

NEEDHAM PLANNING BOARD MINUTES

March 23, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, March 23, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes a public hearing and there will be an opportunity for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 3/24/21 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight and authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Discussion and Vote Planning Board Recommendations:

Article 1: Amend Zoning By-Law --Highway Commercial 1 Zoning District

Article 2: Amend Zoning By-Law – Highway Commercial 1 Zoning District Schedule of Permitted Special Permit Uses

Article 3: Amend Zoning By-Law – Map Change to Highway Commercial 1

Ms. McKnight stated it would be helpful to start with a background of the Planning Board's role and why the Board has worked so hard on this over the past few years. The Planning Board is responsible for guiding growth and development, reviewing uses allowed under existing zoning and recommending updates to enhance the commercial tax base. The land within the proposed district is currently in the Industrial District. The Planning Board determined that for this gateway location, a mixed-use district consistent with the Highland Avenue corridor was warranted. She expects, with time, it should attract high value redevelopment. A rezoning plan was developed and presented to Town Meeting in 2019. She noted the Board relies on traffic and fiscal impact reports to guide its decisions.

Mr. Block gave the context. This has been a 7-year process which was started in October 2013 through the Council of Economic Advisors (CEA). The CEA studied all industrial districts. There have been 45 meetings, which shows the intention that has gone into this. The rezoning of the New England Business Center was successful. Ms. McKnight stated the role tonight is to discuss some non-substantive changes that were sent around. Then the role is to discuss substantive changes. Fifty comments came in before the hearing last week, and an additional 80 comments came in after the hearing. She reviewed the non-substantive changes and suggested some changes for clarity. She noted clarified wording for heights and setbacks for garages on page 5 and noted the parking structure paragraph was moved up. For the section on Special Permit requirements, she brought in wording on Special Permit process and strengthened the Special Permit requirements.

Ms. Newman noted a couple of areas to focus on. One should be the proposed FAR of 1.0 as of right and 1.35 by special permit. The existing zoning has a FAR of .5 and up to .75. The Board should ensure the limit is appropriately set to trigger a special permit. The as-of-right FAR should be brought down to the .7 or .75 range. Another issue she heard was the proposed height limit, especially along the Highland Avenue corridor side. It is proposed to be 2 ½ stories at 35 feet by right, which mirrors the Highland Avenue corridor. The proposed special permit height within the 200-foot setback is 42 feet with a flat roof and up to 48 feet with a sloped roof. The Board may want to set a standard of 40 to 42 feet that is comparable with the overlay zone in the Highland corridor. The other issue was the setback along Gould and Highland proposed to be 20 feet. The setback is 50 feet under the existing zoning. There is an actual 20 to 23-foot setback currently where the cars are. Wingate at the corner of Highland Avenue

and Gould Street is set back around 25 feet, and the independent living apartments are set back 50 feet from Gould Street and along Putnam Avenue the setback is 25 feet. The Board should determine if a 20-foot setback is adequate or if it should be increased up to 50 feet or 30-35 feet along the corridor.

Ms. McKnight stated the requirement for open space at 20% was mentioned a lot at the hearing. Mr. Owens noted he is not sure why this is being discussed at this late hour. There has been intensive discussion the last 4 years. The Board has heard from all and made many compromises. He feels it is a serious mistake, with this little preparation and this little time left, to make any changes. He is opposed to making any changes. The proposal is the proposal and it is fair and balanced. The Board has fulfilled their responsibility by bringing it to Town Meeting and letting them decide. He would not reopen these issues at the last possible second and would forward it as written. Ms. McKnight stated the purpose of the public hearing is to hear the public. The Board needs to respond to the comments made by the public. The Planning Director has prepared the necessary changes if the Board wants to do that. It is true it is late in the process and any changes need to get to the Town Manager by Friday, but it can be done.

Mr. Owens asked the basis of the changes. He did not hear anything that he had not already heard. They have been talking about the same issues for months and have come up with a good compromise. Mr. Alpert disagreed with Mr. Owens. The purpose of a public hearing is to hear the public, keep an open mind and make any changes necessary. He was never personally wedded to the requirements for setbacks and open space. The 20-foot setback was for a walk-in-from-the-sidewalk space but maybe this is not the location for this to happen. He prefers a 50-foot setback. There were comments about the use table. People want playgrounds, fitness centers, hockey rinks. A public park is allowable as a use now as of right and that will continue to be. Fitness Centers are allowed by special permit and will continue to be allowed. Skating rinks are allowed by right now, and the entire category was moved to a special permit. Personally, he feels any of these uses would be great here. Residential has been added. To change the setback on Gould and Highland is a good idea. The landscape buffer could be the entire setback.

Mr. Alpert noted Section 4.11.2 (3), with the public entrance facing one street, should be removed. He has no preference if the height is reduced from 48 feet to 42 feet and would go along with the change. He thinks the Board did a good job. He is torn about the open space requirement of 20%. It was suggested to increase to 30%. He had reservations about 20% but is not wedded either way.

Mr. Jacobs stated the Planning Director has posted a list of FAQs on the website. He recommends all read this as it answers a lot of questions. He stated the Board did not deal with the argument made that there is a statute that does not allow the Board to approve a zoning by-law amendment rejected in the last 2 years. He believes the argument is incorrect. He sought the opinion of Town Counsel who agreed with his reading. He is confident there is no 2-year ban.

Mr. Jacobs stated that a lot of negative comments went beyond the pros and cons of the rezoning project. Speaking for himself as a 41-year resident of Needham, his view is those comments are inaccurate, unfair and poisonous. The Board spends thousands of hours trying to help the town. He never had any communications with any Muzi family member. What makes the most sense for that site is what he wants. In October 2019 a prior proposal was voted down which is what Town Meeting is for, but he wants to point out the proposal did get a majority of votes, just not the 2/3 needed. He felt Town Meeting wanted a scaled down proposal with a housing option. This is exactly what they are bringing. He completely understands where Mr. Owens is coming from. There is very little new here and they have heard it all before. A lot of numbers are arbitrary but you have to draw some lines. The Board settled on these numbers. He noted one provision that allows a 25% waiver of certain issues so the 1.35 FAR could be increase up by 25%. He does not intend for this and it should be pulled out. This should be discussed. He noted the Board could talk about other things but he does feel it is pretty late in the game to make adjustments. He noted a number of comments from people objecting saying the process was flawed. The Board could not have been more open in communicating and asking people for comments.

Mr. Block stated the objective is to decide among 3 choices – keep it as is, submit it with changes or to withdraw the rezoning articles. He re-watched the 2/3/21 community meeting and the public hearing. He read all 135 submissions and petitions. What are the goals and why is rezoning necessary? The goal is to update the existing Industrial 1 Zone into a gateway mixed-use district to continue the Highland Avenue corridor. It is an improvement

to the area as a whole. The use list is outdated and includes junk yards, distribution warehouses and such. These are unwanted, and the existing use list does not include a desirable development. The kind of development the rezoning envisions would increase the number of jobs in town and higher paying jobs. A fiscal analysis shows it will generate a lot of money over the years. The Board needs to look at the entire town. This is beneficial to the town as a whole and will reduce the tax burden.

Mr. Block stated the Board is choosing to be proactive to set the table for development so they are not limited in a reactive mode. None of this is new. There have been 45 meetings. He wants to clarify some misinformation. The density and heights for Needham Crossing will not be brought here. The area will not be flooded with 6 to 8 stories. The zoning is only allowing up to 3 stories inside of 200 feet from Highland and Gould, and taller buildings are pushed back 200 feet from Highland and Gould where the topography drops. Legitimate traffic concerns were raised, but there was also misinformation. There were 2 sets of traffic data with one set from 2015. That data was within the 5 years of the 2019 study. The Massachusetts Department of Transportation said the 2015 data was ok to use for the 2020 study. Rather than use the 2019 lower data the Board used the higher counts of the 2015 study to show the worst-case scenario. Takings are a misunderstanding. Some thought there would be takings in multiple places. This is not the case. The only takings are on site and there is no requirement for takings on Hunting Road. He proposes to advance the zoning with the following changes: eliminate the 25% waiver by special permit; recommend increasing the setback on Highland and Gould from 20 feet to 50 feet, as 50 feet is responsive and can encourage a decent scale of development; reduce the FAR from 1.0 to .7 by right; and agree to reduce the maximum height by special permit to 42 feet within 200 feet of Highland and Gould. He looked at the open space requirement. He does not know how it would impact other aspects of the development but would recommend increasing to a minimum of 25% open space.

Mr. Alpert stated he is in favor of taking away the 25% waiver ability in Section 4.11.3. In Section 4.11.2 (3), changing the setback from 20 feet to 50 feet, and if the setback is increased to 50 feet that increases the landscape buffer and the open space is right there. Ms. McKnight noted the original concept round the edge on Gould and around to Highland would be shops and such, like the office building at Chestnut Street and Junction Street with a 20-foot setback. She was content with that concept, but at the community meeting and the hearing last week she heard the people want greenery and trees. We need to respect their vision for this site. It is now zoned to require a 50-foot landscape setback. It should go to a 50-foot landscape setback along the frontage on Highland Avenue and all along Gould Street. She noted she took a point from the plan to define the 200 feet. She had not thought about the 25-foot waiver but it gives flexibility so she will go along with it. She would go along with the 50-foot setback, the 25-foot waiver and reducing the by-right FAR. She would be happy with .7 or .75.

Ms. McKnight noted, with regard to the 48-foot height, there seems to be a movement of support for multi-family housing with an affordable aspect. The idea is to have some incentives. She suggests they keep the 48 feet by special permit, provided 50% of the FAR is devoted to multi-family housing including the top floor or going to 42 feet. She is not sure the open space would make a difference whether it is set at 20% or 25%. The 50-foot setback may take care of the 20% landscaping. There is green space in the special permit requirement. The green space could be more, and she is in favor of increasing the green space from 20 to 25%. She welcomes a response on the multi-family-housing incentive she has offered.

Mr. Block asked if the increase in height was inside or outside the 200 feet. Ms. McKnight stated only on the inside. The incentive is just for the front of the property and not the back part. A discussion ensued regarding if 42/48 feet is 3 stories or 4 stories. Mr. Block stated he is not sure this is the place for a developer's vision. He opposes the change. Mr. Alpert does not see a developer putting in an office building saying if he puts in residential units he can get another 6 feet of height. He does not see this as an incentive and feels it should remain with 3 stories and 42 feet. Ms. McKnight stated she would back off from this and reviewed the 6 changes.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to change the proposed Zoning By-Law as previously presented from a 20-foot landscape setback on Gould and Highland to a 50-foot landscape setback.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to amend the Zoning By-Law as presented by deleting Section 4.11.2 (3), which eliminates a public entrance on the street.

A motion was made to adjust the FAR in the by right condition from 1.0 to .7. Mr. Jacobs wants the public to know this further increases the odds a developer would choose a special permit path rather than a by right path, which is a good thing.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to adjust the FAR in the by right condition from 1.0 to .7

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to reduce the height limit within the 200-foot area to 42 feet by special permit and 3 stories and eliminate the 48-foot provision by special permit on page 3, Section 1 (b).

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

VOTED: to amend the Zoning By-Law as presented deleting Section 4.11.3 in its entirety for the 25% waiver.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to increase the open space from 20% to 25% in Section 4.11.1 (4).

A motion was made to adopt the amended Article 1 Zoning By-Law for Highway Commercial 1 with the changes voted tonight. Mr. Jacobs asked Ms. Newman and Ms. McKnight to undertake a final review. The Chair will work with the Planning Director to make sure all cross references have been covered. The amendment to the motion was accepted to include the above language.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to adopt the amended Article 1 Zoning By-Law for Highway Commercial 1 with the changes voted tonight and the Chair will work with the Planning Director to make sure all cross references have been covered.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote four of the five members present (Mr. Owens voted in the negative):

VOTED: to adopt Article 2 – map change for the new Highway Commercial 1 Zone as presented.

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

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk