

NEEDHAM PLANNING BOARD MINUTES

February 13, 2025

The Needham Planning Board meeting, held in the Performance Center at the Broadmeadow School, and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Thursday, February 13, 2025, at 7:00 p.m. with Messrs. Crocker, Alpert, Block and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

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

Public Hearing:

7:00 p.m. – 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)

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

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

Ms. Espada reviewed the process. She noted this is the Base Plan and is the same presentation as presented at Town Meeting. The MBTA Communities Act requires 177 designated communities to have zoning that provides at least one district of a reasonable size that provides multi-family housing as of right. It must be within one half mile of the commuter rail station and allow 15 units per acre. An action plan was submitted to the state. The state approved the plan, so Needham is in compliance. Needham's requirements are 50 acres, 1,784 units, 15 units per acre and 90% in the station area. Ms. Espada gave an overview of the Article. It meets the minimum requirements of the MBTA Communities Act. Article 1 creates a Multi-Family Overlay District following the recommended district boundaries and demographic standards in the Base Compliance Plan. Article 2 is the map change for the Base Compliance Plan.

Ms. Espada noted the Base plan has 100.3 acres, a unit capacity of 1,870, 18.6 units per acre and is 93% in the transit area. It follows the Highland Avenue/Chestnut Street corridor from Webster Street to the Needham Junction. It incorporates the existing multi-family housing developments along the corridor, utilizes the existing Business and Industrial Districts and incorporates the multi-family housing at the Charles Court Condominiums. She reviewed the current zoning parameters including the minimum lot size, height, FAR, lot coverage and maximum dwellings per unit and parking per unit. She then reviewed the new base compliance parameters. She noted the comparisons between the base plan and the existing zoning including dimensional standards, land use standards, height, which is increased in some areas, and parking which is decreased from 1.5 spaces per unit to one space per unit. Multi-family development goes from special permit to an as of right in some districts and development is permitted as of right in the Business and Industrial Districts.

The Overlay District at Chestnut Street and Avery Square currently allows a higher density for multi-family housing than the Base Plan. Ms. Espada discussed the units allowed under the existing and the proposed. There are 775 existing units with an existing zoning capacity of 1,019 and 1,636 with an overlay special permit. The Base Compliance Plan capacity is 1,870 and the Base Compliance likely build is about 441 with 775 already built. She gave a scenario comparison of the different districts and showed the locations of the areas. She noted the existing and the Base are similar. She reviewed what the Base Compliance Plan includes in each district and the differences between the existing and the base.

Ms. Espada noted the Site Plan Review process has been reviewed by the Planning Board with a public hearing process. The Planning Board cannot deny a permit that complies with zoning because multi-family is allowed as of right. The Planning Board can apply limited, reasonable conditions such as modifying lighting, adding fencing, reviewing storm water

designs, adjusting parking layouts and other structural elements. Conditions cannot unreasonably interfere with or prohibit the project. The projects need to comply with all town codes and regulations. She reviewed additional site plan review standards. These include assuring the buildings are designed with regard to relationship to open spaces, existing buildings and other community assets, address all collection and storage areas for refuse, assure adequate water, sewer and utilities, pedestrian and vehicle movement with and outside the site and includes construction management standards. Housing affordability is 12.5% of all new units in buildings with 6 or more units. She showed existing multi-family housing and examples of multi-family housing which includes townhomes, 3-4 story multi-family, denser single-family homes and live work townhomes. How many stories allowed in each district was also reviewed. Ms. Espada opened the meeting for public comment.

Ted Yablonski, of 82 Old Farm Road, has been here since 1958. He noted one chart showed the acres going from 50 acres to 100 acres. He asked if that was mandatory. Ms. Espada noted the minimum required due to the lots, the land you have and the district. Ms. Newman stated they had to reach a unit capacity of 1,784 units. Mr. Yablonski asked if 100 acres accomplished that. Ms. Newman stated it actually accomplishes 1,870 units as they took advantage of the existing corridor. Mr. Yablonski commented it would be nice to get handouts. He asked if the existing housing helps to meet the minimum requirement. Ms. Espada stated it does help. She commented the presentation is on line for everyone to see.

Robert Zoletti, of 35 Hemlock Street, stated he watched the presentation on line and is ok with what was presented. He is not sure what the proposal that was being sent to the state was. Is it true the town has gone from meeting the requirements to exceeding them? Ms. Espada stated last year the Planning Board sent the Base Plan and Neighborhood Plan to the state. Both went to Town Meeting and were approved. It was agreed both plans complied. There was a referendum and it was voted to revoke the Neighborhood Plan. It was agreed to take the Base Plan back to Town Meeting.

Mr. Alpert noted the Board is presenting the Base Plan that was presented to the town back in October and was approved at Town meeting. The Neighborhood Plan was passed also but rejected by referendum. The Base Plan has not changed since October. On the Article Overview page, the requirement by statute was a minimum of 50 acres with a unit capacity based on town population of 1,784 units and a density of 15 units per acre. The Base Plan has a little over 1,870 and is spread over 100 acres. The statutory requirements do not take into account what we have on the ground. It is just based on numbers, population of the town and the number of acres in town. This was how they could fit it in the physical contours of the town and still meet the requirements.

Mr. Block noted the state already recognized the Base Plan was compliant. Towns have until July to submit an action plan. The town has achieved interim compliance with the state. The plan is to take a vote on the Plan and recommend this language to Town Meeting. Town Meeting in May will hopefully vote for it and then the town will be in full compliance. He asked, of the 1,870 units, how many are already existing. Ms. Newman noted 775 are already existing. Mr. Block noted they are talking a potential for 900 additional units. Mr. Zoletti hopes all Town Meeting members take this seriously and show up and vote. Ken Buckley, of 221 Warren Street, stated there is contradictory information between the presentation and the law that has to do with the notion of infrastructure, such as sewer. The regulations say a developer has no obligation to pay for anything regarding infrastructure and the town is under no obligation to do infrastructure. It says under site plan review the Board cannot deny the plan if it does not have enough infrastructure. Ms. Espada stated the Town Engineer said the town has enough capacity for the proposals.

Assistant Town Manager Katie King stated the building cannot get an occupancy permit unless it shows it can meet all codes and requirements. The applicant would have to pay to tie into the system at their expense. Mr. Buckley commented no one said along the process there is enough capacity. An assumption was made in the regulations that someone would pay but there is nothing requiring anyone to do anything around infrastructure. Mr. Alpert stated, personally, as a lawyer who read this statute, Mr. Buckley is right. It is a catch 22. The Commonwealth has decided the towns need to figure it out. Someone needs to go back to the state and say they have put them in an untenable position. As a lawyer he does not know how to answer the question. He feels this will take years. Mr. Buckley stated lawsuits are coming. This is an unfunded mandate. The town should go to the state and say they set a mandate but did not fund it. Mr. Alpert agreed it is an unfunded mandate.

Ms. Espada noted the Town Engineer said the town had enough capacity for the Neighborhood Plan. Mr. Block stated the Town Engineer conducted a survey of capacity of the system and he heard testimony tonight that the capacity has been determined and the zoning tonight allows for a number of units under that. A developer has to demonstrate to the Town there is enough capacity for their development. The developer is obligated to tie into the water/sewer on site. The Board is not shy to raise issues. He is satisfied as a matter of practice they have to comply. This is a theoretical discussion. Mr. Buckley stated it would have been a simple matter for the Town to publish sewer capacity and that never happened. These regulations are not the old regulations. The Board cannot deny a permit for things off site. They could under the old rules but these are new rules. He has not seen numbers that leaves him walking away satisfied. Mr. Zoletti asked about the Muzi site and was informed it was more than a half mile away.

Bill Lenahan, of 189 Nehoiden Street, stated there is a reduction in the minimum parking spaces per unit. He asked how that is sufficient. There is a gross lack of parking in town. Ms. Newman stated there were 2 recent parking studies done. They looked at actual demand and measured parking capacity in parking lots. They recommended a lower standard than the town had. The town felt it was appropriate to reduce from 1.5 spaces per unit down to 1.0 space per unit. Mr. Block stated, in addition to the study, the concept is to promote transit-oriented locations and get cars off the roads. Mr. Lenahan stated that it is sad fiction but Mr. Block noted it is a policy choice. Ms. Espada noted due diligence was done. Mr. Lenahan stated if 2-bed units are offered there would be kids in the mix and they would not take the MBTA. Mr. Block reiterated the unit would only be allowed one car. Ms. Espada stated that is a minimum. Mr. Alpert noted the Commonwealth passed this statute to encourage people to take transit. The marketplace is going to decide. If the marketplace says 2 cars the developer will put in 2 spaces for each unit. Mr. Lenahan asked if there are any means of giving preference to town employees in the Base Plan. Ms. Espada informed him no incentives or preferences can be put in for age or workforce. Mr. Alpert noted there is a 12.5% affordable provision.

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

VOTED: to close the hearing.

Mr. Alpert raised the question if the members would like to discuss and vote tonight or wait until the next meeting. Ms. Newman noted there is only one change in the definition. In the draft, she would remove workforce housing. Mr. Block noted this is referred to as the Base Plan. He feels it should just be called the MBTA Compliance Plan. Mr. Crocker stated people are used to hearing Base Plan. Ms. Newman stated it is just in the title to the Article and not used in the zoning itself. Mr. Alpert stated it is only in the heading in the "Base Compliance Plan." He has no problem with that change. The issue with taking out the definition is this has been blessed by the Commonwealth. Leaving it in does not create any harm since it is not being used.

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

VOTED: to recommend moving forward with the zoning as proposed with removal of the parenthetical reference to the Base Plan in the title.

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

VOTED: to recommend to Town Meeting they pass these 2 Warrant Articles.

Report from Planning Director and Board members

Ms. Newman stated she is working with the Town Engineer and Town Counsel to do a preliminary draft zoning of the flood plain. She anticipates having a draft Article in front of the Planning Board at the next meeting and it would need to be referred to the Select Board at that time. One is to the regulatory framework and one is updating the FEMA map lines. The Board discussed the upcoming meeting schedule and agreed to cancel the 3/4/25 meeting. Mr. Crocker stated the Large House Review Committee is looking at non-conforming lots and will be moving onto conforming lots. After that the committee will process. They will be doing house tours. The Committee will look at 11 sample houses and give recommendations before the next meeting on 3/3/25.

Correspondence

There is no correspondence.

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

VOTED: to adjourn the meeting at 8:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk