

NEEDHAM PLANNING BOARD

Wednesday November 6, 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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Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Decision: Major Project Site Plan Review Special Permit No. 2024-01: Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, Petitioner (Property is located at 0 Linden Street and 5 Chambers Street, Needham, Massachusetts). Regarding request to redevelop the NHA Linden-Chambers property.
2. Review of Planning Board Goals.
3. Vote on Large House Review (LHR) Committee appointments from Town Boards/Committees. (Note: this does not include at-large positions, which have not been filled yet).
4. Minutes.
5. Planning Board Appointment to Tree Preservation and Planning Committee.
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.)

Major Project Site Plan Special Permit No. 2022-01
November 6, 2024
Needham Housing Authority
0 Linden Street and 5 Chambers Street, Needham, Massachusetts

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for property located at 0 Linden Street and 5 Chambers Street. The property is located in the Affordable Housing District pursuant to the amendments of the Zoning By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres). The property is also shown on a lot consolidation plan titled "Plan of Land in Needham, MA", dated 12/21/2023, by Hancock Associates, recorded at the Norfolk Registry of Deeds on July 23, 2024, in Plan Book 730, Page 7.

This decision is in response to an application submitted to the Board on September 3, 2024, by the Petitioner for ~~(1)~~ a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the Property from the current 152 units to 216 units, an increase of 64 units. The project will also include 70 surface parking spaces together with associated landscaping, driveways, and other improvements.

The NHA proposes to redevelop the Property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings on the Property, the redevelopment of which is not part of this application.

During Phase 1A, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing.

During Phase 1B, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada on Tuesday, September 24, 2024 at 7:00 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to October 15, 2024 at 7:00 p.m., in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA and by Zoom ID 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application submitted by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, dated August 29, 2024, filed with the Town Clerk, September 3, 2024.
- Exhibit 2 - Cover Letter from Attorney Robert Smart, dated August 23, 2024.
- Exhibit 3 - Letter from Attorney Robert Smart, dated August 23, 2024, with attached zoning table.
- Exhibit 4 - Plan of Land in Needham, MA, entitled "#5 Chambers Street and #0 Linden Street, Needham, MA," prepared by Hancock Associates, 185 Centre Street, Danvers, MA, dated December 21, 2023 (the lot consolidation plan).
- Exhibit 5 - Plan entitled "Site Plan Review~~Schematic Design Plans~~ for Linden Street Redevelopment, Needham Housing Authority", prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024; Sheet 2, entitled "Existing Conditions Plan of Lande in Needham, MA," dated May 11, 2023; Sheet 3, Sheet C1, entitled "Phasing Plan," dated August 23, 2024; Sheet 4, Sheet C2.0, entitled "Demolition, Soil Erosion, and Sediment Control," dated August 23, 2024; Sheet 5, Sheet C3.0, entitled "Site Layout and Materials Plan," dated August 23, 2024; Sheet 6, Sheet C4.0, entitled "Grading and Drainage," dated August 23, 2024; Sheet 7, Sheet C5.0, entitled "Utility Plan," dated August 23, 2024; Sheet 8, Sheet C6.0, entitled "Construction Details I," dated August 23, 2024; Sheet 9, Sheet C6.1, entitled "Construction Details II," dated August 23, 2024; Sheet 10, Sheet L099, entitled "Tree Protection Plan," dated August 23, 2024; Sheet 11, Sheet L102A, entitled "Materials Plan," dated August 23, 2024; Sheet 12, Sheet L102B, entitled "Materials Plan," dated August 23, 2024; Sheet 13, Sheet L104, entitled "Planting Plan," dated August 23, 2024; Sheet 14, Sheet L105, entitled "Site Lighting Plan," dated August 23, 2024; Sheet 15, Sheet L501, entitled "Details," dated August 23, 2024; Sheet 16, Sheet L503, entitled "Details," dated August 23, 2024; Sheet 17, Sheet L504, entitled "Details," dated August 2, 2024; Sheet 18, Sheet L505, entitled "Details," dated August 23, 2024; Sheet 19, Sheet L506, entitled "Details," dated August 23, 2024; Sheet 20, Sheet L510, entitled

“Details,” dated August 23, 2024; Sheet 21, Sheet A100, entitled “Phase 1 Plans,” dated August 23, 2024; Sheet 22, Sheet A101, entitled “Phase 1A First Floor Plans,” dated August 23, 2024; Sheet 23, Sheet A102, entitled “Phase 1A - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 24, Sheet A104, entitled “Phase 1B - First Floor Plan,” dated August 23, 2024; Sheet 25, Sheet A105, entitled “Phase 1B - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 26, Sheet A200, entitled “Phase 1 Elevations,” dated August 23, 2024; Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024; Sheet 28, Sheet A202, entitled “Phase 1B Elevations,” dated August 23, 2024; Sheet 29, Sheet A203, entitled “Phase 1B – Elevations,” dated August 23, 2024; Sheet 30, Sheet A300, entitled “Building Sections,” dated August 23, 2024; Sheet 31, Sheet E000, entitled “Electrical Legend, Notes and Abbreviations,” dated August 23, 2024; Sheet 32, Sheet E100, entitled “Electrical Site Plan,” dated August 23, 2024; Sheet 33, Sheet E101, entitled “Electrical Site Plan Photometric,” dated August 23, 2024.

- Exhibit 6 - Traffic Impact Analysis, entitled “Linden Street Redevelopment Needham, Massachusetts”, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI, 02865, dated April, 2024.

- Exhibit 7 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, ~~submitted dated August 29, 2024;~~

- Exhibit 8 - Memorandum from Design Review Board, dated August 19, 2024.

- Exhibit 9 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 8, 2024.

- Exhibit 10 - Letter from Anthony Donato, Hancock Associates, dated October 8, 2024, with 2 attached stormwater system infiltration run-off volume and peak flow rate calculations.

- Exhibit 11 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, ~~Site Plan Review revisions to 8/29/24 report for expanded infiltration system: 10/8/24, dated August 23, 2024, revised October 8, 2024.~~

- Exhibit 12 - Revised Plan Sheets entitled “~~Site Plan Review Schematic Design Plans~~ for Linden Street Redevelopment, Needham Housing Authority”, prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of:
 - a. Sheet 6, Sheet C4.0, entitled “Grading and Drainage,” dated September 6, 2024, revised October 8, 2024.
 - b. Sheet 11, Sheet L102A, entitled “Materials Plan,” dated September 6, 2024, revised October 8, 2024.
 - c. Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated ~~August 23~~ September 6, 2024, revised October 8, 2024.

- Exhibit 13 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 11, 2024.
- Exhibit 14 - Letter from Attorney Robert Smart, dated October 15, 2024.
- Exhibit 15 - Plan entitled "~~Site Plan Review~~~~chematic Design Plans~~ for Linden Street Redevelopment, Needham Housing Authority", prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 2, entitled "Existing Conditions Plan of Lande in Needham, MA," dated May 11, 2023; Sheet 3, Sheet C1, entitled "Phasing Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 4, Sheet C2.0, entitled "Demolition, Soil Erosion, and Sediment Control," dated August 23, 2024; Sheet 5, Sheet C3.0, entitled "Site Layout and Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 6, Sheet C4.0, entitled "Grading and Drainage," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 7, Sheet C5.0, entitled "Utility Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 8, Sheet C6.0, entitled "Construction Details I," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 9, Sheet C6.1, entitled "Construction Details II," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 10, Sheet L099 , entitled "Tree Protection Plan," dated August 23, 2024; Sheet 11, Sheet L102A, entitled "Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 12, Sheet L102B, entitled "Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 13, Sheet L104, entitled "Planting Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 14, Sheet L105, entitled "Site Lighting Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 15, Sheet L501, entitled "Details," dated August 23, 2024; Sheet 16, Sheet L503, entitled "Details," dated August 23, 2024; Sheet 17, Sheet L504, entitled "Details," dated August 2, 2024; Sheet 18, Sheet L505, entitled "Details," dated August 23, 2024; Sheet 19, Sheet L506, entitled "Details," dated August 23, 2024; Sheet 20, Sheet L510, entitled "Details," dated August 23, 2024; Sheet 21, Sheet A100, entitled "Phase 1 Plans," dated August 23, 2024; Sheet 22, Sheet A101, entitled "Phase 1A First Floor Plans," dated August 23, 2024; Sheet 23, Sheet A102, entitled "Phase 1A - Typical Floor Plan- Floors 2-4," dated August 23, 2024; Sheet 24, Sheet A104, entitled "Phase 1B - First Floor Plan," dated August 23, 2024; Sheet 25, Sheet A105, entitled "Phase 1B - Typical Floor Plan- Floors 2-4," dated August 23, 2024; Sheet 26, Sheet A200, entitled "Phase 1 Elevations," dated August 23, 2024; Sheet 27, Sheet A201, entitled "Phase 1A Elevations," dated August 23, 2024; Sheet 28, Sheet A202, entitled "Phase 1B Elevations," dated August 23, 2024; Sheet 29, Sheet A203, entitled "Phase 1B – Elevations," dated August 23, 2024; Sheet 30, Sheet A300, entitled "Building Sections," dated August 23, 2024; Sheet 31, Sheet E000, entitled "Electrical Legend, Notes and Abbreviations," dated August 23, 2024; Sheet 32, Sheet E100, entitled "Electrical Site Plan," dated August 23, 2024; Sheet 33, Sheet E101, entitled "Electrical Site Plan Photometric," dated August 23, 2024.

- Exhibit 16 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, dated August 23, 2024, revision 2 October 11, 2024.
- Exhibit 17 - Email from Kaleigh Moriarty, 39 Chambers St Apt B, dated October 15, 2024.
- Exhibit 18 - Letter from Attorney Robert Smart, dated October 29, 2024.
- Exhibit 19 - Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated September 5, 2024, October 4, 2024 and October 9, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated August 30, 2024 and October 9, 2024; IDC to the Board from Tom Conroy, Chief, Needham Fire Department, dated September 3, 2024 and October 24, 2024; IDC to the Board from Thomas Ryder, Town Engineer, dated September 19, 2024, October 15, 2024 and October 24, 2024; IDC to the Board from Deb Anderson, dated September 20, 2024; and IDC to the Board from Tara Gurge, Health Department, dated September 18, 2024.

Exhibits 1, 2, 3, 4, 6, 15, 16, and 18 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The property is located in the Affordable Housing District pursuant to the amendments of the By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres).
- 1.2 The site is presently fully developed, occupied by the Linden and Chambers communities at 0 Linden Street and 5 Chambers Street. The Needham Housing Authority (NHA) was established by the Town in 1948, for the purpose of constructing, managing and operating multifamily residential buildings that are affordable for persons of low income. Pursuant to several votes of the Needham Town Meeting, the Town conveyed the land which comprises the current property to the NHA, between 1957 to 1970. The NHA subsequently constructed the current buildings on the property, and it has managed the development for the benefit of its low-income residents and the Town since that time. Linden Street consists of 72 one-bedroom units, in 18 single story buildings. Chambers consists of 80 one-bedroom units, in two-story buildings. The five Chambers property buildings and the existing community room and maintenance facility are ~~is~~ is not part of this application.
- ~~1.3~~ The Petitioner proposes to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the property from the current 152 units to 216 units, an increase of 64 units. The Petitioner proposes to construct ~~allocate~~ the ~~one~~ two hundred thirty-six ~~sixteen~~ (136) units, as follows: one hundred twenty-eight (128) one-bedroom units and eight (8) two-bedroom units. ~~as follows: one hundred twenty-eight (128) one-bedroom units and eight (8) two-bedroom units.~~

~~1.3 proposed in Phases 1A and 1B by this application. Of those 136 units, zero (0) to eight (8) may be two-bedroom units, and the rest will be one-bedroom units proposed at Linden Street as follows: one hundred twenty eight (128) one bedroom units and eight (8) two bedroom units.~~

1.4 The Petitioner proposes to redevelop the property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings and the existing community center and maintenance building on the Property, the redevelopment of which is not part of this application.

1.5 During Phase IA, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing. The Petitioner proposes to construct allocate the seventy-six (76) units in Phase 1A. Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. units as follows: seventy two (72) one bedroom units and four (4) two bedroom units. units as follows: seventy two (72) one bedroom units and four two bedroom units. Forty-one (41) parking spaces will be constructed with Phase 1A.

1.6 During Phase IB, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed in Phase 1B. The Petitioner proposes to allocate the sixty (60) Phase 1B Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. units as follows: fifty six (56) one bedroom units and four (4) two bedroom units. Twenty-nine (29) parking spaces would be constructed with Phase 1B.

1.7 The proposed new building is proposed to be an Affordable Housing District (AHD) Project, which is defined as multi-family housing development of affordable housing units, as defined in Section 1.3 of the By-Law. All units will be affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income. Pursuant to Section 3.16.4 of the By-Law, use of property in the Affordable Housing District for an AHD Project is allowed after completion of a Major Project Site Plan Review. Therefore, provided the Board approves the requested Major Project Site Plan Review Special Permit, the proposed use of the premises will comply with the By-Law.

1.8 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Affordable Housing District for an affordable housing use namely, front, side and rear setback, maximum building height, maximum number of stories, and floor area ratio.

1.9 The By-Law, Section 3.16.6, requires that the minimum lot area be 20,000 square feet and the minimum lot frontage be 150 feet. The proposed development, having a lot with

an area of approximately 478,540 square feet (10.9858 acres) and 740 feet of frontage, complies with the minimum frontage and the minimum area requirements of the By-Law.

- 1.10 The By-Law, Section 3.16.6 requires a minimum front setback of 40 feet. The proposed building is to have a front setback of 88 feet from Linden Street at its closest point. Therefore, the proposed new building complies with the applicable minimum front setback requirement of the By-Law.
- 1.11 The By-Law, Section 3.16.6 allows a maximum floor area ratio (FAR) of 0.5. The proposed new building will contain an FAR of 0.36 for total of 172,274.4 square feet; less than the maximum permitted. There will be no basement level. The proposed new building will comply with the applicable FAR requirement of the By-Law.
- 1.12 Pursuant to Section 3.16.6 the maximum height allowed as-of-right in the Affordable Housing District is four (4) stories, not to exceed 58 feet (with the exception of structures erected on a building and not used for human occupancy, limited to a horizontal coverage of 25%). Whereas the proposed new building is 4 stories with a height of 53 feet, the proposed new building will comply with the height limitations of the By-Law.
- 1.13 The By-Law, Section 3.16.6, requires a maximum lot coverage of 20% in the Affordable Housing District. The proposed project is proposed to have a lot coverage of 12.4%. Therefore, the proposed project complies with the applicable lot coverage requirement of the By-Law.
- 1.14 The By-Law, Section 3.16.6, requires a maximum units per acre in the Affordable Housing District of 25. The proposed project is proposed to have 19.7 units per acre. Therefore, the proposed project complies with the applicable units per acre requirement of the By-Law.

1.15 Under the By-Law, Section 3.16.7, a parking requirement of 0.5 parking spaces per each residential unit is required for an AHD Project in the Affordable Housing District. Accordingly, for the 136 units of Phase 1A and Phase 1B units, a total of 68 parking spaces are required. The Petitioner is proposing to install a total of 70 spaces. As a result, more than sufficient parking is provided, and the redevelopment complies with the off-street parking requirements of the By-Law relative to the number of spaces.

1.15 1.16 Sections 1.8 through 1.15 are subject to change should the Massachusetts Attorney General require changes to the By-law that affect those sections.

1.17 The spaces as designed comply with all aspects of the Parking Plan and Design Requirements set forth at Section 5.1.3 of the By-Law.

1.16

1.17 1.18 Site amenities include 3 small patios, one with a small park-like atmosphere, as well as a community garden on the southern side of the site.

1.18 1.19 24 trees are proposed to be removed; 8 will be retained. 80 new trees will be planted on the site.

1.20 1.19 Pare Corporation conducted a traffic analysis of the potential impacts of the redevelopment of the senior and disabled housing development located on Linden Street and Chambers Street in Needham, Massachusetts, as detailed in Exhibit 6. The Needham

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Housing Authority (NHA) aims to redevelop the housing from the current 152 units to a maximum of 275 units. (This proposal is only for 216 units). The existing access driveways for the developments are anticipated to remain, with layout changes within the site only.

A safety review was conducted for the study of roadways and intersections. Crash data extracted from the MassDOT online crash data portal showed most of the crashes within the study area occurred along Great Plain Avenue. The crash data indicates that there are more sideswipe and angle crashes along this corridor than expected, but the rate of personal injuries was quite low and there were no fatalities. MassDOT has not identified any crash clusters anywhere along Great Plain Avenue. In addition, sight distances reviewed for the site driveways indicate more than adequate sight distances allowing vehicles exiting the driveways ample time to safely enter Linden Street.

Capacity analyses conducted at three signalized intersections and six unsignalized intersections indicate generally minor increases in delay at surrounding intersections. Signalized intersections are anticipated to have an LOS D or better for both morning and afternoon peak hours. Unsignalized intersections are anticipated to operate at an LOS B or better except for the intersection of Great Plain Avenue at Linden Street and Washburn Avenue. The stop-controlled northbound and southbound approaches of this intersection are anticipated to operate at an LOS E or F condition during both the no-build and build scenarios. The proposed housing expansion is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to the northbound approach at this intersection, assuming none of these motorists utilize other available options to get to Great Plain Avenue. The proposed expansion is not anticipated to add any trips to the southbound approach. Accordingly, the proposed development can be safely accommodated on the roadways and through the intersections within the study area.

- | 1.2~~10~~ The Project has been approved by the Design Review Board by letter dated August 19, 2024.
- | 1.2~~24~~ As a contingency plan, if Phase 1B is not immediately funded, between Phases 1A and 1B, the façade of the building that connects the two phases will contain architectural elements as shown on Plan Sheet A201, such that the wall will not contain a blank façade in the interim period.
- | 1.2~~32~~ An emergency generator is proposed to be installed to serve the development during power outages. The new emergency generator can be expected to generate noise on the intermittent occasions when its operation is necessary, but it has been strategically placed at a location to minimize any impact to residents, neighboring residential properties and the surrounding area. The emergency generator is proposed to be located at the northern end of the property top the rear, next to the dumpster enclosure.
- | 1.2~~43~~ To provide additional sound protection, the generator will also be constructed within a sound attenuation jacket. To fully ensure that the emergency generator operates within the applicable limits of MassDEP's noise policy, the Petitioner will submit a sound study prior to the issuance of a building permit as well as after installation to demonstrate compliance with the policy, and to implement appropriate mitigation measures in the event the study shows the applicable limits are exceeded.

1.241.25 The exact make and model of the emergency generator to be installed is not known at the present time and will be determined by the Petitioner after the conclusion of permitting.

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1.265 Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air has been assured. The Board finds that the use of the premises for residential purposes for an Affordable Housing District Project does not constitute a "seriously detrimental use." The site's stormwater management system has been designed to prevent adverse impacts to offsite areas. At the Town's request, the system has been designed to exceed Needham's requirements and the MassDEP Stormwater Standards, including no increase in peak runoff rates from the site between the existing and proposed conditions for the requisite storm events. The stormwater management system utilizes Best Management Practices, including emphasis on stormwater infiltration, so as to remove potential pollutants such as TSS and phosphorus, provide improved groundwater recharge, and manage stormwater runoff to protect onsite facilities as well as adjacent properties. Proposed layout plans, grading, construction details, and long and short-term operations and management plans are included as part of the Major Project Site Plan Review Special Permit Submittal. Most deliveries will be made at the main entry. Trash removal will be made from the rear of the building to a trash enclosure and accessed from the north access drive. The trash and generator areas will be attractively screened. Sound attenuation will be provided for the generator. Lighting is being kept to a minimum, with downward-facing, full cutoff light sources and zero light spill to neighboring properties. A photometric plan is included in the Major Project Site Plan Review Special Permit submittal. The proposed site plan provides substantial landscape screening. Generous setbacks on Linden Street provide green space for shade trees, ornamental trees and landscape planting. Although approximately 24 existing trees must be removed to achieve the redevelopment or for poor health, the proposed plan will add over eighty (80) trees to the site, the majority of these between the building and adjacent properties, improving views for abutters. Further, the northern portion of the site has been set aside for a mini-park for NHA tenants and neighborhood residents to use.

1.276 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets has been assured. The project has been designed to ensure that there will be safe vehicular and pedestrian circulation throughout the site. The main access to the property will be via one (1) single driveway from Linden Street, roughly at the mid-point of the property. A circular drop off is provided at the main entry to the building, which will give safe and efficient access to the two parking lots on either side. The two access drives from Linden Street to the north and south of the building will be open only to emergency vehicles. Trash collection will utilize the northern access drive. Available sight distances at the site driveways will exceed required sight distances for safe operation. Limiting most vehicle trips to the center drive reduces confusion and impact on traffic flowing through Linden Street. New sidewalks will be constructed along the east side of Linden Street as a part of the project. ADA improvements will be made for crossing driveways. A sidewalk will be provided which links the proposed building to the sidewalk along Linden Street. Additional sidewalks and pedestrian paths within the project site will provide access for pedestrians to the building entrances and through the landscape. Handicap access and parking are provided in both surface parking lots. EV charging stations are provided for the future convenience of the residents. Sheltered parking for bicycles is provided at both the north and south building entrances. The stair exits are also sheltered.

1.287 The arrangement of parking and loading spaces is adequate, based on the layout and use of the site. Parking is arranged to the front of the building and is readily accessible. The proposed parking areas comply with all Town design requirements, including those for lighting, landscaping, handicapped spaces, loading, layout, driveway openings, parking space size, aisle maneuvering width, setbacks, bumper overhangs, and bicycle racks. The parking areas include seventy (70) spaces, which meets the requirement of .5 parking spaces per unit for this proposed 136-unit affordable housing facility. Parking is distributed in two lots, which are accessed from a single main entry drop off circle. The layout of parking and building access will provide convenience for employees and visitors.

1.281.29 Adequate methods of disposal of refuse and other waste resulting from the uses of the site have been provided. The site has been designed to provide adequate methods of refuse disposal and recycling. Convenient access to trash chutes is provided on each floor. Each floor has a trash room with adequate space to collect recyclable materials. Trash containers are located at the rear of the building, and so will be out-of-sight of neighbors and Linden Street pedestrians. The dumpster enclosure is located at the rear, northeast corner of the site and is shielded with screen walls on three sides, and a gate at the fourth. Refuse and recycling will be removed from the site by a licensed hauler.

1.3029 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with other requirements of this By-law and have been adequately addressed by this project. The proposed building will be set well back from Linden Street with parking and landscaped lawn between the proposed building and street, which will allow for extensive perimeter landscaping and mitigation of the visual impact to neighboring properties. Side and rear setbacks from adjacent buildings will be maximized whenever possible. The development plan dramatically increases greenspace on the property, and it reduces impervious surfaces. The project provides natural landscape, open space and walking paths that do not currently exist on the property. The relationship of the proposed building to Linden Street will greatly improve the landscape opportunities on the site. The building will be set back from the street curb between ninety-six (96) feet at the north end and one-hundred-forty (140) feet at the south end, allowing for generous open space. A pedestrian sidewalk and row of canopy shade trees will provide a buffer between the street and parking areas. At the north end of the site a small park-like garden will provide lawn with a sweeping path, benches, a pergola for covered seating, canopy trees, and ornamental flowering trees and shrubs. Along the eastern edge of the site a meandering path will run parallel to a wetlands buffer that connects the north end of the site with the adjacent Chambers neighbors to the south. An outdoor plaza/patio will be provided near the middle of the building for use by residents. Invasive plant species along the buffer zone will be replaced with all native plants including evergreen trees to help buffer the new development from the Maple Street neighbors to the east. The southern end of the site will consist of a community garden. At the request of the Town, a rain garden has been added to the site. Relative to the existing development and its encroachment into the bordering vegetative wetlands (BVW), the project achieves substantial improvements.

1.301.31 The Project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. ~~No adverse impacts to the Town's resources—such as the Town's water supply and distribution system, sewer collection, fire protection, or public streets—are anticipated as a result of the redevelopment of the Site.~~ The proposed utility design

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focuses on connecting services to existing utility infrastructure and minimizing impacts along Linden Street. The project proposes to connect domestic and fire water services to the Town's existing water system located in Linden Street. The proposed water service layout and design has been provided to the Engineering Department to demonstrate that there are no concerns regarding water pressure and flow for this area. The project proposes to connect to an existing sewer service to route wastewater to the Town's sewer system via a sewer main located in Linden Street. As part of the Major Project Site Plan Review Special Permit process, the site plans have been submitted to the Fire Department to demonstrate the adequacy of the proposed fire truck access and hydrant coverage. The existing access driveway will remain, with layout changes within the site only. All sight distances exceed both minimum and desirable intersection sight distance standards. The addition of 64 housing units is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to northbound approach. It is not anticipated to add any trips to the southbound approach. The analysis conducted at signalized intersections indicated only minor increases in delays. The proposed development can be safely accommodated on the roadways and through the intersections within the study area. These findings are more fully described in the Transportation Impact Assessment (TIA) prepared by Pare Corporation under Exhibit 6.

- 1.324 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Affordable Housing District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.

- a) The Plan shall be modified to include a note detailing the total number of units

proposed along with a breakout showing the total number of one-bedroom units and total number of 2-bedroom units. The noted information should also be provided by project phase.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.3~~88~~ hereof.
- 3.1 This permit is issued for a multi-family housing development of 136 affordable housing units, ~~comprised of 128 one-bedroom units and 8 two-bedroom units~~, as defined in Section 1.3 of the By-Law. Of those 136 units, zero to eight (8) may be two-bedroom units, and the rest shall be one-bedroom units. All units shall be affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income, and the affordability levels of the project as a whole shall be consistent with Condition 3.1.2 below.
- 3.1.2 No building permit shall issue until NHA has recorded with the Registry of Deeds an affordable housing restriction that is held by the Town, for the purpose of securing the affordability of all units within the project. The affordability restriction will secure an affordability level for the project such that most of the units will be rented to tenants at "deeply affordable" income levels, with some smaller number of units available for rent to tenants whose annual incomes are up to 80% of area median income, such that the affordability levels of all units in the project as a whole will average no more than 60% of area median income. The affordable housing restriction shall be in effect in perpetuity.
- 3.2 The building, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, except those allowable under Section 3.3, below, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this decision, and in accordance with the applicable dimensional requirements of the By-Law. Notwithstanding the above, the Petitioner may revise the floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase and the total number of units does not exceed 136 units. The Petitioner may revise the allocation of units between one-bedroom and two-bedroom units, without the need for additional hearings or approvals, provided that the total number of two-bedroom units do not exceed the maximums in sections 1.3, 1.5, 1.6 and 3.1 hereof. ~~(128 one-bedroom units and 8 two-bedroom units).~~
~~-(128 one-bedroom units and 8 two-bedroom units.~~
- 3.4 The building shall be used exclusively for residential purposes, specifically for an Affordable Housing District Project, as defined in the By-Law. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.

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~~3.5 The Petitioner shall prepare an Approval Not Required Plan which shows the creation of a single Lot having an area of 478,540 square feet (10.9858 acres) and comprising the premises upon which the project is proposed namely assessor's Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41.~~

~~3.63.5~~ Sufficient parking shall be provided on the locus at all times in accordance with the Plan, as modified by this Decision, and there shall be no parking of motor vehicles off the locus at any time.

~~3.73.6~~ A total of 41 parking spaces shall be provided at the completion of Phase 1A on the site at all times in accordance with the Plan, as modified by this Decision. A total of 136 parking spaces shall be provided at the completion of Phase 1A and Phase 1B on the site at all times in accordance with the Plan, as modified by this Decision. All off-street parking shall comply with the requirements of Section 5.1.3 of the By-Law, except as otherwise waived by this Decision.

~~3.83.7~~ All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.

~~3.93.8~~ The emergency generator to be installed shall be designed and operated to comply with MassDEP noise policy to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The mechanical equipment and emergency generator shall also be installed and screened as far as practical to minimize the visibility of the mechanical equipment and emergency generator from Linden Street. Prior to the issuance of the building permit, the Petitioner shall deliver to the Building Commissioner for review and approval plans and specifications of said mechanical equipment and emergency generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said mechanical equipment and emergency generator have been designed such that when they are operated they will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.

~~3.103.9~~ Prior to project occupancy, an as-built plan of the mechanical equipment and emergency generator together with a sound level analysis prepared by an acoustical engineer shall be submitted to the Building Commissioner and Planning Department. The sound analysis shall demonstrate compliance with the MassDEP noise policy addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.

~~3.113.10~~ The emergency generator shall be operated (a) for normal maintenance and testing on an interval consistent with manufacturer's specifications or otherwise as needed, provided that such maintenance and testing shall only between weekday hours of 9:00 a.m. and 5:00 p.m. and (b) in cases of power outage or emergency.

~~3.123.11~~ The emergency generator shall not: (a) increase the broad band sound level by more than 10 dBA; or (b) produce a "pure tone" condition- where any octave band center

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frequency sound pressure level exceeds the two adjacent center frequency levels by 3 decibels or more. These criteria are to be measured consistent with MassDEP noise policy. For purposes of this section, ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.

3.12 This Special Permit to operate a multi-family housing development of 136 affordable housing units as described in this decision is issued to the Needham Housing Authority, 21 Highland Circle, Suite 10, Needham, MA. ~~The Needham Housing Authority, in order to secure financing and regulatory approval, is authorized to enter into ground leases with tax credit ownership LLC entities, which may then enter into development and management agreements, all subject to the terms and conditions of this Decision, and the operation may not be transferred, set over, or assigned by the Needham Housing Authority, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.~~

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~~3.13 and the operation may not be transferred, set over, or assigned by the Needham Housing Authority, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.~~

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3.143.13 All utilities, including telephone and electrical service, shall be installed underground from the street line.

3.153.14 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if and to the extent applicable.

3.163.15 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if and to the extent applicable.

3.173.16 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.

3.183.17 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. The Petitioner shall connect the sanitary sewer line only to known sources. All sources that cannot be identified shall be disconnected and properly sealed.

3.193.18 The construction, operation and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Select Board.

3.203.19 The Petitioner shall implement the following maintenance plan:

- a. Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
- b. Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
- c. Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.

3.213.20 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy. A copy of the inspection reports for the Operations and Maintenance Program of the Stormwater Management Report shall be provided to the Planning Board on an annual basis.

3.223.21 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed.

3.233.22 All solid waste shall be removed from the site by a private contractor, as and when necessary. Snow shall also be removed or plowed by private contractor, as and when necessary. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.

3.243.23 All commercial deliveries and trash pick-up shall occur only between the hours of 8:30 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Trash shall be removed from the building as necessary. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards.

3.253.24 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors. The Petitioner shall adjust its parking lights during the night and early morning. Between the hours of 10:00 p.m. and 11:00 p.m., the Petitioner shall shut off most of the parking lot lights, ~~except those required to using the lights on the building to shine down and~~ provide basic security and safety of residents. The building lights shall be set at a low light level to prevent any annoyance to the neighbors.

3.263.25 The maintenance of site and parking lot landscaping, as shown on the Plan, as modified by this decision, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.

3.273.26 Any portions of the sidewalks located on Linden Street shall be built to Town of Needham Specifications.

3.283.27 In constructing and operating the proposed building on the locus pursuant to this Site Plan, due diligence be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.

3.293.28 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.

3.303.29 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.

3.31 The following interim safeguards shall be implemented during construction:

a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through ~~Friday and 8:00 a.m. to 5:00 p.m. on Saturday, Saturday.~~

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b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site, which require excavation or otherwise pose a danger to public safety.

c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner and the abutters and residents and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Hunnewell Street.

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d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Linden Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

3.32 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:

a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.

b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.

c. The Petitioner shall have submitted a letter to the DPW identifying the measures selected and dates by which the NPDES requirements outlined in Section 3.2149 of this decision will be completed.

d. The Petitioner shall have delivered to the Building Commissioner for review and approval specifications for the emergency generator, including a sound study showing the ambient sound and sound attenuation components as described in Section 3.89 of this Decision.

~~e. The Petitioner shall have recorded with the Norfolk County Registry of Deeds the ANR Plan as described in Section 3.5 of this Decision.~~

~~f.e.~~ The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.33 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:

a. An as-built plan, supplied by the engineer of record certifying that the on-site and off-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

b. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.

c. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction.

d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan and As-Built Lighting Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.

e. There shall be filed with the Board a statement by the Engineering Division of DPW that the Petitioner has met the NPDES requirement as detailed in Section 3.2~~1~~².

f. An as-built plan, supplied by the engineer of record certifying that the on-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the location and final construction details of the mechanical equipment and emergency generator, in their true relationship to the lot lines.

~~g.f.~~ There shall be filed with the Board and Building Commissioner an as-built plan of the mechanical equipment and emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.~~9~~¹⁰ of this Decision.

h. Notwithstanding the provisions of Sections a, b, and d hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board surety in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.

3.34 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

- 3.35 Any blasting conducted at the property shall require approval by the Needham Fire Department in accordance with Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.
- 3.36 The building or structure authorized for construction by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner. This Decision authorizes issuance of a permanent Certificate of Occupancy for Building 1A once the Phase 1A work is completed.
- 3.37 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.38 Violation of any of the conditions of this decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.
- 4.2 Beyond the Phase IA and Phase IB development authorized by this Decision, There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

- 4.4 The conditions contained within this decision are limited to this specific application and are made without prejudice for any further modification or amendment.
- 4.5 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.7 The relief granted under this Decision ~~shall lapse after two (2) years, which shall not include such time required to pursue or await the determination of any appeal, after the grant hereof, if construction has not begun except for good cause. -is effective for two years from the date of filing of the decision with the Town Clerk.~~ The Board understands ~~and acknowledges~~ that two (2) years ~~is~~ likely to be insufficient time for the NHA to secure state approvals, obtain financing, obtain demolition and building permits, and ~~begin start~~ construction. ~~NHA has estimated that it may need a term of approximately six (6) years from issuance of this permit to begin construction.~~ Accordingly, the Board ~~states finds and rules that good cause for extensions will be presumed to exist, renewal of the site plan review approval for two consecutive two year periods will be automatic, provided that the NHA provides written requests to the Planning Board for extension renewal, along with descriptions of progress made on the project, at least three months prior to the applicable date of a lapse of this permit as provided for above, two year anniversary date of the initial filing of the Decision with the Town Clerk, as to the first renewal, and at least three months prior to the date of the four year anniversary of the initial filing of the Decision with the Town Clerk, as to the second renewal and demonstrates in its request that it has made, and is continuing to make, reasonable progress towards securing financing, any necessary non-Town permits and authorizations, and any other necessary antecedents to commencement of construction.~~
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 6th day of November, 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairman

Artie Crocker

Paul S. Alpert

Adam Block

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2024

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public
My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for Property located at 0 Linden Street and 5 Chambers Street , Needham, Massachusetts, has passed,

_____ and there have been no appeals filed in the Office of the Town Clerk or
_____ there has been an appeal filed.

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Robert Smart, Attorney

Major Project Site Plan Special Permit No. 2022-01
November 6, 2024
Needham Housing Authority
0 Linden Street and 5 Chambers Street, Needham, Massachusetts

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for property located at 0 Linden Street and 5 Chambers Street. The property is located in the Affordable Housing District pursuant to the amendments of the Zoning By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres). The property is also shown on a lot consolidation plan titled “Plan of Land in Needham, MA”, dated 12/21/2023, by Hancock Associates, recorded at the Norfolk Registry of Deeds on July 23, 2024, in Plan Book 730, Page 7.

This decision is in response to an application submitted to the Board on September 3, 2024, by the Petitioner for a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the Property from the current 152 units to 216 units, an increase of 64 units. The project will also include 70 surface parking spaces together with associated landscaping, driveways, and other improvements.

The NHA proposes to redevelop the Property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings on the Property, the redevelopment of which is not part of this application.

During Phase 1A, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing.

During Phase 1B, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada on Tuesday, September 24, 2024 at 7:00 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to October 15, 2024 at 7:00 p.m., in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA and by Zoom ID 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application submitted by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, dated August 29, 2024, filed with the Town Clerk, September 3, 2024.
- Exhibit 2 - Cover Letter from Attorney Robert Smart, dated August 23, 2024.
- Exhibit 3 - Letter from Attorney Robert Smart, dated August 23, 2024, with attached zoning table.
- Exhibit 4 - Plan of Land in Needham, MA, entitled "#5 Chambers Street and #0 Linden Street, Needham, MA," prepared by Hancock Associates, 185 Centre Street, Danvers, MA, dated December 21, 2023 (the lot consolidation plan).
- Exhibit 5 - Plan entitled "Site Plan Review for Linden Street Redevelopment, Needham Housing Authority", prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated May 11, 2023; Sheet 3, Sheet C1, entitled "Phasing Plan," dated August 23, 2024; Sheet 4, Sheet C2.0, entitled "Demolition, Soil Erosion, and Sediment Control," dated August 23, 2024; Sheet 5, Sheet C3.0, entitled "Site Layout and Materials Plan," dated August 23, 2024; Sheet 6, Sheet C4.0, entitled "Grading and Drainage," dated August 23, 2024; Sheet 7, Sheet C5.0, entitled "Utility Plan," dated August 23, 2024; Sheet 8, Sheet C6.0, entitled "Construction Details I," dated August 23, 2024; Sheet 9, Sheet C6.1, entitled "Construction Details II," dated August 23, 2024; Sheet 10, Sheet L099 , entitled "Tree Protection Plan," dated August 23, 2024; Sheet 11, Sheet L102A, entitled "Materials Plan," dated August 23, 2024; Sheet 12, Sheet L102B, entitled "Materials Plan," dated August 23, 2024; Sheet 13, Sheet L104, entitled "Planting Plan," dated August 23, 2024; Sheet 14, Sheet L105, entitled "Site Lighting Plan," dated August 23, 2024; Sheet 15, Sheet L501, entitled "Details," dated August 23, 2024; Sheet 16, Sheet L503, entitled "Details," dated August 23, 2024; Sheet 17, Sheet L504, entitled "Details," dated August 2, 2024; Sheet 18, Sheet L505, entitled "Details," dated August 23, 2024; Sheet 19, Sheet L506, entitled "Details," dated August 23, 2024; Sheet 20, Sheet L510, entitled "Details," dated August 23,

2024; Sheet 21, Sheet A100, entitled “Phase 1 Plans,” dated August 23, 2024; Sheet 22, Sheet A101, entitled “Phase 1A First Floor Plans,” dated August 23, 2024; Sheet 23, Sheet A102, entitled “Phase 1A - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 24, Sheet A104, entitled “Phase 1B - First Floor Plan,” dated August 23, 2024; Sheet 25, Sheet A105, entitled “Phase 1B - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 26, Sheet A200, entitled “Phase 1 Elevations,” dated August 23, 2024; Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024; Sheet 28, Sheet A202, entitled “Phase 1B Elevations,” dated August 23, 2024; Sheet 29, Sheet A203, entitled “Phase 1B – Elevations,” dated August 23, 2024; Sheet 30, Sheet A300, entitled “Building Sections,” dated August 23, 2024; Sheet 31, Sheet E000, entitled “Electrical Legend, Notes and Abbreviations,” dated August 23, 2024; Sheet 32, Sheet E100, entitled “Electrical Site Plan,” dated August 23, 2024; Sheet 33, Sheet E101, entitled “Electrical Site Plan Photometric,” dated August 23, 2024.

- Exhibit 6 - Traffic Impact Analysis, entitled “Linden Street Redevelopment Needham, Massachusetts”, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI, 02865, dated April, 2024.
- Exhibit 7 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, submitted August 29, 2024;
- Exhibit 8 - Memorandum from Design Review Board, dated August 19, 2024.
- Exhibit 9 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 8, 2024.
- Exhibit 10 - Letter from Anthony Donato, Hancock Associates, dated October 8, 2024, with 2 attached stormwater system infiltration run-off volume and peak flow rate calculations.
- Exhibit 11 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, Site Plan Review revisions to 8/29/24 report for expanded infiltration system: 10/8/24.
- Exhibit 12 - Revised Plan Sheets entitled “Site Plan Review for Linden Street Redevelopment, Needham Housing Authority”, prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of:
 - a. Sheet 6, Sheet C4.0, entitled “Grading and Drainage,” dated September 6, 2024, revised October 8, 2024.
 - b. Sheet 11, Sheet L102A, entitled “Materials Plan,” dated September 6, 2024, revised October 8, 2024.
 - c. Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024, revised October 8, 2024.

- Exhibit 13 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 11, 2024.
- Exhibit 14 - Letter from Attorney Robert Smart, dated October 15, 2024.
- Exhibit 15 - Plan entitled "Site Plan Review for Linden Street Redevelopment, Needham Housing Authority", prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated May 11, 2023; Sheet 3, Sheet C1, entitled "Phasing Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 4, Sheet C2.0, entitled "Demolition, Soil Erosion, and Sediment Control," dated August 23, 2024; Sheet 5, Sheet C3.0, entitled "Site Layout and Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 6, Sheet C4.0, entitled "Grading and Drainage," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 7, Sheet C5.0, entitled "Utility Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 8, Sheet C6.0, entitled "Construction Details I," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 9, Sheet C6.1, entitled "Construction Details II," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 10, Sheet L099, entitled "Tree Protection Plan," dated August 23, 2024; Sheet 11, Sheet L102A, entitled "Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 12, Sheet L102B, entitled "Materials Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 13, Sheet L104, entitled "Planting Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 14, Sheet L105, entitled "Site Lighting Plan," dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 15, Sheet L501, entitled "Details," dated August 23, 2024; Sheet 16, Sheet L503, entitled "Details," dated August 23, 2024; Sheet 17, Sheet L504, entitled "Details," dated August 2, 2024; Sheet 18, Sheet L505, entitled "Details," dated August 23, 2024; Sheet 19, Sheet L506, entitled "Details," dated August 23, 2024; Sheet 20, Sheet L510, entitled "Details," dated August 23, 2024; Sheet 21, Sheet A100, entitled "Phase 1 Plans," dated August 23, 2024; Sheet 22, Sheet A101, entitled "Phase 1A First Floor Plans," dated August 23, 2024; Sheet 23, Sheet A102, entitled "Phase 1A - Typical Floor Plan- Floors 2-4," dated August 23, 2024; Sheet 24, Sheet A104, entitled "Phase 1B - First Floor Plan," dated August 23, 2024; Sheet 25, Sheet A105, entitled "Phase 1B - Typical Floor Plan- Floors 2-4," dated August 23, 2024; Sheet 26, Sheet A200, entitled "Phase 1 Elevations," dated August 23, 2024; Sheet 27, Sheet A201, entitled "Phase 1A Elevations," dated August 23, 2024; Sheet 28, Sheet A202, entitled "Phase 1B Elevations," dated August 23, 2024; Sheet 29, Sheet A203, entitled "Phase 1B - Elevations," dated August 23, 2024; Sheet 30, Sheet A300, entitled "Building Sections," dated August 23, 2024; Sheet 31, Sheet E000, entitled "Electrical Legend, Notes and Abbreviations," dated August 23, 2024; Sheet 32, Sheet E100, entitled "Electrical Site Plan," dated August 23, 2024; Sheet 33, Sheet E101, entitled "Electrical Site Plan Photometric," dated August 23, 2024.

- Exhibit 16 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, dated August 23, 2024, revision 2 October 11, 2024.
- Exhibit 17 - Email from Kaleigh Moriarty, 39 Chambers St Apt B, dated October 15, 2024.
- Exhibit 18 - Letter from Attorney Robert Smart, dated October 29, 2024.
- Exhibit 19 - Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated September 5, 2024, October 4, 2024 and October 9, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated August 30, 2024 and October 9, 2024; IDC to the Board from Tom Conroy, Chief, Needham Fire Department, dated September 3, 2024 and October 24, 2024; IDC to the Board from Thomas Ryder, Town Engineer, dated September 19, 2024, October 15, 2024 and October 24, 2024; IDC to the Board from Deb Anderson, dated September 20, 2024; and IDC to the Board from Tara Gurge, Health Department, dated September 18, 2024.

Exhibits 1, 2, 3, 4, 6, 15, 16, and 18 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The property is located in the Affordable Housing District pursuant to the amendments of the By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres).
- 1.2 The site is presently fully developed, occupied by the Linden and Chambers communities at 0 Linden Street and 5 Chambers Street. The Needham Housing Authority (NHA) was established by the Town in 1948, for the purpose of constructing, managing and operating multifamily residential buildings that are affordable for persons of low income. Pursuant to several votes of the Needham Town Meeting, the Town conveyed the land which comprises the current property to the NHA, between 1957 to 1970. The NHA subsequently constructed the current buildings on the property, and it has managed the development for the benefit of its low-income residents and the Town since that time. Linden Street consists of 72 one-bedroom units, in 18 single story buildings. Chambers consists of 80 one-bedroom units, in two-story buildings. The five Chambers property buildings and the existing community room and maintenance facility are not part of this application.
- 1.3 The Petitioner proposes to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the property from the current 152 units to 216 units, an increase of 64 units. The Petitioner proposes to construct one hundred thirty-six (136) units, as proposed in Phases 1A and 1B by this application. Of those 136 units, zero (0) to eight (8) may be two-bedroom units, and the rest will be one-bedroom units.

- 1.4 The Petitioner proposes to redevelop the property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings and the existing community center and maintenance building on the Property, the redevelopment of which is not part of this application.
- 1.5 During Phase IA, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing. The Petitioner proposes to construct seventy-six (76) units in Phase 1A. Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. Forty-one (41) parking spaces will be constructed with Phase 1A.
- 1.6 During Phase IB, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed in Phase 1B. Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. Twenty-nine (29) parking spaces would be constructed with Phase 1B.
- 1.7 The proposed new building is proposed to be an Affordable Housing District (AHD) Project, which is defined as multi-family housing development of affordable housing units, as defined in Section 1.3 of the By-Law. All units will be affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income. Pursuant to Section 3.16.4 of the By-Law, use of property in the Affordable Housing District for an AHD Project is allowed after completion of a Major Project Site Plan Review. Therefore, provided the Board approves the requested Major Project Site Plan Review Special Permit, the proposed use of the premises will comply with the By-Law.
- 1.8 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Affordable Housing District for an affordable housing use namely, front, side and rear setback, maximum building height, maximum number of stories, and floor area ratio.
- 1.9 The By-Law, Section 3.16.6, requires that the minimum lot area be 20,000 square feet and the minimum lot frontage be 150 feet. The proposed development, having a lot with an area of approximately 478,540 square feet (10.9858 acres) and 740 feet of frontage, complies with the minimum frontage and the minimum area requirements of the By-Law.
- 1.10 The By-Law, Section 3.16.6 requires a minimum front setback of 40 feet. The proposed building is to have a front setback of 88 feet from Linden Street at its closest point. Therefore, the proposed new building complies with the applicable minimum front setback requirement of the By-Law.

- 1.11 The By-Law, Section 3.16.6 allows a maximum floor area ratio (FAR) of 0.5. The proposed new building will contain an FAR of 0.36 for total of 172,274.4 square feet; less than the maximum permitted. There will be no basement level. The proposed new building will comply with the applicable FAR requirement of the By-Law.
- 1.12 Pursuant to Section 3.16.6 the maximum height allowed as-of-right in the Affordable Housing District is four (4) stories, not to exceed 58 feet (with the exception of structures erected on a building and not used for human occupancy, limited to a horizontal coverage of 25%). Whereas the proposed new building is 4 stories with a height of 53 feet, the proposed new building will comply with the height limitations of the By-Law.
- 1.13 The By-Law, Section 3.16.6, requires a maximum lot coverage of 20% in the Affordable Housing District. The proposed project is proposed to have a lot coverage of 12.4%. Therefore, the proposed project complies with the applicable lot coverage requirement of the By-Law.
- 1.14 The By-Law, Section 3.16.6, requires a maximum units per acre in the Affordable Housing District of 25. The proposed project is proposed to have 19.7 units per acre. Therefore, the proposed project complies with the applicable units per acre requirement of the By-Law.
- 1.15 Under the By-Law, Section 3.16.7, a parking requirement of 0.5 parking spaces per each residential unit is required for an AHD Project in the Affordable Housing District. Accordingly, for the 136 units of Phase 1A and Phase 1B units, a total of 68 parking spaces are required. The Petitioner is proposing to install a total of 70 spaces. As a result, more than sufficient parking is provided, and the redevelopment complies with the off-street parking requirements of the By-Law relative to the number of spaces.
- 1.16 Sections 1.8 through 1.15 are subject to change should the Massachusetts Attorney General require changes to the By-law that affect those sections.
- 1.17 The spaces as designed comply with all aspects of the Parking Plan and Design Requirements set forth at Section 5.1.3 of the By-Law.
- 1.18 Site amenities include 3 small patios, one with a small park-like atmosphere, as well as a community garden on the southern side of the site.
- 1.19 24 trees are proposed to be removed; 8 will be retained. 80 new trees will be planted on the site.
- 1.20 Pare Corporation conducted a traffic analysis of the potential impacts of the redevelopment of the senior and disabled housing development located on Linden Street and Chambers Street in Needham, Massachusetts, as detailed in Exhibit 6. The Needham Housing Authority (NHA) aims to redevelop the housing from the current 152 units to a maximum of 275 units. (This proposal is only for 216 units). The existing access driveways for the developments are anticipated to remain, with layout changes within the site only.

A safety review was conducted for the study of roadways and intersections. Crash data extracted from the MassDOT online crash data portal showed most of the crashes within the study area occurred along Great Plain Avenue. The crash data indicates that there are

more sideswipe and angle crashes along this corridor than expected, but the rate of personal injuries was quite low and there were no fatalities. MassDOT has not identified any crash clusters anywhere along Great Plain Avenue. In addition, sight distances reviewed for the site driveways indicate more than adequate sight distances allowing vehicles exiting the driveways ample time to safely enter Linden Street.

Capacity analyses conducted at three signalized intersections and six unsignalized intersections indicate generally minor increases in delay at surrounding intersections. Signalized intersections are anticipated to have an LOS D or better for both morning and afternoon peak hours. Unsignalized intersections are anticipated to operate at an LOS B or better except for the intersection of Great Plain Avenue at Linden Street and Washburn Avenue. The stop-controlled northbound and southbound approaches of this intersection are anticipated to operate at an LOS E or F condition during both the no-build and build scenarios. The proposed housing expansion is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to the northbound approach at this intersection, assuming none of these motorists utilize other available options to get to Great Plain Avenue. The proposed expansion is not anticipated to add any trips to the southbound approach. Accordingly, the proposed development can be safely accommodated on the roadways and through the intersections within the study area.

- 1.21 The Project has been approved by the Design Review Board by letter dated August 19, 2024.
- 1.22 As a contingency plan, if Phase 1B is not immediately funded, between Phases 1A and 1B, the façade of the building that connects the two phases will contain architectural elements as shown on Plan Sheet A201, such that the wall will not contain a blank façade in the interim period.
- 1.23 An emergency generator is proposed to be installed to serve the development during power outages. The new emergency generator can be expected to generate noise on the intermittent occasions when its operation is necessary, but it has been strategically placed at a location to minimize any impact to residents, neighboring residential properties and the surrounding area. The emergency generator is proposed to be located at the northern end of the property to the rear, next to the dumpster enclosure.
- 1.24 To provide additional sound protection, the generator will also be constructed within a sound attenuation jacket. To fully ensure that the emergency generator operates within the applicable limits of MassDEP's noise policy, the Petitioner will submit a sound study prior to the issuance of a building permit as well as after installation to demonstrate compliance with the policy, and to implement appropriate mitigation measures in the event the study shows the applicable limits are exceeded.
- 1.25 The exact make and model of the emergency generator to be installed is not known at the present time and will be determined by the Petitioner after the conclusion of permitting.
- 1.26 Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air has been assured. The Board finds that the use of the premises for residential purposes for an Affordable Housing District Project does not constitute a "seriously detrimental use." The site's stormwater management system has been designed to prevent adverse impacts to offsite areas. At the Town's request, the system has been designed to exceed

Needham's requirements and the MassDEP Stormwater Standards, including no increase in peak runoff rates from the site between the existing and proposed conditions for the requisite storm events. The stormwater management system utilizes Best Management Practices, including emphasis on stormwater infiltration, so as to remove potential pollutants such as TSS and phosphorus, provide improved groundwater recharge, and manage stormwater runoff to protect onsite facilities as well as adjacent properties. Proposed layout plans, grading, construction details, and long and short-term operations and management plans are included as part of the Major Project Site Plan Review Special Permit Submittal. Most deliveries will be made at the main entry. Trash removal will be made from the rear of the building to a trash enclosure and accessed from the north access drive. The trash and generator areas will be attractively screened. Sound attenuation will be provided for the generator. Lighting is being kept to a minimum, with downward-facing, full cutoff light sources and zero light spill to neighboring properties. A photometric plan is included in the Major Project Site Plan Review Special Permit submittal. The proposed site plan provides substantial landscape screening. Generous setbacks on Linden Street provide green space for shade trees, ornamental trees and landscape planting. Although approximately 24 existing trees must be removed to achieve the redevelopment or for poor health, the proposed plan will add over eighty (80) trees to the site, the majority of these between the building and adjacent properties, improving views for abutters. Further, the northern portion of the site has been set aside for a mini-park for NHA tenants and neighborhood residents to use.

- 1.27 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets has been assured. The project has been designed to ensure that there will be safe vehicular and pedestrian circulation throughout the site. The main access to the property will be via one (1) single driveway from Linden Street, roughly at the mid-point of the property. A circular drop off is provided at the main entry to the building, which will give safe and efficient access to the two parking lots on either side. The two access drives from Linden Street to the north and south of the building will be open only to emergency vehicles. Trash collection will utilize the northern access drive. Available sight distances at the site driveways will exceed required sight distances for safe operation. Limiting most vehicle trips to the center drive reduces confusion and impact on traffic flowing through Linden Street. New sidewalks will be constructed along the east side of Linden Street as a part of the project. ADA improvements will be made for crossing driveways. A sidewalk will be provided which links the proposed building to the sidewalk along Linden Street. Additional sidewalks and pedestrian paths within the project site will provide access for pedestrians to the building entrances and through the landscape. Handicap access and parking are provided in both surface parking lots. EV charging stations are provided for the future convenience of the residents. Sheltered parking for bicycles is provided at both the north and south building entrances. The stair exits are also sheltered.
- 1.28 The arrangement of parking and loading spaces is adequate, based on the layout and use of the site. Parking is arranged to the front of the building and is readily accessible. The proposed parking areas comply with all Town design requirements, including those for lighting, landscaping, handicapped spaces, loading, layout, driveway openings, parking space size, aisle maneuvering width, setbacks, bumper overhangs, and bicycle racks. The parking areas include seventy (70) spaces, which meets the requirement of .5 parking spaces per unit for this proposed 136-unit affordable housing facility. Parking is distributed in two lots, which are accessed from a single main entry drop off circle. The layout of parking and building access will provide convenience for employees and visitors.

- 1.29 Adequate methods of disposal of refuse and other waste resulting from the uses of the site have been provided. The site has been designed to provide adequate methods of refuse disposal and recycling. Convenient access to trash chutes is provided on each floor. Each floor has a trash room with adequate space to collect recyclable materials. Trash containers are located at the rear of the building, and so will be out-of-sight of neighbors and Linden Street pedestrians. The dumpster enclosure is located at the rear, northeast corner of the site and is shielded with screen walls on three sides, and a gate at the fourth. Refuse and recycling will be removed from the site by a licensed hauler.
- 1.30 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with other requirements of this By-law and have been adequately addressed by this project. The proposed building will be set well back from Linden Street with parking and landscaped lawn between the proposed building and street, which will allow for extensive perimeter landscaping and mitigation of the visual impact to neighboring properties. Side and rear setbacks from adjacent buildings will be maximized whenever possible. The development plan dramatically increases greenspace on the property, and it reduces impervious surfaces. The project provides natural landscape, open space and walking paths that do not currently exist on the property. The relationship of the proposed building to Linden Street will greatly improve the landscape opportunities on the site. The building will be set back from the street curb between ninety-six (96) feet at the north end and one-hundred-forty (140) feet at the south end, allowing for generous open space. A pedestrian sidewalk and row of canopy shade trees will provide a buffer between the street and parking areas. At the north end of the site a small park-like garden will provide lawn with a sweeping path, benches, a pergola for covered seating, canopy trees, and ornamental flowering trees and shrubs. Along the eastern edge of the site a meandering path will run parallel to a wetlands buffer that connects the north end of the site with the adjacent Chambers neighbors to the south. An outdoor plaza/patio will be provided near the middle of the building for use by residents. Invasive plant species along the buffer zone will be replaced with all native plants including evergreen trees to help buffer the new development from the Maple Street neighbors to the east. The southern end of the site will consist of a community garden. At the request of the Town, a rain garden has been added to the site. Relative to the existing development and its encroachment into the bordering vegetative wetlands (BVW), the project achieves substantial improvements.
- 1.31 The Project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed utility design focuses on connecting services to existing utility infrastructure and minimizing impacts along Linden Street. The project proposes to connect domestic and fire water services to the Town's existing water system located in Linden Street. The proposed water service layout and design has been provided to the Engineering Department to demonstrate that there are no concerns regarding water pressure and flow for this area. The project proposes to connect to an existing sewer service to route wastewater to the Town's sewer system via a sewer main located in Linden Street. As part of the Major Project Site Plan Review Special Permit process, the site plans have been submitted to the Fire Department to demonstrate the adequacy of the proposed fire truck access and hydrant coverage. The existing access driveway will remain, with layout changes within the site only. All sight distances exceed both minimum and desirable intersection sight distance standards. The addition of 64 housing units is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to

northbound approach. It is not anticipated to add any trips to the southbound approach. The analysis conducted at signalized intersections indicated only minor increases in delays. The proposed development can be safely accommodated on the roadways and through the intersections within the study area. These findings are more fully described in the Transportation Impact Assessment (TIA) prepared by Pare Corporation under Exhibit 6.

- 1.32 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Affordable Housing District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) The Plan shall be modified to include a note detailing the total number of units proposed along with a breakout showing the total number of one-bedroom units and total number of 2-bedroom units. The noted information should also be provided by project phase.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.38 hereof.
- 3.1 This permit is issued for a multi-family housing development of 136 affordable housing units, as defined in Section 1.3 of the By-Law. Of those 136 units, zero to eight (8) may be two-bedroom units, and the rest shall be one-bedroom units. All units shall be

affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income, and the affordability levels of the project as a whole shall be consistent with Condition 3.1.2 below.

- 3.1.2 No building permit shall issue until NHA has recorded with the Registry of Deeds an affordable housing restriction that is held by the Town, for the purpose of securing the affordability of all units within the project. The affordability restriction will secure an affordability level for the project such that most of the units will be rented to tenants at “deeply affordable” income levels, with some smaller number of units available for rent to tenants whose annual incomes are up to 80% of area median income, such that the affordability levels of all units in the project as a whole will average no more than 60% of area median income. The affordable housing restriction shall be in effect in perpetuity.
- 3.2 The building, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, except those allowable under Section 3.3, below, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this decision, and in accordance with the applicable dimensional requirements of the By-Law. Notwithstanding the above, the Petitioner may revise the floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase and the total number of units does not exceed 136 units. The Petitioner may revise the allocation of units between one-bedroom and two-bedroom units, without the need for additional hearings or approvals, provided that the total number of two-bedroom units do not exceed the maximums in sections 1.3, 1.5, 1.6 and 3.1 hereof.
- 3.4 The building shall be used exclusively for residential purposes, specifically for an Affordable Housing District Project, as defined in the By-Law. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.
- 3.5 Sufficient parking shall be provided on the locus at all times in accordance with the Plan, as modified by this Decision, and there shall be no parking of motor vehicles off the locus at any time.
- 3.6 A total of 41 parking spaces shall be provided at the completion of Phase 1A on the site at all times in accordance with the Plan, as modified by this Decision. A total of 136 parking spaces shall be provided at the completion of Phase 1A and Phase 1B on the site at all times in accordance with the Plan, as modified by this Decision. All off-street parking shall comply with the requirements of Section 5.1.3 of the By-Law, except as otherwise waived by this Decision.
- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words “Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense”. The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.

- 3.8 The emergency generator to be installed shall be designed and operated to comply with MassDEP noise policy to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The mechanical equipment and emergency generator shall also be installed and screened as far as practical to minimize the visibility of the mechanical equipment and emergency generator from Linden Street. Prior to the issuance of the building permit, the Petitioner shall deliver to the Building Commissioner for review and approval plans and specifications of said mechanical equipment and emergency generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said mechanical equipment and emergency generator have been designed such that when they are operated they will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.9 Prior to project occupancy, an as-built plan of the mechanical equipment and emergency generator together with a sound level analysis prepared by an acoustical engineer shall be submitted to the Building Commissioner and Planning Department. The sound analysis shall demonstrate compliance with the MassDEP noise policy addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.
- 3.10 The emergency generator shall be operated (a) for normal maintenance and testing on an interval consistent with manufacturer's specifications or otherwise as needed, provided that such maintenance and testing shall only between weekday hours of 9:00 a.m. and 5:00 p.m. and (b) in cases of power outage or emergency.
- 3.11 The emergency generator shall not: (a) increase the broad band sound level by more than 10 dBA; or (b) produce a "pure tone" condition- where any octave band center frequency sound pressure level exceeds the two adjacent center frequency levels by 3 decibels or more. These criteria are to be measured consistent with MassDEP noise policy. For purposes of this section, ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.
- 3.12 This Special Permit to operate a multi-family housing development of 136 affordable housing units as described in this decision is issued to the Needham Housing Authority, 21 Highland Circle, Suite 10, Needham, MA. The Needham Housing Authority, in order to secure financing and regulatory approval, is authorized to enter into ground leases with tax credit ownership LLC entities, which may then enter into development and management agreements, all subject to the terms and conditions of this Decision.
- 3.13 All utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.14 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if and to the extent applicable.
- 3.15 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if and to the extent applicable.
- 3.16 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.

- 3.17 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. The Petitioner shall connect the sanitary sewer line only to known sources. All sources that cannot be identified shall be disconnected and properly sealed.
- 3.18 The construction, operation and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Select Board.
- 3.19 The Petitioner shall implement the following maintenance plan:
- a. Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b. Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
 - c. Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.20 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy. A copy of the inspection reports for the Operations and Maintenance Program of the Stormwater Management Report shall be provided to the Planning Board on an annual basis.
- 3.21 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed.
- 3.22 All solid waste shall be removed from the site by a private contractor, as and when necessary. Snow shall also be removed or plowed by private contractor, as and when necessary. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.23 All commercial deliveries and trash pick-up shall occur only between the hours of 8:30 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Trash shall be removed from the building as necessary. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards.
- 3.24 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors. The Petitioner shall adjust its parking lights during the night and early morning. Between the hours of 10:00 p.m. and 11:00 p.m., the Petitioner shall shut off most of the parking lot lights, except those required to provide basic security and safety of residents. The building lights shall be set at a low light level to prevent any annoyance to the neighbors.
- 3.25 The maintenance of site and parking lot landscaping, as shown on the Plan, as modified by this decision, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.

- 3.26 Any portions of the sidewalks located on Linden Street shall be built to Town of Needham Specifications.
- 3.27 In constructing and operating the proposed building on the locus pursuant to this Site Plan, due diligence be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.28 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.29 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.31 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site, which require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner and the abutters and residents and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Hunnewell Street.
 - d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Linden Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.32 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. The Petitioner shall have submitted a letter to the DPW identifying the measures selected and dates by which the NPDES requirements outlined in Section 3.21 of this decision will be completed.

- d. The Petitioner shall have delivered to the Building Commissioner for review and approval specifications for the emergency generator, including a sound study showing the ambient sound and sound attenuation components as described in Section 3.8 of this Decision.
 - e. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.33 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
- a. An as-built plan, supplied by the engineer of record certifying that the on-site and off-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.
 - c. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction.
 - d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan and As-Built Lighting Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - e. There shall be filed with the Board a statement by the Engineering Division of DPW that the Petitioner has met the NPDES requirement as detailed in Section 3.21.
 - f. An as-built plan, supplied by the engineer of record certifying that the on-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the location and final construction details of the mechanical equipment and emergency generator, in their true relationship to the lot lines.
 - f. There shall be filed with the Board and Building Commissioner an as-built plan of the mechanical equipment and emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.9 of this Decision.

- h. Notwithstanding the provisions of Sections a, b, and d hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board surety in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.
- 3.34 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.35 Any blasting conducted at the property shall require approval by the Needham Fire Department in accordance with Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.
- 3.36 The building or structure authorized for construction by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner. This Decision authorizes issuance of a permanent Certificate of Occupancy for Building 1A once the Phase 1A work is completed.
- 3.37 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.38 Violation of any of the conditions of this decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in

accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.

- 4.2 Beyond the Phase IA and Phase IB development authorized by this Decision, there shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 The conditions contained within this decision are limited to this specific application and are made without prejudice for any further modification or amendment.
- 4.5 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.7 The relief granted under this Decision shall lapse after two (2) years, which shall not include such time required to pursue or await the determination of any appeal, after the grant hereof, if construction has not begun except for good cause. The Board understands and acknowledges that two (2) years is likely to be insufficient time for the NHA to secure state approvals, obtain financing, obtain demolition and building permits, and begin construction. NHA has estimated that it may need a term of approximately six (6) years from issuance of this permit to begin construction. Accordingly, the Board states that good cause for extensions will be presumed to exist, provided that the NHA provides written requests to the Planning Board for extension at least three months prior to the applicable date of a lapse of this permit as provided for above, and demonstrates in its request that it has made, and is continuing to make, reasonable progress towards securing financing, any necessary non-Town permits and authorizations, and any other necessary antecedents to commencement of construction.
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 6th day of November, 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairman

Artie Crocker

Paul S. Alpert

Adam Block

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2024

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for Property located at 0 Linden Street and 5 Chambers Street , Needham, Massachusetts, has passed,

____ and there have been no appeals filed in the Office of the Town Clerk or
____ there has been an appeal filed.

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Robert Smart, Attorney

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

Email

November 6, 2024

Lee Newman
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Needham Housing Authority Site Plan Review Decision
0 Linden Street and 5 Chambers Street

Dear Lee and Members of the Board:

Provided with this letter is a redline of the "clean" Decision which Lee Newman circulated on November 5, 2024. The Needham Housing Authority (NHA) is satisfied with the language of the Decision as drafted, except in three sections – 3.1, 3.1.2, and 4.7. The redline shows the changes requested by the NHA.

Building permit/affordable housing restriction condition, Sections 3.1 and 3.1.2

The NHA believes that the condition set forth in Section 3.1.2, and referenced in Section 3.1, would prevent it from financing the proposed development, and should be stricken in its entirety. The reasons for this are set forth below.

As indicated by Betsy Collins, Peabody Properties Vice President of Development, in her email to Reg Foster and me (see copy attached), the language of affordable housing restrictions by the Project's various funding entities will be harmonized with any requirements from the Town's Community Preservation Committee. The result of this harmonization will be a Master Affordable Housing Restriction (AHR) document that will be recorded as part of closing the Project's financing. The language cited in Section 3.1.2 will almost certainly not be the final AHR language. Further, the delay and uncertainty of requiring the the Planning Board to amend the language in the Special Permit could be a significant impediment to, if not fatal to, the financial closing process.

Further, the NHA will need the building permit to be issued before the Master Affordable Housing Restriction is finalized and the financial closing takes place. The Restriction will be recorded at the time financial closing takes place.

Finally, I respectfully suggest that the Planning Board should not be responsible for enforcing the affordable housing restriction which the Community Preservation Committee has called for. The Town will not release the \$5.5 million of construction funds to the NHA, under warrant article 22, until the Master Affordable Housing Restriction is finalized and recorded. This provides sufficient leverage for the Town and protection of its interests.

Accordingly, section 3.1.2 of the Decision is not needed, and would in fact be counterproductive.

For the record, a brief chronology of events and communications regarding tenant income standards is set forth below:

- December 28, 2023. Select Board and Planning Board chairs meeting. At the meeting, Town Counsel Chris Heep said he had no legal concerns about the absence of occupancy restrictions. Marianne Cooley said at least 4 of the 5 Select Board members prefer that there be no occupancy restrictions, other than the 80% of AMI standard. This was confirmed by Kate Fitzpatrick.
- January 10, 2024. A Select Board letter to the Planning Board said: "The Select Board respectfully requests that the Planning Board propose a zoning amendment free of any age or ability restrictions". There was no request to include income restrictions beyond the 80% AMI threshold already provided in Needham's current zoning bylaws.
- March 5, 2024. Possible income restrictions were discussed at a Planning Board meeting, as part of its review of the draft Affordable Housing District zoning article. The Board did not call for a standard other than 80% of AMI.
- May 8, 2024. The Affordable Housing District zoning article established an 80% of AMI standard, and said nothing about an affordable housing restriction, separate from the implicit establishment of that restriction by virtue of the zoning article itself.
- May 8, 2024. In their zoning article presentations, the Planning Board and Select Board made no mention of an income standard other than 80% of AMI, nor of the recording of any affordable housing restriction.
- November 5, 2024. The draft Planning Board Decision refers to the AFD zoning article (sec. 1.1), states that all units will be occupied by persons with incomes at or below 80% of AMI (sec. 1.7), establishes a condition that all units will be affordable to and occupied by households with incomes at or below the 80% standard (sec. 3.1), requires the building to be used exclusively for residential purposes as an AFD project (sec. 3.4), requires the NHA and ground lessees to comply with the Decision (sec. 3.12), says no building permit shall issue until the Decision is recorded (sec. 3.32), requires the NHA to comply with all stated, federal, and local requirements (sec. 3.33), establishes the Town's remedies in the event of violation of any of the conditions of the Decision (sec. 3.38), and requires that the Decision be recorded (sec. 4.8).

Two Year Lapse, Section 4.7

Section 4.7, as drafted, does not indicate the length of the various extension periods. The edit would add the words "each for extension periods of up to two years".

It is requested that the Planning Board finalize and execute its Decision as soon as possible, so the NHA will not miss the upcoming financing round.

Very truly yours,

A handwritten signature in black ink, appearing to be "R. Smart, Jr.", with a long horizontal stroke extending to the right.

Robert T. Smart, Jr.

Cc: NHA Team



Robert Smart <bob@robertsmart.net>

FW: Sequence of Events _Linden Street Phase 1A and Phase 1 B Closing Proecss

1 message

Betsy Collins <bcollins@peabodyproperties.com>

Wed, Nov 6, 2024 at 3:48 PM

To: Board Chairman <chair@needhamhousing.org>, Bob Smart <bob@robertsmart.net>

Reg and Bob:

-

You asked Peabody/AHSC for comment on the advisability of the Section 3.1.2 language in the latest draft of the Linden Site Plan Special Permit Decision. We strongly recommend that this language **not be included** in the final draft of the Decision

Linden Street Phase 1 A and Phase 1 B Sequence of Events

The financing structure for Phase 1 A and Phase 1 B development efforts will each require project financing that will include tax credit equity and various affordable housing program loans and grants, including the \$5.5 million Needham CPA funds. Each of these funding sources will have specific (and often different and somewhat contradictory) affordability restrictions limiting the AMI of eligible tenants. In preparation for closing, these restrictions will be harmonized and memorialized into a single, Master Affordable Housing Restriction (AHR) document that will not be effective until executed by all funding parties. The AHR will then be recorded at the financial closing of each development phase, along with other executed legal documents which must simultaneously be recorded.

In order for Phase 1A development and Phase 1B development to close, and for the financing to be provided, a number of items will be required, including but not limited to: the Building Permit, Title Policy, Tax Credit Operating Agreement, AHR document, as well as documents associated with the ground leases.

Therefore, the recording of any Town-required affordable housing restriction cannot be a pre-condition to issuance of the building permits, nor done except in conjunction with recording of the AHR document. Instead, we will need the building permits in advance, to allow each Phase to proceed to closing, at which time the affordable housing restrictions will be recorded.

Betsy

**Elizabeth Collins** | Vice President of Development

Main: 781-794-1000 Direct 781-796-1160

Cell: 617-835-6708

Peabody Properties, Inc.536 Granite St | Braintree, MA 02184 | 781-794-1000 | www.peabodyproperties.com

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We put the **HOME** in housing.

Major Project Site Plan Special Permit No. 2022-01
November 6, 2024
Needham Housing Authority
0 Linden Street and 5 Chambers Street, Needham, Massachusetts

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for property located at 0 Linden Street and 5 Chambers Street. The property is located in the Affordable Housing District pursuant to the amendments of the Zoning By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres). The property is also shown on a lot consolidation plan titled "Plan of Land in Needham, MA", dated 12/21/2023, by Hancock Associates, recorded at the Norfolk Registry of Deeds on July 23, 2024, in Plan Book 730, Page 7.

This decision is in response to an application submitted to the Board on September 3, 2024, by the Petitioner for a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the Property from the current 152 units to 216 units, an increase of 64 units. The project will also include 70 surface parking spaces together with associated landscaping, driveways, and other improvements.

The NHA proposes to redevelop the Property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings on the Property, the redevelopment of which is not part of this application.

During Phase 1A, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing.

During Phase 1B, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada on Tuesday, September 24, 2024 at 7:00 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to October 15, 2024 at 7:00 p.m., in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA and by Zoom ID 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application submitted by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, dated August 29, 2024, filed with the Town Clerk, September 3, 2024.
- Exhibit 2 - Cover Letter from Attorney Robert Smart, dated August 23, 2024.
- Exhibit 3 - Letter from Attorney Robert Smart, dated August 23, 2024, with attached zoning table.
- Exhibit 4 - Plan of Land in Needham, MA, entitled "#5 Chambers Street and #0 Linden Street, Needham, MA," prepared by Hancock Associates, 185 Centre Street, Danvers, MA, dated December 21, 2023 (the lot consolidation plan).
- Exhibit 5 - Plan entitled "Site Plan Review for Linden Street Redevelopment, Needham Housing Authority", prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated May 11, 2023; Sheet 3, Sheet C1, entitled "Phasing Plan," dated August 23, 2024; Sheet 4, Sheet C2.0, entitled "Demolition, Soil Erosion, and Sediment Control," dated August 23, 2024; Sheet 5, Sheet C3.0, entitled "Site Layout and Materials Plan," dated August 23, 2024; Sheet 6, Sheet C4.0, entitled "Grading and Drainage," dated August 23, 2024; Sheet 7, Sheet C5.0, entitled "Utility Plan," dated August 23, 2024; Sheet 8, Sheet C6.0, entitled "Construction Details I," dated August 23, 2024; Sheet 9, Sheet C6.1, entitled "Construction Details II," dated August 23, 2024; Sheet 10, Sheet L099 , entitled "Tree Protection Plan," dated August 23, 2024; Sheet 11, Sheet L102A, entitled "Materials Plan," dated August 23, 2024; Sheet 12, Sheet L102B, entitled "Materials Plan," dated August 23, 2024; Sheet 13, Sheet L104, entitled "Planting Plan," dated August 23, 2024; Sheet 14, Sheet L105, entitled "Site Lighting Plan," dated August 23, 2024; Sheet 15, Sheet L501, entitled "Details," dated August 23, 2024; Sheet 16, Sheet L503, entitled "Details," dated August 23, 2024; Sheet 17, Sheet L504, entitled "Details," dated August 2, 2024; Sheet 18, Sheet L505, entitled "Details," dated August 23, 2024; Sheet 19, Sheet L506, entitled "Details," dated August 23, 2024; Sheet 20, Sheet L510, entitled "Details," dated August 23,

2024; Sheet 21, Sheet A100, entitled “Phase 1 Plans,” dated August 23, 2024; Sheet 22, Sheet A101, entitled “Phase 1A First Floor Plans,” dated August 23, 2024; Sheet 23, Sheet A102, entitled “Phase 1A - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 24, Sheet A104, entitled “Phase 1B - First Floor Plan,” dated August 23, 2024; Sheet 25, Sheet A105, entitled “Phase 1B - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 26, Sheet A200, entitled “Phase 1 Elevations,” dated August 23, 2024; Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024; Sheet 28, Sheet A202, entitled “Phase 1B Elevations,” dated August 23, 2024; Sheet 29, Sheet A203, entitled “Phase 1B – Elevations,” dated August 23, 2024; Sheet 30, Sheet A300, entitled “Building Sections,” dated August 23, 2024; Sheet 31, Sheet E000, entitled “Electrical Legend, Notes and Abbreviations,” dated August 23, 2024; Sheet 32, Sheet E100, entitled “Electrical Site Plan,” dated August 23, 2024; Sheet 33, Sheet E101, entitled “Electrical Site Plan Photometric,” dated August 23, 2024.

- Exhibit 6 - Traffic Impact Analysis, entitled “Linden Street Redevelopment Needham, Massachusetts”, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI, 02865, dated April, 2024.

- Exhibit 7 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, submitted August 29, 2024;

- Exhibit 8 - Memorandum from Design Review Board, dated August 19, 2024.

- Exhibit 9 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 8, 2024.

- Exhibit 10 - Letter from Anthony Donato, Hancock Associates, dated October 8, 2024, with 2 attached stormwater system infiltration run-off volume and peak flow rate calculations.

- Exhibit 11 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, Site Plan Review revisions to 8/29/24 report for expanded infiltration system: 10/8/24.

- Exhibit 12 - Revised Plan Sheets entitled “Site Plan Review for Linden Street Redevelopment, Needham Housing Authority”, prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of:
 - a. Sheet 6, Sheet C4.0, entitled “Grading and Drainage,” dated September 6, 2024, revised October 8, 2024.
 - b. Sheet 11, Sheet L102A, entitled “Materials Plan,” dated September 6, 2024, revised October 8, 2024.
 - c. Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024, revised October 8, 2024.

- Exhibit 13 - Letter from Reginald C. Foster, Chair, Board of Commissioners, Needham Housing Authority, dated October 11, 2024.
- Exhibit 14 - Letter from Attorney Robert Smart, dated October 15, 2024.
- Exhibit 15 - Plan entitled “Site Plan Review for Linden Street Redevelopment, Needham Housing Authority”, prepared by Bargmann Hendrie + Archetype Inc., 9 Channe; Center Street, Suite 300, Boston, MA, 02210, Hancock Associates, 121 East Berkely Street, 4th Floor, Boston, MA, 02118, Ground Landscape Inc., 285 Washington Street, Unit G, Somerville, MA, 02143, consisting of 33 sheets: Sheet 1, Sheet 000 - Cover / List of Drawings/Zoning Table, dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 2, entitled “Existing Conditions Plan of Land in Needham, MA,” dated May 11, 2023; Sheet 3, Sheet C1, entitled “Phasing Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 4, Sheet C2.0, entitled “Demolition, Soil Erosion, and Sediment Control,” dated August 23, 2024; Sheet 5, Sheet C3.0, entitled “Site Layout and Materials Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 6, Sheet C4.0, entitled “Grading and Drainage,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 7, Sheet C5.0, entitled “Utility Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 8, Sheet C6.0, entitled “Construction Details I,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 9, Sheet C6.1, entitled “Construction Details II,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 10, Sheet L099 , entitled “Tree Protection Plan,” dated August 23, 2024; Sheet 11, Sheet L102A, entitled “Materials Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 12, Sheet L102B, entitled “Materials Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 13, Sheet L104, entitled “Planting Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 14, Sheet L105, entitled “Site Lighting Plan,” dated August 23, 2024, revised October 8, 2024 and October 11, 2024; Sheet 15, Sheet L501, entitled “Details,” dated August 23, 2024; Sheet 16, Sheet L503, entitled “Details,” dated August 23, 2024; Sheet 17, Sheet L504, entitled “Details,” dated August 2, 2024; Sheet 18, Sheet L505, entitled “Details,” dated August 23, 2024; Sheet 19, Sheet L506, entitled “Details,” dated August 23, 2024; Sheet 20, Sheet L510, entitled “Details,” dated August 23, 2024; Sheet 21, Sheet A100, entitled “Phase 1 Plans,” dated August 23, 2024; Sheet 22, Sheet A101, entitled “Phase 1A First Floor Plans,” dated August 23, 2024; Sheet 23, Sheet A102, entitled “Phase 1A - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 24, Sheet A104, entitled “Phase 1B - First Floor Plan,” dated August 23, 2024; Sheet 25, Sheet A105, entitled “Phase 1B - Typical Floor Plan- Floors 2-4,” dated August 23, 2024; Sheet 26, Sheet A200, entitled “Phase 1 Elevations,” dated August 23, 2024; Sheet 27, Sheet A201, entitled “Phase 1A Elevations,” dated August 23, 2024; Sheet 28, Sheet A202, entitled “Phase 1B Elevations,” dated August 23, 2024; Sheet 29, Sheet A203, entitled “Phase 1B – Elevations,” dated August 23, 2024; Sheet 30, Sheet A300, entitled “Building Sections,” dated August 23, 2024; Sheet 31, Sheet E000, entitled “Electrical Legend, Notes and Abbreviations,” dated August 23, 2024; Sheet 32, Sheet E100, entitled “Electrical Site Plan,” dated August 23, 2024; Sheet 33, Sheet E101, entitled “Electrical Site Plan Photometric,” dated August 23, 2024.

- Exhibit 16 - Stormwater Report, entitled “Stormwater Report In Support of Notice of Intent for Linden Street Redevelopment (Map 133, Lots 23 and 24) Needham MA”, prepared by Hancock Associates, dated August 23, 2024, revision 2 October 11, 2024.
- Exhibit 17 - Email from Kaleigh Moriarty, 39 Chambers St Apt B, dated October 15, 2024.
- Exhibit 18 - Letter from Attorney Robert Smart, dated October 29, 2024.
- Exhibit 19 - Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated September 5, 2024, October 4, 2024 and October 9, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated August 30, 2024 and October 9, 2024; IDC to the Board from Tom Conroy, Chief, Needham Fire Department, dated September 3, 2024 and October 24, 2024; IDC to the Board from Thomas Ryder, Town Engineer, dated September 19, 2024, October 15, 2024 and October 24, 2024; IDC to the Board from Deb Anderson, dated September 20, 2024; and IDC to the Board from Tara Gurge, Health Department, dated September 18, 2024.

Exhibits 1, 2, 3, 4, 6, 15, 16, and 18 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The property is located in the Affordable Housing District pursuant to the amendments of the By-Law voted at the May 2024 Annual Town Meeting, which amendments remain subject to review and approval by the Massachusetts Attorney General. The property is shown on Assessors Plan No. 133 as Parcels 23 and 24, as well as Assessors Plan No. 134 as Parcel 41, containing a total of 478,540 square feet (10.9858 acres).
- 1.2 The site is presently fully developed, occupied by the Linden and Chambers communities at 0 Linden Street and 5 Chambers Street. The Needham Housing Authority (NHA) was established by the Town in 1948, for the purpose of constructing, managing and operating multifamily residential buildings that are affordable for persons of low income. Pursuant to several votes of the Needham Town Meeting, the Town conveyed the land which comprises the current property to the NHA, between 1957 to 1970. The NHA subsequently constructed the current buildings on the property, and it has managed the development for the benefit of its low-income residents and the Town since that time. Linden Street consists of 72 one-bedroom units, in 18 single story buildings. Chambers consists of 80 one-bedroom units, in two-story buildings. The five Chambers property buildings and the existing community room and maintenance facility are not part of this application.
- 1.3 The Petitioner proposes to redevelop its Linden-Chambers property. The redevelopment would result in an increase in the number of affordable housing units on the property from the current 152 units to 216 units, an increase of 64 units. The Petitioner proposes to construct one hundred thirty-six (136) units, as proposed in Phases 1A and 1B by this application. Of those 136 units, zero (0) to eight (8) may be two-bedroom units, and the rest will be one-bedroom units.

- 1.4 The Petitioner proposes to redevelop the property in two Phases. Phase I involves the Linden Street buildings on the Property, and it is divided into Phases 1A and 1B. The subject of this site plan review application is Phase I. Phase II involves the five Chambers Street buildings and the existing community center and maintenance building on the Property, the redevelopment of which is not part of this application.
- 1.5 During Phase IA, the NHA will demolish 10 existing buildings at 138, 140, 144, 146, 150, 152, 156, 158, 166, and 168 Linden Street. The 40 residents living in those units will be temporarily relocated, at no cost to them, to comparable or better dwelling units until they can be moved back into new units. Phase 1A of the redevelopment, providing 76 units (north wing) and the common facilities for the proposed new Linden Street building, will be constructed. Then the original residents of the 10 buildings will be allowed to move into the Phase 1A units of the north wing. The Petitioner proposes to construct seventy-six (76) units in Phase 1A. Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. Forty-one (41) parking spaces will be constructed with Phase 1A.
- 1.6 During Phase IB, the NHA will demolish the 8 remaining buildings at 170, 172, 174, 180, 182, 184, 186, and 188 Linden Street. The 32 residents of those buildings will be moved into the new building which was constructed during Phase 1A. The construction of the second, southerly wing of the new Linden Street building, with 60 new units, will proceed in Phase 1B. Of these units, zero (0) to four (4) may be two-bedroom units, and the rest will be one bedroom units. Twenty-nine (29) parking spaces would be constructed with Phase 1B.
- 1.7 The proposed new building is proposed to be an Affordable Housing District (AHD) Project, which is defined as multi-family housing development of affordable housing units, as defined in Section 1.3 of the By-Law. All units will be affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income. Pursuant to Section 3.16.4 of the By-Law, use of property in the Affordable Housing District for an AHD Project is allowed after completion of a Major Project Site Plan Review. Therefore, provided the Board approves the requested Major Project Site Plan Review Special Permit, the proposed use of the premises will comply with the By-Law.
- 1.8 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Affordable Housing District for an affordable housing use namely, front, side and rear setback, maximum building height, maximum number of stories, and floor area ratio.
- 1.9 The By-Law, Section 3.16.6, requires that the minimum lot area be 20,000 square feet and the minimum lot frontage be 150 feet. The proposed development, having a lot with an area of approximately 478,540 square feet (10.9858 acres) and 740 feet of frontage, complies with the minimum frontage and the minimum area requirements of the By-Law.
- 1.10 The By-Law, Section 3.16.6 requires a minimum front setback of 40 feet. The proposed building is to have a front setback of 88 feet from Linden Street at its closest point. Therefore, the proposed new building complies with the applicable minimum front setback requirement of the By-Law.

- 1.11 The By-Law, Section 3.16.6 allows a maximum floor area ratio (FAR) of 0.5. The proposed new building will contain an FAR of 0.36 for total of 172,274.4 square feet; less than the maximum permitted. There will be no basement level. The proposed new building will comply with the applicable FAR requirement of the By-Law.
- 1.12 Pursuant to Section 3.16.6 the maximum height allowed as-of-right in the Affordable Housing District is four (4) stories, not to exceed 58 feet (with the exception of structures erected on a building and not used for human occupancy, limited to a horizontal coverage of 25%). Whereas the proposed new building is 4 stories with a height of 53 feet, the proposed new building will comply with the height limitations of the By-Law.
- 1.13 The By-Law, Section 3.16.6, requires a maximum lot coverage of 20% in the Affordable Housing District. The proposed project is proposed to have a lot coverage of 12.4%. Therefore, the proposed project complies with the applicable lot coverage requirement of the By-Law.
- 1.14 The By-Law, Section 3.16.6, requires a maximum units per acre in the Affordable Housing District of 25. The proposed project is proposed to have 19.7 units per acre. Therefore, the proposed project complies with the applicable units per acre requirement of the By-Law.
- 1.15 Under the By-Law, Section 3.16.7, a parking requirement of 0.5 parking spaces per each residential unit is required for an AHD Project in the Affordable Housing District. Accordingly, for the 136 units of Phase 1A and Phase 1B units, a total of 68 parking spaces are required. The Petitioner is proposing to install a total of 70 spaces. As a result, more than sufficient parking is provided, and the redevelopment complies with the off-street parking requirements of the By-Law relative to the number of spaces.
- 1.16 Sections 1.8 through 1.15 are subject to change should the Massachusetts Attorney General require changes to the By-law that affect those sections.
- 1.17 The spaces as designed comply with all aspects of the Parking Plan and Design Requirements set forth at Section 5.1.3 of the By-Law.
- 1.18 Site amenities include 3 small patios, one with a small park-like atmosphere, as well as a community garden on the southern side of the site.
- 1.19 24 trees are proposed to be removed; 8 will be retained. 80 new trees will be planted on the site.
- 1.20 Pare Corporation conducted a traffic analysis of the potential impacts of the redevelopment of the senior and disabled housing development located on Linden Street and Chambers Street in Needham, Massachusetts, as detailed in Exhibit 6. The Needham Housing Authority (NHA) aims to redevelop the housing from the current 152 units to a maximum of 275 units. (This proposal is only for 216 units). The existing access driveways for the developments are anticipated to remain, with layout changes within the site only.

A safety review was conducted for the study of roadways and intersections. Crash data extracted from the MassDOT online crash data portal showed most of the crashes within the study area occurred along Great Plain Avenue. The crash data indicates that there are

more sideswipe and angle crashes along this corridor than expected, but the rate of personal injuries was quite low and there were no fatalities. MassDOT has not identified any crash clusters anywhere along Great Plain Avenue. In addition, sight distances reviewed for the site driveways indicate more than adequate sight distances allowing vehicles exiting the driveways ample time to safely enter Linden Street.

Capacity analyses conducted at three signalized intersections and six unsignalized intersections indicate generally minor increases in delay at surrounding intersections. Signalized intersections are anticipated to have an LOS D or better for both morning and afternoon peak hours. Unsignalized intersections are anticipated to operate at an LOS B or better except for the intersection of Great Plain Avenue at Linden Street and Washburn Avenue. The stop-controlled northbound and southbound approaches of this intersection are anticipated to operate at an LOS E or F condition during both the no-build and build scenarios. The proposed housing expansion is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to the northbound approach at this intersection, assuming none of these motorists utilize other available options to get to Great Plain Avenue. The proposed expansion is not anticipated to add any trips to the southbound approach. Accordingly, the proposed development can be safely accommodated on the roadways and through the intersections within the study area.

- 1.21 The Project has been approved by the Design Review Board by letter dated August 19, 2024.
- 1.22 As a contingency plan, if Phase 1B is not immediately funded, between Phases 1A and 1B, the façade of the building that connects the two phases will contain architectural elements as shown on Plan Sheet A201, such that the wall will not contain a blank façade in the interim period.
- 1.23 An emergency generator is proposed to be installed to serve the development during power outages. The new emergency generator can be expected to generate noise on the intermittent occasions when its operation is necessary, but it has been strategically placed at a location to minimize any impact to residents, neighboring residential properties and the surrounding area. The emergency generator is proposed to be located at the northern end of the property top the rear, next to the dumpster enclosure.
- 1.24 To provide additional sound protection, the generator will also be constructed within a sound attenuation jacket. To fully ensure that the emergency generator operates within the applicable limits of MassDEP's noise policy, the Petitioner will submit a sound study prior to the issuance of a building permit as well as after installation to demonstrate compliance with the policy, and to implement appropriate mitigation measures in the event the study shows the applicable limits are exceeded.
- 1.25 The exact make and model of the emergency generator to be installed is not known at the present time and will be determined by the Petitioner after the conclusion of permitting.
- 1.26 Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air has been assured. The Board finds that the use of the premises for residential purposes for an Affordable Housing District Project does not constitute a "seriously detrimental use." The site's stormwater management system has been designed to prevent adverse impacts to offsite areas. At the Town's request, the system has been designed to exceed

Needham's requirements and the MassDEP Stormwater Standards, including no increase in peak runoff rates from the site between the existing and proposed conditions for the requisite storm events. The stormwater management system utilizes Best Management Practices, including emphasis on stormwater infiltration, so as to remove potential pollutants such as TSS and phosphorus, provide improved groundwater recharge, and manage stormwater runoff to protect onsite facilities as well as adjacent properties. Proposed layout plans, grading, construction details, and long and short-term operations and management plans are included as part of the Major Project Site Plan Review Special Permit Submittal. Most deliveries will be made at the main entry. Trash removal will be made from the rear of the building to a trash enclosure and accessed from the north access drive. The trash and generator areas will be attractively screened. Sound attenuation will be provided for the generator. Lighting is being kept to a minimum, with downward-facing, full cutoff light sources and zero light spill to neighboring properties. A photometric plan is included in the Major Project Site Plan Review Special Permit submittal. The proposed site plan provides substantial landscape screening. Generous setbacks on Linden Street provide green space for shade trees, ornamental trees and landscape planting. Although approximately 24 existing trees must be removed to achieve the redevelopment or for poor health, the proposed plan will add over eighty (80) trees to the site, the majority of these between the building and adjacent properties, improving views for abutters. Further, the northern portion of the site has been set aside for a mini-park for NHA tenants and neighborhood residents to use.

- 1.27 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets has been assured. The project has been designed to ensure that there will be safe vehicular and pedestrian circulation throughout the site. The main access to the property will be via one (1) single driveway from Linden Street, roughly at the mid-point of the property. A circular drop off is provided at the main entry to the building, which will give safe and efficient access to the two parking lots on either side. The two access drives from Linden Street to the north and south of the building will be open only to emergency vehicles. Trash collection will utilize the northern access drive. Available sight distances at the site driveways will exceed required sight distances for safe operation. Limiting most vehicle trips to the center drive reduces confusion and impact on traffic flowing through Linden Street. New sidewalks will be constructed along the east side of Linden Street as a part of the project. ADA improvements will be made for crossing driveways. A sidewalk will be provided which links the proposed building to the sidewalk along Linden Street. Additional sidewalks and pedestrian paths within the project site will provide access for pedestrians to the building entrances and through the landscape. Handicap access and parking are provided in both surface parking lots. EV charging stations are provided for the future convenience of the residents. Sheltered parking for bicycles is provided at both the north and south building entrances. The stair exits are also sheltered.
- 1.28 The arrangement of parking and loading spaces is adequate, based on the layout and use of the site. Parking is arranged to the front of the building and is readily accessible. The proposed parking areas comply with all Town design requirements, including those for lighting, landscaping, handicapped spaces, loading, layout, driveway openings, parking space size, aisle maneuvering width, setbacks, bumper overhangs, and bicycle racks. The parking areas include seventy (70) spaces, which meets the requirement of .5 parking spaces per unit for this proposed 136-unit affordable housing facility. Parking is distributed in two lots, which are accessed from a single main entry drop off circle. The layout of parking and building access will provide convenience for employees and visitors.

- 1.29 Adequate methods of disposal of refuse and other waste resulting from the uses of the site have been provided. The site has been designed to provide adequate methods of refuse disposal and recycling. Convenient access to trash chutes is provided on each floor. Each floor has a trash room with adequate space to collect recyclable materials. Trash containers are located at the rear of the building, and so will be out-of-sight of neighbors and Linden Street pedestrians. The dumpster enclosure is located at the rear, northeast corner of the site and is shielded with screen walls on three sides, and a gate at the fourth. Refuse and recycling will be removed from the site by a licensed hauler.
- 1.30 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with other requirements of this By-law and have been adequately addressed by this project. The proposed building will be set well back from Linden Street with parking and landscaped lawn between the proposed building and street, which will allow for extensive perimeter landscaping and mitigation of the visual impact to neighboring properties. Side and rear setbacks from adjacent buildings will be maximized whenever possible. The development plan dramatically increases greenspace on the property, and it reduces impervious surfaces. The project provides natural landscape, open space and walking paths that do not currently exist on the property. The relationship of the proposed building to Linden Street will greatly improve the landscape opportunities on the site. The building will be set back from the street curb between ninety-six (96) feet at the north end and one-hundred-forty (140) feet at the south end, allowing for generous open space. A pedestrian sidewalk and row of canopy shade trees will provide a buffer between the street and parking areas. At the north end of the site a small park-like garden will provide lawn with a sweeping path, benches, a pergola for covered seating, canopy trees, and ornamental flowering trees and shrubs. Along the eastern edge of the site a meandering path will run parallel to a wetlands buffer that connects the north end of the site with the adjacent Chambers neighbors to the south. An outdoor plaza/patio will be provided near the middle of the building for use by residents. Invasive plant species along the buffer zone will be replaced with all native plants including evergreen trees to help buffer the new development from the Maple Street neighbors to the east. The southern end of the site will consist of a community garden. At the request of the Town, a rain garden has been added to the site. Relative to the existing development and its encroachment into the bordering vegetative wetlands (BVW), the project achieves substantial improvements.
- 1.31 The Project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed utility design focuses on connecting services to existing utility infrastructure and minimizing impacts along Linden Street. The project proposes to connect domestic and fire water services to the Town's existing water system located in Linden Street. The proposed water service layout and design has been provided to the Engineering Department to demonstrate that there are no concerns regarding water pressure and flow for this area. The project proposes to connect to an existing sewer service to route wastewater to the Town's sewer system via a sewer main located in Linden Street. As part of the Major Project Site Plan Review Special Permit process, the site plans have been submitted to the Fire Department to demonstrate the adequacy of the proposed fire truck access and hydrant coverage. The existing access driveway will remain, with layout changes within the site only. All sight distances exceed both minimum and desirable intersection sight distance standards. The addition of 64 housing units is anticipated to add less than 30 vehicles to the northbound approach during the morning peak hour and less than 20 vehicles during the afternoon peak hour to

northbound approach. It is not anticipated to add any trips to the southbound approach. The analysis conducted at signalized intersections indicated only minor increases in delays. The proposed development can be safely accommodated on the roadways and through the intersections within the study area. These findings are more fully described in the Transportation Impact Assessment (TIA) prepared by Pare Corporation under Exhibit 6.

- 1.32 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Affordable Housing District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) The Plan shall be modified to include a note detailing the total number of units proposed along with a breakout showing the total number of one-bedroom units and total number of 2-bedroom units. The noted information should also be provided by project phase.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.38 hereof.
- 3.1 This permit is issued for a multi-family housing development of 136 affordable housing units, as defined in Section 1.3 of the By-Law. Of those 136 units, zero to eight (8) may be two-bedroom units, and the rest shall be one-bedroom units. All units shall be

affordable to and occupied by households with incomes at or below eighty (80) percent of the area median income, ~~and the affordability levels of the project as a whole shall be consistent with Condition 3.1.2 below.~~

- 3.1.2 ~~No building permit shall issue until NHA has recorded with the Registry of Deeds an affordable housing restriction that is held by the Town, for the purpose of securing the affordability of all units within the project. The affordability restriction will secure an affordability level for the project such that most of the units will be rented to tenants at "deeply affordable" income levels, with some smaller number of units available for rent to tenants whose annual incomes are up to 80% of area median income, such that the affordability levels of all units in the project as a whole will average no more than 60% of area median income. The affordable housing restriction shall be in effect in perpetuity.~~
- 3.2 The building, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, except those allowable under Section 3.3, below, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this decision, and in accordance with the applicable dimensional requirements of the By-Law. Notwithstanding the above, the Petitioner may revise the floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase and the total number of units does not exceed 136 units. The Petitioner may revise the allocation of units between one-bedroom and two-bedroom units, without the need for additional hearings or approvals, provided that the total number of two-bedroom units do not exceed the maximums in sections 1.3, 1.5, 1.6 and 3.1 hereof.
- 3.4 The building shall be used exclusively for residential purposes, specifically for an Affordable Housing District Project, as defined in the By-Law. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.
- 3.5 Sufficient parking shall be provided on the locus at all times in accordance with the Plan, as modified by this Decision, and there shall be no parking of motor vehicles off the locus at any time.
- 3.6 A total of 41 parking spaces shall be provided at the completion of Phase 1A on the site at all times in accordance with the Plan, as modified by this Decision. A total of 136 parking spaces shall be provided at the completion of Phase 1A and Phase 1B on the site at all times in accordance with the Plan, as modified by this Decision. All off-street parking shall comply with the requirements of Section 5.1.3 of the By-Law, except as otherwise waived by this Decision.
- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.

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- 3.8 The emergency generator to be installed shall be designed and operated to comply with MassDEP noise policy to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The mechanical equipment and emergency generator shall also be installed and screened as far as practical to minimize the visibility of the mechanical equipment and emergency generator from Linden Street. Prior to the issuance of the building permit, the Petitioner shall deliver to the Building Commissioner for review and approval plans and specifications of said mechanical equipment and emergency generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said mechanical equipment and emergency generator have been designed such that when they are operated they will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.9 Prior to project occupancy, an as-built plan of the mechanical equipment and emergency generator together with a sound level analysis prepared by an acoustical engineer shall be submitted to the Building Commissioner and Planning Department. The sound analysis shall demonstrate compliance with the MassDEP noise policy addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.
- 3.10 The emergency generator shall be operated (a) for normal maintenance and testing on an interval consistent with manufacturer's specifications or otherwise as needed, provided that such maintenance and testing shall only between weekday hours of 9:00 a.m. and 5:00 p.m. and (b) in cases of power outage or emergency.
- 3.11 The emergency generator shall not: (a) increase the broad band sound level by more than 10 dBA; or (b) produce a "pure tone" condition- where any octave band center frequency sound pressure level exceeds the two adjacent center frequency levels by 3 decibels or more. These criteria are to be measured consistent with MassDEP noise policy. For purposes of this section, ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.
- 3.12 This Special Permit to operate a multi-family housing development of 136 affordable housing units as described in this decision is issued to the Needham Housing Authority, 21 Highland Circle, Suite 10, Needham, MA. The Needham Housing Authority, in order to secure financing and regulatory approval, is authorized to enter into ground leases with tax credit ownership LLC entities, which may then enter into development and management agreements, all subject to the terms and conditions of this Decision.
- 3.13 All utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.14 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if and to the extent applicable.
- 3.15 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if and to the extent applicable.
- 3.16 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.

- 3.17 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. The Petitioner shall connect the sanitary sewer line only to known sources. All sources that cannot be identified shall be disconnected and properly sealed.
- 3.18 The construction, operation and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Select Board.
- 3.19 The Petitioner shall implement the following maintenance plan:
- a. Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b. Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
 - c. Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.20 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy. A copy of the inspection reports for the Operations and Maintenance Program of the Stormwater Management Report shall be provided to the Planning Board on an annual basis.
- 3.21 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed.
- 3.22 All solid waste shall be removed from the site by a private contractor, as and when necessary. Snow shall also be removed or plowed by private contractor, as and when necessary. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.23 All commercial deliveries and trash pick-up shall occur only between the hours of 8:30 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Trash shall be removed from the building as necessary. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards.
- 3.24 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors. The Petitioner shall adjust its parking lights during the night and early morning. Between the hours of 10:00 p.m. and 11:00 p.m., the Petitioner shall shut off most of the parking lot lights, except those required to provide basic security and safety of residents. The building lights shall be set at a low light level to prevent any annoyance to the neighbors.
- 3.25 The maintenance of site and parking lot landscaping, as shown on the Plan, as modified by this decision, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.

- 3.26 Any portions of the sidewalks located on Linden Street shall be built to Town of Needham Specifications.
- 3.27 In constructing and operating the proposed building on the locus pursuant to this Site Plan, due diligence be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.28 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.29 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.31 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site, which require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner and the abutters and residents and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Hunnewell Street.
 - d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Linden Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.32 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. The Petitioner shall have submitted a letter to the DPW identifying the measures selected and dates by which the NPDES requirements outlined in Section 3.21 of this decision will be completed.

d. The Petitioner shall have delivered to the Building Commissioner for review and approval specifications for the emergency generator, including a sound study showing the ambient sound and sound attenuation components as described in Section 3.8 of this Decision.

e. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.33 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:

a. An as-built plan, supplied by the engineer of record certifying that the on-site and off-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

b. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.

c. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction.

d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan and As-Built Lighting Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.

e. There shall be filed with the Board a statement by the Engineering Division of DPW that the Petitioner has met the NPDES requirement as detailed in Section 3.21.

f. An as-built plan, supplied by the engineer of record certifying that the on-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the location and final construction details of the mechanical equipment and emergency generator, in their true relationship to the lot lines.

g. There shall be filed with the Board and Building Commissioner an as-built plan of the mechanical equipment and emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.9 of this Decision.

h. Notwithstanding the provisions of Sections a, b, and d hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board surety in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.

- 3.34 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.35 Any blasting conducted at the property shall require approval by the Needham Fire Department in accordance with Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.
- 3.36 The building or structure authorized for construction by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner. This Decision authorizes issuance of a permanent Certificate of Occupancy for Building 1A once the Phase 1A work is completed.
- 3.37 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.38 Violation of any of the conditions of this decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in

accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.

- 4.2 Beyond the Phase IA and Phase IB development authorized by this Decision, there shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 The conditions contained within this decision are limited to this specific application and are made without prejudice for any further modification or amendment.
- 4.5 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.7 The relief granted under this Decision shall lapse after two (2) years, which shall not include such time required to pursue or await the determination of any appeal, after the grant hereof, if construction has not begun except for good cause. The Board understands and acknowledges that two (2) years is likely to be insufficient time for the NHA to secure state approvals, obtain financing, obtain demolition and building permits, and begin construction. NHA has estimated that it may need a term of approximately six (6) years from issuance of this permit to begin construction. Accordingly, the Board states that good cause for extensions will be presumed to exist, provided that the NHA provides written requests to the Planning Board for extensions, [each for extension periods of up to two years](#), at least three months prior to the applicable date of a lapse of this permit as provided for above, and demonstrates in its request that it has made, and is continuing to make, reasonable progress towards securing financing, any necessary non-Town permits and authorizations, and any other necessary antecedents to commencement of construction.
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations

and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 6th day of November, 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairman

Artie Crocker

Paul S. Alpert

Adam Block

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2024

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public
My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, for Property located at 0 Linden Street and 5 Chambers Street , Needham, Massachusetts, has passed,

_____ and there have been no appeals filed in the Office of the Town Clerk or
_____ there has been an appeal filed.

Date

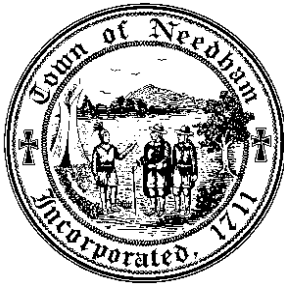
Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Robert Smart, Attorney



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

Planning Board Goals:

Beginning Fall 2024:

1. Large House Review (LHR) Committee
2. *If no referendum*: Design Guidelines for MBTA Communities Zoning
3. *If receive grant*: Parking Study
4. Accessory Dwelling Units, per state law

Other items:

- Technical Changes to By-Law
- Customary home occupation?
- Short term rentals?
- 888 Great Plain Avenue
- "Unlocking the Charles"
- Inclusionary Zoning

NEEDHAM PLANNING BOARD MINUTES

September 17, 2024

The Needham Planning Board meeting, held in Powers Hall at Needham Town Hall, and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, September 17, 2024, at 7:00 p.m. with Messrs. Crocker, Block, Alpert 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 one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Discussion and vote of Planning Board Recommendations: Zoning Articles for the October 21, 2024 Special Town Meeting:

- **Article 1: Amend Zoning By-law – Multi-Family Overlay District (Base Plan)**
- **Article 2: Amend Zoning By-law – Map change for Multi-Family Overlay District (Base Plan)**
- **Article 3: Amend Zoning By-law – Multi-Family Overlay District (Neighborhood Housing Plan)**
- **Article 4: Amend Zoning By-law – Map change for Multi-Family Overlay District (Neighborhood Housing Plan)**

Ms. Espada commented people have mentioned they are confused with the process. She reviewed the timeline. The process began in September 2023 with HONE tasked to make a recommendation to the Planning Board to prepare for the Article for Town Meeting. In April 2024 HONE gave their report, and the Planning Board spent August discussing what HONE recommended and what more information was needed for a public meeting. There was a meeting, more information was received, and we are here today to get more information. Today is a discussion but it could extend to next week. The Planning Board will finalize the Article by September 24 for the Warrant. She noted this has been a transparent process. The Planning Board has not tried to hide anything.

Town Counsel Christopher Heep ran through the changes to the draft. There have been several additions to the site plan review criteria. Specifically, a section was added to provide for a review of garbage and refuse collection, a section added to require adequate water, sewer and utility services, language was added to the section regarding traffic, on site and off site, and impacts and construction management during the project. These were not included in prior site plan review criteria. These were added due to some comments that were heard. There are a handful of corrections but none of substance. Mr. Block noted the concept of the Board's authority and the town's authority regarding site plan review has come up extensively. He was told the authority was only on the site but are now being told it is off site also. What is the limit of the authority offsite? Mr. Heep stated the Board can only apply reasonable conditions. There is no clear answer in the abstract. It will be clear when reviewing specific projects and applications before them. Site conditions are easy such as circulation and egress in and out which can be addressed through site plan approval. Some things can be done for traffic mitigation such as signage. Further than that is not easy without evaluating the impacts through our experts. He feels the important thing in this draft is including, in the criteria, a hook that allows the Board to look at these things and impose conditions if reasonable.

Mr. Block stated he supports improvements as relating to the MBTA compliance. He asked if it would be beneficial to include in site plan review outside of the MBTA Districts more broadly. Mr. Heep feels the tools are in Sections 7.4 and 7.5 to review all other projects. He sees no need to amend this right now. Ms. Espada noted the multi-family overlay has no special requirement with the underlying district. Mr. Heep stated it needs to only comply with this overlay and not the underlying. Ms. Espada wants to make sure the Board is covered. Mr. McCullen noted Section 3.17.9.2 (o) projected traffic volumes should be submitted by a licensed engineer. The authority of the Board is to not affect too much external to the site. He asked what the Board's authority was for mitigation. Mr. Heep noted that was another addition to the draft. The language in the draft requires the applicant to identify any traffic issues their engineers think may be appropriate.

Mr. Alpert noted he was reviewing the comments from Holly Clarke and Robert Smart with a recommendation to refer to Article 7 of the By-Law. He disagrees. It is better to have a separate listing. He has taken a look at 7.4.6 and 7.5.2.2 and he thinks it is fine to incorporate in site plan review if they wish. It may be a good idea to see if this Board wants to amend 7.4.6 to make it tighter for what the Board wants to do. In 7.4.6 (e) he is raising an issue. He thinks the requirement to go through the Design Review Board (DRB) may cover that. It would leave to the DRB to determine if plans meet open space and layout plans. He asked if the Board wants to leave it to the DRB or add in 7.5.2.2(a) screening and landscaping. It may be ok with the DRB but he wanted to raise it. In (e) he would like to add a provision if there is a greater number of parking spaces with estimates based on the ITE Parking Generation Manual or an alternative source determined by the Zoning Board of Appeals (ZBA). If the Board finds there is not sufficient parking based on the Board's requirements this gives the Board the opportunity in site plan review to require it. He would like to consider putting that in. The Board has received feedback from some residents who feel that the parking requirements are not sufficient. He is raising these issues to see if the Board wants to include those in 3.1.7.7. Mr. Crocker is fine with that. He does not want to weaken what the Board has. We are setting out site plan review in the MBTA multi-housing and missing something from the other one. He wants to strengthen plus bring in whatever is coming in from the other site plan review. They could say inclusive of the other site plan review. He does not want to lose something they have because there is now separate site plan review from the normal site plan. Mr. Alpert stated the current site plan review needs to be spruced up. There would need to be a site plan amendment and there is not time for that.

Mr. Heep noted the comments on a whole were 7.4 and 7.5 should be applied to MBTA zoning projects. A choice was made to not go that route but it may not have been adequately explained. In the early stages of drafting the zoning proposal it was discussed what criteria should be applied. In Section 3A, the Planning Board cannot require a special permit of an MBTA zoning project. They must allow multi-family housing by right and all it can do with a use by right is site plan review and not a special permit. Sections 7.4 and 7.5 have some criteria typically applied together in one process that is very much a special permit process and special permit criteria. That would not work. He noted there are 2 options – pick and choose what they could out of 7.4 and 7.5 or draft a new free-standing set of criteria that could be applied to the MBTA zoning projects which evolved from multiple sources including 7.4 and 7.5 where we could. Ultimately it led to this draft. He wanted to flag the real danger in trying to apply 7.4 and 7.5 as a whole to these projects. He has thought it through and feels this is best. Only one use is being allowed and that is multi-family use.

Ms. Espada noted it is by right but the Board still needs to know what the site plan review allows right now. Mr. Alpert noted there were comments from residents saying they felt one parking space per unit is not sufficient. There will be units amenable to families and there will be people coming in with 2 cars. Ms. Espada noted one is the minimum. Mr. Alpert stated if a developer comes in and only has one space per unit the Board cannot require him to have more than that. Mr. Heep stated an applicant could propose or request more but if one is the minimum, the Board could not require more than that. Mr. Alpert noted they recently got a parking study that was not a formal study. It recommended changes to the requirements. One space per unit should do it for the MBTA Communities. The purpose is to rely on transit, so he is comfortable with one space. He is just raising the question if they could put this potential change into the site plan.

Mr. Alpert noted in the Neighborhood Plan, Article 3, Mixed-Use is going to be allowed. If retail is on the ground floor he does not know if there is a different parking requirement. There would need to be more parking for the retail uses. Ms. Espada understands there is still one parking space minimum for the Neighborhood Plan as well. She asked if there is a requirement to add parking when you have mixed-use. Mr. Heep noted they would need to provide the parking count required by both commercial and residential components of the mixed-use building. It would depend on the actual use going in the space. Ms. Newman noted that is the intent. There needs to be a reference added back to Section 5.2 that specifies what the parking requirements are for general and apply that to the commercial uses in the building.

Mr. Block stated he would not support including (a), screening, from the special permit criteria. They need to establish an objective screening criteria. He does not believe the Board had done that in the special permit authority and have not done it now. They want to enable the production of housing with fewer regulations. Either the Board responds to that or not. Adding more restrictions is counterintuitive. Mr. Alpert feels that is a subject that is permissible for the DRB to consider. Mr. Heep noted the DRB would review the project and come up with a set of recommendations to provide to the Planning Board like it does with all projects. Their process is not much different in this concept. The By-Law provides for the Planning Board to create design guidelines. If the Planning Board has a minimum amount of landscaping they want to see

it can be put in the design standards as a criteria. Mr. Alpert commented they have the opportunity to work with the DRB on design guidelines.

Mr. Heep stated he has reviewed the comments received and he explained why he did not adopt Section 7.4 and 7.5 wholesale. Ms. Espada asked if there were any conditions he would like to include that he did not think are related to Section 7.4 or 7.5. Mr. Heep noted this includes review criteria. The existing draft makes a concerted effort for the Planning Board to review projects and have input into what they would look like. Josh Levy and Jeanne McKnight's comments were helpful and should be included. Of the comments he reviewed they were encouraging the Board to move over 7.4 and 7.5 to this process. He does not feel that is the best option. These applications will go to the DRB, the DRB will review them and will have 35 days to get back to them. Mr. Crocker stated a lot of comments are protecting the town and the neighbors. He asked where, in writing, does it say there has to be a 35 day turn around time frame. Mr. Heep stated it was the HLCs guidance. In most cases, site plan review should be done within 6 months. He thought it was important the DRB review should be received back quickly. Mr. Crocker asked what happens at the end of 6 months if there is no decision. Mr. Heep stated nothing. It could be deemed to have been approved but there is no language. The Board can deny the application if all the required information is not submitted. That would be a supportable denial. Once the application is filed there are 6 months to make a decision.

Ms. Espada noted 100 West Street with the abutters comments and the changes. The zoning, as it related to this, does not establish a maximum number of units per acre but the FAR estimate for the district. Then established state guidelines of an amount of multi-family units of 1,000 gross square feet and uses hallways and mechanicals. The HONE proposal for both plans by right is an FAR of 1.0. With 187,200 square feet divided by 1,000 square feet that is 187 units. With a special permit the FAR could be 1.4 and 262 units is possible when there is zero propensity on site. Deputy Town Manager Katie King noted there were a lot of comments from residents who want to know why zero propensity was used instead of one. Ms. Espada explained it takes the value of the parcel today and what the build out could be to get a future value. That was used as likely to be built. A 1.0 is not likely to create value. It was changed to 1.3 so there is a likelihood to build. There are a lot of unknowns at this site. There is no knowing what an applicant would come in and propose. They had an owner come in and he said he did a test, that the Board never saw, that said 1.3 would be viable. Once changed, the model was run again and at a 1.3 FAR, 243 units are possible based on 1,000 square feet per unit. When the applicant came in they did not need those additional units. Some members of the community were glad for the additional units while others were not happy with additional units. There was no issue with 187 units, but people had an issue going to 243. She asked if there could be a cap put on the number of units but keep the FAR so an applicant could put corridors and amenities. Her recommendation is to cap the units at 187 but allow an FAR of 1.3 and keep the special permit at 1.7 FAR.

Mr. Alpert stated they have history at this site and with this landlord. The Board needs to be very careful they are not creating a hole that someone at this site could drive a mack truck through. He is comfortable with capping the as of right to 187 units with an FAR of 1.3. This gives them enough building with the units and corridors and infrastructure. He would like the special permit to come down from 1.7 to 1.5. Mr. McCullen stated all agreed on this and there should not be a surprise. He is ok with 187 units but feels it should go forward with a special permit of 1.7. Mr. Block thinks they have gone through a very extensive process. Some people have only recently looked at this. He understands the temptation to re-look at the whole thing. We should go back to what we are dealing with which is that the states are struggling with housing production. They are clearly stymied by regulations. A good public policy has been established. The site is unique and there is a property owner who has expressed interest in creating something on this site. They have established a by right criteria that may or may not work and are now choosing to enact greater restrictions. He noted 325 units do not take into account community space and one or 2 bed distributions. It just creates fear. The Board has created a good, strong policy. All agreed on 1.7 FAR. That gives the town the discretion to review against impacts and make informed decisions on what is in the best interests of the town. He supports the cap as written. It is very straightforward.

Mr. Alpert is comfortable with 187 units, which is the project in front of the Board now. It is possible they could pass this and a developer could come back requesting a special permit to go up to 225 units. That is scary to him. There is a traffic problem there now. This is a combination of retail and residential area. There is a lot of traffic including foot traffic. His upper limit is 187 and giving the developer the opportunity to increase through a special permit. Mr. Crocker agrees with Mr. Alpert's general thoughts in principle. They did not have a lot of time and neither did the public. A 1.7 FAR does not scare him. It is the amount of units he is not comfortable with. They need to decide a maximum number of units. He asked if there should be a maximum number of units or maximum number of units per acre. Ms. Espada noted 187 units for a 1.3

FAR and with a special permit it should be 262 at a 1.7 FAR, which is what HONE recommended. Mr. Block feels that is creating arbitrary standards without knowing how it would be for the market. They are proposing a change on the special permit without knowing the impact. Mr. Crocker reminded the members there is no project in from of them at this time. Mr. Block noted the Board would have the authority to limit it in the future with the special permit. A discussion ensued.

Ms. Espada noted, for context, Chestnut Street has a 2.0 FAR for as of right in the Neighborhood Housing Plan, although the lots are much smaller, and also the Business District. She asked the members what they would be comfortable with for an as of right maximum and all agreed they are comfortable with an as of right FAR at 1.3 with a maximum of 190 units. She then asked what the members felt the maximum should be for the special permit. Mr. Alpert is comfortable with a 1.7 FAR and a maximum of 262 units. Mr. McCullen and Mr. Block agreed with a 1.7 FAR but no maximum. Mr. Crocker agreed with 1.7 FAR but a maximum of 245 units. Ms. Espada feels with a special permit they would have the right to reduce the units. Mr. Heep stated there would have to be a good reason for why such as traffic is intolerable or they do not have the infrastructure to support it.

Mr. Block feels it is absolutely terrible public policy to make public policy decisions on an arbitrary basis especially when they have already digested this issue. It is a solved issue based on an informed discussion with information presented to the Board. Mr. Alpert disagrees it is based on arbitrary rationale but is based on the knowledge of this parcel and of this neighborhood. They have heard from the neighbors. It is a great location and he would love to see 187 units. He hopes the developer goes forward with it. He is more comfortable having a cap for the special permit also given what they have heard from the neighborhood and the configuration of this parcel. All members agreed with an as of right vote of a 1.3 FAR with a cap of 190 units. All members are comfortable with a special permit FAR of 1.7 but 3 members want no cap versus 2 members who would like a cap. Mr. Crocker stated he does not want any possibility of a parking garage on the Highland Avenue side even if it is screened. He would not like anyone to know there is a parking garage there. A discussion ensued regarding the parking garage location. The Board will look at this. Mr. Heep suggested adding “such that no car parking in the structure can be seen from Highland Avenue.” He will look at this.

Ms. Newman noted the MBTA zoning is based on as of right zoning. With the Neighborhood Housing Plan there could be 1,354 units with the added incentive to allow the height to increase by one half story in the Chestnut Street and Business Districts. Mixed-Use buildings or work force housing is included. Technically, 200 additional units are created. The actual number would not be close to 200 and it would probably be a wash. The MBTA model was done including as of right housing and allows mixed use development which was not modeled. There could be a maximum unit per acre put in or an allowance for work force housing. Ms. Espada noted Crescent Road. Ms. Newman stated when the zoning was adopted for the Industrial District on Crescent Road 2 properties were not included. A portion was residential and Industrial so HONE did not include them. The owner of one property would like his property included. The vehicle to do that would be a second Article done in the Spring. All members agreed to bring this up in the Spring.

Deputy Town Manager Katie King stated RKG updated the school enrollment assumptions. She reviewed the figures. The average number of students would be 109 generated from new developments, which is equivalent to 0.124. Affordable units generate more students than the market rate. RKG assumptions estimate 55% studio and one-bed units 35% 2-bed units and 10% 3-bed units. She noted students generate at different rates depending on bedrooms and affordability. This information gave them a comfort level with the accuracy. The Neighborhood Housing Plan’s likely build out is 1,342 units. Of those units, 87.5% are market with the balance affordable. With 1,342 units, 171 students would be generated with a generation rate of 0.127. She discussed how school enrollment was applied to school capacity. RKG does not tell what grade level the students go into. It is estimated 46% are elementary, 23% Middle School and 30% High School. She walked through the McKibben and RKG information.

Mr. Block commented it was helpful to provide the update. It gave credibility with the modeling. Ms. Newman will put together the changes to the draft and the Board will vote on the final form on 9/24/24. Ms. Espada thanked all for all the comments since the last meeting. The comments were very respectful.

Public Hearing:

7:30 p.m. – Definitive Subdivision: 40 Highland Ave, LLC, 435E Dedham Street, Newton, MA 02459, Petitioner (Property located at 40 Highland Avenue and 14-16 Riverside Street, Needham, MA). Regarding request to subdivide

the Premises into three building lots, two of which will be used for residential purposes, having frontage on the new road, and the third of which will continue to be used for commercial purposes. Please note that this hearing has been continued from the August 27, 2024 Planning Board meeting.

George Giunta Jr, representative for the applicant, noted there are 2 existing properties. One, with an existing repair shop, is long and narrow with frontage on Highland Avenue. The second lot is on Riverside Street. The 2 lots will be added together and divided into 3 lots. The repair shop will be on its own separate lot and does not change. The 2-family house on Riverside will come down and a new one built. A new lot will be created for one new 2-family house. A complete by right proposal could be done but it is not the best design for the neighborhood so the applicant is proposing less than by right. There will be less pavement and more open space for more flexibility on the lots. Several waivers are being requested for better conditions overall. He noted they worked with the neighbors and the Condo Trustees regarding drainage. At this point there is no written summary they could use. The Trustee, identified at the last meeting, stated the issues with water are related to bedrock under their foundations needing infiltration. They asked engineering what could be done on their side. After a storm there was no evidence of any drainage issues on their side of the street. There are some test pits that show there is 4 to 6 inches of fill material and then sand underneath in all but one pit.

Mr. Giunta Jr. stated he reached out to the immediate abutter. There have been no issues of water on their side of the street. There is a natural geographic condition on the other side of the street that does not affect their side of the street. Mr. Block asked if the elevation was higher or lower. Mr. Giunta Jr. is not sure. His applicant's side is a little higher at the street and there are good conditions on their site. He is confident with the drainage design done. Engineering has reviewed it and drainage is not a concern on this project. Mr. Block stated there was considerable neighbor concern at the last meeting with flooding in the area. He asked how many square feet each building would be and how many acres are in their property for each lot. Mr. Giunta Jr. noted the footprints are limited to 2,500 square feet per building and one lot is 21,000 square feet and the other is 18,000 square feet. Mr. Block commented he is conflicted over this. He stated if public safety is fine with a T design driveway, and it is a multi-family area, he is ok with that. It is not far from the river, but he has heard from people there are drainage issues. Ms. Espada noted there are storm water provisions. All departments have reviewed and are ok with it. Mr. Giunta Jr. noted if the applicant had done the by right design the Board would need to approve it as it meets all requirements. The request for waivers is for less pavement. He has reviewed the Subdivision By-Laws and there are no provisions that require trees. Every attempt should be taken to keep trees. The Board does have some authority. Mr. Crocker noted there was no landscape plan to review. Mr. Giunta Jr. stated a landscape plan is not required. Mr. McCullen asked Ms. Newman if she had reviewed all that was submitted and if it was submitted properly. Ms. Newman has reviewed and all departments are ok with this.

Elizabeth Kaponya, of 27 Highland Terrace and a Town Meeting member, noted her biggest concern is this is way too big a project for an area with drainage issues. Any bad rainstorm water comes straight down the street. The new duplex across from her flooded and she almost got water. There is a problem with flood water and drainage. There is a lovely pathway along the river where people walk their dogs. This is going to be right up against the river. Cutting down trees is another issue. All the trees were cut down recently with the new duplexes. This just created water that flows down the street. Ms. Espada stated the Storm Water Committee is working on it. She asked when that work would be completed. It is not known when it will be done. Mr. Alpert stated there is an extensive storm water management submission in the packet. He assumes Engineering has reviewed the Storm Water Management Report. He commented, if Engineering says it works, where does the Planning Board have authority to do anything. Engineering advises this Board. Mr. Block stated that is contrary to what the residents are saying. Mr. Alpert stated water going down the street is not an issue for this property.

Mr. Giunta Jr. stated the engineering report was for the subdivision design and not the individual houses. Naomi Ribner, of 40 Riverside Street, has been here for 21 years. Trees lined both sides. She thought the forested area was conservation land and was surprised to find out it was not. When development was done all the trees were taken down. Then some trees in the park were taken down in the park with the Town's approval. This is no longer a tree-lined street but there is still some green space. This project will be taking down all the trees. She vehemently opposes this project. When all the trees are removed it will irrevocably alter the character of the neighborhood. She would like to request a row of trees be kept between the old and new houses if approved. Arthur Deych, of 10 Riverside Street, stated he is the closest house to the development. He has not had floods or any drainage issues since he has owned the house.

Michael Scott, professional engineer for the applicant, clarified the storm water report was filed. It shows a full build out and not only the roadway which was designed to have its own system. Analysis did look at typical 2-, 10- and 100-year events. It is prepared to be filed as an order of condition to meet town and state storm water standards. He assessed the entirety of the property at full build out. He did do a site visit in December of 2023 shortly after a heavy rainfall and did not see any issues. Mr. McCullen noted a significant number of trees to be cut and asked if the report accounts for those trees gone. Mr. Scott stated the report does account for that. Near the last page in the report shows the full build out with lawn area. It was analyzed as lawn or yard area and areas per conservation. He looked at the site paved with road and driveway and tree removal.

Ms. Newman stated there is a note that the applicant needs to have a landscape plan. She noted it is a 3:1 slope down to the neighboring properties. Mr. Giunta Jr. noted Engineering had responded to that in a letter in August and noted a few yard drains. Mr. Scott stated it looks like the Board is looking for a landscape plan for some perimeter planting along the south side. His response was related to the potential for flooding along the neighbor's property. They are discussing landscaping along the south side of the residential lots on the south side of Riverside with an increased number of inlets into the property to help reduce flooding. He did not provide a landscape plan. Mr. Block noted the Planning Board is saying the response is not sufficient. There needs to be a landscape plan. The hearing will be kept open until provided. Ms. Newman stated the applicant should revise the plan and get a letter from Engineering approving.

Mr. Crocker stated there needs to be a tree buffering zone between the properties and the pathway. That is what the abutters are asking for. Mr. Giunta Jr. noted that the whole side would need to be reviewed by the Conservation Commission. Paul Prohodski, on behalf of his mother, an abutter, stated the land had been totally filled in. He has no problem with a number of trees coming down. A lot of the trees are rotten and dying. Several have fallen and a fence was broken. That land is dry. The other side was built on ledge. He is not concerned with water but a lot of trees are diseased and should be replaced.

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 continue the hearing to 10/15/24 at 8:00 p.m.

Mr. Alpert would like a letter requiring infiltration and also showing the 200-foot river frontage. He would like to see this in relation to the proposed house.

Minutes

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

VOTED: to approve the minutes of 7/25/24.

Board of Appeals – September 19, 2024

37 Mosely Avenue – Saybrook Construction, LLC

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

VOTED: "No comment."

Report from Planning Director and Board members

Ms. Newman is trying to set up meetings for the beginning of October with the Select Board and the Finance Committee to present the zoning to them and get any questions.

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 adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Planning Board Minutes September 17, 2024

Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk

DRAFT

Tree Preservation Planning Committee

About the Tree Preservation Planning Committee

The Tree Preservation Planning Committee (TPPC) was established by the Select Board in 2024. The TPPC will review options for preserving the Town's tree canopy (both public and private) and make recommendations for action to the Select Board.

The TPPC will:

1. Host a public listening session early in the Committee's work to solicit general thoughts, ideas, questions and concerns from members of the Needham community regarding tree preservation.
2. Review the Town Manager's working group draft goals for tree preservation and recommend changes as appropriate.
3. Review tree preservation strategies in similarly situated communities.
4. Gather feedback from stakeholders including homeowners, developers, builders and members of boards and committees.
5. Investigate funding sources for tree preservation including grants, fees, and Community Preservation funding.
6. Evaluate and recommend changes to rules, regulations, policies and by-laws to implement tree preservation strategies.
7. Investigate available data on the existence and removal of public and private trees.
8. Develop metrics for tracking tree preservation progress.
9. Develop strategies for raising community awareness about the importance of trees.
10. Identify and report to the Select Board priority tree preservation strategies that could be undertaken prior to the comprehensive plan being finalized or that would have to be advanced in a timely manner for consideration in the Town budget process, Annual Town Meeting, or Special Town Meeting by June 15, 2025.
11. Develop and present a report to the Select Board on tree preservation strategies for private and public trees.

Members

The TPPC consists of eleven members appointed by the Select Board. Each will serve through the end of FY2026.

Seat/Appointing Body	
Member of the Select Board	
Member of the Conservation Committee	
Member of the Planning Board	
Member of the Climate Action Committee	
Member of the Stormwater By-Law Working Group	
Member of the Large House Review Working Group	
Local Builder	
Local Developer	
Landscape Architect	
Resident At-Large	
Resident At-Large	

The Zoning Board of Appeals voted to approve the following petition on October 16, 2024 and a decision was filed in the office of the City Clerk on October 23, 2024:

3. **#11-23** 78 Crafts Street Newton LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 307-unit residential development on a 4.76 square acre lot located at 78-84 Crafts Street, 68-70 Crafts Street, 9 Maguire Court, 17-19 Maguire Court, 67R Court Street, 63 Court Street, 13-15 Maguire Court, 24 Maguire Court, 31 Maguire Court, and 31R Maguire Court within the Multi-Residence 1 (MR-1) and Manufacturing (M) zoning districts. The proposal includes 62 affordable units and 263 parking spaces.

Appeal, if any, shall be made pursuant to §17 of MGL Chapter 40A within twenty days after the date of the filing of such decision in the office of the City Clerk.

The Zoning Board of Appeals voted to deny the following petition on October 16, 2024 and a decision was filed in the office of the City Clerk on October 17, 2024:

1. **#08-23** 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential development on a 25,902 square foot lot located at 41 Washington Street within a Single-Residence 3 (SR-3) zoning district. The proposed development would consist of reconfiguring the existing dwelling and constructing an addition. The proposal includes 4 affordable units

Appeal, if any, shall be made pursuant to §17 of MGL Chapter 40A within twenty days after the date of the filing of such decision in the office of the City Clerk.

From: [Ross M. Donald](#)
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Cc: [Jim Burke](#); [Dorina Moriarty](#); [Marlene Costa](#); [John Kostuk](#); [Kalpana Shah](#); [Ross M. Donald](#); [Board Chairman](#); [Cheryl Gosmon](#)
Subject: Letter to the Planning Board on Linden Redevelopment
Date: Tuesday, November 5, 2024 11:40:01 AM

The undersigned request this letter be added and read into the record at the beginning of the time allotted for discussion of the NHA proposal at the Planning Board Meeting of November 6, 2024 and before the Decision on the Application.

Commissioner Herrer invited me, as representing the Residents of Linden Chambers, to send in comments, and to include comments from those others speaking at the Conservation Committee Hearing, who wanted to speak but were disallowed because the Hearing was stopped.

Commissioner Crocker, also, reminded the public that anyone can send comments to the Planning Board to be included in the Board packet, distributed to the Board the week before the meeting.

The suggestions, to take this opportunity to deliver our comments here in writing, were made, in our view, because the public hearings at both Boards were cut short and the various Members recognized this as compensation for the shortened public hearing. The public, who were denied the opportunity to speak, view that denial as inappropriate.

At the last meeting, the Planning Board continued the Public Hearing, but restricted the subjects to two matters, at the suggestion of Commissioner McCullen and with the head nods, in agreement, by some of the other Commissioners. The public, attending the hearing and those who wished to speak on the new information presented by the proponents on fire protection and on water management, were not allowed to speak.

Nor was the public allowed to speak on their other concerns.

On the topics permitted by the Board for continued discussion, several questions remained unanswered by Fire Chief Tom Conroy and Fire Prevention Official Ronald Gavel including whether not they actually visited the site, or only looked at the plans.

There was disagreement and confusion over the idea of "stay and shelter in place" during an active fire. The Fire Chief claimed to have never discussed this concern with the representatives of the NHA.

The public, expressing concerns about the fire lane, were not satisfied with the new information presented and were prepared to cite AFPA sources saying that the rear fire lane must be 18 feet wide and other issues. To be clear, the proponents of the proposal were allowed to speak, while the public at a public hearing was denied the right to speak.

The public, expressing concerns over the high water table, were likewise disallowed from voicing their opinions. And those wishing to address the adverse impact of the proposal on the wetlands, in terms of the wetlands values, were cut short on the basis that there had already been four hearings. It appears that the Hearings at Planning and at Conservation were held and conducted to serve an administrative requirement on a check list, rather than the public interest. In fact, it was a hired consultant, who pushed for closing the Hearing, saying he thought the Hearing was going to be closed that night. The public interest has not been well served.

The Planning Department, the committees and boards have not made the Application, the application materials and other pertinent information such as minutes, transcripts, and video accessible to the public. Despite the excellent staff work, it may be unreasonable to expect the changing nature of the Application process to allow all the comments to reach the Planning Board with the proposal in a complete and perfected status. Considering this process, whereby the power elite talk amongst themselves while ignoring the public and especially abusing the elderly tenants of the Linden/Chambers, the Planning department should have allowed the public to comment on the information as it was developed and presented. Instead, the Application was adjusted and modified piecemeal, with the whole thing never considered as one 4.5 year process in its totality, which includes planning, relocation, demolition, infrastructure, foundation and grade, utilities, construction, and so on.

The current Application which proposes 4.5 years of disruption has been in itself divided into smaller pieces, called Linden 1A of 3 years, followed by Linden 1B of another 18 months, with no overall plan for Linden/Chambers as a larger integrated neighborhood. The developers are planning a two

stage financing scheme that allows for the possibility that the redevelopment might need to change its scope. This lack of surety is unacceptable.

In the same way, the Linden part of the overall redevelopment has been segmented out from the original Linden/Chambers master plan, leaving the Chambers parts unattended and ignored. So the question arises as to what part of the \$1.386 million allocated by CPC to Linden/Chambers is going to be spent on Linden and what part is going to be set aside and used for Chambers, as proposed to CPC and Town Meeting.

The Planning department's urgency to press ahead at all costs is seen in its cavalier attitude toward the Articles passed by Town Meeting and under review by the Office of the Att. Gen. (OAG). In our view, it is somewhat premature to consider approving the Application without the determination that the Articles are consistent with state law. This review will be done and rendered before the deadline of December 7, 2024.

It should be noted, regarding the property conveyed to the Needham Housing Authority, referred to in letters of May 6, 2024 and others, that the OAT gave no approval to Article 41, which deals with the "authorization of town select board to remove restrictions, which is to say: TO SEE IF THE TOWN WILL VOTE TO AMEND ITS PRIOR VOTES TO REMOVE RESTRICTIONS THAT PROPERTY CONVEYED TO THE NEEDHAM HOUSING AUTHORITY BE LIMITED TO USE AS HOUSING FOR THE ELDERLY AND TO OTHERWISE LEAVE SAID VOTES UNAMENDED AND IN FULL FORCE AND EFFECT. Neighbors, abutters, and residents of Linden/Chambers were never polled on this.

The failure to allow the public to speak is paralleled by the lack of proper notice to the public. The posting of a notice about Town Meeting Article 18, published in shorthand, fails to inform the public as to the more precise and highly impacting nature of the actual Article. The public notice only refers to the establishment of an "affordable housing district," which is vague and should void the presentation and consideration by TM of Article 18.

In the eagerness to push the redevelopment of Linden/Chambers which has been under discussion for at least 12 years, the Planning department and NHA has failed to weigh the present value against the added and unnecessary costs of demolition. As Jeanne McKnight said to Reg Foster,

at one presentation by the NHA, "You know, nobody is forcing you to do this." We mean to say that the NHA has failed to consider the options offered in the Master Plan by Abacus that afford less highly impacting plans for the Tenants of public housing and the natural areas that are integrated with and a part of the cluster housing on Linden Street.

The present value of the NHA buildings not including the real estate was summed up to be around \$16 million according to a past calculation. There is no gain in the demolition of the cluster housing, especially when the options in the master plan of 2017 include saving the foundations, the walls, and the roofs which are sound.

The presence of asbestos and black mold and the like does not lead inevitably and irrevocably to the tear down of these buildings. Problems of this sort must be dealt with before and apart from any decisions about the disposition of the buildings, which is what is happening now. The NHA, sometimes with the encouragement of the Health Department, has removed asbestos, as was done when Bernie Kirsten was Temporary Executive Director. The work involved isolating and tenting the unit.

Usually asbestos is covered and encapsulated to stabilize the hazardous material. This is standard practice. The only time asbestos is dangerous is when it becomes friable and released to the air. Because of this work required before demolition, the cost of demolition would be high and unnecessary, especially when compared with the present value.

Thank you for considering our concerns.

Very respectfully yours,

Ross M, Donald, President
James Burke, Vice President
Dorina Moriarty, Secretary

Linden Chambers Residents Association