

NEEDHAM PLANNING BOARD

Tuesday, June 20, 2023

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)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

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

1. Appointments:

7:00 p.m. Needham Housing Authority Linden/Chambers Redevelopment Project Update.

2. Decision: Major Project Site Plan Special Permit No. 2023-02: Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, Petitioner. (Property located at 1032 Great Plain Avenue, Needham, Massachusetts). Regarding request to renovate approximately 644 SF of first floor space for use as a retail bakery with an accessory eat in/take out counter and 6 seats.
3. Discussion of Planning Board Goals & Priorities.
4. Minutes.
5. Report from Planning Director and Board members.
6. Correspondence.

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

Zoning Relief Needed
Notes for Discussion at 6/20/2023 Planning Board Meeting

Linden/Chambers Area Redevelopment Project

Robert T. Smart, Jr.
6/15/23

Owner and Proposed Rezoning Area: The Linden Street/Chambers Street site is owned by the Needham Housing Authority (NHA), and is the area proposed to be redeveloped at this time. The NHA was created and funded in 1948 by the Needham Town Meeting pursuant to MGL Chapter 121B¹. The NHA financed and developed 80 units of affordable family housing on 25 acres in the High Rock area in 1950, and 152 units of affordable senior housing in the Linden Street/Chambers Street area between 1958 and 1971.

The Linden/Chambers site was conveyed to the NHA by the Town via a several grants and takings in the 1950s and 1960s, and contains 480,563 square feet, or 11.03 acres. The development of the 152 units was further enabled by four variances granted by the Board of Appeals in that period.

Zoning Warrant Articles: The NHA recommends the creation of an overlay district rather than a new apartment district. A very rough draft of a warrant article for the district² is provided as an addendum to these notes. It is modeled from the town's approach that created the current Medical Overlay District³. To accommodate the zoning changes needed, the town chose to create a medical overlay district for the hospital at its 1998 Spring Town Meeting, (Zoning By-Law section 3.6). It is appropriate for the town to create an overlay district for its affordable housing complex at the Linden/Chambers site. The hospital area, like the Linden/Chambers area, is located within two zoning districts.

Zoning Articles Proponent: The NHA requests that the Planning Board act as the proponent of the warrant articles, rather than the NHA itself. Creation of a new overlay district is normally led by the Board, and provision of deeply affordable housing is a key goal of the Planning Board.

Review criteria: Construction will involve more than 10,000 SF of gross floor area, triggering the town's site plan review requirements. The NHA recommends that the proposed use (affordable housing for low income elderly and low income handicapped, as defined under applicable state and federal statutes) be of right, and that the site issues (design, traffic, site safety, drainage and the like) be handled through the site plan review process rather than a special permit. Site plan review, as opposed to special permit review, will help the NHA to obtain the substantial funding required to complete the project in a timely fashion. The existing

¹ Formerly MGL Chapter 121 as amended by Chapter 574 of the Acts of 1946 and by Chapter 200 of the Acts of 1948. (*Needham Special Town Meeting May 7, 1948 Articles #1 and #2*).

² A map article will also be needed.

³ In 1996 Beth Israel Hospital merged with NE Deaconess Hospital, which was previously affiliated with the Town's Glover Hospital in 1993. In 1997 Beth Israel Deaconess announced plans to modernize and expand the former Glover Hospital into a regional medical center. Both the Linden/Chambers Redevelopment and the Glover Hospital expansion are redevelopments of existing non-conforming uses on land spanning two existing zoning districts.

site plan review procedures and review criteria (Section 7.4) should be adequate to protect the town's interests, but additional submission requirements and criteria could certainly be considered.

Dimensional requirements: The NHA has briefly reviewed the dimensional requirements in the underlying SRB and GR Districts (Section 4.2) as well as the dimensional requirements for the A-1 District (the highest density apartment district, Section 4.3). What is suggested below is believed to be generally compliant with the standards for those districts, unless otherwise noted.

Units per acre: The NHA suggests a maximum of 25 units per acre. The maximum in the A-1 district is 18 units per acre. A 25 units per acre standard would allow the construction of up to 252 housing units on the site, as per the L/C Redevelopment Project Conceptual Design, while observing the exclusion, for the purpose of calculating lot area, of 100% of water bodies, 70% of land in flood plain district, and 70% in wetland areas and flood storage restricted areas, as called for in the A-1 District.

Height: The NHA suggests a height maximum of 52 feet for the Linden Street portion of the site, and 62 feet for the Chambers Street portion of the site, which is more remote. The maximum in the A-1 district is 40 feet (in the Mixed Use Overlay District the maximum is 70 feet, see Section 3.14).

Mechanicals: The NHA suggests that the provisions for roof mechanicals pertaining to height, roof coverage maximums, and roof setbacks which are currently included in the By-Law for municipal buildings (Section 4.2.8), and business and apartment districts (Section 4.7.2), could be applied.

Lot coverage: The lot coverage requirements applicable in the SRB (25-30%) and GR (30-35%) districts make sense. There are no lot coverage requirements in the A-1 district.

FAR: The NHA suggests that the .5 FAR applicable in the A-1 district be applied, rather than the .36-.38 in the SRB and GR districts.

Front setback: The NHA suggests that the front setback minimum be 20 feet, as required in the SRB and GR districts, rather than 25 feet required in the A-1 district.

Side setback: The NHA suggests that the side setback minimum be 20 feet, as required in the A-1 district, rather than 14 feet as required in the SRB and GR districts.

Rear setback: The NHA suggests that the rear setback minimum be 20 feet, as required in the A-1, SRB, and GR districts.

On-Site Parking: Based on historical use data from the current L/C site, the NHA suggests a standard of .5 spaces per unit is adequate and justified. The By-Law does not contain a space per unit requirement in the A-1, SRB, or GR districts.

Parking Plan and Design Requirements: The NHA suggests that the Parking Plan and Design requirements of By-Law Section 5.1.3 be made applicable, along with the driveway openings requirements for the A-1 district contained in By-Law Section 4.3.2, with partial waiver authority being retained by the Planning Board.

ADDENDUM: DRAFT WARRANT ARTICLE

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

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

- (a) In Section 2.1, Classes of Districts, by adding a new Overlay District designation category as follows:

“AMOD – Affordable Multi-Family Overlay District”

- (b) In Section 3, Use Regulations, by inserting a new Subsection 3.16, Affordable Multi-Family Overlay District, to read as follows:

“3.16 Affordable Multi-Family Overlay District

3.16.1 Purpose of District

The purposes of the Affordable Multi-Family Overlay District (hereinafter referred to as AMOD) include but are not limited to the promotion of safe and modern affordable housing units for elderly persons of low income and handicapped persons of low income. It is recognized that the Linden-Chambers Street development was constructed, and has been operated, by the Needham Housing Authority on land conveyed to by the Town of Needham between 1957 and 1970, that said development provides affordable housing for the benefit of elderly and handicapped low income residents, and that said development needs to be modernized.

3.16.2 Scope of Authority

The AMOD is an overlay district superimposed upon that part of the Single Residence B and General Residence Districts which are currently owned and operated by the Needham Housing Authority, are known as the Linden Street and Chambers Street developments. The district is defined and described in the map article in the warrant immediately following this one. The provisions of this overlay district shall apply to all new construction, reconstruction or expansion of existing buildings. Where the AMOD authorizes uses not otherwise allowed in the underlying districts, specifically multi-family residential, the provisions of the AMOD shall control. The Planning Board shall be the permitting authority for any multi-family development in the AMOD.

3.16.3 Definitions

For the purposes of this section and the Needham Zoning By-Law, the following words and phrases shall have the following meanings:

- a. AMOD Project – a multi-family housing development occupied or to be occupied by elderly persons of low income and/or handicapped persons of low income.
- b. Elderly persons of low income -
- c. Handicapped persons of low income -
- d. Multi-family dwellings – defined herein as three or more dwelling units.
- e. Site Plan Review – the Site Plan Review process as provided in Section 7.4 that an applicant must obtain as part of approval for any AMOD project.

3.16.4 Allowed Uses

The following uses may be constructed, maintained, and operated by right:

- a. All uses allowed by right in either of the underlying zoning districts.
- b. Accessory buildings and uses to the uses allowed by right.

3.16.5 Uses Allowed by Site Plan Review

The following uses may be constructed, maintained, and operated after site plan review approval from the Planning Board:

- a. AMOD projects.
- b. Multiple buildings, to be used for multi-family dwellings, on a lot.

3.16.6 Dimensional Regulations for AMOD projects

- a. Minimum lot area –
- b. Minimum lot frontage –
- c. Front setback –
- d. Side setback –
- e. Rear setback –
- f. FAR maximum –
- g. Dwelling units per acre –
- h. Lot coverage maximum –

- i. Height maximum –
- j. Stories maximum –
- k. Required number of parking spaces per housing unit –
- l. Parking plan and design requirements – shall be those required under Section 5.1.3 of the By-law.

3.16.7 Site plan review filing requirements

- a. Those requirements set forth the By-law for Major Projects as defined in Section 7.4.2.
- b. Other –

3.16.8 Site plan review

- a. A site plan review shall be performed by the Planning Board for any AMOD project prior to the filing of an application for a building permit.
- b. The procedure for the conduct of site plan review for an AMOD project shall be as set forth in Section 7.4.4 of the By-Law.
- c. In conducting site plan review of an AMOD project, the Planning Board shall consider the matters set forth in Section 7.4.6 of the By-Law.

Or take any other action relative thereto.

INSERTED BY: Planning Board

APPENDIX A

DRAWINGS

LIST OF DRAWINGS – Concept Phase

- 1. Site - Existing Conditions
- 2. Site – Masterplan
- 3. Concept Landscape Masterplan
- 4. Concept Landscape Phase 1A
- 5. Concept landscape Phase 1B
- 6. Concept Landscape Phase 2
- 7. Utilities Masterplan
- 8. Wetlands Diagram - existing
- 9. Wetlands Diagram – proposed
- 10. Phase 1A – First Floor Plan
- 11. Phase 1A – Second and Third Floor Plans
- 12. Phase 1A – Roof Plan
- 13. Phase 2 – New Option – First Floor Plan
- 14. Phase 2 – New Option – Second and Third Floor Plans
- 15. Phase 2 – New Option – Fourth Floor Plan
- 16. Phase 1A and 1B – West and North Elevations
- 17. Phase 1A and 1B – South and East Elevations
- 18. Phase 2 – New Option – North and South Elevations
- 19. Phase 2 – New Option – East and West Elevations
- 20. Aerial – looking toward High Rock School
- 21. Aerial – looking toward Linden-Chambers
- 22. Rendering – view from High Rock School
- 23. Rendering – view from Sylvan Road
- 24. Rendering – view looking south along Linden Street
- 25. Rendering – view from back yard
- 26. Rendering – view from Phase 1A parking
- 27. Rendering – view looking north along Linden Street

REDEVELOPMENT AT LINDEN STREET AND CHAMBERS STREET

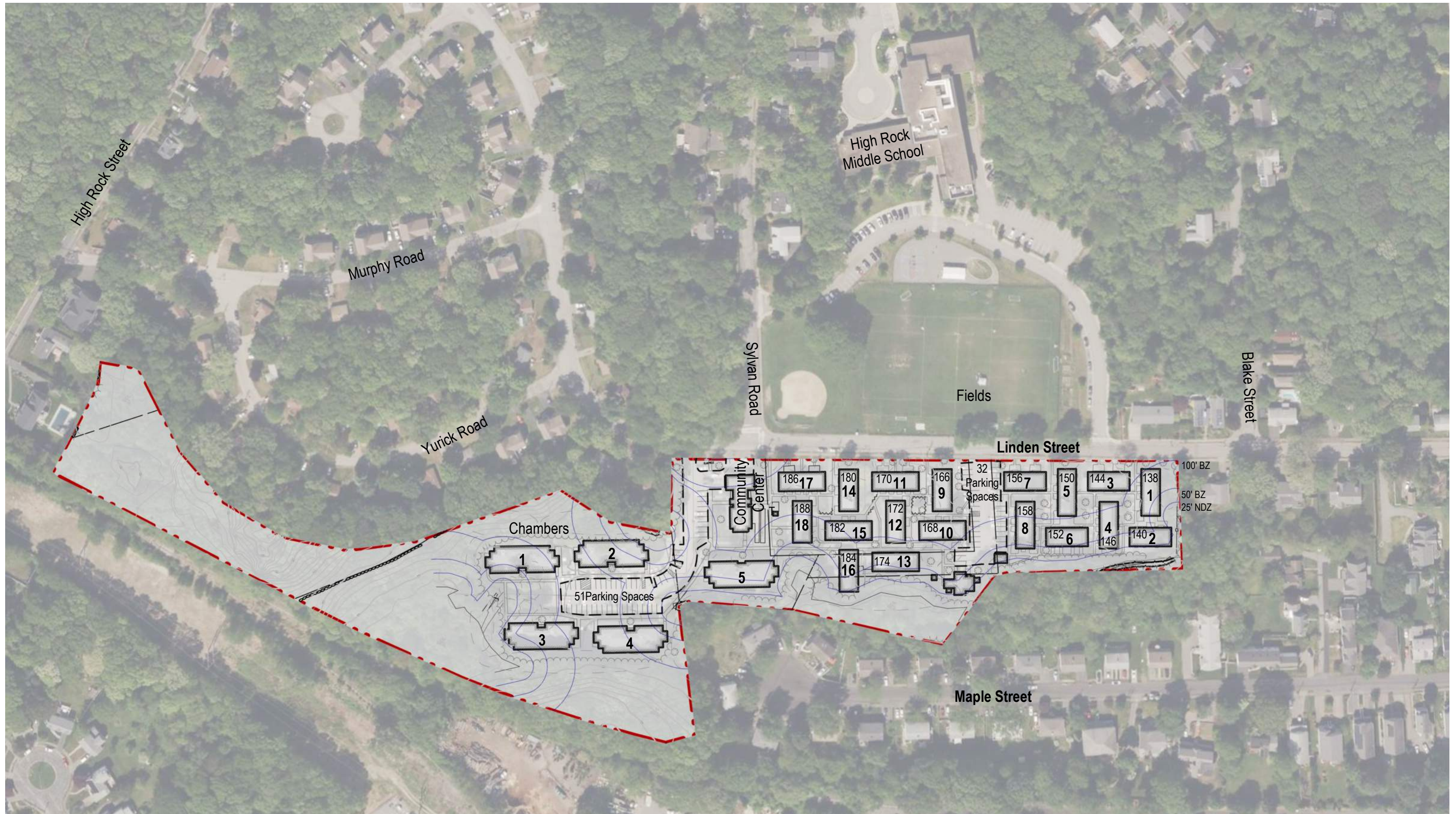
INVESTIGATIVE PHASE
DRAFT – Updated 6/14/2023

NEEDHAM HOUSING AUTHORITY
21 HIGHLAND CIRCLE, SUITE 10
NEEDHAM, MASSACHUSETTS 02130

NHA job no. 203090



Linden Chambers Redevelopment

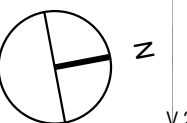
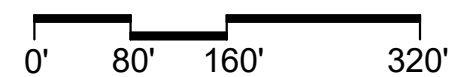


Linden Chambers Redevelopment

Site

Needham Housing Authority
Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street Boston, MA 02210
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Existing Conditions



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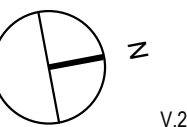
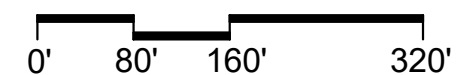


Linden Chambers Redevelopment

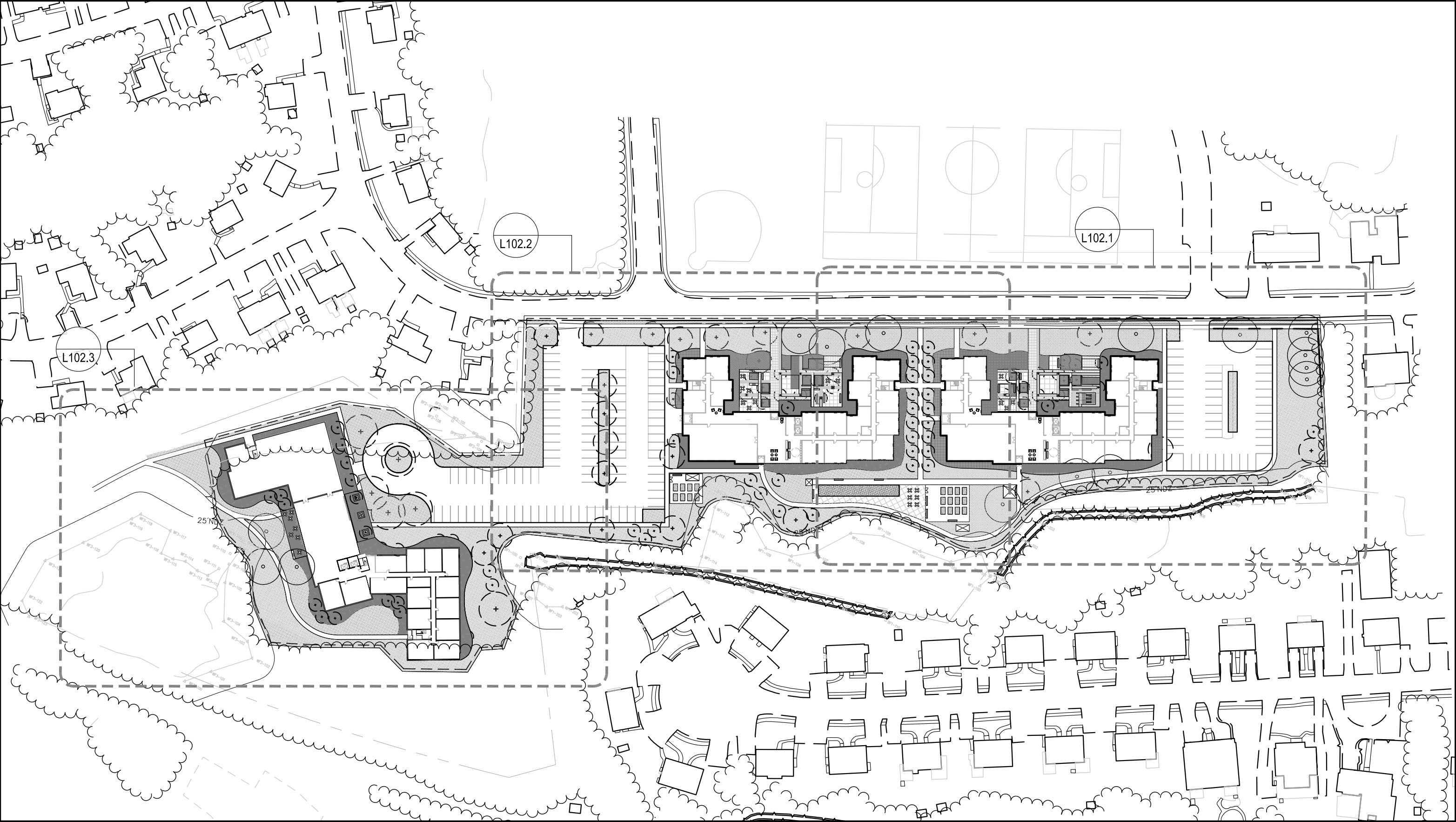
Site

Needham Housing Authority
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Master Plan



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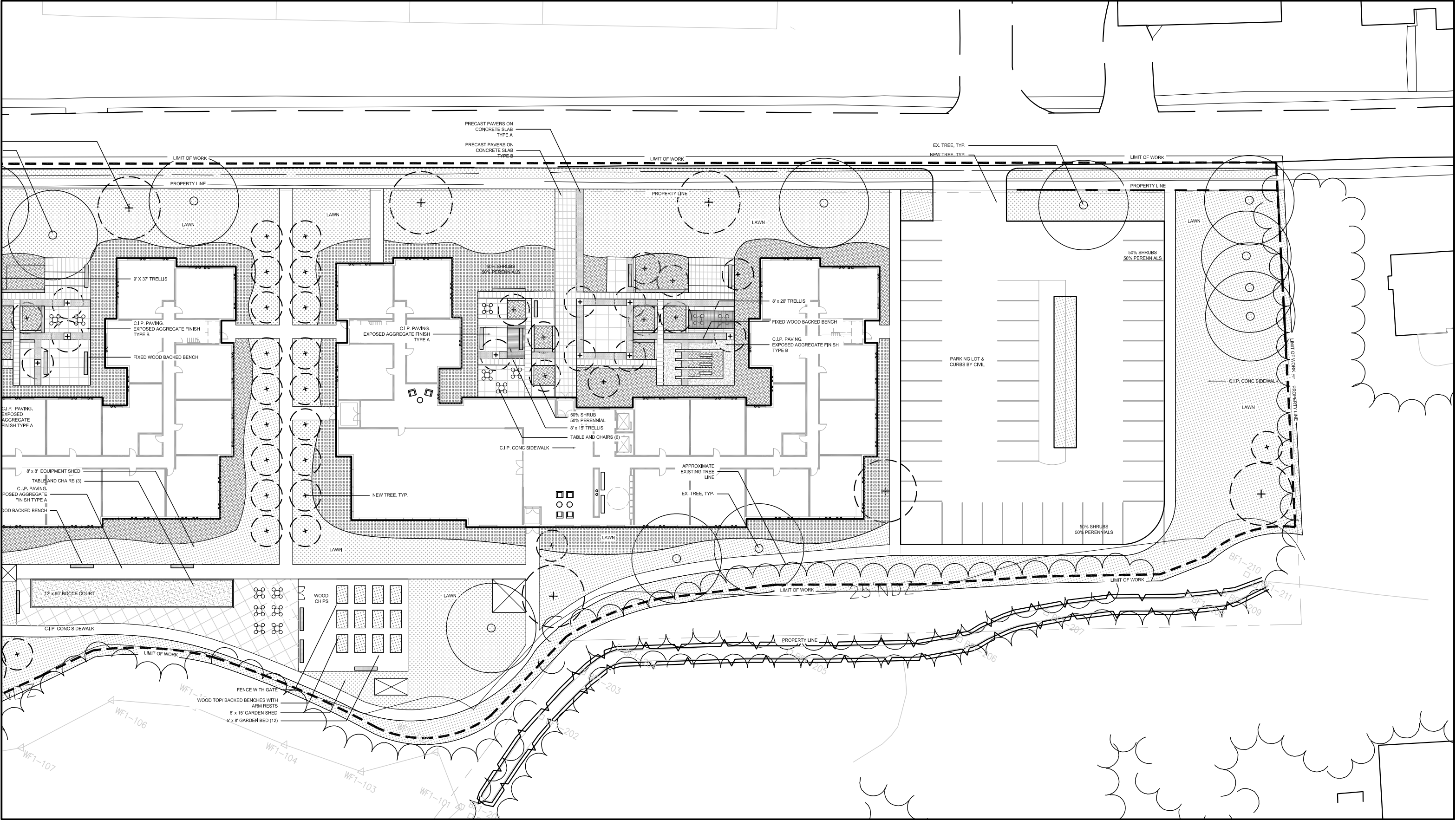


Linden Chambers Redevelopment
L100- LANDSCAPE SITE PLAN

Needham Housing Authority
Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street Boston, MA 02210

6/14/2023

Scale 1:100

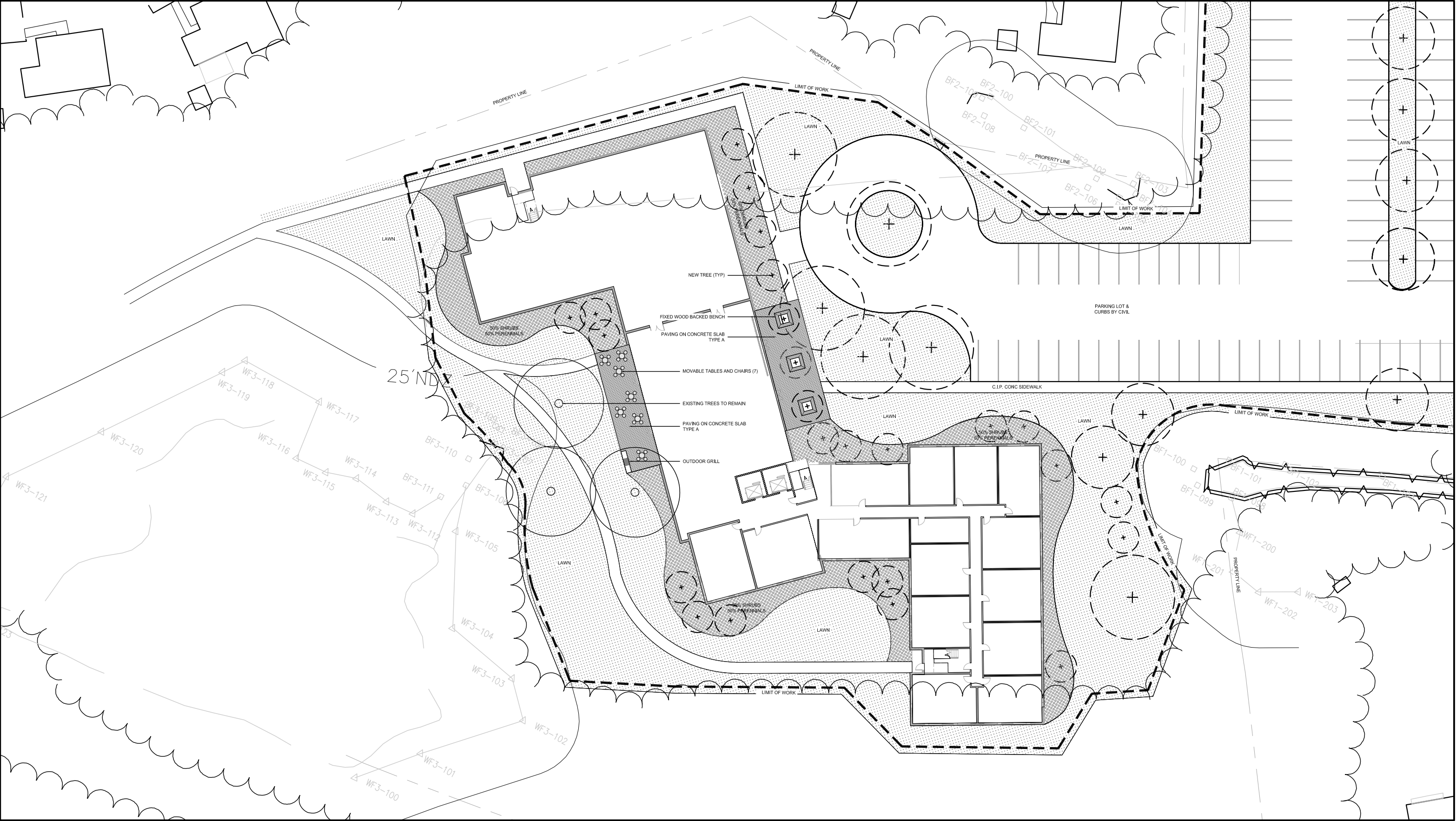


Linden Chambers Redevelopment
L102.1- ENLARGED LANDSCAPE SITE PLAN

Needham Housing Authority
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6/14/2023

Scale 1:30

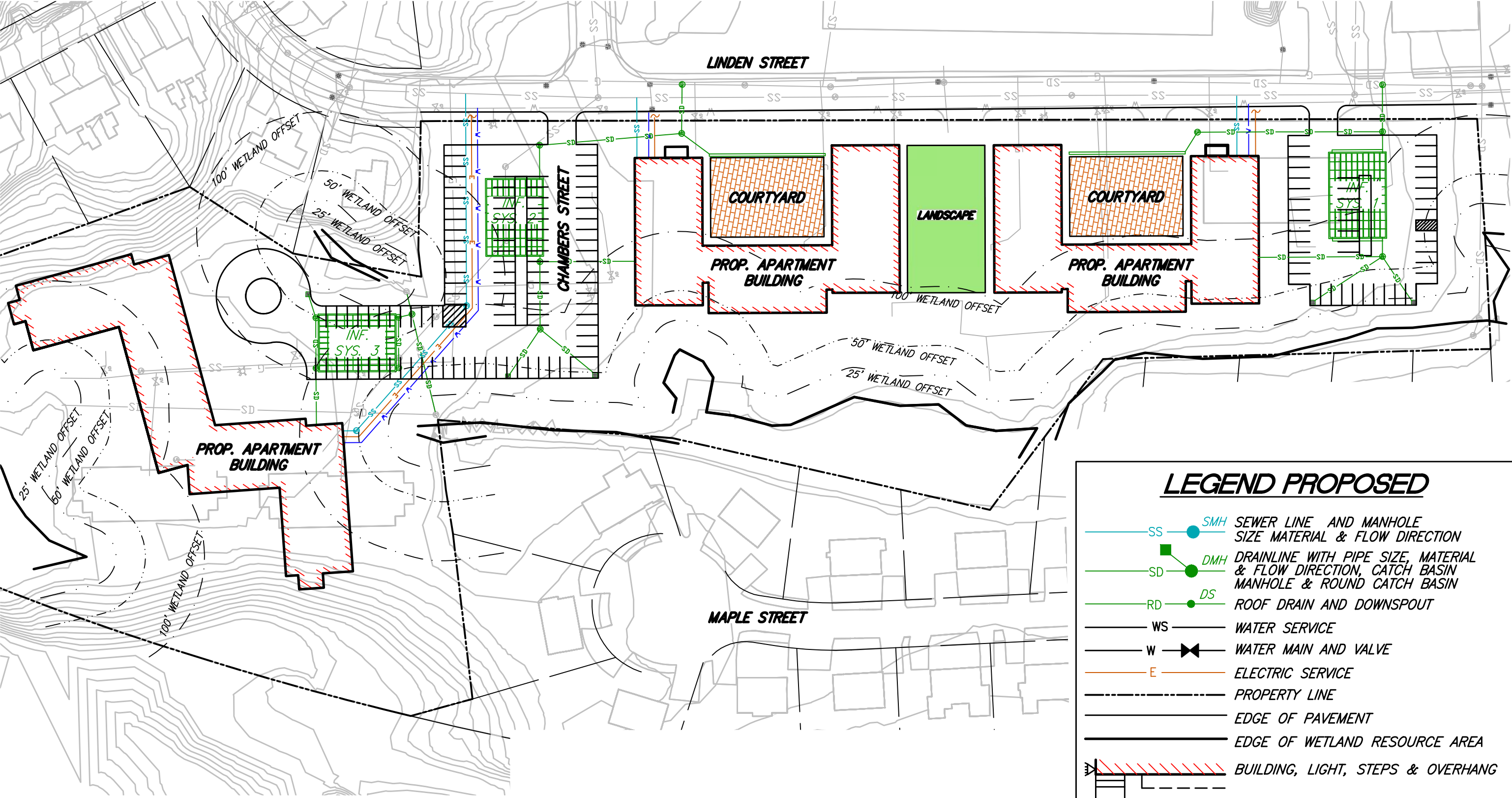


Linden Chambers Redevelopment
L102.3- ENLARGED LANDSCAPE SITE PLAN

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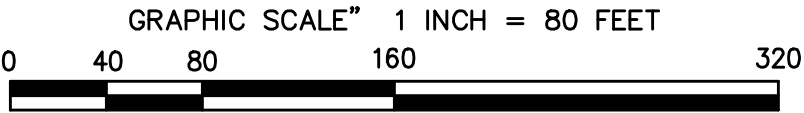
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Scale 1:30



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UTILITY EXHIBIT
Needham Housing Authority
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LEGEND PROPOSED

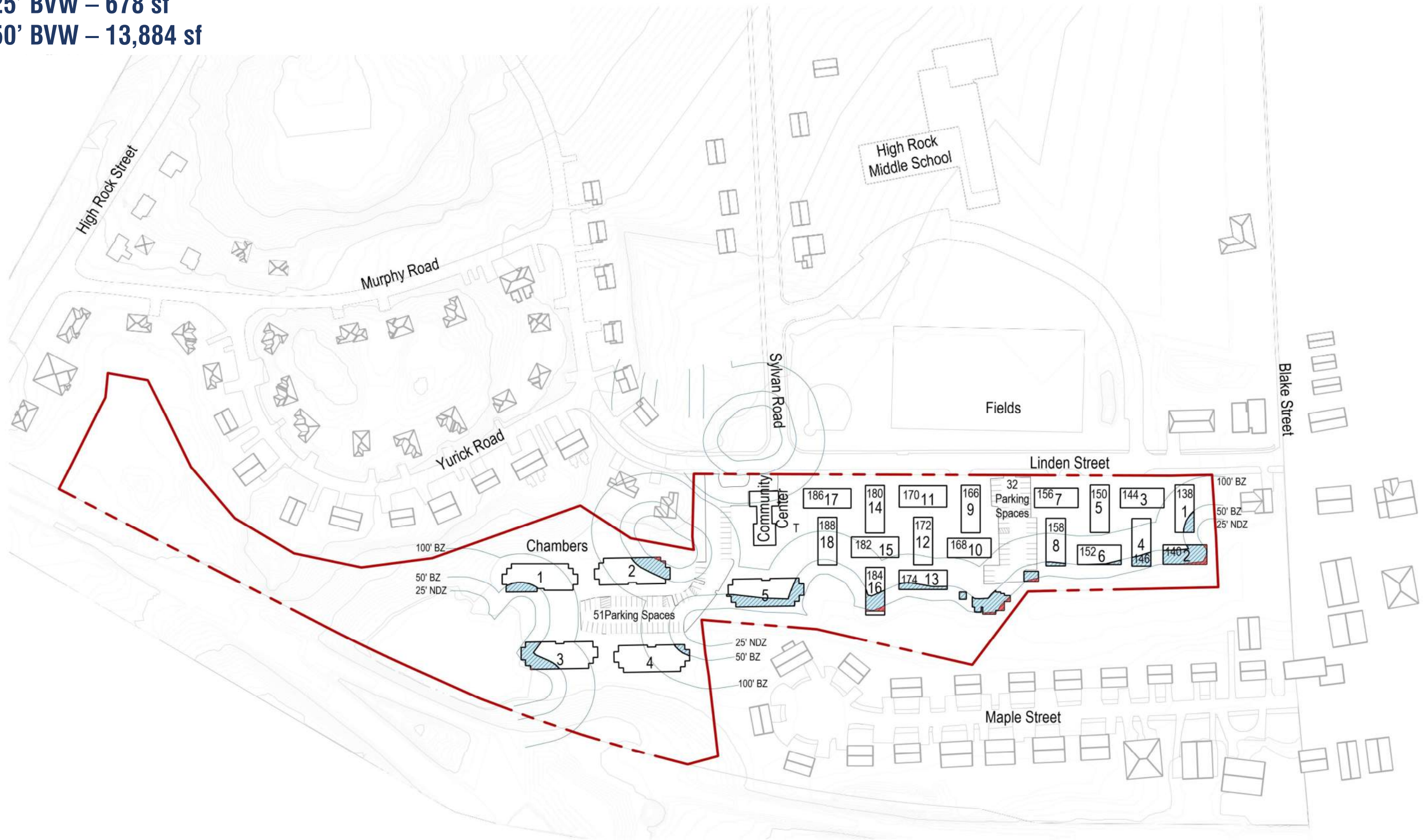
SS	SMH	SEWER LINE AND MANHOLE SIZE MATERIAL & FLOW DIRECTION
SD	DMH	DRAINLINE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION, CATCH BASIN MANHOLE & ROUND CATCH BASIN
RD	DS	ROOF DRAIN AND DOWNSPOUT
WS		WATER SERVICE
W		WATER MAIN AND VALVE
E		ELECTRIC SERVICE
- - -		PROPERTY LINE
- - -		EDGE OF PAVEMENT
- - -		EDGE OF WETLAND RESOURCE AREA
[Symbol]		BUILDING, LIGHT, STEPS & OVERHANG

HANCOCK
ASSOCIATES

Site Plan – Wetland Analysis – Existing Encroachment

25' BVW – 678 sf

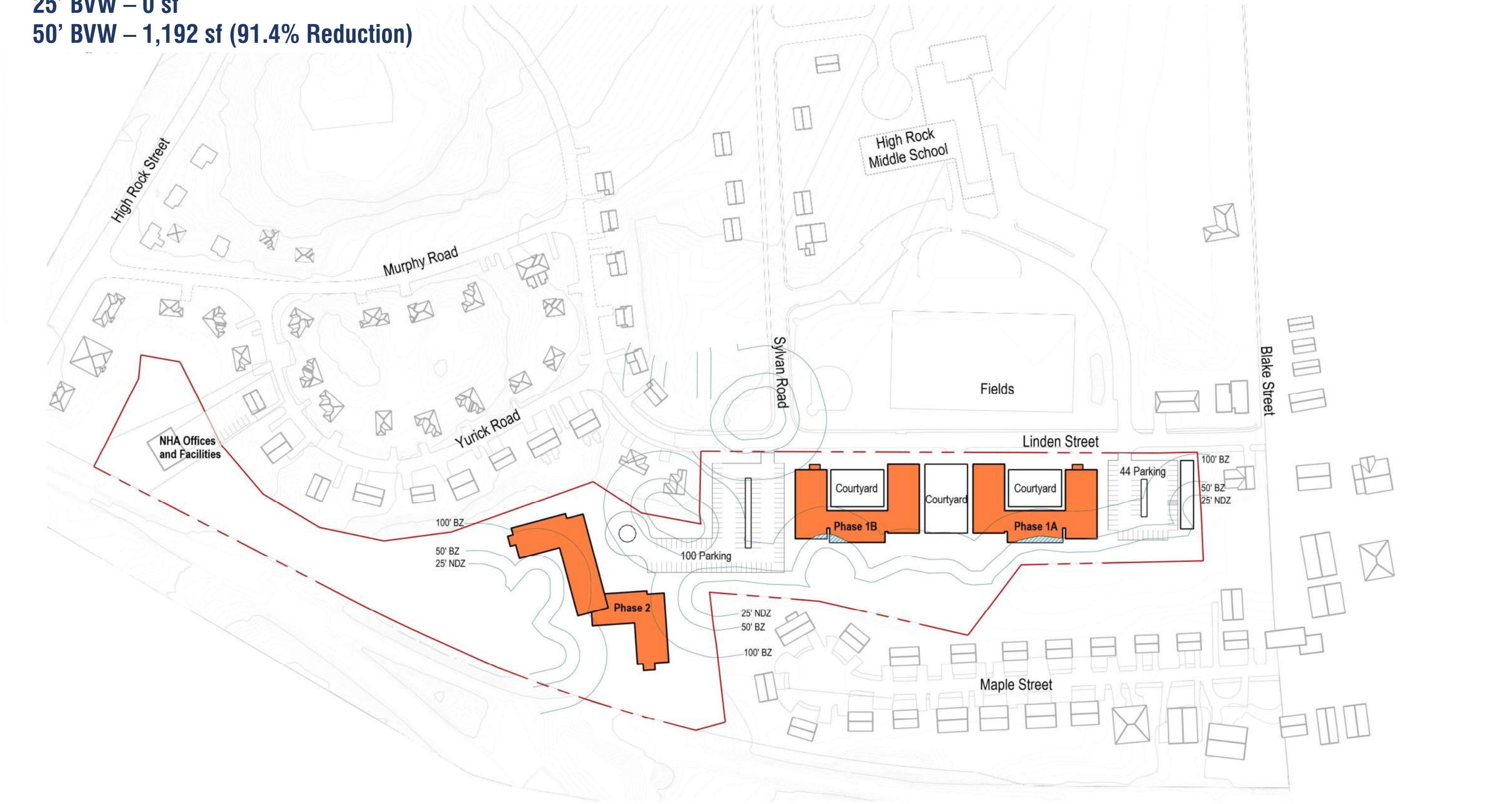
50' BVW – 13,884 sf

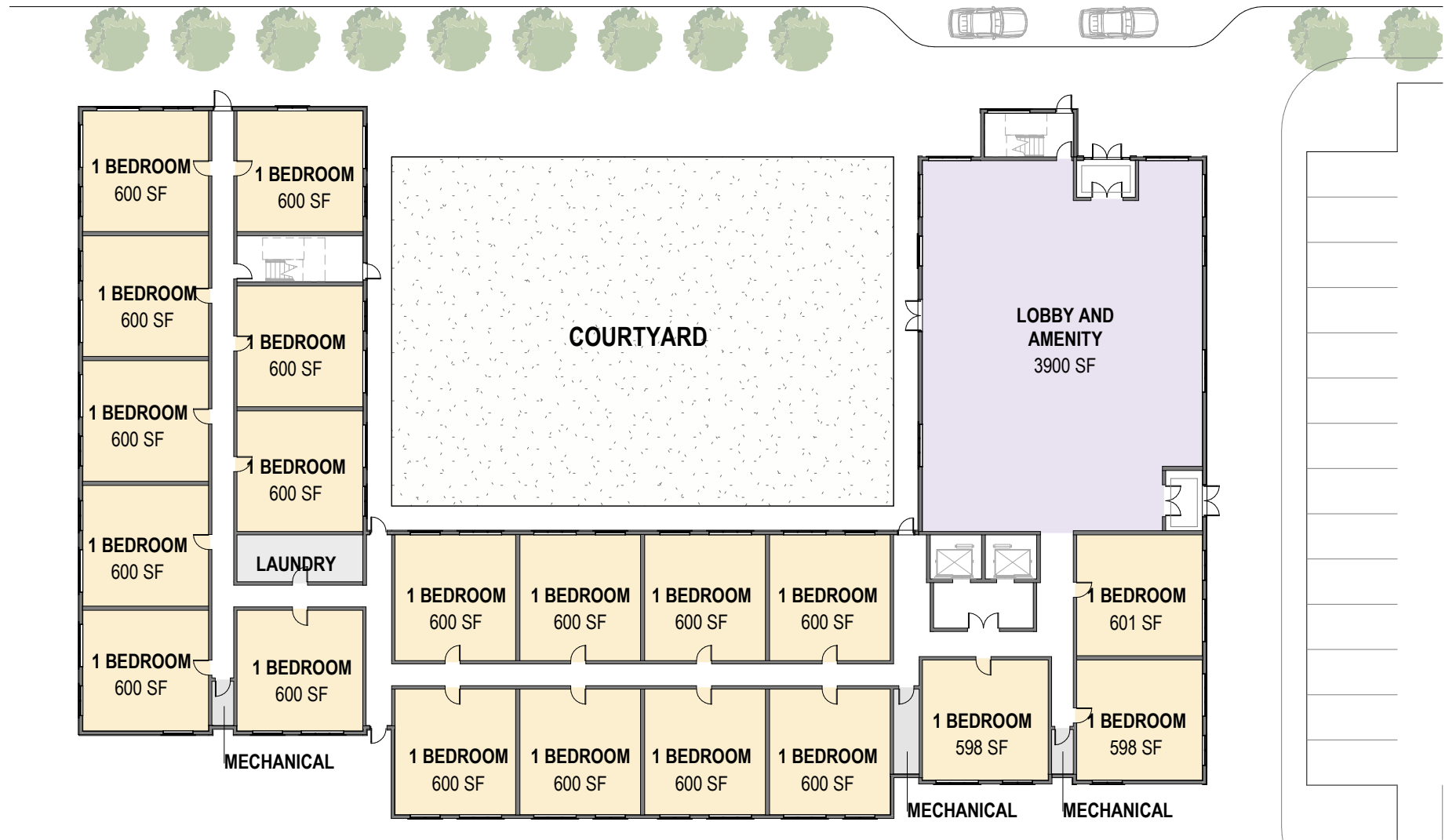


Site Plan – Wetland Analysis – Proposed

25' BVW – 0 sf

50' BVW – 1,192 sf (91.4% Reduction)





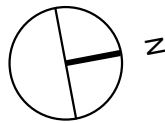
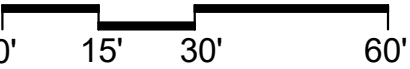
Floor	Unit Counts
1	20
2	26
3	26
Total	72

Linden Chambers Redevelopment

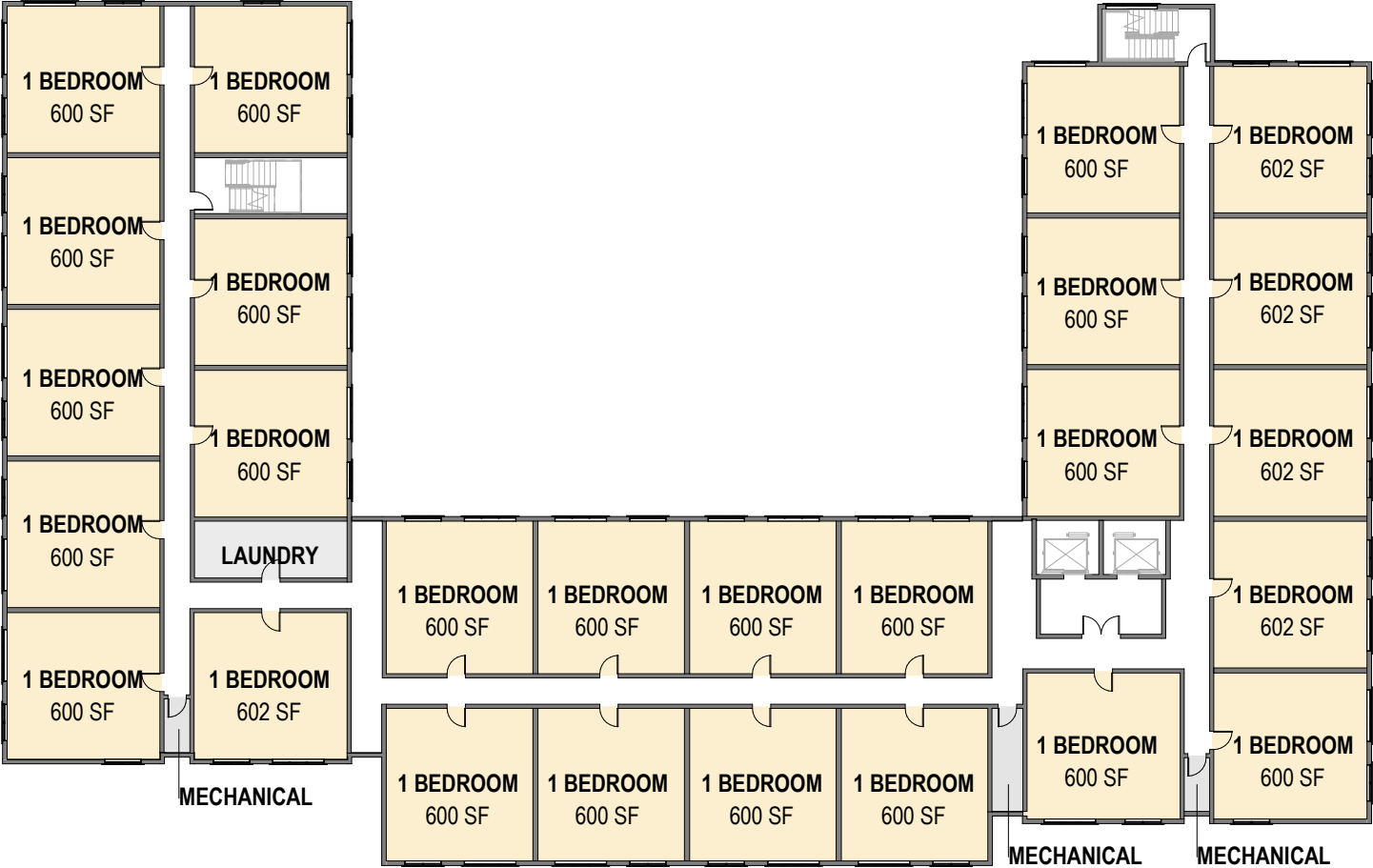
Phase 1A

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First Floor Plan



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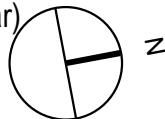
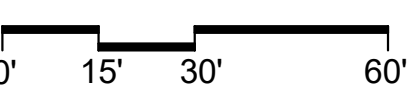
Linden Chambers Redevelopment

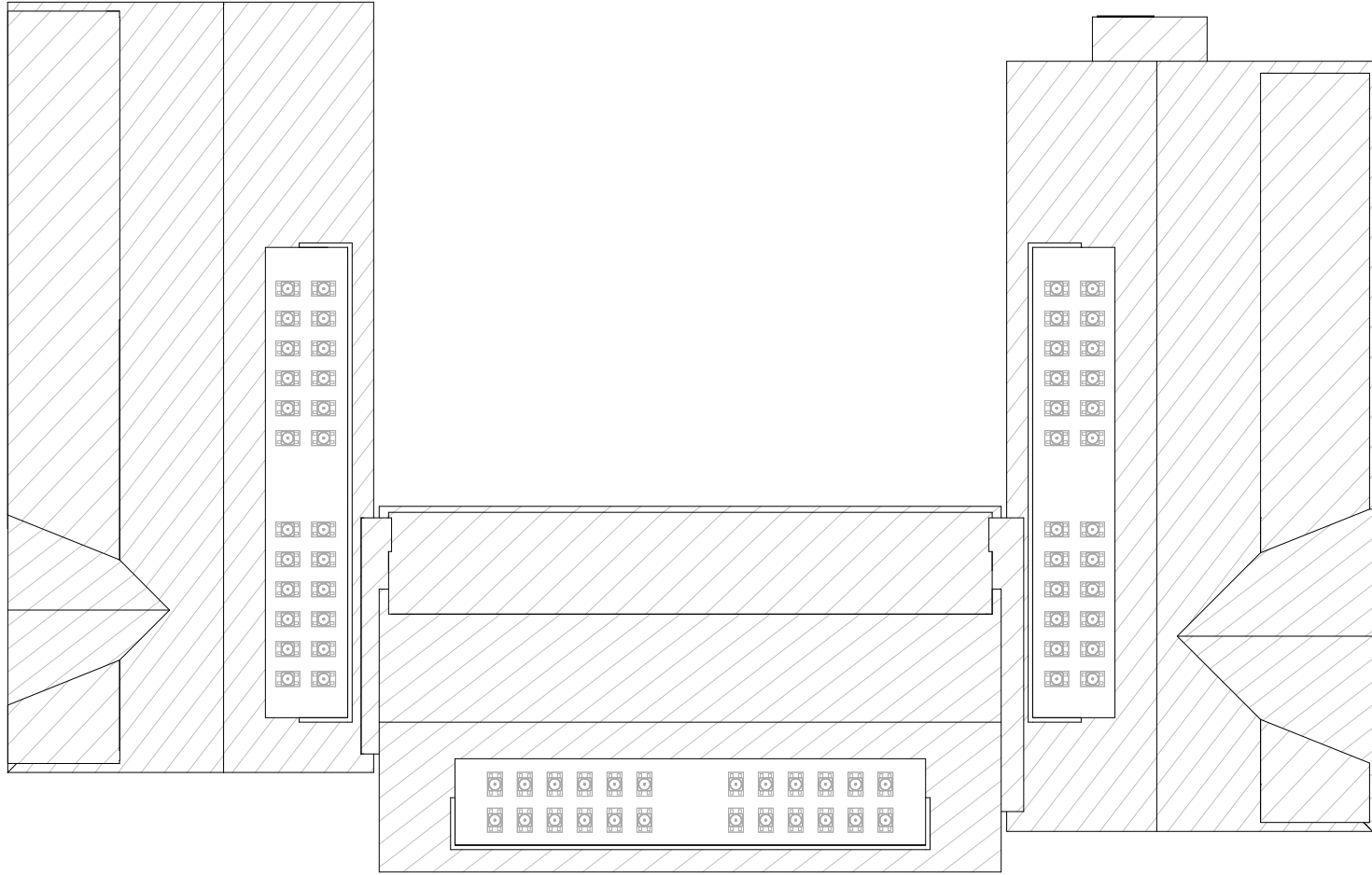
Phase 1A

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Floor	Unit Counts
1	20
2	26
3	26
Total	72

Second Floor Plan (Third Floor Similar)





Linden Chambers Redevelopment

Phase 1A

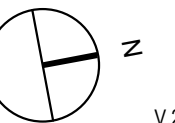
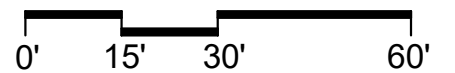
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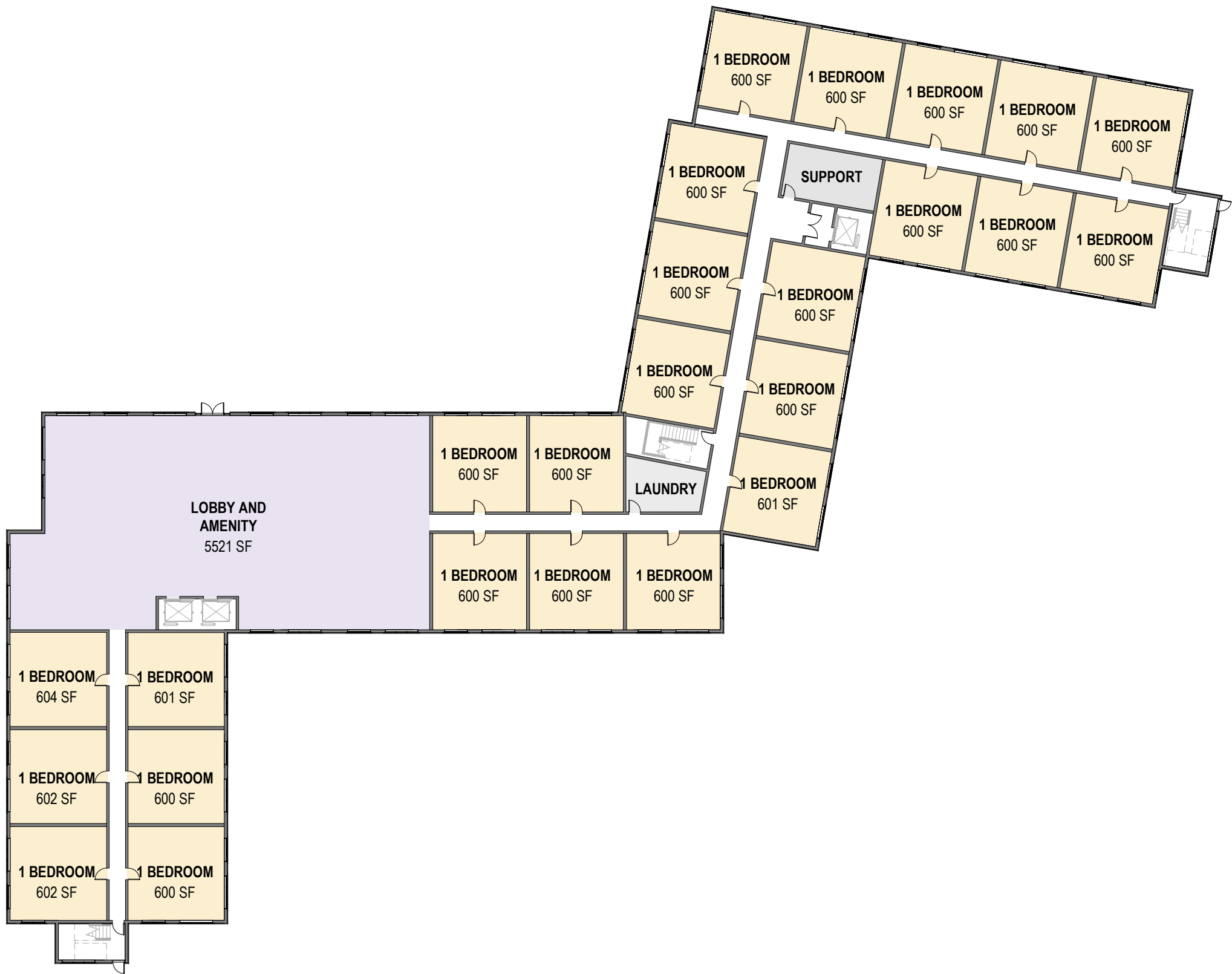
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6/14/2023

Roof Plan



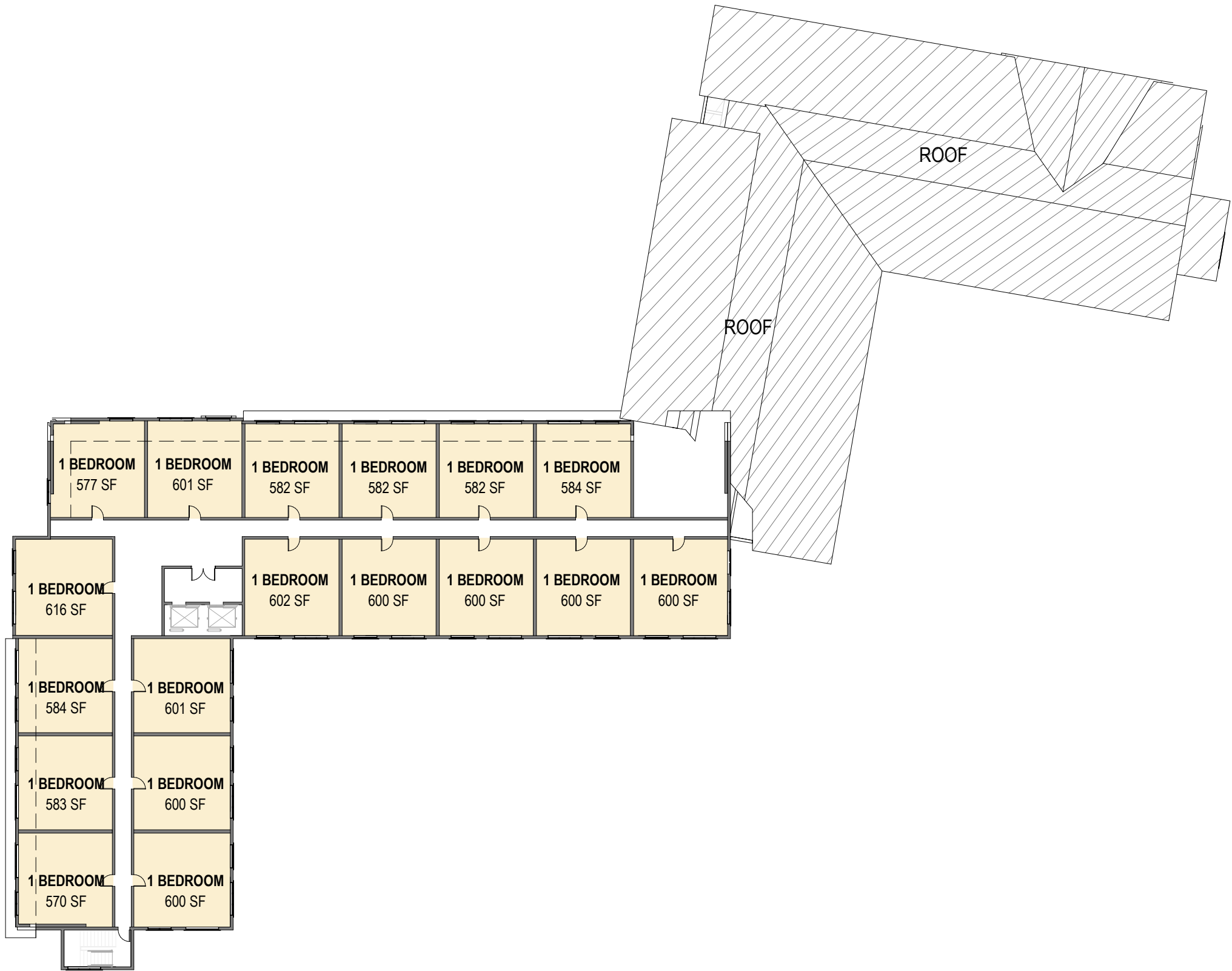
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Floor	Unit Counts
1	25
2	32
3	32
4	19
Total	108



Floor	Unit Counts
1	25
2	32
3	32
4	19
Total	108



Floor	Unit Counts
1	25
2	32
3	32
4	19
Total	108



West Elevation



North Elevation

Linden Chambers Redevelopment

Phase 1A and 1B

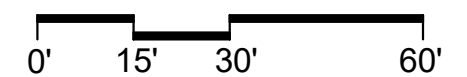
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West and North Elevations



V.2.1



South Elevation



East Elevation

Linden Chambers Redevelopment

Phase 1A and 1B

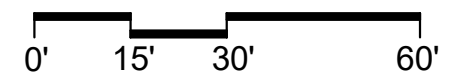
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South and East Elevations



V.2.1



North Elevation



South Elevation

Linden Chambers Redevelopment

Phase 2 New Construction Option

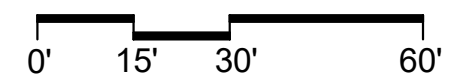
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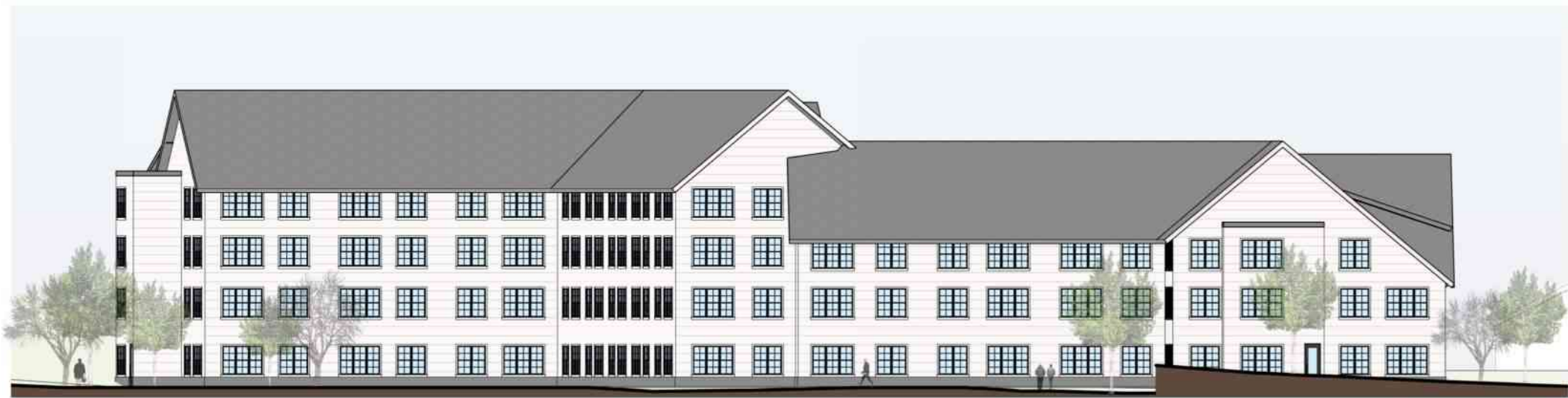
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6/14/2023

North and South Elevations



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East Elevation



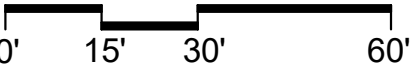
West Elevation

Linden Chambers Redevelopment

Phase 2 New Construction Option

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East and West Elevations





Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

Needham Housing Authority

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Linden Chambers Redevelopment

Rendering

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Linden Chambers Redevelopment

Rendering

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6/14/2023

V.2.1

11-June-2023

Adam Block, Needham Planning Board
Lee Newman, Director of Planning and Community Development
Alexandra Clee, Assistant Planner
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

VIA Electronic Mail

Dear Mr. Block, Mr. Newman, and Ms. Clee:

We, the undersigned abutters and neighbors of the Linden-Chambers Communities, write this letter to inform the town of our concerns as to the present plans for redevelopment of the Linden-Chambers site. We understand the need for affordable housing and support building it in our community. There are specific aspects of recent designs, however, that concern us.

Our main concern is that the shallow offset from the street prevents any substantial landscaping. In fact, some recent renderings from BH+A show no trees between the buildings and Linden St. except for in front of the parking lot. The proposed three-story buildings would be the tallest in the neighborhood, indeed among the tallest residential buildings in the town. They would benefit from robust and deep landscaping at the street, including planting tall trees that will eventually break up the towering nature of the buildings and their atypically high roof line (peaking at about 45 feet).

Allowing for more tree cover also helps address an equity issue for the residents of Linden-Chambers. Affluent Americans enjoy almost 50 percent more greenery in their environment compared with lower-income communities, according to the New York Times. Tree cover provides a range of benefits to the community, including up to 10 degrees of heat reduction from shade, lower of air pollution, improved mental health and physical health for residents, and suppression of crime. In our view, it is wrong to so severely deprioritize tree cover when building affordable housing in our town.

To accommodate additional trees and landscaping, we recommend eliminating the forward-most twelve units (four per floor) in each of the proposed two new buildings along Linden St. This would set the buildings back an additional 25 feet and still allow increasing density by 64% over the current level. Moreover, some, if not all, of the lost units from this modification to the plan could be offset through greater development on Chambers St., where there is ample additional buildable land for more units on an expanded footprint.

Of additional concern, the present renderings show no hierarchy between the first story and higher level exteriors that would break up tall walls into visually appealing segments and prevent the buildings from looking like large, monotonous, looming towers. We recommend great effort

be focused on attenuating the imposing nature of these 45-foot-high apartment buildings, each of which will be large enough to contain 70 units. This design detail is not a mere afterthought or finishing, but critical to any prospect of successfully integrating large apartment complexes into a residential neighborhood containing a school and single-family homes. This is a matter of equity: we believe residents of affordable housing deserve to live in spaces that are actually integrated into the neighborhood—not merely adjacent to it. These spaces should enhance the neighborhood's aesthetics.

Finally, we would like to ensure that there is sufficient parking on the property to avoid requiring residents to park their cars on Linden St. As with the other above concerns, this is a matter of creating a complex that enhances the neighborhood and provides residents with living conditions that are consistent with those found on the surrounding streets.

We recognize the importance of updating the Linden-Chambers site and support its redevelopment including adding additional density in our neighborhood. We also recognize that there is a housing affordability crisis in Massachusetts which we must all play a part in addressing. Finally, we all appreciate and desire the multi-faceted diversity that affordable housing brings to our community. We simply want to protect the environmental and aesthetic character of the neighborhood for all of its residents. Trees provide important health, ecosystem, and aesthetic benefits that have been disproportionately lacking in communities with lower income, including in Needham's affordable housing sites. We are confident there is a way to proceed that brings additional affordable units to our neighborhood while staying consistent with the tree-lined look and feel of our streets and that provides a range of benefits to residents and neighbors alike.

We Are Sincerely Yours,

Susan Gilbert and Morris Singer
60 Sylvan Rd.

Claire and Stephen Bourdeau
68 Sylvan Rd

Tanya Chin
69 Sylvan Rd

Peggy and Andy Gassman
72 Sylvan Rd

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2023 APR 13 PM 4:49

**TOWN OF NEEDHAM
MASSACHUSETTS**



500 Dedham Avenue
Needham, MA 02492
781-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 1032 Great Plain Ave, Needham, MA 02492
Name of Applicant Kakada Ly (Shalots Needham Inc, DBA Sweet Bob
Applicant's Address 6 Katina Lane Peabody, MA 01960
Phone Number 781-854-6253

Applicant is: Owner _____ Tenant ☒
 Agent/Attorney _____ Purchaser _____

Property Owner's Name Needham Enterprises LLC Matt Borelli
Property Owner's Address 105 Chestnut St Suite 28 Needham MA 02492
Telephone Number 781-444-8090

Characteristics of Property: Lot Area 19,347 Present Use _____
 Map # 47 Parcel # 70 Zoning District Center Business District

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Request to use space for use as a retail bakery with
an accessory eat in/take out counter and 6 seats

Signature of Applicant (or representative) Kakada Ly
Address if not applicant 105 Chestnut St Suite 28 Needham MA 02492
Telephone # 781-444-8090
Owner's permission if other than applicant Matt Borelli

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board Almond/Mu Date 4/13/23
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issued within 35 days of filing date.

DATE 02/06/2023

Town of Needham
Planning Board
Needham, MA 02492

RE: Application for Site Plan Review
1032 Great Plain Avenue
Shallots Needham Inc. dba Sweet Boba

Dear Planning Board:

Submitted herewith please find the following application for site plan review and supporting documents.

1. Application for Site Plan Review for property at 1032 Great Plain Avenue, Needham, MA and filing fee in the amount of \$ 1,000.
2. Floor Plan prepared by Choi + Shine Architects, dated January 12th, 2023.

My name is Kakada Ly, President of Shallots Needham Inc. dba Sweet Boba. I am proposing to operate a retail bakery with an accessory eat in/take out counters and seating (Total seating 6) at 1032 Great Plain Avenue. Some of the items which are anticipated to be sold are: Breakfast + Lunch sandwiches, coffee, Bubble tea, smoothies. The primary use of the premises will be a food retail operation for the sale of bakery items, such as cookies, macaroons, muffins, brownies, croissants (60% of sales) and coffee, boba tea, smoothies and other drinks (30% of sales). As a subordinate and accessory use to the primary use, as described above, accessory sales of sandwiches and salads (5% of sales) and takeout food sales (5% of sales) will be provided. The Petitioner expects the sale of sandwiches and salads and takeout food sales will constitute no more than 10% of total sales.

Anticipated hours of operation are 6am – 10pm, 7 days per week.

The parking requirement for the proposed operation is 15 spaces based on the following computation: (a) 870 square feet of retail space at 1 space per 300 square feet equals 2.9 spaces = 3 spaces, (b) six seats at 1 space for every 3 seats = 2 spaces, and (c) one take-out station at 10 spaces for each station = 10 spaces, for a total of 15 parking spaces. Petitioner has requested a waiver from the required number of parking spaces from fifteen spaces to zero spaces. The proposed project requires a total of fifteen (15) parking spaces pursuant to the off-street parking provisions of the Zoning By-Law, as follows: (a) 870 square feet of retail space at 1 space per 300 square feet equals 2.9 spaces = 3 spaces; (b) ten (10) spaces for the eat in/take out station; (c) and two (2) spaces for the seats (6 + 3 = 2 spaces). Prior to my business, the location was a retail bakery as well, with a parking requirement of 3 spaces (870 square feet at 1 space per 300 square feet.), so the proposed new use requires 12 additional parking spaces. The proposed project will require a special permit under Section 5.1.1.6 to waive the off-street parking requirements of Section 5.1.2 and 5.1. 3, as there is no parking allocated to the space.

Additionally, I request a Special Permit under Section 3.2.2 of the Zoning By-Law for more than one nonresidential use on a lot and for the operation of the accessory eat in/take out establishment accessory to a food retail operation.

If you need anything else, please let me know.

Thank you.
Kakada Ly

SWEET BOBA

1032 Great Plain Ave, Needham, MA 02492

DRAWINGS

January 12, 2023

PROJECT TEAM

Architect:
CHOI + SHINE ARCHITECTS, LLC
358 Tappan Street
Brookline MA 02445
617-879-3255

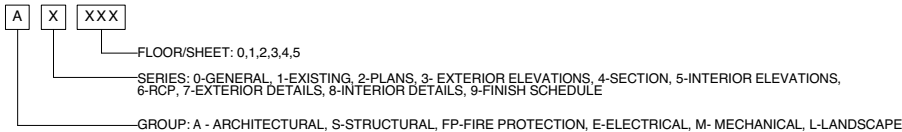
General Contractor:
TBD

Fire Protection:
TBD

DRAWING INDEX

Architectural:

- A000 COVER/DRAWING INDEX
- A001 NOTES, USE AND ZONING
- A100 EXISTING FLOOR PLAN
- A200 PROPOSED FLOOR PLAN
- LS100 LIFE SAFETY PLAN



CHOI + SHINE ARCHITECTS

358 Tappan Street, Brookline, Massachusetts 02445
Phone: (617) 879-3255

THE DRAWINGS

1. THESE CONTRACT DRAWINGS ARE INCOMPLETE WITHOUT ACCOMPANYING DETAILS, SCHEDULES, SPECIFICATIONS OR OTHER CONTRACT DOCUMENTS WHICH MAY CONTAIN IMPORTANT INFORMATION RELATING TO ANY ASPECT OF THIS PROJECT.
2. FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS.
3. THE SUBCONTRACTOR SHALL REFER ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE SPECIFICATIONS TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. IN THE EVENT OF CONFLICT OR DISCREPANCIES WITHIN THE DRAWINGS, THE PRIORITY OF INTERPRETATION SHALL BE:

A. SCHEDULES

B. NOTES

C. LARGE SCALE DRAWINGS, E.G.. DETAILS

D. SMALL SCALE DRAWINGS, E.G.. FLOOR PLANS, ELEVATIONS
5. ARCHITECTURAL DRAWINGS SHALL HAVE PRECEDENCE OVER ALL OTHER DRAWINGS UNLESS OTHERWISE NOTED. THE ORDER OF PRECEDENCE SHALL BE:

A. ARCHITECTURAL

B. STRUCTURAL

C. MECHANICAL

D. PLUMBING

E. ELECTRICAL.

WORKMANSHIP

1. ALL WORK SHALL BE DONE IN A WORKMAN LIKE MANNER AND IN ACCORDANCE WITH GENERALLY ACCEPTED PRACTICE.
2. ALL STUDS, CEILING FURRING AND FRAMING MEMBERS SHALL BE PLACED TO AVOID INTERFERENCE WITH LOCATIONS OF CASEWORK, RECESSED LIGHTING FIXTURES, PIPING, DUCT WORK AND THE LIKE.
3. AT THE COMPLETION OF THE WORK, THE SUBCONTRACTOR SHALL INSURE THAT ALL INTERIOR SURFACES, INCLUDING WINDOWS, SHALL BE CLEAN AND UNMARKED.
4. IF THERE IS ANY CONFLICT WITHIN OR BETWEEN ANY OF THE CONTRACT DOCUMENTS INVOLVING THE QUALITY OR QUANTITY OF WORK REQUIRED, IT IS THE INTENTION OF THE CONTRACT THAT WORK OF THE HIGHEST QUALITY AND OF THE GREATEST QUANTITY SHOWN OR SPECIFIED SHALL BE FURNISHED.

GENERAL NOTES (1)

1. ALL MATERIALS SHALL BE NEW AND OF GOOD QUALITY UNLESS OTHERWISE NOTED.
3. ALL CUTTING AND PATCHING ASSOCIATED WITH THE INSTALLATION OF ELECTRICAL, PLUMBING OR HVAC WORK SHALL BE PERFORMED BY SUBCONTRACTOR WHETHER OR NOT SPECIFICALLY INDICATED ON DRAWINGS.
4. IN ALL AREAS WHERE NEW MATERIALS, PARTITIONS OR PRODUCTS ARE INSTALLED, OR WHERE EXISTING CONDITIONS ARE ALTERED, THE CONTRACTOR SHALL PATCH AND FINISH WALLS, FLOORS, CEILINGS AND AFFECTED ADJACENT AREAS TO MATCH EXISTING.
5. CONTRACTOR SHALL STABILIZE ALL EXISTING ADJACENT CONDITIONS AS REQUIRED WHETHER OR NOT INDICATED ON THE DRAWINGS.
6. BEFORE PROCEEDING WITH DEMOLITION OR WITH METHODS OF CONSTRUCTION NOT INDICATED ON THE DEMOLITION DRAWINGS, THE CONTRACTOR SHALL OBTAIN APPROVAL OF THE ARCHITECT.
7. INTERIOR WALLS MAY BE LOAD BEARING. INSPECT AND PROVIDE FLOOR SUPPORT AS REQUIRED BEFORE DEMO.
8. REFER TO ELEVATIONS FOR ALL FIXTURE LOCATIONS

GENERAL NOTES (2)

1. ALL WORK DESCRIBED BY THESE DOCUMENTS SHALL BE PERFORMED IN FULL ACCORDANCE WITH THE 9TH EDITION OF THE MASS. BUILDING CODES, AS WELL AS ALL LOCAL ZONING REGULATIONS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR SEEING THAT EACH SUBCONTRACTOR CLEANS UP AND REMOVES, DAILY, ANY AND ALL DEBRIS GENERATED BY CONSTRUCTION OPERATIONS, MAKING READY FOR ALL SUBSEQUENT SUBCONTRACTORS.
3. THE CONTRACTOR SHALL PROTECT INTERIOR SURFACE OF GLAZING AT ALL TIMES FROM BREAKAGE AND SCRATCHING OF INTERIOR WINDOW COATINGS. ANY HOLLOWES OR DAMAGED AREAS OF CONCRETE FLOOR SHALL BE REPAIRED PRIOR TO COMMENCEMENT OF NEW CONSTRUCTION. THE CONTRACTOR SHALL REMOVE FROM DEMOLISHED WALLS OR PORTIONS OF WALLS ALL POWER CIRCUITS AND SWITCH LEGS BACK TO FIRST JUNCTION BOX IN CEILING SPACE. REMOVE ANY MILLWORK OR WALL-MOUNTED PLUMBING FIXTURES FROM WALLS INDICATED TO BE DEMOLISHED AND NOT OTHERWISE SHOWN. THE CONTRACTOR SHALL MAINTAIN A TRUCK OR OTHER VEHICLE FOR REMOVAL OF WASTE MATERIALS DAILY FROM SITE. WASTE MATERIALS SHALL BE TRANSPORTED TO SUCH VEHICLE BY COVERED RUBBER-TIRED CARTS. ANY LIGHTING FIXTURES REMOVED FROM THE SPACE AND NOT DISPOSED OF SHALL BE SALVAGED AS DIRECTED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL TAKE CARE NOT TO UNREASONABLY CAUSE DAMAGE TO THE LIGHTING FIXTURES.
4. GENERAL CONTRACTOR SHALL: EXERCISE REASONABLE PRECAUTION IN THE PROTECTION OF ALL EXISTING FINISHES TO REMAIN AND/OR ALL EXISTING SUBSTRATES TO RECEIVE NEW FINISH; SCHEDULE AND COORDINATE ALL TRADES TO ELIMINATE DAMAGE TO ALL FLOOR MATERIALS ONCE INSTALLED; PROVIDE PROTECTIVE COVERINGS FOR ALL FLOOR, PARTITION AND CEILING FINISHES TO REMAIN IN THE PROJECT AREA AND FOR ALL FINISHES WHICH MAY BE SUBJECT TO TRAFFIC OR CONSTRUCTION ACTIVITY IN ADJACENT AREAS; PROVIDE PROTECTIVE COVERING FOR ALL WINDOWS AND OTHER GLASS TO REMAIN; PROVIDE IMPACT PROTECTION FOR ALL INTERIOR FINISHES; PROVIDE MINIMUM 1/8 INCH THICK TEMPERED HARDBOARD OR PLYWOOD GANG WAY TO PROTECT ALL FLOORING MATERIALS FROM BREAKAGE, CRACKING, SCRATCHING OR OTHER DAMAGE FROM DOLLIES, HAND TRUCKS OR ROLLING BINS OR TOOL CARTS USED TO TRANSPORT MATERIALS TO AND FROM PROJECT AREA; EXTEND PROTECTION FROM BUILDING ENTRY(IES) TO PROJECT AREA.

5. CONTRACTOR SHALL REVIEW THESE PLANS THOROUGHLY, MAKE A DETAILED SITE VISIT, AND SHALL IMMEDIATELY BRING ANY INCONSISTENCY, SITE LAYOUT PROBLEM, OR ANY OTHER REQUEST FOR CLARIFICATION TO THE ARCHITECT FOR RESOLUTION PRIOR TO THE DELIVERY OF ANY BID. FAILURE TO DO SO SHALL CAUSE THE CONTRACTOR TO BE INELIGIBLE FOR EXTRAS RELATING TO SUCH MATTERS.

6. CONTRACTOR SHALL SUBMIT REPRODUCIBLE SHOP DRAWINGS TO ARCHITECT FOR OWNER'S, ARCHITECT'S, AND ENGINEER'S APPROVAL.

7. DRAWINGS OF EXISTING FACILITIES ARE, IN GENERAL, DIAGRAMMATIC. EXACT LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR FROM FIELD MEASUREMENTS TAKEN BY CONTRACTOR'S PERSONNEL. ACTUAL ARRANGEMENT OF THE WORK SHALL FOLLOW LOCATIONS SHOWN ON THE DRAWINGS WITHIN THE CONSTRAINTS OF EXISTING EQUIPMENT AND CONSTRUCTION. DIMENSIONS SHALL GOVERN THESE DRAWINGS AND THEY ARE NOT TO BE SCALED. DRAWING AND NOTES TO DRAWINGS ARE CORRELATIVE AND HAVE EQUAL AUTHORITY AND PRIORITY. SHOULD THERE BE DISCREPANCIES IN THEMSELVES OR BETWEEN THEM, CONTRACTOR SHALL BASE BID PRICING ON THE MOST EXPENSIVE COMBINATION OF QUALITY AND/OR QUANTITY OF THE WORK INDICATED. IN THE EVENT OF DISCREPANCIES, THE APPROPRIATE METHOD OF PERFORMING THE WORK AND/OR ITEMS TO BE INCORPORATED INTO THE SCOPE OF THE WORK SHALL BE DETERMINED BY THE ARCHITECT OR ENGINEER.

8. CONTRACTOR SHALL CO-ORDINATE WITH ALL TRADES TO PROVIDE COMPLETE WORKING SYSTEMS.

9. CONTRACTOR IS RESPONSIBLE FOR THE SAFETY, ACTIONS AND CONDUCT OF HIS EMPLOYEES AND HIS SUBCONTRACTORS' EMPLOYEES WHILE IN THE PROJECT AREA, ADJACENT AREAS AND IN THE BUILDING AND ITS VICINITY.

10. ALL MATERIALS, FINISHES, MANUFACTURED ITEMS, AND EQUIPMENT SHALL BE INSTALLED IN FULL ACCORDANCE WITH THE SUPPLIER'S OR MANUFACTURER'S WRITTEN RECOMMENDATIONS OR THESE DOCUMENTS, WHICHEVER IS MORE STRINGENT.

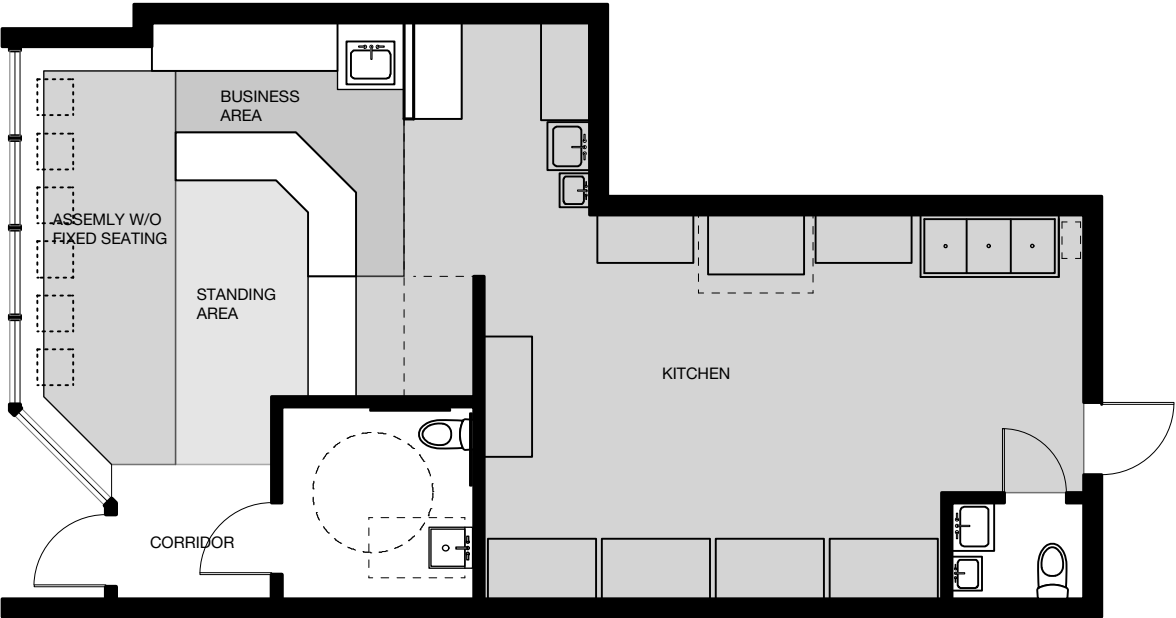
11. CONTRACTOR SHALL VERIFY ALL MATERIALS, FINISHES, MANUFACTURED ITEMS, AND EQUIPMENT WITH THE ARCHITECT BEFORE ORDERING.

GENERAL NOTES (3)

THE GENERAL CONTRACTOR SHOULD IDENTIFY AND PROVIDE SPECIFIC ALLOWANCES FOR ANY SCOPE THAT IS NOT CLEARLY DEFINED IN THIS OUTLINE. THE GENERAL CONTRACTOR IS ENCOURAGED TO CONTACT THE ARCHITECT (617-879-3255) AS OFTEN AS IS NECESSARY DURING THE PRICING PROCESS WITH ANY QUESTIONS, CONCERNS OR SUGGESTIONS REGARDING THE SYSTEMS, PROCUREMENT, SOURCING OR OTHER MATTERS. THERE ARE SOURCES LISTED THROUGHOUT THE OUTLINE SPEC FOR CONVENIENCE PURPOSES ONLY. THE GC IS ENCOURAGED TO SOURCE MATERIALS AND SYSTEMS FROM OTHER SOURCES AVAILABLE TO THE GC. ANY SUBSTITUTIONS NEED TO BE APPROVED BY THE ARCHITECT PRIOR TO PURCHASING. THE GC IS RESPONSIBLE FOR COORDINATING, SCHEDULING AND PROVIDING THE ENTIRE SCOPE OF THE JOB INCLUDING ALL SCOPE DEFINED IN THE DRAWINGS AS WELL AS ALL WORK REASONABLY INFERABLE FROM THE DRAWINGS. THE GC IS ALSO RESPONSIBLE FOR CONTACTING, COORDINATING, SCHEDULING AND PROVIDING ALL BASIC UTILITIES FOR THE JOB INCLUDING BUT NOT LIMITED TO ELECTRICAL, PHONE, CABLE, GAS, WATER, ETC. ANY CONFLICTS FOUND IN THE DRAWINGS SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IN WRITING AS SOON AS DISCOVERED. GC TO CONSULT MANUFACTURER'S RECOMMENDATIONS ON ALL PRODUCTS PRIOR TO PROCUREMENT OR INSTALLATION.

USE AND ZONING

ZONING DISCTRICT	CENTER BUSINESS (OVERLAY DISTRICT A)	
USE	A-2 RETAIL EXISTING CATERING (FOOD SERVICE)	
OCCUPYABLE AREA (GROSS)	<u>EXISTING</u>	<u>PROPOSED</u>
	±870 Sq. FT.	NO CHANGE
<u>OCCUPANCY LOAD</u>	<u>AREA</u>	<u>OCCUPANCY</u>
KITCHEN	461 SQ. FT. @ 200 PER =	2.3
ASSEMBLY W/O FIXED SEATING	90 SQ. FT. @ 15 PER =	6.0
STANDING SPACE	66 SQ. FT. @ 5 PER =	13.2
BUSINESS AREA	37 SQ. FT. @ 100 PER =	0.4
STORAGE	0 SQ. FT. @ 300 PER =	0.0
TOTAL	644 SQ. FT.	22 (21.9)



CHOI+SHINE ARCHITECTS

arch@choishine.com
www.choishine.com

PHONE: (617) 879-3255

PROJECT CONSULTANTS:

PROJECT :

SWEET BOBA
1032 Great Plain Ave
Needham, MA 02492

DRAWING TITLE:

NOTES

SCALE:

ISSUE:

DATE:

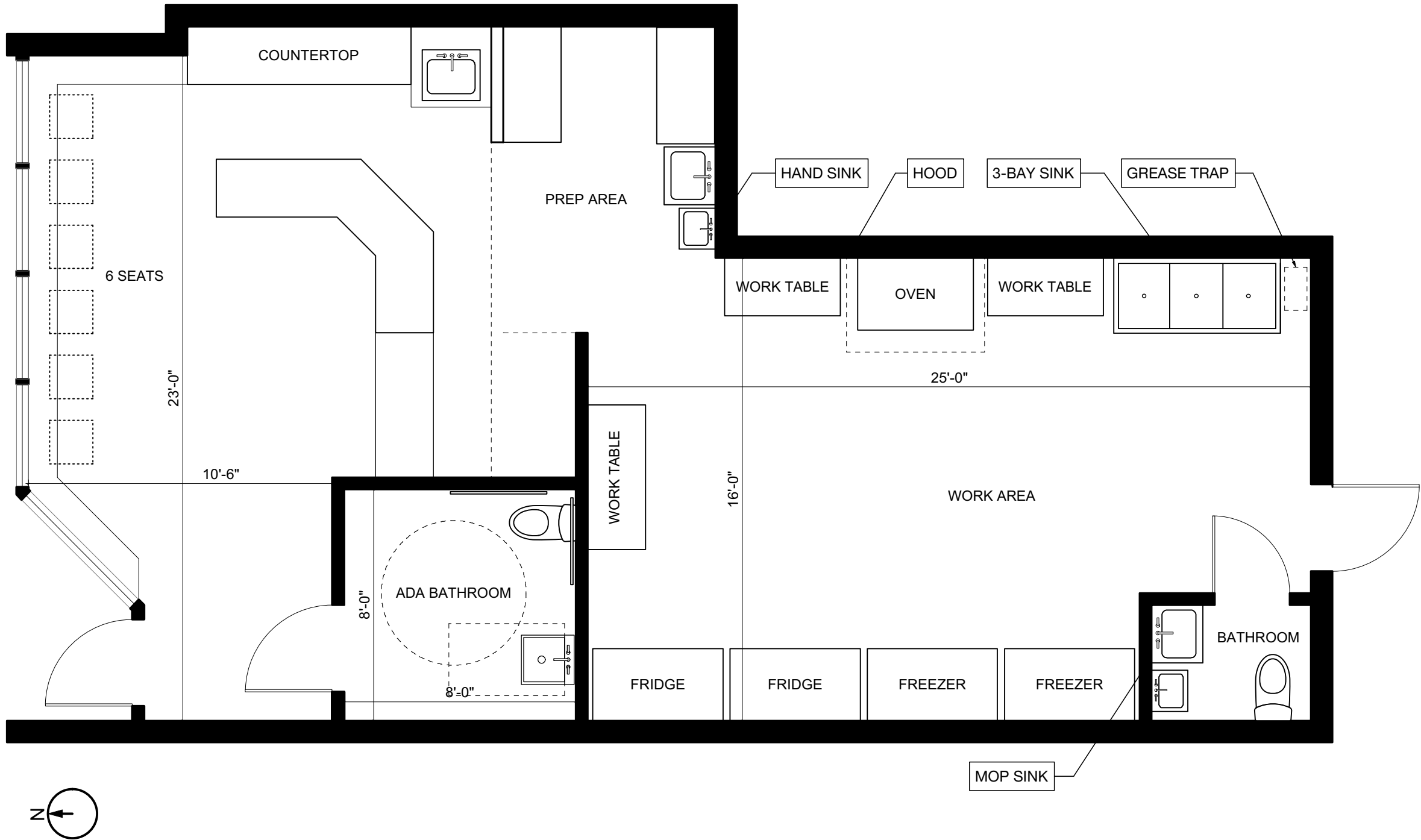
DRAWN BY: YW

DATE: JAN 12, 2023

CHECKED BY: TS

SHEET NUMBER:

A001



CHOI+SHINE
ARCHITECTS

arch@choishine.com
www.choishine.com

PHONE: (617) 879-3255

PROJECT
CONSULTANTS:

PROJECT :

SWEET BOBA
1032 Great Plain Ave
Needham, MA 02492

DRAWING TITLE:

EXISTING
FLOOR PLAN

SCALE: 1/4"=1'0"

ISSUE: DATE:

DRAWN BY: YW

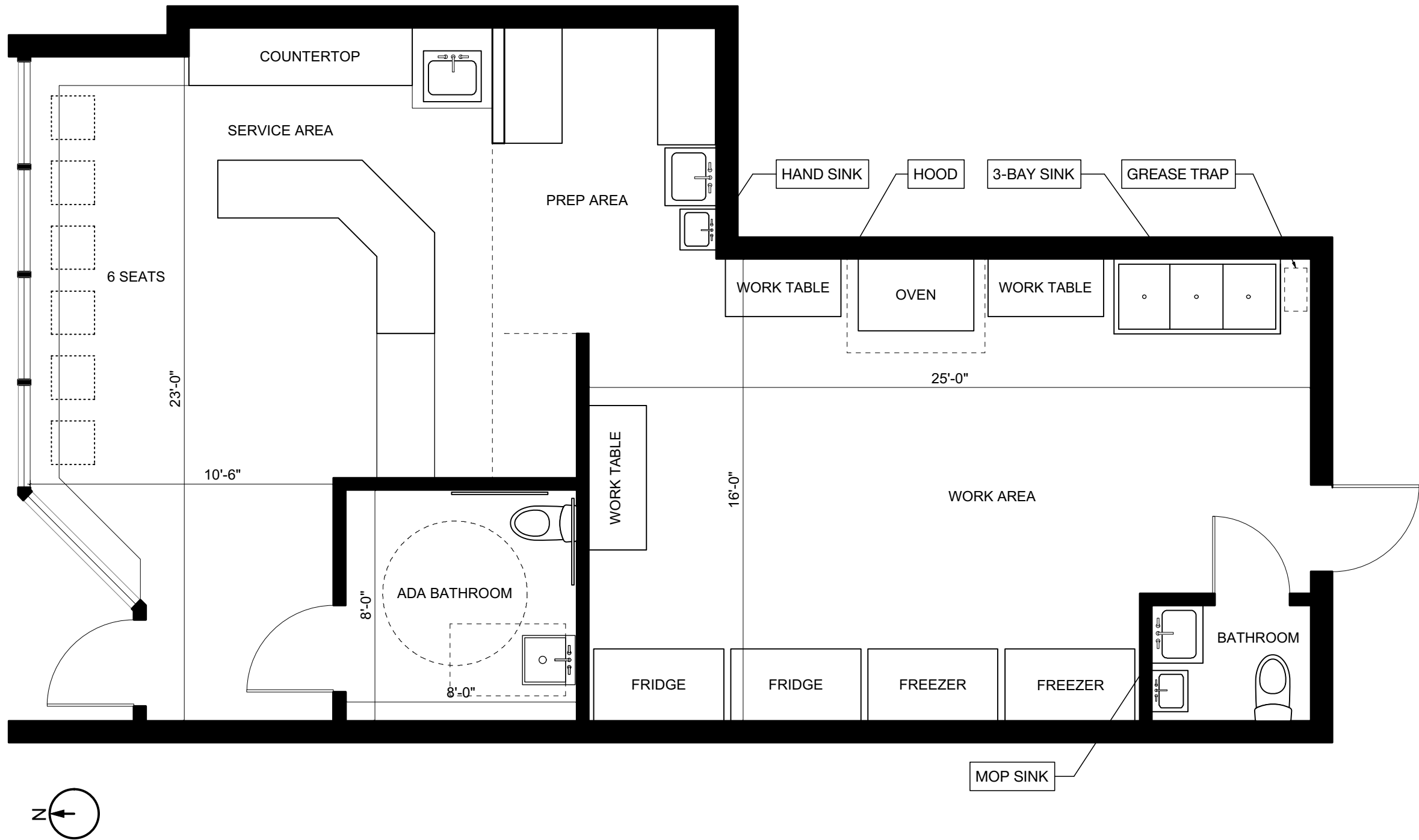
DATE: JAN 12, 2023

CHECKED BY: TS

SHEET NUMBER:

A100





CHOI+SHINE
ARCHITECTS

arch@choishine.com
www.choishine.com
PHONE: (617) 879-3255

PROJECT
CONSULTANTS:

PROJECT :

SWEET BOBA
1032 Great Plain Ave
Needham, MA 02492

DRAWING TITLE:

**PROPOSED
FLOOR PLAN**

SCALE: 1/4"=1'0"

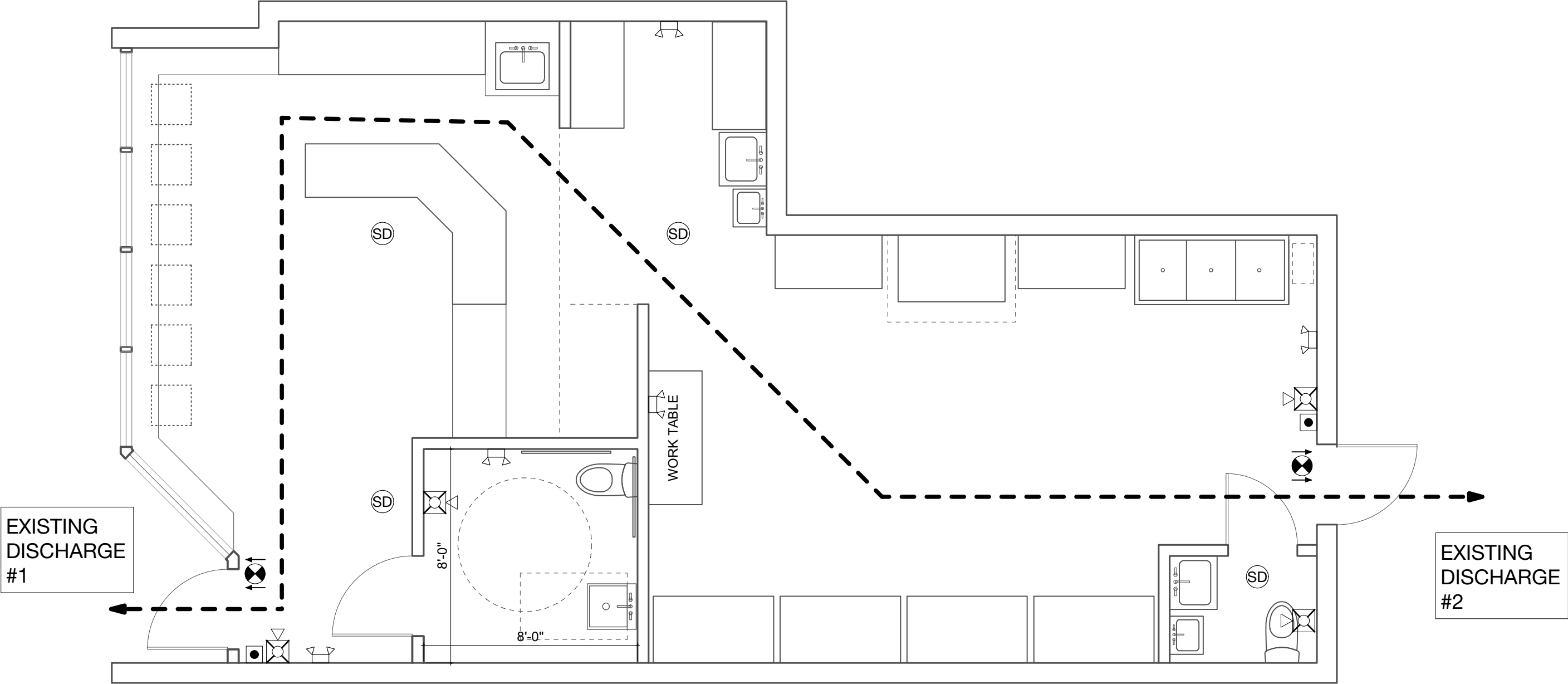
ISSUE: DATE:

DRAWN BY: YW
DATE: JAN 12, 2023
CHECKED BY: TS

SHEET NUMBER:

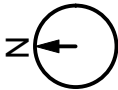
A200





EXISTING
DISCHARGE
#1

EXISTING
DISCHARGE
#2



ELECTRICAL AND UTILITY SYMBOLS (NOTE: NOT ALL SYMBOLS SHOWN ARE USED ON THESE DRAWINGS)

\$ SINGLE POLE SWITCH	⊗ RANGE/SPECIAL PURPOSE
\$ ₃ THREE WAY SWITCH	⊖ DUPLEX RECEPTACLE
\$ _A AUTOMATIC SWITCH	⊖⊗ DUPLEX RECEPTACLE w/ GFCI
\$ _M MOTION SWITCH	⊖⊗ DUPLEX RECEPTACLE WATERPROOF
\$ _D DIMMER SWITCH	⊖⊗ SWITCHED RECEPTACLE
○ WALL MOUNTED LIGHT	⊖⊗ FLOOR DUPLEX
⊕ SURFACE CEILING	⊖⊗ FLUORESCENT FIXTURE
⊖ RECESSED FIXTURE	⊖⊗ UNDERMOUNT LIGHT
⊖⊗ SPEAKER	⊖⊗ LED LIGHT
⊖⊗ CABLE TV OUTLET	⊖⊗ OUTDOOR LIGHT
⊖⊗ THERMOSTAT	⊖⊗ TELEPHONE JACK
⊖⊗ HORN/ STROBE	⊖⊗ VIDEO CAMERA
⊖⊗ SMOKE DETECTOR	⊖⊗ MANUAL PULL STATION
⊖⊗ EXHAUST FAN	⊖⊗ EXIT SIGN
⊖⊗ EMERGENCY LIGHTING	

NOTE:
1. INSPECT AND REPLACE EX. SMOKE
DETECTORS & FIRE SUPPRESSION
SYSTEMS, AS REQUIRED.





**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

May 10, 2023

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Major Project Special Permit No. 2023-02
1032 Great Plain Avenue- Sweet Boba

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for a Special Permit. The applicant request permission to renovate approximately 644 square feet of the first floor for bakery retail at 1032 Great Plain Avenue.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application package for a Major Project Special Permit No. 2023-02
2. Plans entitled "Sweet Boba, Drawings" prepared by Choi + Shine Architects dated January 12, 2023 and consisting of 5-sheets.

Our comments and recommendations are as follows:

- We have no objections to the proposed plans. The applicant/operator of the facility will need to ensure that the grease traps are maintained in accordance with the Sewer Division and Board of Health requirements.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder
Town Engineer

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Sweet Boba, 1032 GPA
Date: Wednesday, May 10, 2023 11:00:17 AM
Attachments: [image002.png](#)
[image003.png](#)

Alex –

In reference to the Planning Board's request for comments for the proposal at **Sweet Boba, located at 1032 Great Plain Ave.,** the Public Health Division has the following comments. See below:

- We see that the existing retail food establishment will be undergoing extensive renovations. As a result, prior to the start of these renovations the applicant must fill out and submit an online Public Health Division Food Permit Plan Review application which includes uploading a proposed retail store layout plan, along with submitting proposed equipment and cosmetic surface spec sheets, etc., showing new changes that will be made, for our review and approval. A revised Menu will also need to be submitted for review and approval. These plan review documents will need to be uploaded through the Towns ViewPoint Cloud online permitting system for our review and approval. Here is the direct link to the permit application and plan review packet - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516>. Pre-operation inspections must be conducted once the renovation work is completed, and prior to the issuance of a Certificate of Occupancy permit.
- As part of these renovations, please ensure that this existing retail establishment maintains the accessible separate trash and recycling dumpsters located on site for proper trash and recycling containment, which must maintain a sufficient service schedule to prevent the risk of pests.
- Prior to demolition/renovations, the owner must apply for this Demolition/Renovation review online, via our online permit application system. See direct link to this permit review application - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006508>. This form will need to be completed along with the submittal of the required supplemental report documents for our review and approval (as noted on the form.) **PLEASE NOTE:** Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review, prior to the issuance of a Demolition permit by the Building Department.
- On-going pest control must be conducted during demolition/extensive renovations AND on-going pest control must be conducted throughout construction.

Please let us know if you have any questions on these requirements, or feel free to have the applicant contact me directly on these requirements.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department

178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



please consider the environment before printing this email

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[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, April 28, 2023 3:07 PM
To: David Roche <droke@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: Request for comment - Sweet Boba, 1032 GPA

Dear all,

We have received the attached application materials for a proposal from Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, at 1032 Great Plain Ave for permission to renovate approximately 644 square feet of first floor space for use as a retail bakery with an accessory eat in/take out counter and 6 seats. More information can be found in the attachments.

The Planning Board has scheduled this matter for May 16, 2023. Please send your comments by Wednesday May 10, 2023 at the latest.

The documents attached for your review are as follows:

1. Application for Special Permit No. 2023-02.

2. Letter from Kakada Ly, dated February 6, 2023.
3. Plan set entitled "Sweet Boba, 1032 Great Plain Ave, Needham, MA, 02492," prepared by Choi+Shine, consisting of 5 sheets: Sheet 1, Cover Sheet, dated January 12, 2023; Sheet 2, Sheet A001, entitled "Notes," dated January 12, 2023; Sheet 3, Sheet A100, entitled "Existing Floor Plan," dated January 12, 2023; Sheet 4, Sheet A200, entitled "Proposed Floor Plan," dated January 12, 2023; Sheet 5, Sheet LS100, entitled "Life Safety Plan," dated January 12, 2023.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: [David Roche](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Sweet Boba, 1032 GPA
Date: Monday, May 1, 2023 11:29:51 AM

Alex,

I have reviewed the application for Sweet Boba, and I have no issues with the proposal, and to be clear this approval will not include any outdoor seating.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, April 28, 2023 3:07 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: Request for comment - Sweet Boba, 1032 GPA

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Thank you, alex.

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1032 Great Plain Ave



Directions



Save



Nearby



Send to
phone



Share

1032 Great Plain Ave, Needham, MA 02492

Suggest an edit on 1032 Great Plain Ave

Add a missing place

Add your business

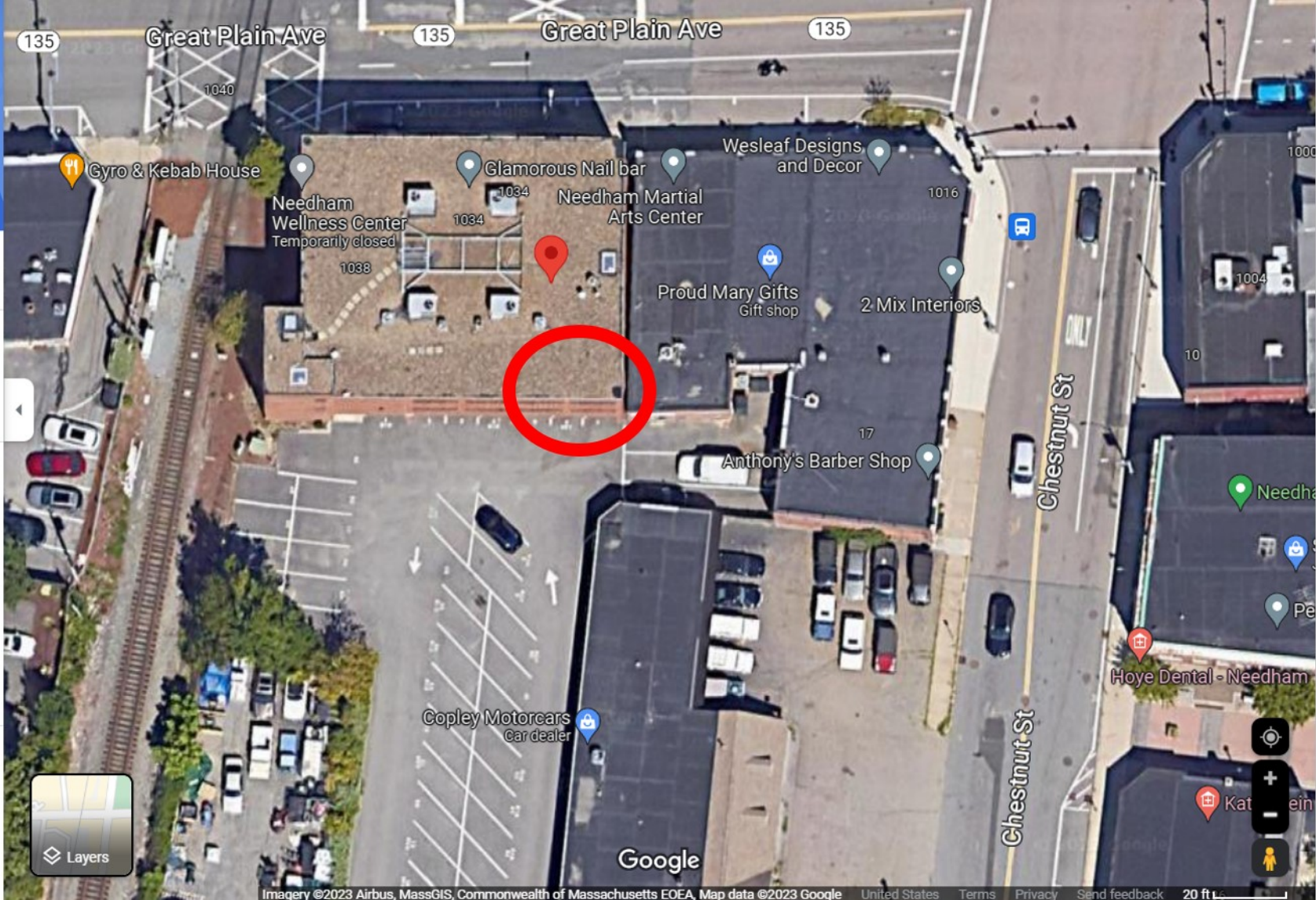
Add a label

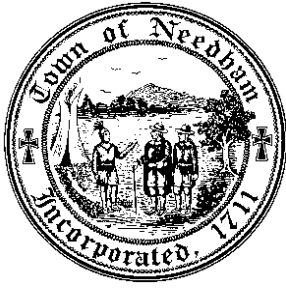
At this place

Sweet Boba

4.8 ★★★★★ (26)

Bubble tea store · Floor 1





PLANNING DIVISION
Planning & Community Development

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
DECISION
Application No. 2023-02**

June 20, 2023

**Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President
1032 Great Plain Avenue**

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, (hereinafter referred to as the Petitioner) for the property located at 1032 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 7 containing a total of 19,347 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on April 13, 2023, 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); (2) a Special Permit under Section 3.2.2 of the By-Law for an eat in/take out establishment accessory to a food retail operation in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; and (4) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit would, if granted, permit the Petitioner to renovate approximately 870 square feet of first floor space for use as a retail bakery with an accessory eat in/take out counter and 6 seats.

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 Chairman, Adam Block, on Tuesday, May 16, 2023 at 7:40 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. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the proceedings. The record of the proceedings and the submissions 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 Properly executed application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law, for a Special Permit under Section 3.2.2 of the By-Law for an

eat in/take out establishment accessory to a food retail operation in the Center Business District, for a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law, and, for a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), said application dated April 13, 2023.

Exhibit 2 Letter from Kakada Ly, dated February 6, 2023.

Exhibit 3 Plan set entitled “Sweet Boba, 1032 Great Plain Ave, Needham, MA, 02492,” prepared by Choi+Shine, consisting of 5 sheets: Sheet 1, Cover Sheet, dated January 12, 2023; Sheet 2, Sheet A001, entitled “Notes,” dated January 12, 2023; Sheet 3, Sheet A100, entitled “Existing Floor Plan,” dated January 12, 2023; Sheet 4, Sheet A200, entitled “Proposed Floor Plan,” dated January 12, 2023; and Sheet 5, Sheet LS100, entitled “Life Safety Plan,” dated January 12, 2023.

Exhibit 4 Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated May 10, 2023; IDC to the Board from Tara Gurge, Health Department, dated May 10, 2023; IDC to the Board from David Roche, Needham Building Commissioner, dated May 1, 2023.

Exhibits 1, 2 and 3 are referred to hereinafter as the Plan.

FINDING AND CONCLUSIONS

- 1.1 The premises is located at 1032 Great Plain Avenue within an existing building in the Center Business Zoning District. The property on which the building is located is identified on Town of Needham Assessor’s Map No. 47 as Parcel 7 containing a total of 19,347 square feet. The premises consists of approximately 870 square feet of first floor space.
- 1.2 The Petitioner seeks the zoning relief that is necessary to operate an eat in/take out establishment accessory to a food retail operation in the Center Business District in 870 square feet of first floor space. The Petitioner proposes one register and 6 seats. The primary use of the premises will be a food retail operation for the sale of bakery items. The primary use of the premises will be a food retail operation for the sale of bakery items, such as cookies, macaroons, muffins, brownies, croissants (60% of sales) and coffee, boba tea, smoothies and other drinks (30% of sales). As a subordinate and accessory use to the primary use, as described above, accessory sales of sandwiches and salads (5% of sales) and takeout food sales (5% of sales) will be provided. The Petitioner expects the sale of sandwiches and salads and takeout food sales will constitute no more than 10% of total sales.
- 1.3 The Petitioner proposes to operate Sweet Boba, 7 (seven) days a week. The proposed hours of operation are 6:00 a.m. – 10:00 p.m. on all 7 days. The Petitioner proposes to utilize the services of no more than 3 (three) employees at any one time, depending on demand.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for the proposed operation is 15 spaces based on the following computation: (a) 870 square feet of retail space at 1 space per 300 square feet equals 2.9 spaces = 3 spaces, (b) six seats at 1 space for every 3 seats =2 spaces, and (c) one

take-out station at 10 spaces for each station = 10 spaces, for a total of 15 parking spaces. Accordingly, a waiver of 15 parking spaces has been requested. No parking is provided on-site.

- 1.5 Pursuant to Section 5.1.1.3 of the By-Law no change or conversion of a use in a mixed use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 of the By-Law for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. There are no parking spaces dedicated to the subject use; therefore, a waiver under the provisions of Section 5.1.1.6 is required.
- 1.6 The Petitioner will utilize a dumpster at the rear of the property. The Petitioner will be using the existing grease trap, as the type of food proposed to be provided may warrant use of a grease trap.
- 1.7 The Petitioner is not proposing any façade renovations and therefore did not need to go before the Design Review Board to obtain approval for the project.
- 1.8 The site is appropriate for the use and the structure. The site is located on Great Plain Avenue at the railroad crossing in close proximity to other commercial uses. No exterior changes are proposed with the exception of the dumpster enclosure.
- 1.9 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of view, light and air. No change to the footprint of the building is proposed. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the existing runoff. The site is presently fully developed and nothing further is required in the areas of sound and site buffers, preservation of views, light and air. The property and building of which the leased premises are a part are already fully developed and only interior renovations are proposed. No material additional impact is anticipated to surface water drainage, sound and sight, views, light and air.
- 1.10 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets, and, when necessary, compliance with other regulations for the handicapped, minors, and the elderly has been assured. There is no on-site parking allocated to the subject use and parking will be available in municipal lots and on-street parking. The building and property of which the leased premises are a part is already fully developed and bounded by existing established ways. Since Sweet Boba is proposing only a small-scale food retail operation, with only interior modifications, and no new driveway opening is contemplated, traffic will not be impacted in a material way. In addition to on-street parking, the premises are in close proximity to two municipal parking lots as well as a parking lot on Lincoln Street and School Street.
- 1.11 Adequate methods for the disposal of refuse and wastes will be provided. The leased premises are already connected to the municipal sanitary sewage system and the site is fully developed. There is and will be a dumpster at the rear of the property for the applicant's use. All refuse and debris will be removed in a timely fashion in accordance with all applicable regulations.
- 1.12 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. As described above, no changes to the footprint of the existing building are proposed. The building and property on which the leased premises is located is situated in a highly developed commercial area, and is already fully developed. No impacts on the natural landscape, existing buildings and other community assets are contemplated.

- 1.13 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets will be met as there will be no adverse impact on the Town's resources. This project involves the reuse of an existing leased space in the building. All applicable Board of Health regulations with respect to restaurant use will be complied with. The addition of this restaurant to Needham Center will have a positive impact on both Needham Center and the Town of Needham in general. The project will improve the aesthetics of the building, as the space is currently vacant, and will provide another amenity to Needham residents and visitors.
- 1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. As described above there is no on-site parking allocated to the subject use but street parking is available as well as municipal lots in close proximity to the premises.
- 1.15 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. Due to the configuration of the building and its location on the lot, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, as there are no on-site parking spaces allocated to the subject use.
- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds 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 and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit to allow an eat in/take out establishment accessory to a food retail operation in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.18 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.19 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Design Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are

special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhoods inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) the requested Special Permit under Section 3.2.2 of the By-Law for an eat in/take out establishment accessory to a food retail operation in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), 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 Commissioner 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.

- 2.1 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. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a) Mo Plan Modifications.

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 3.22 hereof.
- 3.1 The primary use of the premises shall be for the retail sales of bakery items, such as cookies, macaroons, muffins, brownies, croissants (60% of sales) and coffee, boba tea, smoothies and other drinks (30% of sales). As a subordinate and accessory use to the primary use, as described above, accessory sales of sandwiches and salads (5% of sales) and takeout food sales (5% of sales) will be provided. In no event shall the accessory eat-in/take-out component for the sale of salads, sandwiches, and similar items constitute in excess of ten (10) percent of the total business to be done.
- 3.2 The restaurant shall contain no more than 6 seats for on-site food consumption and one take-out station.

- 3.3 The restaurant may be open for business seven 7 (seven) days a week. The hours of operation are 6:00 a.m. to 10:00 p.m. all seven days. The restaurant may utilize the services of no more than 3 (three) employees at any one time.
- 3.4 No façade changes are proposed or approved.
- 3.5 The restaurant shall be located and constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board, except as provided in Section 3.6 below.
- 3.6 The proposed restaurant shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed six (6).
- 3.7 The Petitioner shall purchase three (3) employee parking stickers from the Town of Needham for use in the Town's municipal parking lots. The off-site parking shall be provided without cost to the employee and said employees utilizing off-street parking stickers shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.8 The waiver of parking requirements granted by this Decision is contingent upon the premises being used as described in this Decision and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein.
- 3.9 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be provision for disposal of refuse, which shall be removed on a timely basis.
- 3.10 This Special Permit to operate the Sweet Boba food retail operation at 1032 Great Plain Avenue is issued to Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, prospective lessee only, and may not be transferred, set over, or assigned by Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, 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.
- 3.11 All loading and deliveries shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading, deliveries and trash pick-up shall be restricted to the rear parking area of the subject site and shall not occur on the public way.
- 3.12 All solid waste associated with this project shall be removed from the site by a private contractor. The trash dumpster pick-up shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 7:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. The trash shall be picked up no less than once per week, or more frequently as may reasonably be necessary to control accumulation.
- 3.13 Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Sweet Boba food retail operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.14 The Petitioner shall ensure that the grease traps are maintained in accordance with the Sewer Division and Board of Health requirements.

- 3.15 The Petitioner shall use due diligence and make reasonable efforts to prevent customers of the restaurant from parking illegally on Great Plain Avenue or from otherwise improperly disrupting the flow of traffic on either street while patronizing the restaurant.
- 3.16 The following interim safeguards shall be implemented during construction:
- a) The hours of construction shall be 7:30 a.m. to 6:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that 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 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 Great Plain Avenue.
 - d) The Petitioner shall take the 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 Great Plain Avenue clean of dirt and debris.
- 3.17 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a) The Petitioner shall submit two copies of the final Plans as approved by the Board.
 - b) The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - c) 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.
- 3.18 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
- a) A Certificate of Compliance and four copies of an as-built floor plan, signed by the registered architect of record certifying that the project was built according to the approved documents, have been submitted to the Board
 - b) There shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Board, evidence that the requirements imposed in Section 3.7, the arrangements for the provision of the off-site employee parking stickers, have

been satisfied.

- 3.19 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 Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, Board of Selectmen and Board of Health.
- 3.20 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Commissioner.
- 3.21 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, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.22 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 Commissioner 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 improvements, which are the subject of this petition. All construction to be conducted on 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 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 should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

- 4.5 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.
- 4.6 This Site Plan Special Permit shall lapse on June 6, 2025, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to June 6, 2025. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 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 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 on 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 the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 20th day of June, 2023.

NEEDHAM PLANNING BOARD

Adam Block, Chairperson

Natasha Espada, Vice-Chairperson

Jeanne S. McKnight

Paul S. Alpert

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2023

On this ____ day of _____, 2023, 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 preceding 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 Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, for property located at 1032 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map No. 47 as Parcel 7, has passed,

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

Date

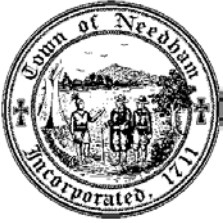
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



PLANNING DIVISION
Planning & Community Development

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
DECISION
Application No. 2023-02**

June 20, 2023

**Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President
1032 Great Plain Avenue**

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, (hereinafter referred to as the Petitioner) for the property located at 1032 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 7 containing a total of 19,347 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on April 13, 2023, 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); (2) a Special Permit under Section 3.2.2 of the By-Law for an eat in/take out establishment accessory to a food retail operation in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; and (4) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit would, if granted, permit the Petitioner to renovate approximately 870 square feet of first floor space for use as a retail bakery with an accessory eat in/take out counter and 6 seats.

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 Chairman, Adam Block, on Tuesday, May 16, 2023 at 7:40 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. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the proceedings. The record of the proceedings and the submissions 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 Properly executed application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law, for a Special Permit under Section 3.2.2 of the By-Law for an

eat in/take out establishment accessory to a food retail operation in the Center Business District, for a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law, and, for a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), said application dated April 13, 2023.

Exhibit 2 Letter from Kakada Ly, dated February 6, 2023.

Exhibit 3 Plan set entitled “Sweet Boba, 1032 Great Plain Ave, Needham, MA, 02492,” prepared by Choi+Shine, consisting of 5 sheets: Sheet 1, Cover Sheet, dated January 12, 2023; Sheet 2, Sheet A001, entitled “Notes,” dated January 12, 2023; Sheet 3, Sheet A100, entitled “Existing Floor Plan,” dated January 12, 2023; Sheet 4, Sheet A200, entitled “Proposed Floor Plan,” dated January 12, 2023; and Sheet 5, Sheet LS100, entitled “Life Safety Plan,” dated January 12, 2023.

Exhibit 4 Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated May 10, 2023; IDC to the Board from Tara Gurge, Health Department, dated May 10, 2023; IDC to the Board from David Roche, Needham Building Commissioner, dated May 1, 2023.

Exhibits 1, 2 and 3 are referred to hereinafter as the Plan.

FINDING AND CONCLUSIONS

- 1.1 The premises is located at 1032 Great Plain Avenue within an existing building in the Center Business Zoning District. The property on which the building is located is identified on Town of Needham Assessor’s Map No. 47 as Parcel 7 containing a total of 19,347 square feet. The premises consists of approximately 870 square feet of first floor space.
- 1.2 The Petitioner seeks the zoning relief that is necessary to operate an eat in/take out establishment accessory to a food retail operation in the Center Business District in 870 square feet of first floor space. The Petitioner proposes one register and 6 seats. ~~The primary use of the premises will be a food retail operation for the sale of bakery items.~~ The primary use of the premises will be a food retail operation for the sale of bakery items, such as cookies, macaroons, muffins, brownies, croissants (60% of sales) and coffee, boba tea, smoothies and other drinks (30% of sales). As a subordinate and accessory use to the primary use, as described above, accessory sales of sandwiches and salads (5% of sales) and takeout food sales (5% of sales) will be provided. The Petitioner expects the sale of sandwiches and salads and takeout food sales will constitute no more than 10% of total sales.
- 1.3 The Petitioner proposes to operate Sweet Boba, 7 (seven) days a week. The proposed hours of operation are 6:00 a.m. – 10:00 p.m. on all 7 days. The Petitioner proposes to utilize the services of no more than 3 (three) employees at any one time, depending on demand.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for the proposed operation is 15 spaces based on the following computation: (a) 870 square feet of retail space at 1 space per 300 square feet equals 2.9 spaces = 3 spaces, (b) six seats at 1 space for every 3 seats = 2 spaces, and (c) one

take-out station at 10 spaces for each station = 10 spaces, for a total of 15 parking spaces. Accordingly, a waiver of 15 parking spaces has been requested. No parking is provided on-site.

- 1.5 Pursuant to Section 5.1.1.3 of the By-Law no change or conversion of a use in a mixed use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 of the By-Law for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. There are no parking spaces dedicated to the subject use; therefore, a waiver under the provisions of Section 5.1.1.6 is required.
- 1.6 The Petitioner will utilize a dumpster at the rear of the property. The Petitioner will be using the existing grease trap, as the type of food proposed to be provided may warrant use of a grease trap.
- 1.7 The Petitioner is not proposing any façade renovations and therefore did not need to go before the Design Review Board to obtain approval for the project.
- 1.8 The site is appropriate for the use and the structure. The site is located on Great Plain Avenue at the railroad crossing in close proximity to other commercial uses. No exterior changes are proposed with the exception of the dumpster enclosure.
- 1.9 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of view, light and air. No change to the footprint of the building is proposed. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the existing runoff. The site is presently fully developed and nothing further is required in the areas of sound and site buffers, preservation of views, light and air. The property and building of which the leased premises are a part are already fully developed and only interior renovations are proposed. No material additional impact is anticipated to surface water drainage, sound and sight, views, light and air.
- 1.10 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets, and, when necessary, compliance with other regulations for the handicapped, minors, and the elderly has been assured. There is no on-site parking allocated to the subject use and parking will be available in municipal lots and on-street parking. The building and property of which the leased premises are a part is already fully developed and bounded by existing established ways. Since Sweet Boba is proposing only a small-scale food retail operation, with only interior modifications, and no new driveway opening is contemplated, traffic will not be impacted in a material way. In addition to on-street parking, the premises are in close proximity to two municipal parking lots as well as a parking lot on Lincoln Street and School Street.
- 1.11 Adequate methods for the disposal of refuse and wastes will be provided. The leased premises are already connected to the municipal sanitary sewage system and the site is fully developed. There is and will be a dumpster at the rear of the property for the applicant's use. All refuse and debris will be removed in a timely fashion in accordance with all applicable regulations.
- 1.12 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. As described above, no changes to the footprint of the existing building are proposed. The building and property on which the leased premises is located is situated in a highly developed commercial area, and is already fully developed. No impacts on the natural landscape, existing buildings and other community assets are contemplated.

- 1.13 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets will be met as there will be no adverse impact on the Town's resources. This project involves the reuse of an existing leased space in the building. All applicable Board of Health regulations with respect to restaurant use will be complied with. The addition of this restaurant to Needham Center will have a positive impact on both Needham Center and the Town of Needham in general. The project will improve the aesthetics of the building, as the space is currently vacant, and will provide another amenity to Needham residents and visitors.
- 1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. As described above there is no on-site parking allocated to the subject use but street parking is available as well as municipal lots in close proximity to the premises.
- 1.15 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. Due to the configuration of the building and its location on the lot, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, as there are no on-site parking spaces allocated to the subject use.
- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds 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 and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit to allow an eat in/take out establishment accessory to a food retail operation in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.18 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.19 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Design Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are

special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhoods inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) the requested Special Permit under Section 3.2.2 of the By-Law for an eat in/take out establishment accessory to a food retail operation in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), 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 Commissioner 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.

2.1 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. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

a) ~~NM~~o Plan Modifications.

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 3.202 hereof.

3.1 The primary use of the premises shall be for the retail sales of bakery items, such as cookies, macaroons, muffins, brownies, croissants (60% of sales) and coffee, boba tea, smoothies and other drinks (30% of sales). As a subordinate and accessory use to the primary use, as described above, accessory sales of sandwiches and salads (5% of sales) and takeout food sales (5% of sales) will be provided. In no event shall the accessory eat-in/take-out component for the sale of salads, sandwiches, and similar items constitute in excess of ten (10) percent of the total business to be done.

3.2 The restaurant shall contain no more than 6 seats for on-site food consumption and one take-out station.

- 3.3 The restaurant may be open for business seven 7 (seven) days a week. The hours of operation are 6:00 a.m. to 10:00 p.m. all seven days. The restaurant may utilize the services of no more than 3 (three) employees at any one time.
- 3.4 No façade changes are proposed or approved.
- 3.5 The restaurant shall be located and constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board, except as provided in Section 3.6 below.
- 3.6 The proposed restaurant shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed six (6).
- 3.7 The Petitioner shall purchase three (3) employee parking stickers from the Town of Needham for use in the Town's municipal parking lots. The off-site parking shall be provided without cost to the employee and said employees utilizing off-street parking stickers shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.8 The waiver of parking requirements granted by this Decision is contingent upon the premises being used as described in this Decision and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein.
- 3.9 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be provision for disposal of refuse, which shall be removed on a timely basis.
- 3.10 This Special Permit to operate the Sweet Boba food retail operation at 1032 Great Plain Avenue is issued to Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, prospective lessee only, and may not be transferred, set over, or assigned by Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, 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.
- 3.11 All loading and deliveries shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading, deliveries and trash pick-up shall be restricted to the rear parking area of the subject site and shall not occur on the public way.
- 3.12 All solid waste associated with this project shall be removed from the site by a private contractor. The trash dumpster pick-up shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 7:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. The trash shall be picked up no less than once per week, or more frequently as may reasonably be necessary to control accumulation.
- 3.13 Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Sweet Boba food retail operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.14 The Petitioner shall ensure that the grease traps are maintained in accordance with the Sewer Division and Board of Health requirements.

3.15 The Petitioner shall use due diligence and make reasonable efforts to prevent customers of the restaurant from parking illegally on Great Plain Avenue or from otherwise improperly disrupting the flow of traffic on either street while patronizing the restaurant.

~~3.16 The following interim safeguards shall be implemented during construction:~~

- ~~a) The hours of construction shall be 7:30 a.m. to 6:00 p.m. Monday through Saturday.~~
- ~~b) The Petitioner's contractor shall provide temporary security chain link or similar type fencing around the portions of the project site that 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 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 Great Plain Avenue.~~
- ~~d) The Petitioner shall take the 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 Great Plain Avenue clean of dirt and debris.~~

~~3.17 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:~~

- ~~a) The Petitioner shall submit two copies of the final Plans as approved by the Board.~~
- ~~b) The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.~~
- ~~c) 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.~~

3.16~~9~~ No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:

- a) A Certificate of Compliance and four copies of an as-built floor plan, signed by the registered architect of record certifying that the project was built according to the approved documents, have been submitted to the Board
- b) There shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
- c) There shall be filed with the Board, evidence that the requirements imposed in Section

3.7, the arrangements for the provision of the off-site employee parking stickers, have been satisfied.

e)d) 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.

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3.179 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 Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, Board of Selectmen and Board of Health.

3.1820 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Commissioner.

3.1924 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, and that this information is true and valid to the best of the Petitioner's knowledge.

3.22 3.20 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 Commissioner 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.

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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 improvements, which are the subject of this petition. All construction to be conducted on 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 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 should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 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.
- 4.6 This Site Plan Special Permit shall lapse on June ~~206~~, 2025, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to June ~~206~~, 2025. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 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 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 on 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 the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 20th day of June, 2023.

NEEDHAM PLANNING BOARD

Adam Block, Chairperson

Natasha Espada, Vice-Chairperson

Jeanne S. McKnight

Paul S. Alpert

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2023

On this ____ day of _____, 2023, 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 preceding 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 Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President, for property located at 1032 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map No. 47 as Parcel 7, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
Shallots Needham, Inc. dba Sweet Boba, Kakada Ly, President

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

**Planning Board
2023 – 2024 Priorities**

1. Planning Board Retreat

- a. Scope and limit of Planning Board's authority
- b. Public communication and community engagement:
 - i. public policy
 - ii. application review
- c. Subdivision Control
- d. Public Shade Tree and Scenic Road Acts
- e. Zoning best practices

2. Residential zoning amendments

- a. Needham Housing Authority – Rezoning Linden/Chambers
- b. Affordable housing – zoning change: apply 6.12 to all districts.
- c. Detached ADUs
- d. MBTA Communities
- e. Reconsideration of floor area ratio in single family housing

3. Commercial zoning amendments

- a. 888 Great Plain to Warren
- b. Parking bylaw
- c. Unlocking the Charles
- d. Mixed-Use Zoning
- e. Customary home occupations

4. Climate Action

- a. Solar canopies
 - i. Over parking garages
 - ii. Over parking lots
 - iii. Over mechanicals (commercial)
- b. Solar panels
 - i. Commercial
 - ii. Residential
 - Multifamily
 - Single family
 - iii. Ground mounted (Small and medium sized)
- c. Geothermal technology
- d. Sustainability goals
 - i. Residential development
 - ii. Commercial development
 - iii. Administrative practices: application, hearings and conditions

5. Diversity, Equity and Inclusivity

- a. Administrative practices: application, hearings and conditions
- b. Policy considerations

6. Other

- a. Corner lots
- b. Rear lots
- c. Consultations with stakeholders

Planning Board
Planning Schedule 2023-2025

	2023											
	June	July	August	September	October	November	December	January	February	March	April	May
	SPTM							ATM/SPTM				
Training												
Module 1												
Module 2												
Module 3												
Module 4												
Housing												
MBTA Communities	Vote charge	Vote aptments				Community Mtg		Community Mtg			Community Mtg	
Affordable Housing (I)		Community mtg, Refer to SB, SB refers back to PB		Hearing, finalize language	Bylaw change to apply 6.12 to all districts							
NHA	Apt	CPC Consultant		Community Mtg	TM \$	proposed language community mtg	PB refers language to SB, SB refers back to PB	Hearing	Possible continued hearing	finalize language for warrant		Bylaw Change
Detached ADUs						Community Mtg		PB refers language to SB, SB refers back to PB		finalize language for warrant		Bylaw Change
FAR					Community Mtg			Community Mtg	Hearing			
Commercial												
								PB refers language to SB, SB refers back to PB		finalize language for warrant		Bylaw Change
Great Plain (to Warren)				Community mtg		Community mtg		PB refers language to SB, SB refers back to PB	Hearing			Bylaw Change
Parking bylaw						Community mtg		PB refers language to SB, SB refers back to PB	Hearing	finalize language for warrant		Bylaw Change
Unlocking the Charles				Community Mtg	Apt w Property Owners and Developers				Dimensional table, use table, Community Mtg			Proposed language community Mtg
Customary home occupations								PB refers language to SB, SB refers back to PB	Hearing	finalize language for warrant		Bylaw Change
Climate Action												
		Community mtg, Refer to SB, SB refers back to PB										
Solar Canopy				Hearing/finalize language	Bylaw Change							
Solar Roofs		Community mtg, Refer to SB, SB refers back to PB		Hearing/finalize language	Bylaw Change							
Solar/solar ready requirement bylaw change												
Geothermal												
Sustainability goals												
D,E,I												
Applications												
Hearings												
Study												
Recommendation												

Planning Board
Planning Schedule 2023-2025

2024							2025									
June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October
SPTM							ATM/SPTM									

	PB language for legal notice, vote to send to SB, SB vote to refer back to PB		Hearing/finalize language	Bylaw Change												
			Hearing/finalize language	Bylaw Change												

			Community Mtg				PB refers language to SB, SB refers back to PB	Hearing	finalize language for warrant		Bylaw Change					

NEEDHAM PLANNING BOARD MINUTES

January 17, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, January 17, 2023, at 7:00 p.m. with Mr. Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Mr. Alpert arrived at 7:05 p.m.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110. Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

Mr. Block noted the following correspondence for the record: a memo from the Design Review Board (DRB), dated 11/7/22, approving the revised landscape plan; a letter from Attorney Evans Huber, dated 1/2/23, noting a reclassification of part of the building was undertaken. 534 parking spaces will be available and the project will need a waiver of up to 11 spaces. He noted the changes related to parking came from the Building Commissioner. There was also an email from the Building Commissioner David Roche, dated 1/4/23, noting the calculation change came from him after meeting with the site Engineer.

Mr. Alpert arrived at 7:05 p.m. Attorney Evans Huber, representative for the applicant, clarified that with the recalculation of parking spaces the building still has a small shortfall of 11 spaces. The nonconformity is being reduced but the proposed changes do not trigger the ~~thresholds requirement~~ for a waiver. ~~He noted a waiver is not really needed with respect to that number. [unclear] is a parking waiver needed or not?~~ The Building Commission supports the waiver. Mr. Alpert stated the letter, dated 1/17/23, from the Building Commission is not reflected as an Exhibit. He feels it should be added as Exhibit 11 or 14.

A motion was made to grant the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks), the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition and limitations. Ms. McKnight noted Condition 3.21, which says "The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the source of the discharges." Condition 3.10 is almost identical. She is questioning the first sentence of 3.21. Ms. Newman noted the first sentence of 3.21 should be deleted and start it with the Street Opening Permit. Ms. McKnight noted Condition 3.24. She feels there is a word missing from "No portion of the proposed amendments shall be occupied..." Ms. Newman suggested it could be "No portion of the building being renovated..." Mr. Huber suggested "No portion of the proposed new construction..." Mr. Alpert agreed.

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

VOTED: to Grant (1) the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks); (2) the requested Major Project Site Plan Review Special Permit amendment

under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition and limitations.

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

VOTED: to approve the decision with the addition to Exhibits he raised before and the 2 amendments to Section 3.21 and 3.24 which were discussed.

Decision: Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking.

Ms. McKnight noted the Police Chief's memo expressed some concern with adequate parking. She took some photos of the crosswalks. The crosswalks' brick delineates them and then white lines. Her preference is to have solid white crosswalks. Ms. Newman has not been able to speak with the Town Engineer or the Police Chief about this. Ms. McKnight noted the Town could always make improvements if they feel the need. Mr. Alpert asked if this is something the Town would take care of or the developer. If it is the ~~the~~ Town, it should not be in the decision. Mr. Block stated the Board requested the developer improve the crosswalks at this site. George Giunta Jr., representative for the applicant, stated they are hesitant to take this on. This goes through the Select Board. He is not sure what is being asked in this case. Mr. Block stated the project will temporarily disrupt the crosswalk when building the 6 parking spaces. It would be the developer's responsibility to put it back. There is a red brick material to separate it out and he would ask the developer to continue that when it is put back.

Ms. McKnight noted the developer should be responsible for the improvement of the disturbed crosswalk. Ms. Newman noted the Town Engineer is away so not able to speak with him. He does not recommend any improvements ~~within~~ this area but will be back next week. Jeff Heller, of 1092 Central Avenue, stated there should be a consult with the DPW before anything is done. He spoke with Rick Merson years ago. The brick was put in because it is more visible. He did not feel it should be white. That is not how the DPW views crosswalks. Mr. Giunta Jr. stated there will be a bit of change along ~~there~~there, but brick would require substantial changes.

Mr. Block suggested suspending the vote tonight and speaking with the Town Engineer when he returns. He is concerned with parking and would not call this area commuter friendly. To promote public safety, it would behoove the developer to bring it in line with the brick that already exists in Central Avenue and crossing Reservoir Street. He would prefer not to vote tonight. Ms. McKnight does not feel a condition can be put in now but, given the parking spaces are being in the public way, it is reasonable to ask the developer to do the crosswalk. She feels the Town Engineer should be asked. Mr. Giunta Jr. commented he would like to wrap this up. His client has acquired the property. Mr. Block stated the Board could decide now, including conditions, or the applicant could give the Board 3 weeks and may have further revisions. Ms. McKnight asked if only the crosswalk along Central would be conditioned.

Mr. Crocker stated he could see ~~the~~the crosswalk go to the island and continue to the other side of the island. Mr. Block noted it would be returned to the brick condition, repainted and continue along Central Avenue past the island. Ms. McKnight stated the decision should say expressly that the crosswalk should be bricked or what the Town Engineer requests. There would be an obligation to improve the crosswalk to specifications required by the Town Engineer and the DPW. Mr. Giunta Jr. would prefer the Board decide this evening. Mr. Alpert asked if Mr. Giunta Jr. had read the decision and was informed he had.

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

VOTED: to Grant: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.3.2(g) of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises, in a space less than two thousand (2,000) square feet (for Panella's Market); (3) the requested Special Permit under Section

3.2.3.2(h) of the By-Law for a take-out food counter as an accessory to a food retail or other non-consumptive retail establishment (for Panella's Market); (4) the requested Special Permit under Section 3.2.3.2(j) of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; (5) the requested Special Permit under Section 3.2.3.2(q) of the By-Law for apartment or multi-family dwelling uses above the first floor where the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2; (6) the requested Special Permit under Section 4.4.12(a) of the By-Law to increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; (7) the requested Special Permit under Section 4.4.12(b) of the By-Law to reduce the minimum side setback adjoining a residential district to twenty (20) feet; (8) the requested Special Permit under Section 5.1.1.5 to waive strict adherence with the off-street parking requirements of Section 5.1.2 of the By-Law and the parking design requirements of Section 5.1.3 of the Zoning By-Law; (10) the requested waiver of strict compliance with the following requirements of Section 7.4.4 of the By-Law, as necessary: (1) Requirements of subparagraph (b) concerning location of structures within 100 feet of property line; and (2) Requirements of subparagraph (d) concerning cross and longitudinal views of the proposed structure(s) in relation to proposed site layout, together with an elevation line to show the relationship to the center of the street as modified by this decision; subject to and with the benefit of the following Plan modifications, conditions and limitations.

Mr Alpert noted there are extensive plan modifications.

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

VOTED: to approve the decision as amended with the crosswalk on the south side of Central Avenue from the premises to the island and the island to the sidewalk with specifications by the Town Engineer and the DPW.

Review of Zoning Articles for the May 2023 Annual Town Meeting.

Mr. Block noted there are 2 items – to liberalize Accessory Dwelling Units (ADUs) in Section 3.15 and to allow 3 car garages by right in the Single Residence B (SRB) District. He stated there is also a request by Maggie Abruzese to amend Section 5.1.2 of the By-Law. Ms. Newman wanted to talk about the intent and what they are trying to accomplish. Currently a 3-car garage requires a special permit through the Zoning Board of Appeals (ZBA). They ZBA feels some conditions, like adding a third car bay, could be allowed as of right. If not within the parameters, it would still go to the ZBA for a permit. There are some modifications to the by-right concept proposed. She and Ms. McKnight drafted an exception so that, if the garage door is located on the side or rear façade of the house, then it could be put in. If the garage door faces the front lot line, it would be allowed if set back 5 feet from the front face of the building. In an accessory structure, it could be located behind the back wall of the principle structure~~house~~.

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Mr. Block ~~noted-introduced the~~ Chairman of the ZBA Jon Schneider. Mr. Schneider stated that his's preference is to allow 3 car garages as of right, as he – He [Mr. Schneider or Mr. Block?] does not share the view garages in front are offensive. They have been allowed in the Single Residence A (SRA) District for years. He feels this should be kept simple and not complicate it with design objectives. He would allow as of right like the SRA District. If adopting the proposal as drafted to require a 5-foot setback unless a special permit were granted, it would accomplish 70% of what he requests. He feels the homeowner should decide on the location and design. Mr. Block agrees with that. He feels this would do a dive into architectural censorship. Jeff Heller, of Central Avenue, asked if the jog in the wall comes into play with garage doors. Do you have to have a jog every 30 feet? Ms. Newman noted that 30-foot jog requirements is the side yard standard and not the front yard. Under new construction the front(of what?) has to be set back 5 feet [unclear]. Mr. Block prefers Mr. Schneider's option to keep it simple.

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Mr. Crocker noted there was a decision several years ago to change the By-Law for new construction that it [what?] the garage has to be set back 5 feet from the front façade of the house. It has been deemed not pleasing in front. Another thing that changed was that now the setback is measured from the foundation, instead of the overhang. The house can be more attractive to allow for larger overhangs. The overhang was changed also [delete? Or change to "The required setback for overhangs was changed also"]. He said these are examples of ways in which the Board deals with the way buildings look.

If the garage is already set back 5 feet, he would ~~contemplate that but feels it should be 5 feet back~~ ~~unclear~~ ~~contemplate having the additional garage the same, but if the first is not already setback, he thinks additional garages bays should be setback~~. Ms. McKnight agrees with Mr. Crocker's point of view. Mr. Alpert said many architects would design it 5 feet back to avoid a special permit. She feels a ~~large-long~~ straight wall ~~to which a third garage space would be added~~ is unappealing. If an applicant wants a third car garage, and wants it flat to the house, they would have to go to the Zoning Board of Appeals Building Commissioner for a special permit. Mr. Alpert noted a concern about a third garage space on the side of a house on a corner lot. He is not sure there is adequate language here. He is ok if it faces the side street or way. The Building Commissioner's interpretation is a corner lot has 2 front lot lines. He stated they can have a garage as of right without a special permit if it is a corner lot on the street and the garage is not in the front façade of the house ~~is not facing~~. For purposes of Section 6.1.2, there is only one front street where the front door is. Ms. McKnight ~~added~~ suggested where the house has its address is considered its front. Mr. Schneider stated the address may not be at the front.

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Ms. Espada agrees with Mr. Crocker and Ms. McKnight. She stated there is a reason the town has setbacks and length of building. If the project is designed well the applicant would get a special permit. She feels comfortable leaving an exception to the 5 feet setback requirement for the third garage to be reviewed as a special permit. She agrees with Mr. Alpert regarding 2 faces on 2 streets. Mr. Schneider commented the Board would need to go with the front door and not the address. Ms. McKnight noted Subsection (c) should say "where the accessory building is separate from..." Mr. Schneider suggested adding "and set back at least 5 feet from the front wall of the structure." It does not have to be behind the house. All members agreed. Mr. Schneider prefers Subsection (d) be removed. Mr. Alpert, Mr. Block, Mr. Crocker and Ms. Espada are all ok with that change.

Ms. Newman summarized the changes. Oscar Mertz, of 67 Rybury Hillway, noted the reason the SRA district was a 3-car limit and the SRB was not a 3-car limit was because the frontage is smaller. He asked if it is reasonable to say to create a percentage of the front of the building you cannot eclipse like 50%. He would like a caveat that a garage is cannot be longer ~~more~~ than 50% of the front of the house. Mr. Crocker would not agree with that. Mr. Block would not agree with that. It is not the dominant feature of the house. Mr. Mertz stated more than 50% of the front of the house ~~is would be~~ asphalt. Mr. Block stated applicants need to conform to the side setbacks of the lot and other dimensional regulations. Ms. Espada feels the limit should be set to a proportion of the house. She appreciates what Mr. Schneider is saying. She agrees with Mr. Mertz it would not hurt to have a proportion.

Ms. McKnight suggested replacing (d) with "an appropriate percentage would not result in a garage door in the front façade being more than 50% of the length of the first floor of the house ~~or [on?] the first floor~~." It will only come about if they meet a, b and c above. Mr. Schneider suggested putting a provision under of right and not in (d). All agreed. Ms. Newman will work with Ms. McKnight for review at the next meeting.

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The Board took a 5-minute break.

Mr. Block stated ~~as that the rezoning~~ effort 3 years ago was made to create lawful accessory dwelling units for caregivers and family members up to 850 square feet by special permit only. This is only available for resident-owners of the main structure ~~and to allow occupancy rent out to the by a caregiver or a family member of the owner~~. The Board is now discussing allowing by right for rentals. There would be a 12-month lease with limitations. It would be allowed by right but if it is a separate structure, it would be a special permit. This helps create more affordable housing and would enable seniors to ease the financial burden. Ms. Newman stated the current proposal allows ADUs by special permit for occupancy by ~~the~~ caregivers and family members. This expands to allow lease arrangements, allows ADUs by special permit in accessory structures and allows ADUs to be transferred to a new owner without going through the special permit process if it is an as of right unit.

Mr. Schneider noted the current ADU provision is not well used. The ZBA has allowed all that came before them with one exception. There have only been 10 requests in 3 years. The ~~old current~~ ADU By-Law ~~was~~ is more restrictive than necessary. This should allow unrelated tenants under a lease and liberalize ADU provisions. The definition of family should add grandparents, aunts and uncles. They are logical family members. Mr. Block agrees to the additional relations. They are a logical extension. All members are ok with adding the family members. Ms. McKnight made a distinction between the definitions of Family in this ADU Section. There is already a definition of Family in the By-Law that used a lower case (f)amily.

Mr. Alpert noted in Section 1.4.3, the definition subsections, he only read ~~one~~the subsection numbered (1). The subsection numbered (2)-second says no more than 5 unrelated individuals. Ms. McKnight suggested putting it in Section 1.3 “Family” (~~1~~). Mr. Schneider stated ADUs should be limited to one-bedroom units. Mr. Alpert has a problem with using the word “family” as defined in Section 1.3this. He does not want to create 2 residential single-family units in the Single Residence District. He feels they are treading close to that line. Family with a lower-case (f) turns it into a 2-family zone. He suggested taking out the sentence and any reference to family with a lower case. Ms. McKnight noted the regulations in (c), should say “member of Owners’ family or caregivers (F)family or lessees (F)family and keep Family capitalized in Section 3.15.3.1 (c). Mr. Alpert agreed. Mr. Schneider thinks that is fine. M. Crocker and Ms. Espada are both ok with the change.

Mr. Schneider ~~noted~~expressed his view that the owner and family must ~~have~~occupy the primary residence. He is concerned about the ~~propos~~esal that the lessee could reside in the primary residence. This is a nightmare to ~~police~~regulate, and he does not think it is needed. There are 2 purposes here – let people raise some income by leasing out the ADU, and take out the requirement the primary residence can be for the lessee. Mr. Crocker clarified that the proposed zoning would allow the ownerfamily member is to living in the ADU and rents out the ADUfront. Ms. McKnight noted the definition of “Lessee” in Section 3.15.2(e). Mr. Alpert wants to prohibit subleasing. Ms. Espada added that we need to prohibit Air BnBs. Mr. Block stated that was why he wants a lease. Mr. Schneider noted Air BnBs are prohibited as it becomes a rooming house. He feels the Board should state the negative here for the benefit of the Town Meeting members. Mr. Block suggested removing ~~(e)~~ “during such time the unit shall be the primary residence of the lessee.” Mr. Alpert added “such lease shall prohibit short term rentals, subleases or assigning. Mr. Schneider added that Air BnBs should be prohibited. Mr. Block noted, by right, at any time the owner could move into the ADU and rent out the primary residence to anybody. Ms. McKnight stated that is correct. Mr. Schneider stated one of the requirements is the owner live in one of the units.

Mr. Heller, of Central Avenue, stated it is a slippery slope. He is in favor of being more inclusive and broadening the definitions. Do we allow detached garages by right? Mr. Block stated they do. Mr. Heller stated, when allowing a detached ADUhouse by right, builders would take a loophole and run with it. Zoning is there for protection. He feels the Board should be careful around short-term rentals. He feels people should be allowed to sublet and he is concerned with that. He feels there will be unintended consequences doing away with current zoning limitations on ADU’s. Mr. Crocker asked what Mr. Heller’s concern was. Mr. Heller stated the Board needs to look at the parameters of the lot size and all the particulars. People can rent rooms by right under current zoning. Mr. Block stated the town is about to go through a heartening~~22~~ experience. He is concerned with unintended consequences, like asbestos and lead paint, that landlords do not know how to deal with. All of this will come up at Town Meeting and will be discussed.

Mr. Heller is concerned with a tenancy~~at~~ will. Mr. Alpert stated there will be a one-year lease and no tenants at will. Mr. Heller feels the Board needs to find something that protects the neighborhood. He feels 800 feet is very limited. He would be open to increasing it. Mr. Block stated the process will be reviewed before this can go to Town Meeting. Ms. McKnight noted #3 in Mr. Schneider’s letter that says the door has to face the side street. Ms. Newman noted that is the front door issue. Ms. McKnight noted how to define the side street with regard to the front door. Mr. Schneider stated this issue needs to be addressed. He feels they can define it. Mr. Alpert has no issue with 2 entrances in the front of the house. Ms. McKnight noted Section 3.15.3(g) says where there are 2 or more existing entrances to the front façade one must appear to be the principal entrance. Mr. Alpert commented someone added “a new entrance must face the side lot line.” He does not know why. He feels the original language should be kept. Mr. Schneider stated as long as it still appears to be a single-family house. Mr. Alpert likes Ms. McKnight’s addition of “an ADU shall not detract from the single-family appearance of the property.” Ms. McKnight noted the ADU occupancy permit expires in 3 years if not renewed. Mr. Schneider stated the Building Commissioner has agreed to remove that. Ms. Newman would add language to give the Building Commissioner the right to ask, at any time, who resides in the residence and the Building Commissioner would agree to get rid of the expiration date. After discussion, it was decided to say “Before issuing an occupancy permit the Building Commissioner may consult with the DRB.” Mr. Alpert was ok with that. If the Building Commissioner says no, it is an appeal to the ZBA. He commented the phrase it should be a “building permit” and not an “occupancy permit”.

Ms. Abruzese noted, to get a building permit, the neighbors have no notice (unlike a special permit). To say “to maintain the look of a single-family house” the neighbors have no say in it. Mr. Alpert ~~noted that~~stated an addition could be put on the house and the neighbors do not get notice. Ms. Abruzese stated this issue of maintaining the look of a single-family house is a subjective matter that the Building Commissioner will have the discretion over. He does not have an architectural

degree. The DRB at least has a hearing so the abutters can hear and have input. She wants the Board to consider the reality of subjective judgment calls and maintaining the integrity of the neighborhood and if it is appropriate to give the neighbors notice. The Planning Board should consider giving the neighbors notice this is going on. She asked if it ~~is~~ [will be](#) clear to homeowners, they will need to continually seek the Building Commissioners approval if they keep the unit. Mr. Block noted, as written, every 3 years the applicant needs to seek permission to continue with the Building Commissioner. Mr. Schneider suggested removing that requirement and replacing it with “the Building Commissioner can ask at any time who is there.” Ms. Abruzese commented it is taking the teeth out of the ADU if there is no check in period.

Mr. Alpert agrees that once every period of time the homeowner has to complete a form that it is still occupied by so and so, but Mr. Schneider feels that is a burden on homeowners. Ms. Abruzese would like a permanent obligation to file each year. Mr. Schneider asked what the rule would be if the ADU is vacant. Mr. Block stated there could be periods of time the ADU would be vacant and there would be the second kitchen. He stated it could be considered racist in some societies [to prohibit a second kitchen](#) such as if ~~the one~~ kitchen needs to be kosher. Mr. Crocker does not see any racist aspect but also does not understand why there is an issue with it being vacant. Ms. McKnight stated there is nothing in the regulations that requires the stove to be removed; [it is up to the Building Commissioner](#). Another issue raised by Mr. Schneider is that [it should be made any explicit?? that any accessory building for an containing an ADU](#) must comply with all setback requirements. Mr. Alpert noted if you have an ADU over the garage it would be above 15 feet [in height](#) and would have a different setback. Mr. Schneider commented if the garage has the ADU next to it the ADU would not be over 15 feet. [He thinks if](#) someone is living there it should comply with the setback requirements [for a primary residence rather than for an accessory building](#).

Mr. Block stated he would [also](#) make [the setback for an ADU the same as](#) required of the main building ~~also~~. Ms. Espada stated [that a 5-foot setback](#) seems way too close to the property line. Mr. Alpert [also](#) feels it should be the setback of the house. Ms. McKnight asked if the Board members were ok with allowing more than one accessory building on one lot. Mr. Block feels [more than one accessory building should not be allowed](#) in SRB but maybe in SRA or Rural Residential. He has not heard much support for allowing a brand-new detached structure. Mr. Crocker does not feel it should matter if it is brand new or not brand new. It should matter if the structure meets the ~~housing~~ setback requirements [for a primary dwelling](#). Mr. Alpert agreed. Oscar Mertz, of 67 Rybury Hillway, stated ~~an ADU~~ should be allowed if it meets the [accessory-building](#) setback such as if someone converts the garage and is not adding a second floor. Mr. Alpert would not want someone being 5 feet from his property line. He noted they currently allow multiple accessory buildings on a lot but there can only be one ADU on a lot. Ms. Newman confirmed there are no restrictions on the number of accessory structures in the Residential Zones on a residential lot.

Mr. Schneider stated there could not be a ~~second~~ [accessory](#) dwelling unit. They should restrict them in accessory buildings. Mr. Alpert noted they should put in [an allowance for ADU's in a](#) separate structure and, if there is push back at the hearings, it can be taken out. Mr. Schneider feels it should not be a separate guest house but [could be](#) allowed in a garage. Mr. Alpert stated, to give direction, he would suggest “if an ADU is in a detached structure there can only be one other accessory building on the lot and it needs to meet setback and FAR requirements.” All members are ok with that.

Mr. Block noted [that](#) Ms. Abruzese has raised a suggestion to revise the 5.1.2 parking table. Ms. Newman stated a parking study for downtown and Avery Square is being done. It makes sense to do one comprehensive package in the Fall. Zoning [proposals for the 2023 Annual Town Meeting](#) needs to be finalized at the next [Planning Board](#) meeting. She feels this should be talked about in the Fall. Mr. Alpert would like to get feedback from the Building Commissioner and Mr. Schneider. Ms. Abruzese stated the changes do not affect the whole table, only the catch-all provision [related to the reference to the Institute of Traffic Engineers \(ITE\) parking manual](#). ~~If [what? the parking table?] the ITE manual~~ was written in 1987 and has had several updates. If the use is not specifically listed no one is sure what the requirement is. Mr. Block stated the practice has been [that](#), for any analogous use, ~~if~~ the Building Commissioner is unable to classify the use, the Planning Board recommends the [parking](#) standard. He agrees it should be updated. Ms. Newman suggested they may want to talk to [parking/traffic consultants](#) Rebecca Brown and John Diaz for standards. Mr. Alpert agreed with Ms. Abruzese [that](#) to bring it up to date, they just need to reword the By-Law. A discussion ensued. Mr. Block suggested he and Ms. Abruzese have an offline conversation to come up with something, then he would communicate it to Ms. Newman. There should also be input from the Town Engineer, Building Commissioner and outside firms adding outside elements to this. It may be too late for the May [Annual](#) Town Meeting and [we](#) may have to do it for a Special Town Meeting. He supports trying to make an improvement but wants to do it thoughtfully and properly.

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Review and Approval of Affordable Housing Plan.

Mr. Alpert commented it was clear this took an incredible amount of work. It is extremely comprehensive.

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

VOTED: to approve the Affordable Housing Plan.

Review of MBTA Communities law action plan.

Mr. Block asked what steps are needed. Ms. Newman noted there are components for the Town to answer. The most important piece is the timeline laid out. She met with Katie King and Karen Sunnarborg to come up with a plan to go to Town Meeting in May 2024, with a backup for October 2024, and submittal of zoning action plan to DHCD for -and approval- to meet the December 31, 2023 to meet the deadline. Mr. Block noted ~~if the action plan~~ talks about the first community meeting in March of 2023. There would need to be separate meetings that would need to be scheduled in the next 8 weeks to devise the Planning Board's initial proposal. There will be a fiscal impact analysis by June and also analysis for ~~by 2~~ on impact to other Town Departments. Ms. Newman noted that analysis will cover schools and other departments, any related cost and the net value. After discussion, Mr. Block stated he will have a conversation with Ms. Newman to chat through the fiscal impact analysis. Ms. Espada stated the impact cannot be determined until there is a project in front of them. Mr. Block noted that was not true with the Industrial District Highland Commercial 1 rezoning. Ms. Espada stated that was one project and the zoning was only 2 sites. The school department is doing a whole master plan right now. Ms. Newman noted the state wants a response by the end of January. This is the framework she will use.

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Minutes

Ms. McKnight noted in the minutes of 10/13/22, page 3, she was not sure what the 1,900 referred to and suggested removing it. It was just an example of a 1,900 square foot rental. The ADU size limit is 850 square feet. Mr. Block noted in the minutes of 10/18/22, page 1, after "medical marijuana products" strike "Also." Strike "also" in Section 1.3. On page 3, after "purchased from" add "could be a permanent change." It is not a question. Ms. McKnight suggested removing the sentence that says "the 4th to Section 3.2 where things are being allowed permanently." On page 4, keep in "Mr. Crocker made the point..." and in the next sentence it was a meeting and not a hearing. On the minutes of 10/24/22, page 2, there was a question about what Board Ms. McKnight was referring to. Ms. McKnight stated it was the Select Board.

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

VOTED: to accept the 4 sets of minutes, 10/13/22, 10/18/22, 10/24/22 and 11/1/22 with red line changes and changes discussed tonight.

Correspondence

Mr. Block noted 11 emails from the public related to 888 Great Plain Avenue. Some in support and others against the proposed development as presented.

Report from Planning Director and Board members

Ms. Newman is working on the MBTA Communities law Action Plan due at the end of January. Northland has a meeting tomorrow with the Select Board regarding the Foster property to discuss what they are proposing. The Select Board is hosting it. The Select Board has a meeting scheduled for the 24th to discuss it further. Ms. McKnight heard the discussion from Mass Municipal Law Association on the MBTA Communities law today. In the Business area, we use 10,000 square foot minimum lot size rather than 20,000 square feet as required in the Apartment A-1 zone. If the stock standard was to be 20,000 and the lots were less, they would have been discounted from total rezoned acreage for total acreage because non-compliance would mean that multi-family housing would not be allowed as-of-right on these lots. This rule was news to her and we need to take this into account as we go forward with rezoning strategies. Mr. Crocker noted he and Ms. Espada

are on the Climate Action Committee. He asked if a placeholder could be put for [a zoning article for the upcoming Annual Town Meeting](#) for solar for the possibility something may be ready by then. If not, it could be pulled. Ms. Newman stated it would be too difficult. It would need to be ready by early February. The Fall [2023](#) schedule is more reasonable. Mr. Block asked about the [possibility of a Special Town Meeting within the 2024 Annual](#). Ms. Newman stated it is still too tight, but she will look into it. Mr. Block is looking to call a [hybrid meeting on the January January 24th](#) at 7:00 p.m. to resolve language [of the proposed zoning articles](#). Ms. Newman stated it could not be done. She would need to do an agenda packet by Thursday. After discussion, Mr. Block stated he feels the Board should meet on the 31st. That gives [staff them](#) 2 weeks to get the draft wording to the Board. Mr. Alpert stated it only gives them 8 days. Ms. Newman will talk with Mr. Block to [coordinate our schedule with look at](#) the Select Board schedule.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 17, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Friday, March 17, 2023, at 9:00 a.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Discussion of Articles for May Town Meeting

Mr. Block asked if there were any comments on Article 3 – Corrective Zoning Amendments. There were no comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to approve Article 3: Corrective Zoning Amendments -- as drafted and send to the Warrant Committee for inclusion in the May Town Meeting Warrant and recommend to Town Meeting they adopt as drafted.

Mr. Block asked if there were any comments on Article 1 – Amend Zoning By-Law -- Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts. There were no comments.

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 send Article 1: Amend Zoning By-Law -- Accessory 3-car Garage Use in Single Residence B, General Residence, Business and Industrial Districts, to the Warrant Committee for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 4 -- Amend Zoning By-Law – Single Residence B and General Residence Side Setback. Building Commissioner David Roche noted it now says after 32 feet there must be a 2-foot jog regardless of how far the setback is. This clears this up. He thanked the Board for this change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to send Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback as presently drafted, and sent to the board yesterday, for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs). He noted the most recent changes are highlighted in red. Subsection 2b is allowing for adults to care for a child so caregiver is now included. Subsection 3e regards leasing the ADU or primary unit. There was a 12-month lease which has been reduced to 6 months. Ms. Espada noted the Board is trying to avoid Air BnBs. She thinks 6 months is long enough. Mr. Block noted subsection 6c has the total occupancy limited to 5 non-related family members. Mr. Alpert noted it is one bedroom and there are practical elements that are limiting. Ms. Espada stated it says occupancy of the unit and not the entire lot. Ms. McKnight noted it says 5 unrelated people in another place in the By-Law, so this is matching that.

Mr. Crocker noted a detached unit could have 5 unrelated people living in it. Mr. Alpert stated 900 square feet, and one bedroom, would be difficult for 5 people to squeeze in there. Mr. Crocker does not disagree, but this says they can do that. Ms. Espada is ok with 5 college students. Building Commissioner Roche stated the issue is parking. People could be parking on the street and the lawn. It has happened. He feels 3 is the number. He thinks 5 may be a problem. Mr. Block noted it could be limited to 3 rather than 5 in Subsection 6c. Mr. Alpert suggested adding after “owner” “,and the occupancy

of the ADU shall be limited to 3 people.” Ms. Espada is ok with that. Ms. McKnight noted in the definition of family, it says not more than 3 unrelated people, but the Zoning Board of Appeals (ZBA) can allow up to an additional 2 persons with a special permit. She feels the Board should copy that. Mr. Crocker stated the individual current By-Law definition of family already takes care of the main unit. They should say not more than 3 unrelated in the ADU. Mr. Crocker noted that the proposed ADU By-law says no more than 3 unrelated in the ADU only and 2 unrelated could be in the main house. He asked why they are dealing with the main house. Mr. Alpert clarified they are saying no more than 5 unrelated on the entire property. Building Commissioner Roche stated it makes sense from an enforcement issue.

Mr. Alpert asked, in Subsection 6h, if applicants really need to have floor plans for the entire house. Building Commissioner Roche noted, if in the house and adding a new bedroom, there are new regulations to be addressed such as egresses and utilities, so there would need to be a new site plan. Mr. Block noted in Subsection 8a, there could be no more than one ADU and no more than one additional structure of not more than 200 square feet. Ms. Newman noted there was no accessory building limit before, so this has been revised at the request of the Building Commissioner. Building Commissioner Roche commented, at some point, they need to look at an Accessory Structure By-Law.

Mr. Block noted in Subsection 8d, there are a couple of alternatives for ADUs in a detached structure: —(1) the same dimensional regulations as for the primary building with a setback of 12 or 14 feet or (2) allows a 5-foot setback the same as other accessory buildings. He recommends a 5-foot setback. There are substantial limiting factors for building an ADU, but it makes sense to allow a person who needs that to do it. It would need a special permit through the ZBA. There is an opportunity for a public process because it is a detached structure. Ms. McKnight noted, at the recent meetings, there were 14 comments in favor of 5 feet and 5 comments against it. People were generally in favor, and she is ok with it. Ms. Espada feels it is more equitable for everyone.

Mr. Alpert commented the members have to recognize the original purpose of having ADUs is being changed. The original purpose was to allow elderly and disabled people to stay in their homes. Now that is being expanded to use ADUs to expand the housing. He has no problem with that. He originally thought of allowing detached ADUs in the Single Residence A and Rural Conservation Districts. The Board is now allowing them all over town. He has an issue with having people 5 feet across from his property line. Rentals are not limited to elderly and disabled. This is adding to the housing stock. He has a problem with 3 college students partying late at night 5 feet from his property line.

Mr. Crocker commented that agrees with whatever the Board can do. ~~This~~ this is fundamentally changing the whole town. The Board needs to vet what they are doing. This has not been fully vetted. He is in favor of doing something from making it equitable to totally changing. Many times, 5 feet will be fine but there have been no conversations if safe guards/safeguards are in place. He does not approve of detached structures. Mr. Block asked if Mr. Crocker would support an ADU in a principal building with a setback of 12-14 feet and if he supports detached ADUs apart from regardless of the setback issue. Mr. Crocker stated he does not support detached. Mr. Alpert feels there will be a lively conversation at Town Meeting. He just received 2 texts from people watching on zoom who said they agree with Mr. Crocker. This will need a majority of votes to pass at Town Meeting. Ms. Espada noted detached units are by special permit.

Ms. Espada stated she understands what Mr. Alpert is saying. She asked if 2-family dwellings are restricted to 900 square feet in the rest of the town and was informed it was not. She noted, during the ~~h~~Housing ~~p~~Plan Working Group meetings, they talked about ADUs many times during public meetings. Different groups talked about it for a year. There was a plan and comments were received. Mr. Crocker feels conversations were too restricted 4 years ago when the existing ADU By-law was adopted.

Building Commissioner Roche noted the Stretch Energy Code has been adopted. Very few garages are going to be able to be up to code. Most will have to be demolished and reconstructed rather than renovated for ADU use. Mr. Block noted it is clear the Board wants to improve access to ADUs. A necessary part is substantial change. He wished there had been 2 Articles done with one attached and one detached. He asked if the members want to go with the first option for 8d or the second. He asked how many were in favor of the first option to change the setback to 12-14 feet. Mr. Alpert and Mr. Crocker are in favor of 12-14 feet. Ms. Espada, Mr. Block and Ms. McKnight are in favor of a 5-foot setback.

Ms. McKnight noted Item 8 Subsection 3.15.3.2 (f) is ambiguous as worded with any basement. There could be an ADU on the second floor and that would count toward the square footage. She feels it should count only if the basement is used

for purposes of this section. Building Inspector Roche stated habitable basement should be included. Ms. McKnight noted, for purposes of this section, any finished, habitable basement in an accessory building would count toward square footage. Mr. Alpert and Ms. Espada agree with that change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of four of the five members present (Mr. Crocker voted in the negative):

VOTED: to send Article 2 with the changes as drafted, and with changes made today, for inclusion in the May Annual Town Meeting Warrant.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of three of the five members present (Mr. Crocker voted in the negative and Mr. Alpert abstained):

VOTED: to recommend to Town Meeting the adoption of Article 2 with changes made at this meeting.

Correspondence

Ms. Clee noted an email from Stephen Frail, dated 3/7/23, that came in prior to the close of the meeting. There was also general correspondence from Katy Dirks dated 3/10/23 and an email from Teresa Combs, dated 3/11/23.

Ms. Espada left the meeting.

Report from Planning Director and Board members.

There was no report.

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

VOTED: to adjourn the meeting at 10:30 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 28, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, March 28, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearings:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2022-01: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at Greene's Field, Needham, Massachusetts, shown on Assessor's Plan No 50 as Parcel 31-02, containing 108,278). Regarding request to operate a farmers' market on a portion of Greene's Field on Sundays for another season.

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

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

Jeff Friedman, President of the Needham Farmer's Market, noted he is requesting a special permit to operate on Greene's Field like last year. The Town Manager and the Park and Recreation Director approved this in 2022 under a license agreement. The application includes a market layout the same as 2022. The market cannot return to the Town Common due to ongoing construction. The market will run June 11, 2023 through November 19, 2023 and have the same hours and same limits. The live music will begin at 11:30 a.m. as requested by the First Church of Christ, Scientist. He would like the Board to include, as an option, continuing the permit through 2024 if there is a license agreement with the Parks and Recreation Director and the Town Manager. He is also requesting the fee be waived.

Mr. Block noted the following correspondence for the record: a letter, dated 2/17/23, from Jeff Friedman with exhibits; an email, dated 3/6/23, from Police Chief John Schlittler with no issues; an email, dated 3/5/23, from Fire Chief Tom Conroy with no issues; an email, dated 3/21/23, from Director of Park & Recreation Stacey Mulroy, noting it looks good; an email, dated 3/21/23, from Assistant Health Director Tara Gurge, with comments; a letter, dated 3/23/23, from Town Engineer Thomas Ryder with no comments; an email, dated 3/19/23, from Daniel Liebenrood of the First Church of Christ, Scientist, requesting the hours of the music be changed; an email, dated 3/21/23, from Jeff Friedman confirming the Market will change the hours and a letter, dated 3/23/23, from Paula Jacobson, of the YMCA, in support and allowing access to the restrooms. Mr. Block feels this is a good project and he supports extending for a 2-year term provided a license agreement is in place.

Mr. Crocker noted he is glad it is back, and it is a wonderful spot. He asked if the Town allowed it to be on the common would that be something Mr. Friedman would entertain. Mr. Friedman stated his preference is Greene's Field. There is room to expand, it is cohesive and family friendly. There are a lot of positive aspects, and he thinks it is best for the community. Ms. McKnight noted the Park and Recreation Director voted to extend the market for the 2023 season. At the end she would like to reassess for the 2024 year. It could be extended subject to approval from Park and Recreation. She also noted there was only one letter regarding bathroom access. The applicant needs 3 letters. Last year there were letters from Bagel's Best and Walgreen's also. Mr. Friedman stated, the intent was, if one agreed that would be sufficient.

They do not need all 3 to agree. Mr. Alpert noted the memo from Tara Gurge. The applicant needs updated restroom agreements from Walgreen's, Bagel's Best and the YMCA. Mr. Friedman stated it was not the intent to have all three.

Mr. Alpert noted the Board will vote that the Farmer's Market will comply with all requirements of agencies. If the Board of Health requires 3 letters the Market would need to comply. He is against formally doing anything for 2024. He feels that is the Town Managers decision. Ann Watson, of 101 Warren Street, stated it was interesting a lot of effort is going into things working out on Greene's Field. She would like some attention paid to the people who live near there. There are a lot of commendable activities, and it is a great asset. As a resident, having loud acoustical music is not good. She had to leave her house last year. This is supposed to be a Farmer's Market. Music is one thing, but acoustical music blasting is another thing. She spoke with the musician who was not willing to tone down the music. That does not have anything to do with the market. Mr. Alpert asked if it was electronic and was informed it was. Ms. McKnight noted last year's agreement says amplification would be limited and not extend beyond the site. Ms. Newman noted Section 3.11 of the decision covers this. It limits times of entertainment and start times. The Board would need to disallow amplification if it chooses to. Mr. Friedman apologized that this occurred. He was not aware of any complaints made. He asked if she spoke with the Market Manager. Ms. Watson stated she spoke with the musician. Mr. Friedman stated the Market Manager would have taken steps to turn it down. Mr. Alpert stated the Board could put in a condition there be no amplification and just acoustic or leave it as is but require it not extend beyond the site. The Market Manager would need to comply with that. Mr. Friedman stated the market has been in operation for 11 years. He went through the history of locations. He does not remember anyone complaining about the sound.

The Board members discussed options. If the music gets too loud the abutter should speak with the Manager. If she does not get satisfaction, she should call the Planning Director or Assistant Planner on Monday. Mr. Friedman noted there is a Market Manager tent in the middle of the market. He has a policy of exactly what Ms. Watson is talking about. He explained the sign up process for musicians and the policies. He assured Ms. Watson it would not happen again. Larry Cohen, of 77 Warren Street, noted he lives just behind the play structure at Greene's Field. He supports Ms. Watson's comments. The comment from the church was very telling and it is an issue. Self-policing does not work. There needs to be a low volume. He is hearing it is imposing upon others who live there. He would like to see policing from the Board and not self-policing.

Mr. Block stated there needs to be a sign with Mr. Friedman's phone number posted in a visible location. It seems this has been an issue if the church had to request a later start time due to disruptions to the services. Mr. Friedman apologized again. He stated he would have dealt with it if he had known. He gave Ms. Watson his cell phone number. Mr. Alpert stated Ms. Watson should call the Board if she has any issues and is not getting any satisfaction. Ms. McKnight commented the Planning Board would continue to have jurisdiction to reevaluate.

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

VOTED: to close the hearing.

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 grant (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, dated April 5, 2022, a Major Project Site Plan Special Permit Amendment; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations that the Board spelled out in the decision.

Mr. Block reviewed the options the members had for the music including no amplification this year at this site. Mr. Alpert stated he is going to take Mr. Friedman at his word that he would deal with this. If it is still too loud, Ms. Watson should let them know and the Planning Board would deal with it. Ms. McKnight would add "free acoustic entertainment and there should be no electric instruments." Ms. Espada feels that is too limiting. The Board should put controls to review and see

how the first week goes. This is the first time the Board has heard the complaint. Mr. Block stated they are going to deny the abutter relief. Mr. Alpert stated that was not true. Things have been put in place, the Board retains jurisdiction, Section 3.4 of the decision had the wording changed, they are adding music shall be at a fixed location and there will be signs with the name and cell number of the ~~m~~Market ~~m~~Manager and the ~~p~~President of the market. The other language is the same that sound would not extend beyond Greene's Field. In the event of a complaint jurisdiction remains with the Planning Board.

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 accept the decision with the changes discussed.

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

VOTED: to waive the fee for the Farmer's Market decision.

7:05 pm. ***Please note: This hearing will begin at 7:15 pm.**

920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Mr. Block noted the following correspondence for the record: a letter, dated 3/7/23, from Attorney George Giunta Jr., representative for the applicant, with updated plans dated 2/23/23 and an email, dated 12/15/22, from Deb Anderson, Director of Conservation, with comments regarding the wetlands. Mr. Block asked if the applicant has gone to the Conservation Commission yet. Mr. Giunta Jr. stated that is the next step but they have not gone yet. He reviewed previous discussions. This is near the intersection of Chestnut Street and located in the Rural Residential Conservation District. It was formerly the Stanley Tippet House. The house has been removed. The applicant has shown that they can do 2 conforming lots. He wants to do 2 lots but is requesting a waiver of most construction requirements. Rather than a 40-foot layout they would like a 20-foot layout with 18 feet paved. This reduces pavement and it is only serving 2 houses. It is also keeping with the character of the neighborhood. He feels it is appropriate.

The applicant would prefer a smaller circle but the Fire Chief wanted a full circle to get in and out. The 52-foot radius is a bit smaller than regulation but allows fire trucks to go around. There will be an easement around the edge. The Fire Chief likes to have a buffer. Ms. Espada asked if the circle is all asphalt or a planter in the middle. Mr. Giunta Jr. noted there is an island in the middle that will be landscaped. It is paved but the applicant may come back for revisions at some point. Ms. McKnight noted there is no updated correspondence from the Fire or Police. She asked if the easement was a 5-foot utility easement. Mr. Giunta Jr. stated this is around the circle. There may be a need for an easement at the back of the circle but it may not be necessary.

Mr. Giunta Jr. noted the plans were revised based on comments at the last meeting. The drainage was on the west side of the property but now it is on the east side and comes down to a retention area and infiltration basin. It is roughly the same location. The biggest change is the road elevation has been dropped down 3 feet. They have tried to work with the topography and were able to stretch out the grades and have a gentler slope. Ms. Espada asked if it was a 10-foot slope from the property line. Mr. Giunta Jr. stated it is. He noted the grading changed a lot on Lot 2 and not much on Lot 1. A swail and berm have been put in. There is a 10-foot raised planting strip 12 inches high to stop any runoff and a swail to direct the water. It helps to keep it off the neighbor's property. About half the system is within the 100-foot buffer. The applicant needs to go to the Conservation Commission for that.

Mr. Crocker asked if this property was river front. Mr. Giunta Jr. stated it is well outside of that. They are trying to keep Lot 2 up on the high side and avoid the wetlands. He noted the house footprints have been added with a caveat. The

locations are best guesses to design and locations, particularly on Lot 2. Lot 1 is pretty well set. Mr. Block asked if there was access to the river through Lot 2 and was informed there was. Mr. Giunta Jr. stated more information has been added. Mr. Connaughton is committed to working with the abutter for a vegetative year-round buffer. There is the same layout and scheme with a small adjustment to the side and dropped down 3 feet for grading. Mr. Alpert asked why there was a 50 foot no disturb area at the street. Mr. Giunta Jr. noted that is part of the Scenic Road By-Law. The infiltration system in the front is just outside of that. There is a tree in that area that needs to come out.

Dr. Serguei Aliev, of 31 Marant Drive, originally raised concerns. He thanked the owner and his attorney for working with him. He is in support of this. He is pleased with the interactions and how they worked together and came to a resolution. Ms. McKnight asked the location of his house. He stated it is right next to Lot 2. Mr. Block noted the comment on NPDES ~~for~~ waste water management requirements from the Town Engineer. Philip Silveira, of 11 Merritt Drive, asked what happens with the drainage plans when it rains and how it would impact his property. Mr. Connaughton stated Mr. Silveira's property is 12 or 14 feet higher than the roadway so it would not be affected. The 2 easements have been combined and the drainage has been moved to the other side. Mr. Silveira asked if the circle is over where the Tippet House was. Mr. Connaughton noted it is right at the edge of the roadway where the stone wall edge of the driveway is. He offered to meet with Mr. Silveira to walk him through the plans. Mr. Silveira thanked him and welcomed him to the neighborhood.

Mr. Crocker stated there was talk about the trees last time and he asked what is happening with that. Mr. Giunta Jr. noted, with the grading change, there are a few trees that will be able to remain. There will still be a lot that will be taken out, but the trees will be replaced. Mr. Alpert noted the trees along the scenic road would need to be approved for removal. Also, some scenic road work for the wall. Mr. Giunta Jr. noted the information is on the plans submitted last time. The Board discussed the trees that would need to be removed. Mr. Crocker asked what mitigation is needed. Ms. Newman noted along the scenic roads ~~it is~~ a 2 to 1 tree replacement is required. She noted the Board already commented at the earlier meeting. Mr. Giunta Jr. stated the applicant is committed to restoration. He met with the Tree Warden on site and discussed the replanting locations and species. Ms. Newman has asked the Police and Fire for comments and has not received any. She suggests holding the hearing open until next week's meeting.

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

VOTED: to continue all 3 hearings to 4/4/23 at 7:10 p.m.

Ms. Newman will follow up and get something in writing from the Tree Warden.

ANR Plan – Property Located at Map 304, Lot 4, 0 Charles River Road and Map 304, Lot 5, 0 Charles River Road (Northland Residential Corporation, 80 Beharrell Street, Concord, MA 01742, Petitioner).

Mr. Block stated the Board has received a request to withdraw without prejudice.

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

VOTED: to approve withdrawal without prejudice of the ANR Plan for property located at 0 Charles River Road, Tax Map 304, Lots 4 & 5.

Zoning Article Assignments for the Annual Town Meeting.

Mr. Alpert feels this is premature. This should be discussed after the elections and the next meeting. All agreed.

Minutes

Ms. McKnight noted on the minutes of 12/19/22, 2nd paragraph under Balfour, it says they will contribute to the Affordable Housing Trust Fund. She is not sure that was the deal. She thought it was to the Town and not the Trust Fund. It was agreed to change to the Town. On page 4, on 920 South Street, 2nd paragraph, the By-Law calls for a 50-foot road. It should be the Subdivision Rules and Regulations and not the By-Law. That was agreed. In the 4th paragraph, she noted it should be "rules" rather than "By-Law." On page 5, 3rd paragraph, it should be "Burr" Road and not "Byrd" Road.

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

VOTED: to approve the minutes of 12/19/22 with the changes discussed tonight.

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

VOTED: to approve the minutes of 12/22/22 with the changes shown.

Ms. McKnight noted on the minutes of 1/3/23, 2nd paragraph, it says “does not include any public hearings and public comment will be allowed.” It should be “not allowed.” Mr. Block noted the public was allowed to speak. It was agreed to say “but public comment will be allowed.” Ms. McKnight stated on 888 Great Plain Avenue, 3rd paragraph, it says Mr. Giunta Jr. said the applicant wants the 12.5% affordable cap lifted. Mr. Block noted he did say that. It could be changed to “increased.” This was agreed. It should say the “Cox Buildin~~0~~g” in both places. On the bottom of page 2, it says “Ms. Espada noted they could connect to the back side like urban.” It was agreed to say “back side of property” and remove “like urban.” On page 3, 2nd paragraph of Apt A1, strike “pre-suburban.”

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

VOTED: to approve the minutes of 1/3/23 with the changes discussed this evening.

Report from Planning Director and Board members.

Mr. Block stated the Board received a ~~note~~memo from the Attorney General’s Office with an obligation for the MBTA Communities saying there is more than just a penalty as to loss of grant eligibility for opting out. Mr. Alpert commented that is a threat. Ms. McKnight agreed and stated it is not helpful. Mr. Alpert thinks the Attorney General is wrong in accusing the towns that choose not to follow MBTA Communities law DHCD Guidelines as being discriminatory. He would prefer multi-family housing be by special permit rather than by right, but he was outvoted. Mr. Block noted there ~~w~~could be a recommendation for a greater number of units per acre but that is further down the road. Ms. Newman noted, after the election, she will set up a Chair/Vice-Chair meeting with the Select Board to set up a schedule for MBTA Communities law compliance and the creation of a committee dedicated to oversee that work, similar to the Housing Plan Working Group. Mr. Block would like to set up a schedule and post on the website. He noted a notice from Dover with hearings to amend the Zoning By-Laws for ADUs and flood plains. Ms. Newman stated she and Mr. Block will be going to the Finance Committee tomorrow night to answer any questions on the Planning Board zoning proposals. The Finance Committee is trying to get written recommendations in the Warrant. They will also answer questions regarding the small repair grant program she hopes to be funded at \$50,000.

Ms. McKnight noted on the Select Board agenda there is a hearing tonight on storm water mitigation and assessment plans. She feels it is a positive proposal. She asked if the Board should send some communication in support of the proposal. The Board frequently deals with storm water, and she feels this is a positive thing. Mr. Alpert stated he is uncomfortable voting on something he has not seen yet. Ms. Espada and Mr. Crocker agreed. Mr. Block suggested Ms. McKnight send a note personally in support to the Select Board. Mr. Block noted there was a notice from the Town of Dedham regarding electric vehicle charging stations and multi-family zones. He would like to add electric vehicle charging stations to the list of planning priorities and ask Stephen Frail to come to a meeting next week with regard~~s~~ to climate action to begin drafting climate~~=~~smart zoning.

Correspondence

Mr. Block noted the following correspondence that has been received: an email from Scott, dated 3/11/23; an email from Meredith Fried, dated 3/12/23; an email from Helene Cantor, dated 3/12/23; an email from Laurie and Steve Spitz, dated 3/13/23; an email from Rachel Achituv, dated 3/13/23; an email from Andrea Dannenberg, dated 3/13/23; an email from Sean and Marina Morris, dated 3/13/23; an email from Ricki and Mark Nickel, dated 3/13/23; and an email from Joe Abruzese, dated 3/14/23. There was also correspondence from the YMCA regarding the Farmer’s Market.

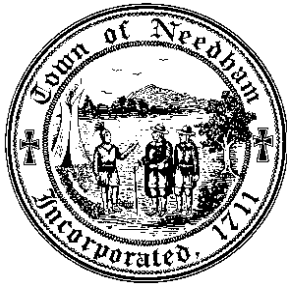
Ms. Espada noted the Housing Plan Working Group has concluded. Laura Dorfman asked if the Board was doing anything regarding housing preservation. She went through the Affordable Housing Trust and some things that were recommended. The Planning Board should review these issues. There is no accountability right now. The Planning Board should take on anything related to zoning and housing preservation. She thought at the next meeting she could put together a list of items that the Planning Board should have. She does not want things to fall through the cracks. Mr. Crocker feels the Board should revisit the work of the Large House Study Committee. Ms. Espada suggested that the Board go through the list of actionable items and see who should be dealing with them and how the Housing Plan Working Group recommendations should move forward since there is no one leading it right now. She commented she heard she was selected as one of the 50 most influential ~~colored~~-business leaders of color of 2023. She noted someone must have nominated her.

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 adjourn the meeting at 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk



May 26, 2023

Adam Block, Needham Planning Board Chair
Natasha Espada, Needham Planning Board Vice Chair
Needham Town Hall
1471 Highland Ave
Needham, MA 02492

Re: Climate Action Planning Committee (CAPC) Recommended Actions for 2023/24

Dear Chair Block and Vice Chair :

The Climate Action Planning Committee (CAPC) continues its work to produce the Town's first Climate Action Plan, with a goal of releasing that plan later in 2023. In the meantime, the CAPC has voted to recommend several high priority actions that will have a significant impact on our Town's greenhouse gas (GHG) emissions.

At our May 18, 2023 meeting, the CAPC voted on two priorities for the Town to take in the coming year: 1) Updating our Town's zoning and permitting bylaws to encourage more installation of solar PV, especially over parking lots and commercial buildings; 2) Adopting the State's Opt-In Specialized Code for buildings.

Updating of the zoning and permitting bylaws is a relatively low effort, zero-cost way to encourage more of the electricity that is consumed in Needham to be generated by renewable resources. Currently, the Town has no mention of solar canopies in our zoning bylaws, and the existing size restrictions on commercial roofs limit the economic viability of rooftop solar. The School Committee has expressed interest in installing solar canopies on school property but has been held back by the lack of zoning language. Similarly, Olin College has been going through a lengthy process to approve solar canopies in its lots. For commercial buildings, the existing zoning limits solar panels and other rooftop equipment to a total of 25% of the roof surface. This dramatically limits the amount of rooftop solar that can be installed on these roofs, which lowers the potential return on investment for commercial property owners.

The CAPC met with the Town's Building Commissioner, David Roche, and Assistant Town Engineer, Justin Savignano, during our March 2023 meeting to discuss solar, and they were supportive of changes to our bylaws to better define and support the installation of solar. They

also provided some guidance on site plan review considerations to address issues such as emergency and plow vehicle access, stormwater management, and parking capacity.

The CAPC recommends that the Planning Board prioritize these zoning and permitting changes. In support of this recommendation, the CAPC provides model zoning language adapted from the Massachusetts Department of Energy Resources (DOER). The model zoning language is the CAPC's recommendation for what would encourage the most solar in Needham, and we make recommendations on what types of solar installation should be by right, by right with site plan review, or by special permit with site plan review.

The second item that CAPC voted on at our May meeting was to adopt the state's Opt-In Specialized Code for new residential and commercial construction. The Opt-In Specialized Code was developed and released by the DOER in 2022 in response to the Massachusetts 2050 Decarbonization Roadmap that requires the state to hit Net Zero GHG emissions by 2050. Almost 40% of Needham's GHG emissions come from the natural gas, oil, and other fossil fuels used to heat our homes and businesses, cook our food, dry our clothes, and heat our water.

Achieving Net Zero GHG emissions will require that within over the next 27 years all of our homes and businesses convert to more efficient heat pumps for our heating and cooling and install high-efficiency hot water heating, dryers, and electric stoves. For homes and businesses being built today, that means ensuring that they are either all electric when they're built or that they are pre-wired and built such that a future owner or tenant will have an affordable path to decarbonizing. This is precisely why the CAPC believes it adopting the Opt-In Specialized Code is a commonsense action for the Town to take.

We have asked that the Select Board support adoption of this code, which will require an affirmative vote by Town Meeting to take effect. While the Planning Board's role in considering this Opt-In Specialized Code may be limited, we would like the Planning Board to be aware of the proposed adoption, as the code does have some provisions, such as requirement for on-site solar generation for certain mixed-fuel buildings, that may impact how we our zoning and permitting needs to be written.

The CAPC is prepared to provide more information and answer questions on the Opt-In Specialized Code to the Select Board, the Planning Board, other boards and committees, Town Meeting, and the general public. As a brief introduction, the Opt-In Specialized Code will require builders for **new construction** of certain building types and sizes to provide the following:

- 1) Pre-wiring for mixed fuel buildings to ensure that they can be easily and affordably converted to electric only in the future (fossil fuel for heating, cooking, etc. is still allowed)
- 2) On-site solar generation for mixed fuel buildings – with exceptions for tree shading and obstructions casting shadows,
- 3) HERS 0 or Phius ZERO certification for large homes > 4,000 square feet – completely offsetting annual electric and fossil fuel usage with renewable energy, (smaller homes do not need to meet HERS 0)

- 4) Passive House (Phius) certification for multi-family buildings > 12,000 square feet – achieving even greater energy efficiency before renewable energy offsets, as is becoming increasingly widespread as an affordable housing standard throughout MA. (Passive House is increasingly becoming the standard for multi-family buildings, including for deeply affordable housing).

If approved by Town Meeting, the Opt-In Specialized Code would go into effect on either a January 1 or July 1 that is at least six months after the vote is held. For example, if the code were approved at Fall Town Meeting 2023, it would go into effect July 1, 2024. With roughly 100 new homes being built in Needham per year, we urge the Town to take immediate action on this code. Given the solar on-site generation requirements in the Opt-In Specialized Code, we urge the Planning Board to update our zoning and permitting and bring that to Town Meeting as soon as possible.

With most new homes being built in Needham exceeding 4000 square feet, and those buildings being only built to the current Updated Stretch Code, there's an opportunity in adopting the Opt-In Specialized Code to ensure that those homes, which will still be occupied in 2050, are as close to Net Zero as possible when they're built.

Please note that the Opt-In Specialized Code has **no impact on renovations** of any size. All renovations, regardless of size, are covered under the Update Stretch Code that Needham has already adopted by Town Meeting vote, a requirement to become a Green Community.

In transmitting this recommendation to you, the CAPC asks for the Planning Board's support of these priorities over the coming year.

Sincerely,
Stephen Frail, Climate Action Planning Committee, Chair
Nicholas Hill, Climate Action Planning Committee, Vice Chair

Recommendations based upon [Solar Best Practices Guide from DOER](#).

1. So that the ByLaw doesn't have to go to Town Meeting every time minor changes are needed, we recommend that the Town implement a Site Plan Review process with "Site Plan Review Rules and Regulations" that can be amended from time to time.
Solar Best Practices Guide page 7.
2. MGL Chapter 50A Section 3 protects solar energy systems. See Solar Best Practices Guide page 9-10.

"No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."

3. Needham has already sited solar in Town to comply with Green Communities status. Green Communities program does not prohibit inclusion of site plan review in the as-of-right process.
4. Under the State Zoning Act, solar PV arrays can be allowed As-of-Right (with a building permit only), allowed As-of-Right (with Site Plan Review), or approved through a Special Permit (with Site Plan Review).

Example:

We recommend that the Town adopt...	Types of installations	Where
As-of-Right (with a building permit only)	Rooftop installations Small residential-scale ground mounted projects	All zoning districts
As-of-Right (with Site Plan Review)	Large rooftop installations Medium-scale ground-mounted projects	
Special Permit (with Site Plan Review)	Large-scale projects	

See Solar Best Practices Guide page 15.

As-of-Right and Special Permit zoning are applicable to many kinds of development, not just solar PV systems. Both permitting processes can incorporate Site Plan Review (SPR), but the outcomes of that review differ.

As-of-Right Siting means that development may proceed without the need for a special permit, variance, amendment, or other discretionary approval. As-of-right development may be subject to non-discretionary Site Plan Review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right zoning bylaws or ordinances can apply appropriate standards that protect public health and safety. Reasonable environmental performance standards per the developed bylaw or ordinance may be incorporated into the Site Plan Review process (e.g. height, setback, etc.), but cannot be so stringent as to make the use infeasible. The key is that Site Plan Review must be truly non-discretionary – i.e., if the standards and zoning requirements are met, the project can be built. In this context, Site Plan Review can only be used to shape a project; it cannot be used to deny a project, except in rare circumstances. As-of-right development projects that are consistent with zoning bylaws and ordinances and with state and federal law cannot be prohibited.

This is distinct from the Special Permit (SP). In the special permit process, the full range of discretion is available to the special permit granting authority.

5. Defining Solar Array Size

Array size can be defined by project capacity (kw or MW DC), solar panel area, project footprint (sq feet)

Recommendations: Use DC because that's what was used for the Large Scale Solar Array Overlay square footage may change (i.e. shrink) over time as panels become more efficient.

Draft of Solar By Law Language

The below was copied from the DOER model language.

The By Law should have the following sections:

- I. Purpose
- II. Applicability
- III. Definitions
- IV. Standards for Small-Scale Solar Arrays
- V. Site Plan Approval
- VI. Site Plan Review Standards
- VII. Construction, Maintenance, Monitoring, and Modifications
- VIII. Discontinuance and Removal
- IX. Financial Surety

I. PURPOSE

A. Purpose. The purpose of this bylaw (or ordinance) is to provide for the construction and operation of solar energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of solar facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town (or city) and provide adequate financial assurance for decommissioning.

Additionally, the solar energy facilities shall be consistent with community planning documents including but not limited to the Town's Open Space and Recreation Plan or Master Plan

The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of solar energy facilities.

II. APPLICABILITY

A. As-of-Right: The following solar photovoltaic installations, as defined herein, are allowed as of right with issuance of a valid building permit from the building inspector in all zoning districts:

1. Any such roof-mounted installation on an existing structure.
2. Any such ground-mounted installation less than or equal to 25 kW DC in capacity.
- 3.

B. As-of-Right: The following solar photovoltaic installations, as defined herein, are allowed as of right with site plan approval in all zoning districts:

1. Any ground-mounted installation greater than 25 kW DC over an existing parking surface, pedestrian walkway, or other paved area in a manner that maintains the function of the area beneath the canopy.
2. Any other ground-mounted installation greater than 25 kW DC but less than 250 kW DC in capacity.

C. Special Permit: Any solar photovoltaic installation not specified in (A) or (B) requires a special permit in all zoning districts from the Special Permit Granting Authority. For all special permit applications, site plan approval as described below is required, but shall not require a second public hearing, per bylaw or ordinance addressing site plan approval.

D. Not Permitted: No commercial solar photovoltaic installation may be permitted as follows:

1. Any solar photovoltaic installation of greater than 20 acres of previously undeveloped land in a fenced array area.
2. Any solar photovoltaic installation requiring forest clearing greater than ten acres. *[note: we may need to check with Hank Half on this, as there's potential solar at pumping station that would require clearing some sick trees.]*
3. Any solar photovoltaic installation on slopes of 15% or greater as averaged over fifty horizontal feet; the Special Permitting Granting Authority may consider waiving this up to 18% based on site-specific parameters. No cutting or filling may be done to reduce natural slopes.

III. Definitions

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic installation that is directly mounted to structural supports on the ground and not mounted on a roof or other previously existing structure.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the commercial solar photovoltaic installation in Direct Current (DC).

SITE PLAN APPROVAL AUTHORITY: The site plan approval authority as designated by the Zoning Guide.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

SOLAR PHOTOVOLTAIC INSTALLATION: A solar energy system that converts solar energy directly into electricity through an arrangement of solar photovoltaic panels.

SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity of 25 kW DC or less.

MEDIUM-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity greater than 25 kW DC but less than or equal to 250 kW DC.

COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION (CSPI): A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity greater than 250 kW DC.

IV. Standards for Small-Scale Solar Arrays

1. All Small and Medium-Scale Solar Photovoltaic Installations shall adhere to the following Design and Operation Standards.
 - a. **Utility Notification.** No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - b. **Emergency Access.** Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.
 - i. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
 - ii. Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
 - c. To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

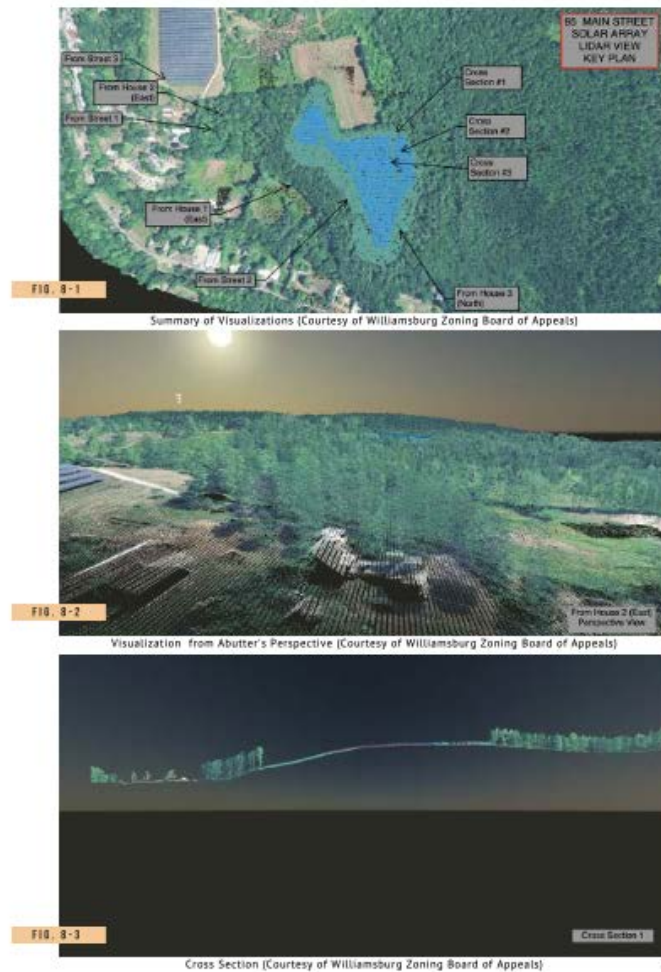
V. Site Plan Approval

1. **Site Plan Approval.** The construction, installation or modification of a ground-mounted solar photovoltaic installation, whether as-of-right or by special permit, shall be subject to site plan approval by the Site Plan Approval Authority in accordance with the Applicability Section of the zoning bylaw.

- a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
- b. Required Documents. The project proponent shall provide the following documents:
 - i. A site plan showing:
 - 1. An existing conditions plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees- mature, old growth, shrubs, open field, etc), wetlands, streams, ledge, for the project site;
1.
 - 2. Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
 - 3. Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
 - 4. Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - 5. Three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - 6. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - 7. Name, address, and contact information for proposed system installer;
 - 8. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - 9. The name, contact information and signature of any agents representing the project proponent.
 - 10. Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.
 - 11. Locations of floodplains or inundation areas for moderate or high hazard dams;
 - 12. Locations of local or National Historic Districts.
 - 13. Stormwater management and erosion and sediment control

- ii. Documentation of actual or committed prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- iii. A plan for the operation and maintenance of the solar photovoltaic installation as detailed in A(3): Operation and Maintenance Plan.
- iv. Proof of liability insurance.
- v. Description of financial surety that satisfies Financial Surety.
- vi. Pre-construction photos from the right-of-way and nearest abutters. These photos should include tree coverage.
- vii. Zoning district designation for the parcel(s) of land comprising the project site.
- viii. Visualization of post-construction solar development, including perspectives from right-of-way(s), nearest abutting properties or residential structures, and tree coverage. The Site Plan Approval Authority may determine additional visualizations to be submitted for review.
- ix. Proof that the project proponent will meet the required Site Plan Review notification procedures.

Example visuals to support Site Plan Review



- c. **Operation & Maintenance Plan.** This plan shall include measures to maintain safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation. The Operation & Maintenance Plan should include a training component and schedule for emergency services staff along with any designees the Site Plan Approval Authority deems necessary.
- d. **Waiver Requests.** The Site Plan Approval Authority may waive documentation requirements as it deems appropriate upon written request of the applicant submitted with an application for approval.
- e. **Consultation with Other Departments and Entities.** No building permit shall be issued and no application for such permits shall be accepted for construction, exterior alteration, relocation, or change in use except where noted in Section X, unless a site plan has been endorsed by the Site Plan Approval Authority, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Select Board or Town/City Council, Historical Commission, Conservation Commission, Highway Department or DPW, Fire Department and Police Department. The Site Plan Approval Authority may waive

any or all requirements of site plan review for external enlargements of less than 10% of the existing occupied area.

2. **Utility Notification.** No solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Approval Authority that the utility company operating the electric grid the installation is to be connected to has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
3. **Pollinator-Friendly Certification.** No Commercial-Scale Solar Photovoltaic Installation shall be constructed until proof has been given to the Site Plan Approval Authority that the project proponent has obtained Pollinator-Friendly Certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Friendly Certification Program at a minimum of the [choose Certified, Silver, or Gold] Certification Level, or other equivalent certification as determined by the Site Plan Approval Authority. This certification must be maintained throughout the life of the installation.

VI. Site Plan Review Standards

A. Height. The height of any structure associated with a Commercial-Scale Ground Mounted Solar Photovoltaic Installation shall not exceed 35 feet.

B. Building Height Regulations Exemptions. Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, broadcasting and television antennae, **heat pump technology**, and roof-mounted solar energy systems.

C. Setbacks. All Medium and Large Ground-Mounted Solar Photovoltaic Installations shall meet the front setback of 50 feet, side setbacks of 20 feet, and rear setback of 20 feet.

Small Ground-Mounted Solar Photovoltaic Installations accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

For all Commercial-Scale Ground-Mounted Solar Photoelectric Installations, minimum setbacks shall be as follows:

FRONT SETBACK (feet) 100

REAR YARD (feet) 100

SIDE YARD (feet) 100 PERIMETER SETBACK (feet) 100

D. Appurtenant Structures. All appurtenant structures to a solar photovoltaic installation shall be subject to the requirements of the Zoning Guide concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation.

E. Lighting. Lighting shall be consistent with local, state and federal law. Lighting of all parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution. Lighting of CSPI shall be limited to night-time maintenance and inspections by authorized personnel, and shall comply with Dark Sky standards. There should be no illumination when personnel are not on the site.

F. Signage. A sign shall be erected identifying the owner and providing a 24-hour emergency contact phone number of the CSPI owner or operator. CSPIs shall not display any advertising. Signs must comply with sign standards as identified in the community's sign regulations.

G. Day-time Visual Distraction. The Commercial-Scale Ground-Mounted Photovoltaic Installation shall be positioned to minimize glare on any residence or public way, and shall not create a visual obstruction on a public roadway, such as blocking intersections or creating blind curves. The applicant should submit a ratings and technical specifications for the solar panels to ensure minimal reflectivity.

H. Utility Connections. All utility connections from the solar photovoltaic installation must be placed underground, unless it can be demonstrated to the Site Plan Approval Authority that soil conditions, shape, and topography of the site or requirements of the utility provider make it infeasible. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

I. Fencing. There shall be a fence built surrounding the solar array and ancillary equipment. The fence shall be knucked selvage chain link fence unless determined otherwise by the Site Plan Approval authority. There shall be a gap along the bottom of the fence that complies with UMass Clean Energy Extension Pollinator-Friendly Certification Program standards, in order to allow for wildlife crossing under fence.

J. Access Roads. Access roads shall be planned and constructed in consultation with the Department of Public Works in order to minimize grading, stormwater/run-off control, removal of stone walls or trees and to minimize impacts to environmental, wetlands, or historic resources.

K. Emergency Access. The CSPI owner or operator shall provide a copy of the project summary, electrical schematic, and an approved site plan, to the local fire department and the Building Inspector. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan, which may include ensuring that

emergency personnel have immediate, 24-hour access to the facility. All means of shutting down the CSPI shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation and shall provide a mailing address and 24-hour telephone number for such person(s). **These components shall be included in the Operation & Maintenance Plan.**

L. Vegetation Clearing. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Commercial Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and guides. Existing root structures and topsoil shall be maintained to the maximum extent possible. Where removal of naturally occurring vegetation such as trees and shrubs is planned, the owner of the CSPI must demonstrate that the removal of this vegetation is necessary and its presence adversely affects the performance and operation of the solar installation.

M. Project Visibility. The CSPI shall be designed to minimize its visibility, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and from abutting dwellings.

N. Vegetation Planting and Maintenance. The project proponent must obtain Pollinator-Friendly Certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Friendly Certification Program at a minimum of the [choose Certified, Silver, or Gold] Certification Level, or other equivalent certification as determined by the Site Plan Approval Authority. This certification must be actively maintained throughout the lifetime of the installation. **A copy of the final Establishment and Maintenance plan approved by the UMass Clean Energy Extension Pollinator-Friendly Certification Program must be included in the final Operations & Maintenance Plan for the installation.**

O. Vegetation Management. The open area of the site shall be seeded with a pollinator mix and maintained as bird and insect habitat. Mowing may only be done to retain a natural functioning of the landscape. Plants shall be maintained and replaced as necessary by the owner of the CSPI for the life of the CSPI. **The plan for vegetation control, and if applicable, animal control, shall be included in the Operation & Maintenance Plan.**

P. Animal and Plant Management. Herbicides, rodenticides, or any other pesticides may not be used to control vegetation or animals at a CSPI, except where herbicide use has been approved by the Site Plan Approval Authority for control of invasive species. In a dual-use CSPI, the agricultural operator, but not the CSPI operator, is exempt from this restriction. **The plan for vegetation control, and if applicable, animal control, shall be included in the Operation & Maintenance Plan.**

Q. Stormwater Management. A Stormwater Management Plan must be submitted with the stamp and signature of a Registered Professional Engineer (PE) who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:

1. The site's existing and proposed topography;
2. All areas of the site designated as open space;
3. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
4. A delineation of 100-year flood plains, if applicable;
5. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
6. Existing and proposed vegetation and ground surfaces with runoff coefficients for each;
7. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;
8. A recharge analysis that calculates pre- and post-construction annual groundwater recharge rates on the parcel;
9. A description and drawings of all components of the proposed stormwater management system;
10. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator.

R. Mitigation for Loss of Wildlife Habitat within the Installation. If undeveloped land is proposed to be converted to a CSPI, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the CSPI and a successional forest habitat in the surrounding areas managed to prevent shading until the installation is decommissioned and the site restored to forest.

S. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If undeveloped land is proposed to be converted to a CSPI, the plans shall designate an area of unprotected land (that is, land that could otherwise be developed under current zoning) contiguous parcels or nearby, or location within the municipality agreed upon by the the Site Plan Authority in consultation with the Conservation Commission, under common ownership that comprise the project site, and of a size equal to four times the total area of such forest conversion. Such designated land shall remain in substantially its natural condition without alteration except for routine forestry practices until such time as the CSPI is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

VII. Construction, Maintenance, Monitoring & Modifications

- A. Construction Monitoring. The Site Plan Approval Authority may require a third- party inspector, selected by and acting under the direction of the Building Commissioner, to be employed to monitor compliance with all approvals and conditions during the CSPI's construction at the applicant's expense.
- B. Maintenance. The CSPI owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of

security measures. Site access shall be maintained to a level acceptable to the local emergency services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and all access roads that are not public ways.

- C. Annual Reporting. The owner or operator of a CSPI shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this guide, and approvals granted hereunder, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any permit conditions, continuation of liability insurance, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen or Town/City Council, Planning Board, Fire Chief, Building Commissioner, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.
- D. Modifications. All modifications to a CSPI made after issuance of the required building permit shall require approval by the Site Plan Approval Authority before implementation.
- E. The owner or operator of a CSPI shall submit a copy of the Annual Maintenance Log submitted to UMass Clean Energy Extension as proof of continued participation in the Pollinator Friendly Certification Program. The log shall be submitted to the [list appropriate authorities] no later than 45 days after the end of the calendar year.
- F. Transfer of Ownership. In the event that the solar facility is sold, all municipal permits, conditions, and associated documentation shall be provided in both digital and hard copy format to the new owner, including [add specific documents as needed]. The [Site Review Approval Authority/Special Permit Granting Authority] must be provided with updated contact information for the new owner, including name, address, telephone number, and e-mail address. Authorities Having Jurisdiction, including local emergency personnel, must be provided with updated emergency contact information, including an emergency contact number that is staffed 24 hours a day. The new owner must abide by all conditions as detailed in the final permit. Any proposed changes to the project shall require approval as described in the Modifications section of the municipality's solar zoning bylaw [list section of bylaw].

VIII. Discontinuance and Removal

- A. Removal Requirements. Any CSPI, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the Site Plan Approval Authority, or that has reached the end of its useful life, shall be considered discontinued and shall be removed. Upon written request from the Building Inspector, addressed to the contact address provided and maintained by the owner or operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the CSPI. Failure to provide such evidence within thirty days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the Site Plan Approval Authority and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

- a. Physical removal of all parts of and appurtenances to the CSPI, including structures, equipment, security barriers and transmission lines;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Approval Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - d. Any site that was deforested for the CSPI, per Section 5(B) or (C), shall be restored to encourage native tree growth, including the planting of seedlings, if necessary, to establish growth. The cost of plant replacement shall be incorporated into the financial surety stipulated in Section 13.
- B. Right to Remove. If the owner or operator of the CSPI fails to remove the installation in accordance with the requirements of this section, the town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and physically remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located. The Town/City may use the financial surety as stipulated in §13(D), below for this purpose.

IX. Financial Surety

- A. Financial Surety. Prior to commencing operation, the applicant shall provide a form of financial surety, through a cash deposit, in an amount determined to be adequate by the Site Plan Review Authority to cover cost of CSPI removal and site restoration.
- B. Decomissioning Cost Estimation. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator for calculating increased removal costs due to inflation. Salvage for solar panels may be included for other components of the installation at the discretion of the Site Plan Review Authority.
- C. The financial surety shall be maintained by the developer for the lifespan of the facility, with annual certification notices from the surety company or bank for surety bonds submitted to the Site Plan Review Authority. Such surety is not required for municipal facilities.
- D. A cash deposit [of a minimum amount of \$100,000 per MW (DC) of installed system capacity] shall be held by the Town Treasurer pursuant to M.G.L. Chapter 44, Section 53 1/2.

From: [Joe](#)
To: [Planning](#)
Subject: RE: Clarification on SRB dimension regulations
Date: Sunday, June 18, 2023 9:48:11 PM

To: Planning Board

I am writing to follow up from the email exchanges from December-January. Now that Town Meeting is behind us, I want to engage on this topic once again.

Although I do not have specific data, it appears to me that the “teardown” phenomenon is as bad as it has ever been. A cursory look at the popular real estate website Zillow shows at least a dozen houses with SRB zoning on the market at an asking price of \$2.5 million or higher – at a time when new mortgages are being originated at rates of 6.5% - 7.0%. Along my own running route, I have seen several new houses begin the process of conversion from market affordable to inaccessible upper-class housing in recent weeks.

Generally, the listings for these houses explicitly state that they are 5,500 – 6,500 square feet across 3 or 4 floors, often on parcels of less than 11,000 square feet. This is occurring despite previous by-law changes designed to curtail both the massing of structures and help with housing affordability in Needham by including new restrictions on FAR in lots with SRB zoning. Developers, real estate agents, and owners are telling you that they are building structures with square footage which implies FAR above what should be permitted with current by-laws. This is made possible only by what I view as deficiencies in the current zoning by-laws.

The zoning by-laws should be modified to ensure that FAR calculations for houses built in SRB and other residential zones are made using the language from the definitions set forth at the start of the by-laws – “any area used for human occupancy.” This would then mean that new construction on SRB lots of 10,000 square feet should have no more than 3,800 square feet of living space (0.38 FAR).

There are multiple ways for the by-laws to be changed to achieve this effect. In my opinion, the most straightforward way is to reform the definition of FAR for SRB lots currently in the by-laws (Section 4.2). This would entail including floor area designed for human occupancy on the third floor or basement level of a house in FAR calculations.

I do not view this as a new initiative which requires extensive hearings, meetings, or discussions. There should be urgent action to rectify the previous loophole which was included in the by-law reform from 2017. Please keep in mind that prior to that reform, this had already been an issue for years and there is strong sentiment from members of town government, voters, and non-voters that this situation needs to be changed. While ultimately further dimensional regulation changes could and should be considered, this is a simple first step that can help stem the loss of market affordable housing in Needham.

I am writing this email to spur the Planning Board to action on this issue. I am not available to discuss this in-person until September, but I am available to discuss this virtually before the Planning Board at the next available opportunity.

SRB zoning is Needham. It is where most of the people live, where most of the historic houses are, where the schools and administrative buildings are located, and is considered the core of the town. I am asking the Planning Board to clarify what their actual plan is for SRB – because the following is what the Planning Board is showing it thinks is appropriate for SRB.

*“This **5,400 SF** home has **7 beds/7baths across 4 floors** and sits on a **10,000 SF lot** in the Broadmeadow district just **0.3 miles to Hersey T.** Character abounds in this house with rift and quarter sawn white oak hardwood floors, custom inset cabinets, a vaulted living room, and sloping*

*bedroom ceilings. The 1st floor contains a large chef's kitchen that flows to the breakfast area and family room. The family room has floor to ceiling doors that open to the backyard patio. A 1st floor study/bedroom with a bath, mudroom, & LR/DR finishes the 1st floor. The owner's suite has it all with 2 large walk-in closets, and an oversized 8' shower and soaking tub in the bath. 3 addl beds, all with ensuite baths, and laundry finish the 2nd floor. The quiet **3rd floor** has a playroom and bath. Space abounds in the basement with the **7th bed/bath.**"*

Regards,

Joe Matthews

Precinct I

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City of Newton **Legal Notice**

Monday, June 26, 2023

A Public Hearing will be held on Monday, June 26, 2023, at 7:00PM in City Council Chambers (Room 207), Newton City Hall, 1000 Commonwealth Avenue, Newton, MA, before the PLANNING AND DEVELOPMENT BOARD AND THE ZONING & PLANNING COMMITTEE of the Newton City Council for the purpose of hearing the following petition at which time all parties interested in this item shall be heard. Notice will be published Monday, June 12, 2023, and Monday, June 19, 2023 in The Boston Herald, with a copy posted online and in a conspicuous place at Newton City Hall.

Please Note: This is a hybrid meeting that the public may access in-person or virtually via Zoom with the following link:<https://newtonma-gov.zoom.us/j/84222707047>, or call 1-646-558-8656 and use the Meeting ID: 842 2270 7047. The final agenda will be posted online on Friday, June 23, 2023 at: <https://www.newtonma.gov/government/city-clerk/city-council/friday-packet>. Please call the Clerk's Office at 617-796-1210 for more information.

Copies of the proposed changes, maps, and accompanying materials are available at the City Clerk's office or can be found online at <https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/zoning-planning-committee>

#38-22 Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts
ZONING & PLANNING COMMITTEE requesting review, discussion and amendments relative to Chapter 30 zoning ordinances by adding a new Village Center Overlay District, consisting of four (4) district tiers, by establishing requirements for such District, and requesting amendments to the Zoning Map to include the Village Center Overlay District.
