for affordable housing. Ms. Espada noted 3.17.5.3, building bulk, has a maximum of 18 dwelling units in the A1 and Chestnut Street Districts and 3.17.8, affordable housing, says multi-family dwellings with 6 or more units require 12.5% affordable.

Ms. Newman noted the site plan review process with submission requirements and timelines. Ms. Espada talked about landscaping, trees to keep and to be removed, and traffic prepared by a licensed traffic engineer. Ms. Newman noted the site plan approval lays out when the Planning Board can grant waivers, when a developer can do phasing and allows the Planning Board to adopt design standards. Mr. McCullen understands, with regard to traffic, the scope is limited to the site itself and not going to and from. He asked if this was correct. Ms. Newman noted this is really dealing with the area immediately around, but Town Counsel Chris Heep can clarify that. Mr. Crocker asked if there was any bonus for greater than the affordable housing requirement and was informed there was no bonus. Ms. Espada stated there is no bonus on solar either, but they may want to consider that.

Ms. Newman noted the second Article is the map change. This provides meets and bounds descriptions of the areas proposed to be rezoned and places them in a new zoning district. Article 3 assumes Article 1 is adopted in the form written so it makes changes necessary. Changes would include making adjustments required for names of the districts, modifies the purposes of the districts, makes modifications to schedule of uses by right and defines retail uses that would be allowed and uses allowed by special permit. The tables are modified to replace and update the tables to reflect greater density, establishes design standards for how mixed use buildings would be done, a provision is introduced for 7.5% workforce housing and a change in height for that modification. Article 4 is the map modification to reflect boundaries implemented by Article 3.

Mr. Alpert noted in the Chestnut Street area, under the existing zoning, 370 units could be as of right. Ms. Newman noted housing is always by special permit. Mr. Alpert noted with the overlay there could be 987 units. The Base Compliance Plan gives the same 370 with some adjustment to bulk requirements and as of right. Then the Neighborhood Plan has 1,300 plus units. On the floor of Town Meeting the differences between the 2 plans will be discussed. He is seeing if the Base Plan is adopted the developer can still build an additional 600 units in the Chestnut Street corridor with a special permit. Ms. Newman stated that is correct. Mr. Alpert noted, with the Base Plan, they can still get up to 2,400 – 2,500 units. Ms. Espada noted it is not a big change but creates more density. There is an as of right process also. If the Base Compliance Plan passes and the Neighborhood plan does not, in order to incentivize developers to build an extra 600 units under the existing with the overlay, they propose 2 Town Meeting amendments to the Overlay District on Chestnut Street specifically to add the 600 units. She is not sure if that will fly with Town Meeting if they do not like the Neighborhood Plan specifically. The question is what does the Planning Board want to see along the Chestnut Street corridor.

Mr. Alpert feels it should be presented to Town Meeting October 2024, see what happens and go back to the drawing board for next May or October 2025 and propose an amendment to the Chestnut Street Overlay District to incentivize more housing there in accordance with HONE. Mr. Crocker feels some consideration should be given to bring that aspect to the Base Plan now. Ms. Espada stated they are trying to get 2 district plans. This seems reasonable by neighborhood. Mr. McCullen stated it has to be emphasized they are not building 3,300 units. There is almost 100% certainty Needham will never reach that. That is a true maximum. The Board need to definitely push for the Neighborhood Plan knowing those numbers would not be reached.

Ms. Espada noted Attorney Tim Sullivan sent a letter with comments regarding 100 West Street. Tim Sullivan, of Goulston & Storrs, is representative for the owners of 100 West Street. He has been following the process closely and asked an architect to look at the zoning and see if it would work. It largely does for this site. On 6/18/24, they talked about it and he submitted a red line of the zoning that came from that meeting. The front setback along Highland Avenue is a 15-foot maximum setback. He suggests maintaining that but incorporating some flexibility such as a courtyard or landscaping. Mr. Alpert asked why a maximum setback. Ms. Newman noted at the beginning it was to make sure there is a strong street edge. They wanted more of an urban setback. Mr. Alpert stated that was 35 years ago and times change. There are amendments only to the Overlay District. He asked if it made sense to delete the maximum setback. Ms. Espada stated no. Developers can work with the written and proposed. There are 2 pieces to the setback and what to accommodate. She thinks larger periodic setbacks are fine and thought 70% of the building has to meet the 15-foot setback.

Mr. Sullivan will ask that question to the architect. For the etcetera, they could say “or similar site design features that enhance the site line.” Ms. Espada stated there cannot be an etcetera. She will work with Mr. Sullivan. This cannot be open, and she wants to make sure there is no curb cut there. Mr. Sullivan stated they may want to split the building so there is an entrance there that aligns better and is a primary entrance. Ms. Espada stated this is as of right. The Board will be reasonable but they also want to be flexible. Mr. Sullivan will look at this. He stated if they build to the height allowed and maintain setbacks the 187 units could not be reached. That is assumed at an FAR of 1.0 due to corridors, common areas and elevators. He feels the FAR should change from 1.0 to 1.3 as of right and 1.4 to 1.7 in the special permit and parking would be excluded from the calculations like the Avery Square District. Ms. Newman stated it was not excluded if a separate structure, only if it is internal parking. Ms. Espada commented, right now, the site is approximately 187,000 square feet with 1.0 FAR and 3 stories, with 64,000 square feet on each floor and 34% lot coverage. At a 1.3 FAR there would be 83,000 square feet and a lot coverage of 43%. Mr. Sullivan noted the significant setback on the rear would not be changed nor the side setbacks. If adding on the end, it would be an FAR of 1.3. Ms. Espada feels the 1.3 FAR seems reasonable to do as of right. Lot coverage is 43% of the site. All are comfortable with an FAR of 1.3.

Mr. Crocker asked if Mr. Sullivan was thinking of a 4th floor. Mr. Sullivan stated a 4th floor is an option by special permit. He would propose the same adjustment. If a 4th floor it would become an FAR of 1.7. Mr. Crocker noted Mr. Sullivan is not asking it be as of right and was informed that is correct. Ms. Espada noted an FAR of 1.7 is still reasonable on this site. Mr. Sullivan stated, to qualify for a 4th floor special permit, the step back on the 4th floor should be kept or a 45 degree pitched roof. He suggests keeping those but allow for another architectural treatment to soften the 4th floor. Ms. Espada commented, without a step back, it would be seen as very tall with the 1 and 2 story buildings surrounding it. She would not want to have that as of right. Ms. Newman noted they talked about a setback in that area also. Mr. Crocker wants to reduce the shadow being thrown there, especially with the park there. Ms. Espada noted the 4th story is a special permit and the Planning Board can review it.

Ms. Newman commented the parking, and how Needham manages parking exemptions, is not uniform across the town. She explained what was counted and what was exempted in each district. They are proposing the parking garage be exempted out. The interior portion of the building is what was originally proposed and currently exists within the Avery Square. Deck parking, roof top and other parking is counted in all the other districts. Mr. Sullivan stated this was drafted around redeveloping an existing building. This will not yield 187 units if structure parking is included in FAR. The existing building has parking in it. An enhancement HONE includes is there needs to be 110 feet as an open area and that space cannot be used as parking. There would need to be structure parking to meet the yield. The Board can either exclude from FAR or increase FAR consistent with the Muzi or Children’s Hospital sites. A carve out is cleaner. Ms. Newman stated there was talk of carving out parking interior to the building or underground but if it was going to create a new structure with more lot coverage or massing it would have to be covered in the FAR.

Ms. Espada stated there is no project yet. Is the applicant planning on a huge parking garage? Muzi is different as it is a very large lot. This site is very narrow and with as of right the Board would need to have a lot of say. The Board would need more information to make a better decision without compromising the as of right. Mr. McCullen noted a 4th story would be by special permit and it was as of right for 3 stories. The Town needs to find a way to get someone in here. It has been vacant a long time. He is not sure it is realistic to get what the Board wants without excluding parking from FAR. Mr. Alpert is not clear on what Mr. Sullivan said. To get to 187 units the building would have to be expanded out to the HONE setbacks. If they are going to have an apartment building filling up the entire site to get 187 units basically at the setbacks, where would you put the parking? It has to be within the setbacks. He does not hear there is a separate place for structured

parking. Mr. Sullivan thinks that is correct but there could be a building around structured parking and get 187 units, if you exclude it from FAR. There could be a scenario like that. Ms. Newman stated, if interior to the building, it would be excluded.

Ms. Espada asked about being screened by the building. Mr. Sullivan noted it could say it should be screened. The MBTA tracks have to have a setback or that side could be exposed. Mr. Crocker noted it is a math problem. Perhaps give a percentage that needs to be screened by the building. They do not want on Highland Avenue but Mr. Sullivan wanted to leave that option open. The entrance cannot be off Highland Avenue and would have to be off West Street. Some language needs to be put in. The idea of screened and under the building makes sense. If as of right, the Board has to say something. Ms. Newman feels they could say create the as of right for the building itself but say, by special permit, the Planning Board could allow for structured parking and the FAR to increase to a certain level to accommodate structured parking that meets certain parameters. Mr. Sullivan stated it would not qualify for the MBTA but Ms. Espada is not sure that is correct. Ms. Espada wants to prevent the whole front of the building from becoming parking. They want a streetscape that would enhance the neighborhood.

Mr. Sullivan will look at the language with what was just said in mind and try to come up with some concept so not fronting on Highland or West. The open space on the MBTA side is the most likely possibility. Ms. Espada agrees but doing as of right would need some understanding. She wants it developed and it is a great location for housing. She wants to work with Mr. Sullivan but needs to be aware of the community. Mr. Sullivan would not put units along the tracks. The units need to be close to Highland Avenue. He will look at this. Ms. Espada stated there just need to be some rules. A 15-foot maximum overrun for the elevator is acceptable. Mr. Crocker stated the building would also need to meet current standards. Ms. Newman noted there was a discussion about if there should be a maximum coverage requirement and minimum open space requirement. Ms. Espada noted that currently there is a 10% landscape requirement in open parking. An FAR of 1.3 is 43% site coverage. She would like to have 45% coverage for flexibility. Mr. Sullivan will look at that. He always thought the 110-foot open space was getting at that issue. They are taking the entire left side of the property for open space.

Ms. Espada noted, on some of the lots they have landscape requirements. She is thinking of a 10% landscape provision. She feels that would be good for this particular site. That is what they have at the Muzi site. Mr. Sullivan cautioned on that with the changes he proposed. These kinds of restrictions are restrictions and limit what can be done on site and are more restrictive than what was submitted to the MBTA. Ms. Espada wants to make it as of right and a good project. They need to be sensitive that if everything is getting larger there needs to be some idea of how the site would work without a specific project. Mr. Sullivan stated his goal is to have edits proposed included and get something back to the Board in short order. He wants to have another conversation with the Board to include in the Article.

Ms. Newman stated the Board will be looking at the draft changes then reflect the comments that come back from the Attorney General and the State. She will incorporate those comments and Mr. Sullivan's comments for the meeting in August. After the zoning was adopted by Town Meeting and went to the Attorney General for review, they looked at zoning and came back with minor changes. The Attorney General wanted the town to look at the definition of family. Town Counsel Heep is looking at definitions of family that would be suitable. Most communities are language smithing. She will have a revised draft for the next meeting and there will be a hearing at the first meeting in September.

Review of Draft Charge and Committee Composition for the Large House Study Committee

Ms. Espada noted there is a draft charge from the 7/15/24 meeting. Mr. McCullen feels it is important to put in the scope a fiscal impact analysis. What does a reduction impact have on homeowners and the cost of rebuilding from scratch? That is the crux of that. What are the hydrological impacts and non-imperious surfaces. He feels large houses have impacts. The Board needs to codify the work with the Select Board on having a Tree By-Law. That should be somewhere in this document. Mr. Crocker hoped there would be something for May but it does not seem to be practical. He is ok with October next year. Ms. Espada reviewed the timeline with the Warrant Article for October 2025. Mr. Crocker agrees with Mr. McCullen they need to have a scope and look at the economic aspects.

Mr. Alpert noted the 1st paragraph under Background, regarding the tear down issue, he wondered why the Planning Board feels tear downs are still an issue. Reading further he noted the 3rd paragraph noting "current observations suggest..." should be moved after the 1st paragraph in Background. Ms. Espada asked if landscape should be reviewed, and storm

water, specifically be in the Charge of this and the Tree By-Law or be in the specific purpose. Ms. Newman noted they are only looking at the house. She feels they should call out that this Committee has been created and should be coordinated with other entities regarding the Tree-By-Law and Storm Water. Mr. Crocker wants the Select Board Tree-By-Law to be integrated into this. Mr. McCullen feels the fiscal impact analysis should be a bullet point in the project scope. Ms. Espada believes it should also say coordinating there.

Mr. Alpert noted the problem on South Street was a subdivision problem. With a typical single-family home construction the Planning Board and Zoning Board of Appeals do not get involved. It is submitted to the Building Commissioner who approves. He does not see where landscaping could be included. He is glad it says members or designees. Who will choose the residents? Ms. Espada noted there will be 2 Planning Board members, 2 Select Board members, one Design Review Board member, one Finance Committee member, one Historical Commission member, one Zoning Board of Appeals member, one League of Women Voter's member, one Realtor, one Developer, one Architect and 2 members at large. Mr. Alpert feels it should say "to be appointed by the Planning Board." Ms. Newman will advertise to get people to apply. The Planning Board will interview and decide who to appoint. Ms. Espada asked if anyone from the Conservation Commission has been on. Mr. McCullen noted 15 members is a lot. He feels the Conservation Commission should be consulted with. After discussion, it was decided to take off the League of Women Voter's member as they could be one of the members at large.

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

VOTED: to approve the composition of the draft committee.

Ms. Newman will make the changes for the Board to review at the next meeting.

ANR Plan – Robert DiPierro, Applicant: John Zadroga, Vasu Talluri, Property Owners, (Property located at 235 Central Avenue and 9 Rosegate Road, Needham, MA).

Ms. Newman noted this is 2 existing houses. The property lines are being reconfigured and there will be a land swap to create a new building lot. Parcel A is transferred to Lot 2. All have required frontage on a public way. Lot 3A is non-conforming but the non-conformity is not being increased.

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

VOTED: to approve the plan as ANR.

Report from Planning Director and Board members

Ms. Clee noted she has 2 appointments – one is a special permit amendment and one is a subdivision. September is very busy. There was a meeting being held for 8/27 in case it is needed. She feels the Board should meet that day. She confirmed that still worked for everyone. She will send an email with all the upcoming dates.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk