

**NEEDHAM PLANNING BOARD**

**Tuesday, February 6, 2024**

**7:00 p.m.**

**Charles River Room**

**Public Services Administration Building, 500 Dedham Avenue**

**AND**

**Virtual Meeting using Zoom**

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

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](http://www.zoom.us). At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](http://www.zoom.us) click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

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. De Minimus Change: Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner. (Property located at 442 and 444 Hillside Avenue, Needham, MA).
2. HONE Committee Project Update.
3. Review of Solar Energy Systems Zoning Article for May 2024 Town Meeting.
4. Review of Planning Board Annual Report.
5. Minutes.
6. Report from Planning Director and Board members.
7. Correspondence.

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

**George Giunta, Jr.**  
ATTORNEY AT LAW\*  
281 Chestnut Street  
Needham, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

January 24, 2024

Lee Newman  
Planning Director  
Town of Needham  
1471 Highland Avenue  
Needham, MA 02492

Re: Center Automotive, Inc.  
444 Hillside Avenue, Needham, MA  
Major Project Site Plan Decision  
Application #97-12  
De Minimis Modification Request

Dear Lee,

As you know, this office represents Center Automotive, Inc. (hereinafter, "Center Auto" and the "Applicant"), tenant at the property known and numbered 444 Hillside Avenue (hereinafter the "Premises"). This office also represents the Four Forty-Four Group, Inc. (hereinafter "444" and the "Owner"), owner of said Premises. In connection therewith, submitted herewith on behalf of both Center Auto and 444, please find the following:

1. Executed De Minimis Change application;
2. Copy of "Plan of Land in Needham, Mass.", dated May 27, 1997, recorded with Norfolk County Registry of Deeds as Plan No. 352 of 1997 in Plan Book 448 (the "1997 Plan");
3. Copy of "Plan of Land in Needham, Mass., 422 & 444 Hillside Avenue, Needham, Massachusetts 02494", dated June 15, 2022, recorded with Norfolk County Registry of Deeds in Plan Book 713, Page 88 (the "2022 ANR Plan"); and
4. Check in the amount of \$250 for the applicable fee.

A portion of the Premises is the subject of Major Project Site Plan Decision, Application #97-12, filed with the Town Clerk on December 4, 1997 (the "Decision"), which permitted the demolition of a prior existing building and the construction of a new building to be used as a commercial garage for the storage and repair of vehicles, with accessory sales of vehicle related products. The Decision was later amended by Amendment dated October 11, 2000, filed with the Town Clerk on October 20, 2000 (the "Amendment"), which permitted the sale, storage, and display of used vehicles.

At the time of the Decision and the Amendment, the subject locus consisted of a parcel of land at the corner of Hillside Avenue and Easy Street (a private Right of Way) consisting of approximately 25,283 square feet of land, with 166.25 feet of frontage on Hillside Avenue and 200.68 feet of frontage on Easy Street the “Original Locus”). At the time of the Decision, that parcel was shown as Lot 6J on the 1997 Plan and was bounded to the North by Lot 6H and to the East by Lot 6G, on said plan.

In 1999, a commercial building was constructed on said Lots 6H and 6G. That building was used and occupied for many years by Gentle Giant Moving and Storage for warehouse and distribution purposes. It was also used for several years by a gymnastics school before Gentle Giant returned to the building.

In 2007, a portion of said 6G, situated behind the building at 444 Hillside Avenue, was put into service as accessory parking for the benefit of the automotive repair business on the Original Locus.<sup>1</sup> Such use has continued to the present day, including when both Gentle Giant and the gymnastics school used the building at 422 Hillside Avenue.

Somewhat recently, in 2022, Lots 6G, 6H and 6J were reconfigured into two new lots, Lots 6L and 6M, pursuant to the 2022 ANR Plan. Lot 6L was conveyed and has continued to be used by Gentle Giant while the accessory parking behind the building at 444 Hillside Avenue has become a part of the Original Locus.

The Decision included the following condition (emphasis added):

3.1 That the building, parking areas, driveways, walkways, landscape areas, and other site features shall be constructed in accordance with the Plan, as modified by this Decision. *Any changes, revisions, or modifications to the Plan, as modified by this Decision, shall require approval by the Board.*

By virtue of the 2022 ANR Plan, the site, and consequently, the Plan, have been modified to incorporate the accessory parking. As a result, further approval is necessary to comply with the requirements of the Decision. Whereas (a) the accessory parking is not required in connection with the automotive repair use, but rather, is a convenience only, (b) no changes to any existing conditions are proposed or contemplated, (c) the existing conditions were shown on the 2022 ANR plan endorsed by the Board; (d) no change to the use or operation of the automotive repair business is proposed or contemplated, and (e) the accessory parking has been in use since 2007, both Center Auto and 444 are of the opinion that a de minimis amendment is appropriate and same is hereby requested.

---

<sup>1</sup> By deed dated June 27, 2007, recorded with Norfolk County Registry of Deeds in Book 24954, Page 600, Lots 6G and 6H were conveyed to the then owner of the Original Locus, so that all three parcels were in common ownership. Less than a year later, by deed dated February 19, 2008 recorded with Norfolk Deeds in Bok 25527, Page 41, all three lots were transferred into a successor entity, owned and controlled by the same parties in interest.

Please schedule this matter for the next available meeting and let me know if you or the Board require anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Giunta", with a stylized flourish at the end.

George Giunta, Jr

**TOWN OF NEEDHAM  
MASSACHUSETTS**



Room 20, Town Hall  
Needham, MA 02492  
781-455-7526

**PLANNING BOARD**

**APPLICATION FOR SITE PLAN REVIEW**

**Project Determination:** De Minimus Change

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** 444 Hillside Avenue, Needham, MA  
**Name of Applicant** Center Automotive, Inc. & Four Forty-Four Group, Inc.  
**Applicant's Address** 444 Hillside Avenue, Needham, MA 02494  
**Phone Number** 781-444-2522

**Applicant is:** Owner X Tenant X  
Agent/Attorney X Purchaser \_\_\_\_\_

**Property Owner's Name:** Four Forty-Four Group, Inc.  
**Property Owner's Address:** 444 Hillside Avenue, Needham, MA 02494  
**Telephone Number:** 781-444-2522

**Characteristics of Property:** Lot Area: 33,274 Sq Ft Present Use: **Commercial**  
Map # 100 Parcel # 61 Storage & Repair of Vehicles  
& Part Parcel #7 Zoning District: **Industrial (Ind)**

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

A portion of the Premises is the subject of Major Project Site Plan Special Permit Decision #97-12, as amended, authorizing the use thereof for the commercial storage and repair of vehicles with accessory display and sale of vehicle related items and used cars. In 2007, the Applicants (through a predecessor entity) acquired and began to use a portion of the adjacent premises at 422 Hillside Avenue for accessory parking in connection with such use. This de minimis application is intended to recognize the inclusion of such accessory parking and bring same within the purview of the Decision, as amended.

**Signature of Applicant (or representative)** George Giunta, Jr., Esq.  
**Address if not applicant** 281 Chestnut Street, Needham, MA 02492  
**Telephone #** 617-840-3570  
**Owner's permission if other than applicant** James P. O'Brien, Pres., Four Forty-Four Group, Inc.

**SUMMARY OF PLANNING BOARD ACTION**

**Received by Planning Board** \_\_\_\_\_ **Date** \_\_\_\_\_  
**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 issues within 35 days of filing date.**

Filed as No. 352 19 97  
Pl. Bk. 442  
Attest: *[Signature]*  
Register

N/F  
L. PETRINI & SONDATE 6-3-97

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

NO DETERMINATION AS TO COMPLIANCE  
WITH ZONING REQUIREMENTS IS MADE  
OR INTENDED.

PLAN OF LAND  
IN

NEEDHAM, MASS.

SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT STREET  
NEEDHAM, MASS.

Owner: J.P. Realty Trust  
442 Hillside Ave.  
Needham, Ma.



M. B. T. A.

N/F  
L. PETRINI & SON

N/F  
BUCKLEY & SCOTT  
CO., INC.  
SUN BL 2661 Pg 42)

N/F  
FRED SHAUGHNESSY  
TRS. of HILLSIDE 400 TRUST

LOT 6H  
3,168 S.F.

LOT 6J  
25,283 S.E.  
52 E 40

**HILLSIDE** ( PUBLIC 50' WIDE ) **AVENUE**

**AVENUE**



**From:** [Tara Gurge](#)  
**To:** [Alexandra Clee](#)  
**Cc:** [Lee Newman](#)  
**Subject:** RE: request for comments: Center Automotive - Minor Modification Application  
**Date:** Monday, January 29, 2024 3:54:08 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Alex –

The Public Health Division conducted the review for the minor modification application plan for Center Automotive, located at **#444 Hillside Ave.**, and we have no additional comments to share at this time.

Please let me know if you need any additional information from us on that.

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](mailto:tgurge@needhamma.gov)**  
**Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)**



*please consider the environment before printing this email*

**STATEMENT OF CONFIDENTIALITY**

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**From:** Alexandra Clee <aclee@needhamma.gov>  
**Sent:** Thursday, January 25, 2024 2:14 PM  
**To:** Joseph Prondak <jprondak@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 comments: Center Automotive - Minor Modification Application

Dear all,

We have received the attached application materials for a proposed Minor Modification to Center Automotive at 444 Hillside Ave .

Here is a little detail about the proposal (more information can be found attached):

A portion of the Premises is the subject of Major Project Site Plan Decision, Application #97-12, which permitted the demolition of a prior existing building and the construction of a new building to be used as a commercial garage for the storage and repair of vehicles, with accessory sales of vehicle related products. The Decision was later amended by Amendment dated October 11, 2000, which permitted the sale, storage, and display of used vehicles.

In 2022, the Planning Board signed an ANR Plan, which reconfigured the lots and incorporated the accessory parking. As a result, further planning Board approval is necessary to comply with the requirements of the Decision, as the original Decision was issued for a certain Plan, which has now changed.

The Planning Board has scheduled this matter for February 6, 2024. Please send your comments by Wednesday January 31, 2024 at the latest.

Please find attached:

1. Letter from George Giunta Jr., Attorney, dated January 24, 2024.
2. Application for a Minor Modification.
3. Plan of Land, prepared by Needham Survey Associates, dated May 27, 1997. (*original approved plan*)
4. Plan of Land, prepared by Hancock Associates, dated June 15, 2022. (*ANR Plan reconfiguring the lots*)

Thanks, alex.

Alexandra Clee  
Assistant Town Planner  
Needham, MA  
781-455-7550 ext. 271  
[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

**From:** [John Schlittler](#)  
**To:** [Lee Newman](#)  
**Subject:** RE: request for comments: Center Automotive - Minor Modification Application  
**Date:** Thursday, February 1, 2024 11:16:00 AM

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No issue

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**From:** Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>  
**Sent:** Thursday, February 1, 2024 9:03 AM  
**To:** John Schlittler <[JSchlittler@needhamma.gov](mailto:JSchlittler@needhamma.gov)>  
**Subject:** FW: request for comments: Center Automotive - Minor Modification Application

Following up on this email. Can you get me your comments on this application this morning.

Thanks,

Lee

---

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**Cc:** Elisa Litchman <[elitchman@needhamma.gov](mailto:elitchman@needhamma.gov)>; Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>; Donald Anastasi <[DAnastasi@needhamma.gov](mailto:DAnastasi@needhamma.gov)>; Jay Steeves <[steevesj@needhamma.gov](mailto:steevesj@needhamma.gov)>; Ronnie Gavel <[rgavel@needhamma.gov](mailto:rgavel@needhamma.gov)>  
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Thanks, alex.

Alexandra Clee  
Assistant Town Planner  
Needham, MA  
781-455-7550 ext. 271  
[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

**From:** [Tom Conroy](#)  
**To:** [Lee Newman](#)  
**Subject:** RE: request for comments: Center Automotive - Minor Modification Application  
**Date:** Thursday, February 1, 2024 1:57:51 PM  
**Attachments:** [image001.png](#)

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Hi Lee,  
No issues with Fire.  
Thank you.



*Thomas M. Conroy*

Fire Chief - Needham Fire Department

[tconroy@needhamma.gov](mailto:tconroy@needhamma.gov)

Ph (781) 455-7580

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**Cc:** Elisa Litchman <[elitchman@needhamma.gov](mailto:elitchman@needhamma.gov)>; Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>; Donald Anastasi <[DAnastasi@needhamma.gov](mailto:DAnastasi@needhamma.gov)>; Jay Steeves <[steevesj@needhamma.gov](mailto:steevesj@needhamma.gov)>; Ronnie Gavel <[rgavel@needhamma.gov](mailto:rgavel@needhamma.gov)>  
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# Housing Needham (HONE) Update

## Planning Board Meeting

February 6, 2024



**HOUSING NEEDHAM (HONE)**

**TOWN VISIONING FOR MULTI-FAMILY HOUSING**

MBTA Communities Act Overview  
HONE's Charge & Community Engagement  
What's Next?  
Questions & Feedback

# MBTA Communities Act Overview



# What is the MBTA Communities Act?

The law (MGL C.40A Section 3A) established a requirement that each of the 177 designated MBTA Communities must have zoning that:

- Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
- Cannot have age-restrictions and shall be suitable for families with children.
- Must have a minimum gross density of 15 dwelling units per acre.
- A portion of the district must be located within 0.5 miles from a commuter rail station.
- Commuter rail communities, including Needham, have a deadline to comply of **December 31, 2024**.

## Needham's MBTA Communities Requirements:

| Compliance Metric                        | Requirement |
|------------------------------------------|-------------|
| Gross Acres                              | 50 acres    |
| Unit Capacity                            | 1,784 units |
| Dwelling Units per Acre                  | 15 DU/AC    |
| Percentage to be Located in Station Area | 90%         |

# HONE's Charge & Community Engagement

# Housing Needham (HONE) Advisory Group

**Purpose:** The Housing Needham Advisory Group will lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act. The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

| Members Appointed by the Select Board                | Members Appointed by the Planning Board                                                  |
|------------------------------------------------------|------------------------------------------------------------------------------------------|
| Heidi Frail, Select Board Member (HONE Co-Chair)     | Natasha Espada, Planning Board Vice Chair (HONE Co-Chair)                                |
| Kevin Keane, Select Board Vice Chair                 | Jeanne McKnight, Planning Board Member                                                   |
| Liz Kaponya, Renter                                  | Ronald Ruth; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer    |
| Michael Diener, Community Member At-Large            | William Lovett; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer |
| Josh Levy, member appointed by the Finance Committee |                                                                                          |



# HONE's Charge

- Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
- Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
- Evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
- Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
- Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
- Recommend draft zoning to the Select Board and Planning Board to submit to DHCD and Town Meeting.

# Timeline to Date

Housing Plan Working Group Community  
Engagement and Adopted Housing Plan

October 2021 – January 2023

Planning & Select Boards weigh in on State  
guidelines; create and appoint HONE; Town  
secures state grant, procures consultants.

March 2022 – August 2023

Housing  
Needham  
(HONE)  
Launches

Sept. 7,  
2023

Community  
Meeting  
#1

Nov. 9,  
2023

Community  
Meeting  
#2

Jan. 18,  
2024

**Updates to  
Planning &  
Select  
Boards**

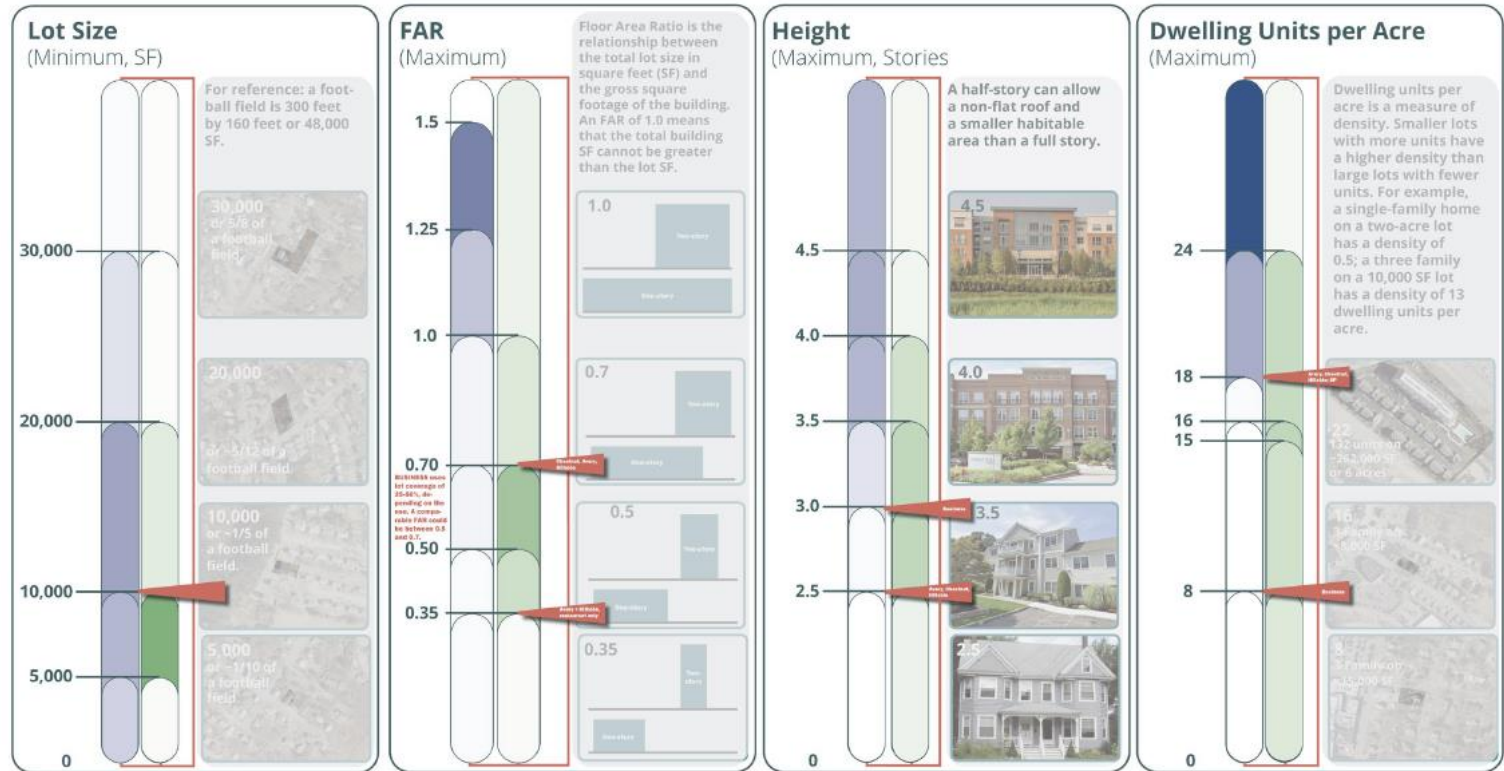
February  
2024

# Community Engagement: Workshop #1

- 2 postcards mailed to every Needham resident
- Approximately 300 participants (in person and online)
- Presented MBTA Communities Overview
- Participants engaged at stations to give feedback on key zoning levers by district



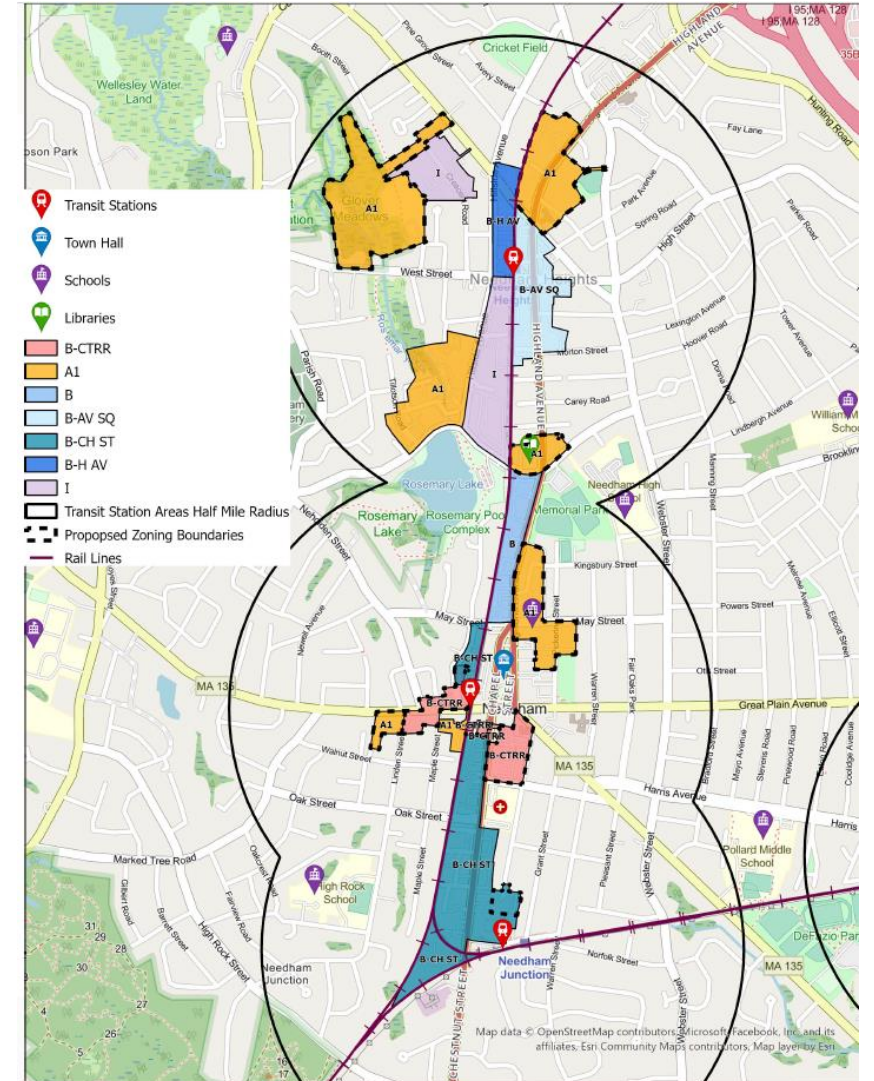
## Business, Avery Square, Chestnut Street, Hillside Avenue





# Community Engagement: Workshop #2

- Over 300 participants (in person and online)
- Presented Scenarios A, B, and C with varying land area and unit capacity
- Issued survey to get feedback on scenario preferences, boundaries, unit capacity
- Additional questions about:
  - allowing 3 or 4 units per parcel in General Residence district
  - requiring commercial on the 1<sup>st</sup> floor in commercial districts
- Open public comment session
- 595 survey responses



# What's Next?



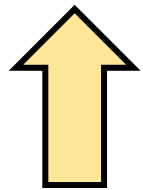
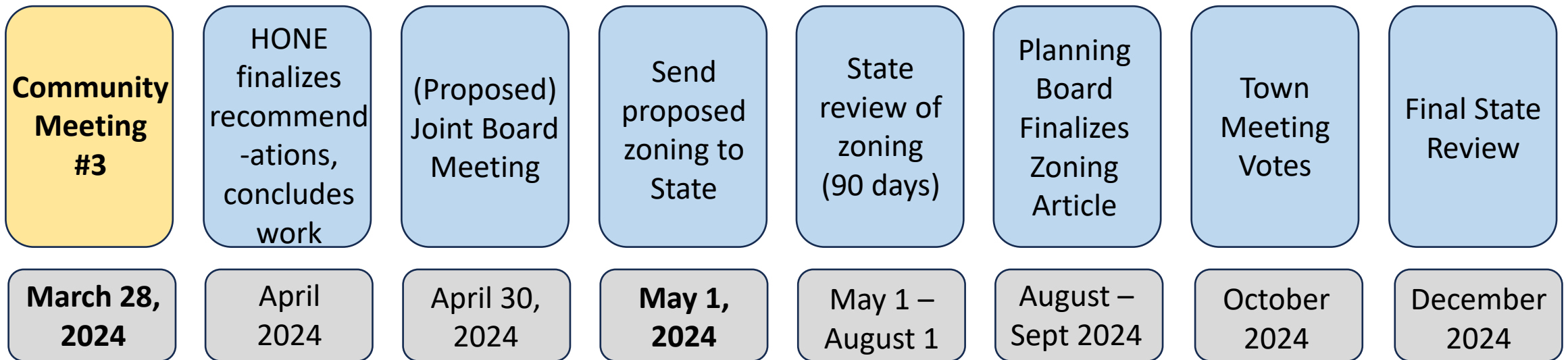
# Community Workshop #3

**\*\*New Date: March 28 at 7 PM\*\***

Town Hall, Powers Hall and Zoom

- Anticipate presenting two proposals, both recommended for EOHLC and Town Meeting:
  - One with limited zoning changes to bring Town into compliance with MBTA Comts.
  - Second with additional zoning changes to authorize multi-family housing to a greater degree than is necessary to simply achieve compliance with MBTA Communities
- Deliverables for workshop:
  - Maps and zoning parameters for each proposal
  - Likely build out estimates
  - Fiscal impacts (including school enrollment, tax revenue, infrastructure, operating and capital expenses for Town Departments)
  - Economic Feasibility Analysis for inclusionary zoning % (affordable unit policy)
  - Visualizations/3-D vignettes for select sites to illustrate potential build out

# Timeline Ahead



**New Date!**

# Questions & Feedback

## Appendix: Scenarios from Workshop #2

# Scenario Overview

## Scenario A: Base Compliance

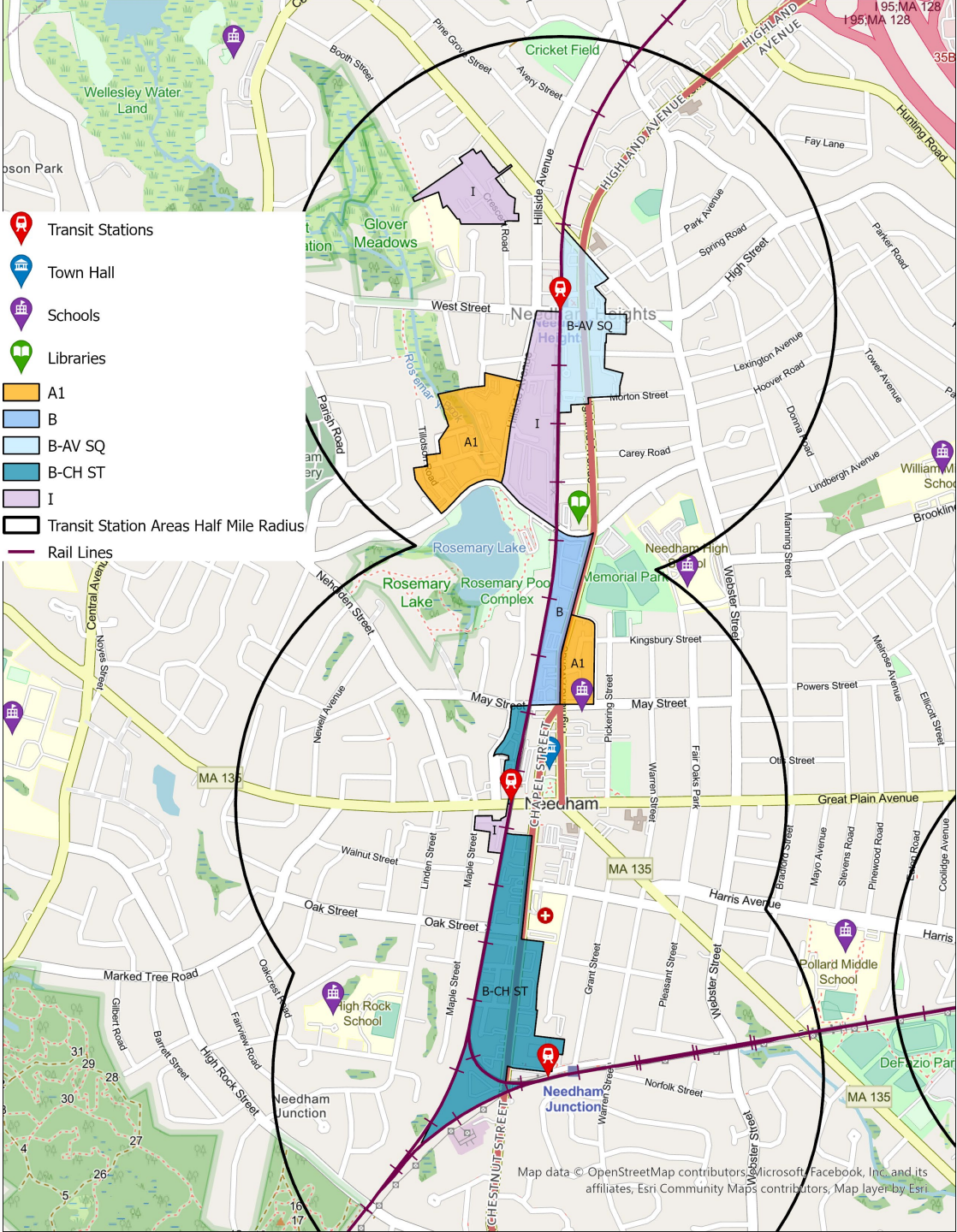
- 1. Begin with existing zoning districts.
- 2. Apply Housing Plan height, dimensional, density changes.
- 3. Keep 1.5 parking space per unit requirement.
- 4. Subtracting zoning districts to lower unit count while being mindful of impact on density (15 DU/AC).
- 5. Introduced 18 DU/AC cap in Avery Square and Chestnut Street to get unit count down further without impacting overall density of the MBTA District.

| Zoning Metrics                  | District Name |          |                       |                          |            |
|---------------------------------|---------------|----------|-----------------------|--------------------------|------------|
|                                 | Apartment 1   | Business | Avery Square Business | Chestnut Street Business | Industrial |
| Max Units per Lot               |               |          |                       |                          |            |
| Minimum Lot Size                | 20,000        | 10,000   | 10,000                | 10,000                   | 10,000     |
| Height (Stories)                | 3.0           | 3.0      | 2.5                   | 3.0                      | 3.0        |
| FAR                             | 0.50          |          | 0.70                  | 0.50                     | 0.50       |
| Max Blg Coverage                |               |          |                       |                          |            |
| Max Lot Coverage                |               | 25%      |                       |                          |            |
| Minimum Open Space (%)          |               |          |                       |                          |            |
| Open Space per Dwelling Unit    |               |          |                       |                          |            |
| FY Setback                      | 25            | 10       | 10                    | 25                       | 25         |
| Rear Setback                    | 20            |          |                       | 20                       | 20         |
| Side Setback                    | 20            |          |                       | 20                       | 20         |
| Parking per Unit                | 1.5           | 1.5      | 1.5                   | 1.5                      | 1.5        |
| Lot Area per Dwelling Unit      |               |          |                       |                          |            |
| Maximum Dwelling Units per Acre | 18            |          | 18                    | 18                       |            |

# MBTA Scenarios & Maps

## Scenario A: Base Compliance Scenario

- Utilizes existing zoning district boundaries.
- Utilizes Needham Housing Plan zoning suggestions for height, dimensions, and density.
- Height Range: 2.5 – 3 stories.
- Floor Area Ratio (FAR) Range: 0.50 – 0.70.
- Keeps Center Business as a mixed-use district with no stand-alone multifamily allowed.



| Model Output                    | Scenario A  |
|---------------------------------|-------------|
| Gross Acres                     | 111.4 acres |
| Potential Maximum Unit Capacity | 1,784       |
| Dwelling Units per Acre         | 15.0        |

# Scenario Overview

## Scenario B: Housing Plan

- 1. Models the Housing Plan with all proposed zoning district changes and height, dimensional and density changes.
- 2. Models a 1.0 parking space per unit requirement.
- 3. Includes new CTRR district and new A1 adjacent to CTRR.
- 4. Does not include GR district.

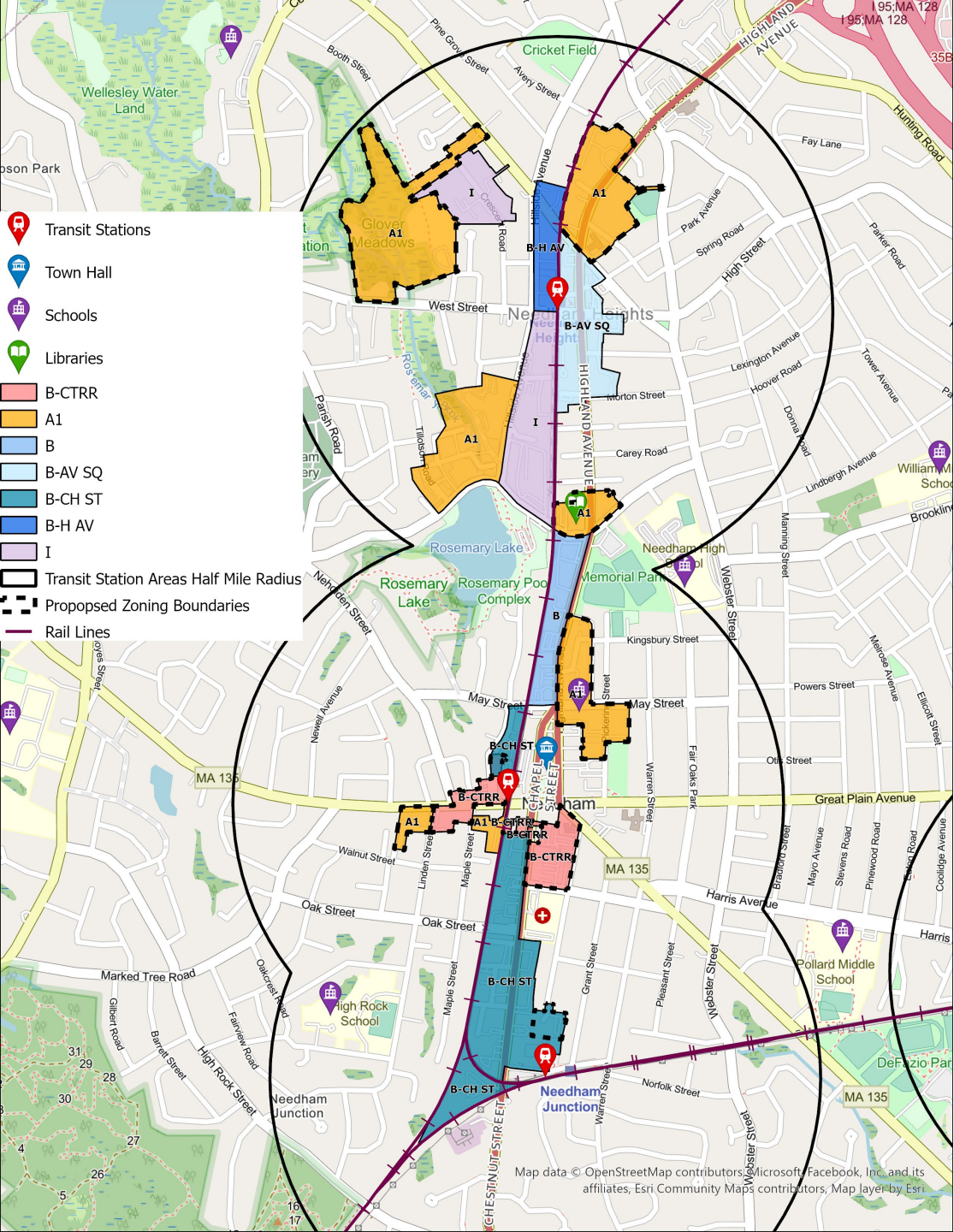
| Zoning Metrics                  | District Name |          |                       |                          |                       |                             |            |
|---------------------------------|---------------|----------|-----------------------|--------------------------|-----------------------|-----------------------------|------------|
|                                 | Apartment 1   | Business | Avery Square Business | Chestnut Street Business | Hillside Ave Business | Center Business Residential | Industrial |
| Max Units per Lot               |               |          |                       |                          |                       |                             |            |
| Minimum Lot Size                | 20,000        | 10,000   | 10,000                | 10,000                   | 10,000                | 10,000                      | 10,000     |
| Height (Stories)                | 3.0           | 3.0      | 2.5                   | 3.0                      | 3.0                   | 2.5                         | 3.0        |
| FAR                             | 0.50          |          | 0.70                  | 0.50                     | 0.50                  | 1.00                        | 0.50       |
| Max Blg Coverage                |               |          |                       |                          |                       |                             |            |
| Max Lot Coverage                |               | 25%      |                       |                          |                       |                             |            |
| Minimum Open Space (%)          |               |          |                       |                          |                       |                             |            |
| Open Space per Dwelling Unit    |               |          |                       |                          |                       |                             |            |
| FY Setback                      | 25            | 10       | 10                    | 25                       | 25                    |                             | 25         |
| Rear Setback                    | 20            |          |                       | 20                       | 20                    |                             | 20         |
| Side Setback                    | 20            |          |                       | 20                       | 20                    |                             | 20         |
| Parking per Unit                | 1.00          | 1.00     | 1.00                  | 1.00                     | 1.00                  | 1.00                        | 1.00       |
| Lot Area per Dwelling Unit      |               |          |                       |                          |                       |                             |            |
| Maximum Dwelling Units per Acre | 18            |          |                       |                          |                       | 18                          |            |



## Scenario B: Housing Plan Scenario

- Utilizes Needham’s 2022 Housing Plan as the base for zoning boundaries and zoning suggestions for height, dimensions, and density.
- Height Range: 2.5 – 3 stories.
- Floor Area Ratio (FAR) Range: 0.50 – 1.00.
- Keeps some of the Center Business as a mixed-use district but rezones some edges for stand alone multifamily.

| Model Output                    | Scenario B  |
|---------------------------------|-------------|
| Gross Acres                     | 186.7 acres |
| Potential Maximum Unit Capacity | 2,630       |
| Dwelling Units per Acre         | 15.8        |





# Scenario Overview

## Scenario C: Increased Density + General Residence (GR)

| Zoning Metrics                  | District Name |          |                       |                          |        |                       |              |            |
|---------------------------------|---------------|----------|-----------------------|--------------------------|--------|-----------------------|--------------|------------|
|                                 | Apartment 1   | Business | Avery Square Business | Chestnut Street Business | CTR-R  | Hillside Ave Business | General Resi | Industrial |
| Max Units per Lot               | N/A           | N/A      | N/A                   | N/A                      | N/A    | N/A                   | N/A          | N/A        |
| Minimum Lot Size                | 20,000        | 10,000   | 10,000                | 10,000                   | 10,000 | 10,000                | 10,000       | 20,000     |
| Height (Stories)                | 4.0           | 5.0      | 5.0                   | 5.0                      | 5.0    | 4.0                   | 2.5          | 4.5        |
| FAR                             | 1.00          | 1.50     | 1.50                  | 1.50                     | 1.25   | 1.50                  | N/A          | N/A        |
| Max Blg Coverage                | N/A           | N/A      | N/A                   | N/A                      | N/A    | N/A                   | 0%           | N/A        |
| Max Lot Coverage                | N/A           | N/A      | N/A                   | N/A                      | N/A    | N/A                   | 60%          | 70%        |
| Minimum Open Space (%)          | 20%           | 20%      | 20%                   | 20%                      | 20%    | 20%                   | 20%          | 20%        |
| Open Space per Dwelling Unit    | 0             | 0        | 0                     | 0                        | 0      | 0                     | 0            | 0          |
| FY Setback                      | 25            | 10       | 10                    | 25                       | 25     | 25                    | 20           | 25         |
| Rear Setback                    | 20            | 0        | 0                     | 20                       | 20     | 20                    | 20           | 20         |
| Side Setback                    | 20            | 0        | 0                     | 20                       | 20     | 20                    | 14           | 20         |
| Parking per Unit                | 1.0           | 1.0      | 1.0                   | 1.0                      | 1.0    | 1.0                   | 1.0          | 1.0        |
| Lot Area per Dwelling Unit      | 0             | 0        | 0                     | 0                        | 0      | 0                     | 0            | 0          |
| Maximum Dwelling Units per Acre | 24            | 50       | 50                    | 50                       | 50     | 50                    | 0            | 26         |
| Maximum Dwelling Units per Lot  | N/A           | N/A      | N/A                   | N/A                      | N/A    | N/A                   | 4            | N/A        |

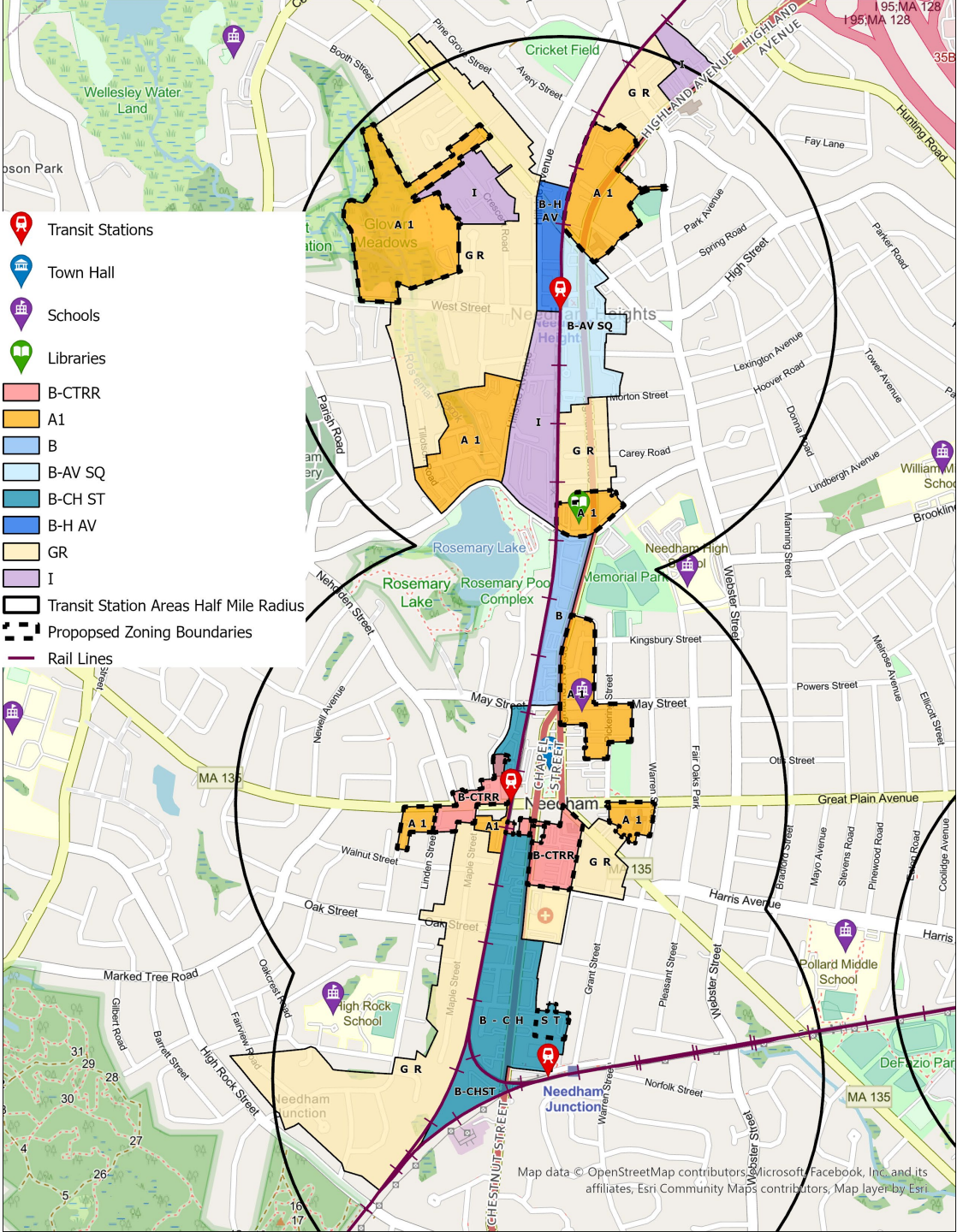
*All zoning parameters are based on public feedback from Meeting 1 except setbacks, parking ratio, and open space %.*

# MBTA Scenarios & Maps

## Scenario C: Increased Density + GR Scenario

- Utilizes Needham’s 2022 Housing Plan as the base for zoning boundaries.
- Models increased height, FAR, lot coverage, and density based on public feedback.
- Height Range (excluding General Residence): 4-5 stories.
- Floor Area Ratio (FAR) Range (excluding General Residence): 1.00 – 1.50.
- Incorporates General Residence (GR) allowing for up to 4 units per parcel at a max height of 2.5 stories.
- Keeps some of the Center Business as a mixed-use district but rezones some edges for stand alone multifamily.

| Model Output                    | Scenario C  |
|---------------------------------|-------------|
| Gross Acres                     | 353.1 acres |
| Potential Maximum Unit Capacity | 4,782       |
| Dwelling Units per Acre         | 15.0        |



### Scope of Work/Timeline

The key tasks and anticipated timeline are provided below.

| Task                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Schedule                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <b>HONE Community Meeting No. 2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Thursday January 18, 2024</b> |
| HONE Advisory Group meeting <ul style="list-style-type: none"><li>discussion of feedback from Jan. 18 meeting and survey results.</li><li>Discuss CEA feedback</li></ul> Decision Points: <ul style="list-style-type: none"><li>Determine alternative to using offset calculation</li><li>Finalize base scenario boundaries</li><li>Finalize base scenario zoning parameters</li><li>Decide on affordable/inclusionary zoning %</li><li>Decide on parking requirements</li></ul> | <b>January 29, 2024</b>          |
| Planning Board (present update on HONE work to date)                                                                                                                                                                                                                                                                                                                                                                                                                             | February 6, 2024                 |
| Design Review Board (request feedback on design guidelines)                                                                                                                                                                                                                                                                                                                                                                                                                      | February 12, 2024                |
| Select Board update (present update on HONE work to date)                                                                                                                                                                                                                                                                                                                                                                                                                        | February 13, 2024                |
| HONE Advisory Group meeting <ul style="list-style-type: none"><li>Presentation to group of final base scenario.</li></ul> Decision Points: <ul style="list-style-type: none"><li>Finalize add-on scenario boundaries</li><li>Finalize add-on scenario zoning parameters</li><li>Decide on affordable/inclusionary zoning %</li><li>Decide on parking requirements</li></ul>                                                                                                      | <b>February 15, 2024</b>         |
| HONE additional meeting <ul style="list-style-type: none"><li>Review deliverables from consultants for base and add-on scenario:<ul style="list-style-type: none"><li>Likely build out</li><li>Fiscal impact</li><li>EFA for affordable/inclusionary zoning %</li><li>Maps and zoning parameters for base and add-on</li><li>Design Guidelines</li></ul></li></ul> Decision Points: Finalize format of workshop.                                                                 | <b>March 7, 2024</b>             |
| <b>ADDED MEETING DATE</b><br><b>HONE Community Meeting No. 3. Base and Add-on Scenarios presented.</b>                                                                                                                                                                                                                                                                                                                                                                           | <b>March 28, 2024</b>            |
| HONE meeting <ul style="list-style-type: none"><li>Debrief from community meeting</li></ul> Decision points: Make final edits on both scenarios.                                                                                                                                                                                                                                                                                                                                 | <b>April 4, 2024</b>             |
| <b>ADDED MEETING DATE</b><br>HONE Advisory Group meeting to review final report and final zoning.<br>Vote to approve and send to Planning Board & Select Board.                                                                                                                                                                                                                                                                                                                  | <b>April 25, 2024</b>            |
| Joint meeting of HONE, Select Board, Planning Board, Finance Committee                                                                                                                                                                                                                                                                                                                                                                                                           | April 30, 2024<br>(proposed)     |
| Send proposals to State (EOHLC)                                                                                                                                                                                                                                                                                                                                                                                                                                                  | May 1                            |

| Task                                                         | Schedule                                       |
|--------------------------------------------------------------|------------------------------------------------|
| EOHLC returns zoning with feedback on compliance status      | August 1, 2024                                 |
| Planning Board finalizes article language                    | August 8, 2024 (Thursday)                      |
| Legal notice to newspaper                                    | August 9, 2024                                 |
| Select Board accept and refers zoning back to Planning Board | August 13, 2024                                |
| Legal notice to Clerk, first run in newspaper                | August 15, 2024                                |
| Second run in newspaper                                      | August 22, 2024                                |
| First Planning Board Hearing                                 | September 3, 2024<br>(Tuesday after Labor Day) |
| Second Planning Board Hearing                                | September 17, 2024                             |
| Planning Board finalizes language                            | Sept 24, 2024                                  |
| Language due to Town Manager for warrant                     | October 2, 2024                                |
| TOWN MEETING                                                 | October 21, 2024 (tbd)                         |

## **ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS**

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

1. In Section 1.3 Definitions, by adding the following terms and definitions in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:
  - a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
  - b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
  - c) Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.
  - d) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
  - e) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,500 square feet of surface area or less.
  - f) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.
  - g) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
  - h) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
  - i) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function

as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

2. Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”
2. Amend Section 6, Special Regulations, by adding a new Subsection 6.13 Accessory Uses – Solar Energy Systems, to read as follows:

“6.13 Accessory Uses – Solar Energy Systems

6.13.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts as-of-right. The installation of Roof-mounted Solar Energy Systems that: (i) comply with the regulations provided in this section; (ii) are located on properties with nonconforming uses or structures; and (iii) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right at the District-level setback as defined in Section 6.13.2.c)4). Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable District-level setback as defined in Section 6.13.2.c)4). Screening or landscaping of such systems from view from abutting lots or from a street, by plantings, walls, fences or other devices shall be provided. for the reduced front yard setback option–Solar Parking Canopies shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems shall be permitted in the rear and side yards as-of-right subject to site plan review by the Special Permit Granting Authority-Planning Board.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning BoardSpecial Permit Granting Authority. The same regulations shall apply in residential districts for exempted–uses allowed by operation of as defined by–M.G.L. c.40A s.3, or other state and federal statutes, and by the Needham Zoning By Laws.
- d) In the New England Business Center (NEBC) District, Mixed Use-128 (MU-128) District and in the portion of the Highland Commercial-128 (HC-128) District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue: Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning BoardSpecial Permit Granting Authority. In the Business (B), Chestnut Street Business (CSB), Center Business (CB), Avery Square Business (ASB), Hillside Avenue Business (HAB), Neighborhood Business (NB), Elder Services (ES), Industrial (I), Industrial-1 (IND-1), Highway Commercial 1 (HC-1), and Institutional (I) districts Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board.



- e) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be permitted as of right as part of any use or site otherwise allowed in any zoning district.

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#### 6.13.2 Dimensional Requirement

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a) Maximum Percentage (%) Lot Coverage

- 1) ~~Active Solar Energy Systems are not buildings as defined in the Needham Zoning By-Law and should not be treated as such. However,~~ for the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined and regulated in the Dimensional Regulations provided in Section 4 of the Needham Zoning By-Laws.
- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Building Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

b) Height

1) Building-mounted Solar Energy Systems:

| System Type                      | Roof Pitch                                                             | Siting        | Maximum Height                                                                                                                                                                                                                                 |
|----------------------------------|------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Roof mounted Solar Energy System | Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle) | All districts | Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface. |

|                                                            |                                                         |                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Roof-mounted Solar Energy System                           | Pitch is less than 3.2:12 (a fifteen (15) degree angle) | All districts                                                                                      | Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge. |
| Building-mounted Canopy Solar Energy System                | Flat Roof with predominately zero pitch                 | NEBC, MU-128 & HC-128<br><del>d</del> Districts<br><br><u>Municipal buildings in all districts</u> | May extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>Building-mounted Canopy Solar Energy System</u>         | <u>Flat Roof with predominately zero pitch</u>          | <u>B, CSB, CB, ASB, HAB, NB, ES, IND, IND-1, HC-1 &amp; I districts</u>                            | <u>May extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Other Building-mounted Solar Energy System (e.g., awnings) | Not Applicable                                          | All districts                                                                                      | No greater than the highest point of the roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

2) Ground-mounted Solar Energy Systems:

| System Type | Siting | Maximum Height |
|-------------|--------|----------------|
|-------------|--------|----------------|



|                                                 |                     |                                          |
|-------------------------------------------------|---------------------|------------------------------------------|
| Small-Scale Ground-mounted Solar Energy System  | SRB & GR districts  | Eight (8) vertical feet from grade.      |
|                                                 | All other districts | Ten (10) vertical feet from grade.       |
| Medium-Scale Ground-mounted Solar Energy System | SRB & GR districts  | Eight (8) vertical feet from grade.      |
|                                                 | All other districts | Ten (10) vertical feet from grade.       |
| Solar Parking Canopy                            | All districts       | Seventeen (17) vertical feet from grade. |

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees may be met elsewhere on the lot. Landscaping for parking lots located under a canopy shall be designed to manage runoff from the panels and to be shade tolerant.
- 4) All other Ground-mounted Solar Energy Systems shall meet the requirements for Setbacks of principal structures as defined in Section 1.3 and Section 4.2 of the Needham Zoning By-Laws, as regulated for each use district in Section 4 ("District-level setback") provided, however, that ,Notwithstanding the above, the Board of Appeals may grant a special permit reducing the minimum side yard setback and rear yard setback required by this paragraph to no less than 5 feet for a Small-Scale Ground-mounted Energy System in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts located in a side or rear yard may instead meet the setback requirements applicable to accessory structures under Section 4.2.9. A Small-Scale Ground mounted Solar Energy System constructed nearer to any lot line than the Setback applicable to a principal structure pursuant to the forgoing provision shall require sScreening or landscaping of such systems from view byfrom abutting lots and/or from a street, by plantings, walls, fences or other devices shall be provided for the reduced setback option with said screening having a minimum height of six feet.
- 5) Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.13.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.
- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

#### 6.13.4 Site Plan Review

a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the ~~Planning Board~~Special Permit Granting Authority prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. ~~The Planning Board will serve as the Special Permit Granting Authority for these systems.~~ In reviewing a Special Permit application under Section 6.13.1 b) the Board of Appeals, shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c). ~~In reviewing a Special Permit application under Section 6.13.1 d) the Planning Board shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c).~~

~~a) —~~

b) Site Plan Review Document Requirements: The project proponent shall provide a Final Site Plan to the ~~Planning Board~~Special Permit Granting Authority in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4.Procedure. In addition, applicants shall submit the following:

- 1) Name, address, and contact information for proposed system installer.
- 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
- 3) The name, contact information and signature of any agents representing the project proponent.
- 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
- 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
- 6) All submitted plans must be stamped by electrical, civil, and structural engineers or architects and landscape architects for their respective scope of work. Systems that are installed on existing structures must have a structural analysis stamped by

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a Professional Engineer that demonstrates the structure can handle the additional deadloads of the system as well as uplift wind loads per the local and state building codes.

7) Ground mounted solar structures must include geotechnical reports and engineering of any foundations associated with the new solar system per local and state building codes.

5)8) Plans must include stormwater analysis with erosion control plans for proposed solar systems as well as stormwater control measures. Site modifications must meet the current storm water by-laws for stormwater infiltration requirements. Impervious areas will include all impervious surfaces associated with the new solar system.

6)9) Documentation of the major system components to be used, including the panels, mounting system, and inverter.

7)10) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

8)11) Locations of active farmland, 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 Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.

c) Site Plan Review Design Standards: The Planning Board~~Special Permit Granting Authority~~ shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:

- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Planning Board~~Special Permit Granting 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.
- 2) Utility Connections: Reasonable efforts, as determined by the Planning Board~~Special Permit Granting Authority~~, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a person responsible ~~person~~ for responding to municipal officials, public inquiries throughout the life of the installation.
- 4) Height and Layout: The Planning Board~~Special Permit Granting Authority~~ shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and

safety of emergency vehicles, private vehicles and pedestrian movement on the site.

- 5) Visual Impact: Reasonable efforts, as determined by the ~~Planning Board~~Special Permit Granting Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
- 7) ~~Stormwater: The Planning Board shall review the existing and post stormwater analysis to meet the current stormwater by-law infiltration requirements.~~
- 8) ~~7) —~~Lighting: The ~~Planning Board~~Special Permit Granting Authority shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”

3. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting from the second sentence of the first paragraph the phrase “solar panels,” so that the sentence shall now read as follows:

“In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building.”

4. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting the fourth sentence of the first paragraph which reads as follows:

“Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.”

5. Amend Section 4.5 Dimensional Regulations for Highland Commercial-128, Subsection (3), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

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6. Amend Section 4.8 Dimensional Regulations for NEBC, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height, provided that the Planning Board may by Special Permit increase the height limit by not more than 5 additional feet.”

7. Amend Section 4.9 Dimensional Regulations for Mixed-Use 128, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

Or take any other action relative thereto.

## **ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS**

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

1. In Section 1.3 Definitions, by adding the following terms and definitions in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:
  - a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
  - b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
  - c) Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.
  - d) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
  - e) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,500 square feet of surface area or less.
  - f) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.
  - g) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
  - h) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
  - i) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function

as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

2. Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”
2. Amend Section 6, Special Regulations, by adding a new Subsection 6.13 Accessory Uses – Solar Energy Systems, to read as follows:

“6.13 Accessory Uses – Solar Energy Systems

6.13.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts as-of-right. The installation of Roof-mounted Solar Energy Systems that: (i) comply with the regulations provided in this section; (ii) are located on properties with nonconforming uses or structures; and (iii) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right at the District-level setback as defined in Section 6.13.2.c)4). Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable District-level setback as defined in Section 6.13.2.c)4). Screening or landscaping of such systems from view from abutting lots or from a street, by plantings, walls, fences or other devices shall be provided. Solar Parking Canopies shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems shall be permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for uses allowed by operation of M.G.L. c.40A s.3, or other state and federal statutes.
- d) In the New England Business Center (NEBC) District, Mixed Use-128 (MU-128) District and in the portion of the Highland Commercial-128 (HC-128) District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue: Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning Board. In the Business (B), Chestnut Street Business (CSB), Center Business (CB), Avery Square Business ASB), Hillside Avenue Business (HAB), Neighborhood Business (NB), Elder Services (ES), Industrial (I), Industrial-1 (IND-1), Highway Commercial 1 (HC-1), and Institutional (I) districts Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board.
- e) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be permitted as of right as part of any use or site otherwise allowed in any zoning district.

## 6.13.2 Dimensional Requirement

### a) Maximum Percentage (%) Lot Coverage

- 1) For the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined and regulated in the Dimensional Regulations provided in Section 4 of the Needham Zoning By-Laws.
- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Building Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

### b) Height

#### 1) Building-mounted Solar Energy Systems:

| System Type                      | Roof Pitch                                                             | Siting        | Maximum Height                                                                                                                                                                                                                                 |
|----------------------------------|------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Roof mounted Solar Energy System | Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle) | All districts | Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface. |



|                                                            |                                                         |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Roof-mounted Solar Energy System                           | Pitch is less than 3.2:12 (a fifteen (15) degree angle) | All districts                                                               | Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge. |
| Building-mounted Canopy Solar Energy System                | Flat Roof with predominately zero pitch                 | NEBC, MU-128 & HC-128 districts<br><br>Municipal buildings in all districts | May extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Building-mounted Canopy Solar Energy System                | Flat Roof with predominately zero pitch                 | B, CSB, CB, ASB, HAB, NB, ES, IND, IND-1, HC-1 & I districts                | May extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Other Building-mounted Solar Energy System (e.g., awnings) | Not Applicable                                          | All districts                                                               | No greater than the highest point of the roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

2) Ground-mounted Solar Energy Systems:

| System Type | Siting | Maximum Height |
|-------------|--------|----------------|
|-------------|--------|----------------|

|                                                          |                       |                                          |
|----------------------------------------------------------|-----------------------|------------------------------------------|
| Small-Scale<br>Ground-mounted<br>Solar Energy<br>System  | SRB & GR<br>districts | Eight (8) vertical feet from grade.      |
|                                                          | All other districts   | Ten (10) vertical feet from grade.       |
| Medium-Scale<br>Ground-mounted<br>Solar Energy<br>System | SRB & GR<br>districts | Eight (8) vertical feet from grade.      |
|                                                          | All other districts   | Ten (10) vertical feet from grade.       |
| Solar Parking<br>Canopy                                  | All districts         | Seventeen (17) vertical feet from grade. |

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees may be met elsewhere on the lot. Landscaping for parking lots located under a canopy shall be designed to manage runoff from the panels and to be shade tolerant.
- 4) All other Ground-mounted Solar Energy Systems shall meet the requirements for Setbacks of principal structures as defined in Section 1.3 and Section 4.2 of the Needham Zoning By-Laws, as regulated for each use district in Section 4 ("District-level setback") provided, however, that a Small-Scale Ground-mounted Energy System in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts located in a side or rear yard may instead meet the setback requirements applicable to accessory structures under Section 4.2.9. A Small-Scale Ground mounted Solar Energy System constructed nearer to any lot line than the Setback applicable to a principal structure pursuant to the forgoing provision shall require screening or landscaping of such systems from view by abutting lots and/or from a street, by plantings, walls, fences or other devices with said screening having a minimum height of six feet.
- 5) Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.13.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example,

solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.

- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

#### 6.13.4 Site Plan Review

- a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the Planning Board prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. In reviewing a Special Permit application under Section 6.13.1 b) the Board of Appeals shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c). In reviewing a Special Permit application under Section 6.13.1 d) the Planning Board shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c).
- b) Site Plan Review Document Requirements: The project proponent shall provide a Final Site Plan to the Planning Board in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4.Procedure. In addition, applicants shall submit the following:
  - 1) Name, address, and contact information for proposed system installer.
  - 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
  - 3) The name, contact information and signature of any agents representing the project proponent.
  - 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
  - 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
  - 6) All submitted plans must be stamped by electrical, civil, and structural engineers or architects and landscape architects for their respective scope of work. Systems that are installed on existing structures must have a structural analysis stamped by a Professional Engineer that demonstrates the structure can handle the additional deadloads of the system as well as uplift wind loads per the local and state building codes.

- 7) Ground mounted solar structures must include geotechnical reports and engineering of any foundations associated with the new solar system per local and state building codes.
  - 8) Plans must include stormwater analysis with erosion control plans for proposed solar systems as well as stormwater control measures. Site modifications must meet the current storm water by-laws for stormwater infiltration requirements. Impervious areas will include all impervious surfaces associated with the new solar system.
  - 9) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
  - 10) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
  - 11) Locations of active farmland, 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 Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
- c) Site Plan Review Design Standards: The Planning Board shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:
- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Planning Board 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.
  - 2) Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
  - 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a person responsible for responding to municipal officials, throughout the life of the installation.
  - 4) Height and Layout: The Planning Board shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.
  - 5) Visual Impact: Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
  - 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and

maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.

- 7) Stormwater: The Planning Board shall review the existing and post stormwater analysis to meet the current stormwater by-law infiltration requirements.
- 8) Lighting: The Planning Board shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”

3. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting from the second sentence of the first paragraph the phrase “solar panels,” so that the sentence shall now read as follows:

“In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building.”

4. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting the fourth sentence of the first paragraph which reads as follows:

“Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.”

5. Amend Section 4.5 Dimensional Regulations for Highland Commercial-128, Subsection (3), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

6. Amend Section 4.8 Dimensional Regulations for NEBC, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back

from the roof edge by a distance no less than their height, provided that the Planning Board may by Special Permit increase the height limit by not more than 5 additional feet.”

7. Amend Section 4.9 Dimensional Regulations for Mixed-Use 128, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

Or take any other action relative thereto.

## **PLANNING BOARD**

*Adam Block, Chairman*

*Natasha Espada, Vice-Chairman*

*Paul S. Alpert*

*Artie Crocker*

*Jeanne S. McKnight*

*Lee Newman, Director of Planning and Community Development*

*Alexandra Clee, Assistant Planner*

*Karen Sunnarborg, Community Housing Specialist*

## **PURPOSE:**

The Planning Board is charged with broad statutory responsibilities to guide the physical growth and development of Needham in a coordinated and comprehensive manner. Specifically, the Planning Board is legally mandated to carry out certain provisions of the Subdivision Control Law (M.G.L., Chapter 41, Section 81-K to 81-GG) and of the Zoning Act (M.G.L., Chapter 40A). These legal responsibilities are reflected locally in the Subdivision Rules and Regulations and Procedural Rules of the Planning Board and in the Town's Zoning By-Law. The specific services that the Planning Board provides are as follows:

### **Review and Approval/Disapproval of:**

- Approval-Not-Required (ANR) Plans
- Preliminary Subdivision Plans
- Definitive Subdivision Plans, including ongoing administration
- Site Plans of certain larger developments (major projects)\*
- Residential Compounds (RC's)\*
- Scenic Road Applications
- Outdoor Restaurant Seating Applications

\* This includes Special Permit Decisions, with legal notices, public hearings, and written decisions; similar statutory procedures are followed for Definitive Subdivision Plans.

### **Review and Advisory Reports on:**

- Site Plans of certain smaller developments (minor projects)
- Applications to the Board of Appeals for variances and special permits
- Petitions for acceptance/discontinuance of public ways

### **Initiation, Development, Public Hearing and Presentation of Proposed Zoning Amendments to Town Meeting**

**Preparation and Maintenance of a Master Plan** and related planning studies to guide future physical growth and development in Needham (including studies referred to the Board by Town Meeting)

**Revisions to "Subdivision Regulations and Procedural Rules of the Planning Board" and printing of the same**

**Reprinting of Town Zoning By-Laws and Zoning Map**

**Provision of Information on Planning, Zoning and Development matters to the public (including residents, developers, and other government agencies)**

**FY 2023 ACCOMPLISHMENTS AND ACTIVITIES**

**Organization/Staffing**

Fiscal Year 2010 saw the creation of a Planning and Community Development Department. Previously, the four-community development and land use functions had been performed in three Departments namely, Planning, Conservation, and the Board of Appeals. Under the 2010 reorganization the Planning and Economic Development functions were retained under a single budget and the Conservation and Zoning Board of Appeals budgets were combined to create a new “Community Development” budget. A Director of Planning and Community Development was appointed with oversight of both the Planning and Economic Development budget and Community Development budget. A new Administrative Assistant position was created to support the Planning, Economic Development, Conservation and Zoning functions of the Department. The goal of the reorganization was to meet the identified needs of the then existing departments, to improve operational efficiency, and to enhance service delivery. In Fiscal Year 2013, the Planning and Economic Development Department added a part-time Community Housing Specialist position. The Community Housing Specialist provides administrative and technical support relating to affordable housing issues, coordinates the efforts of various town boards and committees in the development of affordable housing opportunities, and assists in the implementation of the Town’s Community Housing Plan. In Fiscal Year 2016 a further consolidation occurred with the merging of the Planning, Economic Development, Conservation and Board of Appeals budgets into a single Planning and Community Development budget. In Fiscal Year 2021 the Economic Development Director position was reclassified to Economic Development Manager and the position was moved from the Planning and Community Development Department to the Select Board under the Town Manager. Additionally, a Recording Secretary position was added to the Department to support the regulatory functions of the Design Review Board. Lastly, on September 14, 2021 the Personnel Board approved the retitle and reclassification of the Administrative Specialist for the Zoning Board of Appeals to a Zoning Specialist to adequately meet the professional and administrative demands of the ZBA. We believe that the reorganization has been successful in improving operational efficiency and interdepartmental coordination and thus has enhanced service delivery to Needham’s constituents.

**Covid19 Protocol and Department Transition**

The Planning Board returned to in-person meetings at the August 2022 bi-monthly meeting after meeting remotely on Zoom since March 2020. The in-person meetings were hybrid with livestream broadcast on Zoom and on The Needham Channel.

**Permitting**

In its capacity as a special permit granting authority, the Planning Board in FY2023 processed sixteen (16) applications as “Major Projects” under the Site Plan Review By-Law. In addition, the Board reviewed and approved one (1) subdivision plan, and four (4) plans were endorsed “Approval-Not-Required (ANR)” under the Subdivision Control Law, meaning that the lots created or altered on such plan’s met minimum frontage requirements. The Board of Appeals referred twenty-one (21) applications for variances, special permits, comprehensive permits, and administrative appeals to the Planning Board last year, and as required by the Zoning By-Law, the Board reviewed each application and submitted its recommendations



in writing to the Board of Appeals were warranted.

During the fiscal year the Department continued its practice of tracking the turnaround time required for its Major Project Site Plan Special Permits and subdivision applications as a way of monitoring the effectiveness and timeliness of our permitting process. Within the monitoring period, the Department tracked the time that elapsed between filing an application and scheduling a public hearing; between the close of the public hearing and the issuance of the decision; and between the Board's action and the filing of the written decision with the Town Clerk. The goal was to schedule a public hearing within 5 weeks of receiving an application, to issue a special permit decision or subdivision decision within two weeks of the close of the public hearing, and to file the written decision within 5 business days of permit issuance by the Board. The articulated goals were met in two of the three studied criteria in FY2023. During the affected timeline 16 new Special Permit applications and 1 Subdivision application were processed. Public hearings were held on average within 35 days of application receipt, decisions were issued within 26 days of the close of the public hearing, with written decisions filed with the Town Clerk within 3 days of permit issuance. Although the goal of issuing the Special Permit Decision or Subdivision Decision within two weeks of the close of the public hearing (26-day average actual) was not met this delay was due to one outlier project permit which when excluded from the review indicates decisions were issued within 20 days of the close of the public hearing. The total average time required to process an application was 79 days with a minimum of 30 days and a maximum of 260 days.

### **Needham Crossing Business Center Planning**

The Planning and Community Development Division has focused on the recommendations outlined in the Needham Crossing Business Center Planning study completed in the fall of 2011 and its implementation at the Center 128 project site. Most specifically, the Planning and Community Development Division continues to oversee the permitting and build-out which is occurring within the New England Business Center and the Center 128 project in particular. Plan review and permitting for Center 128 comprising three components were conducted by the Division as follows: Center 128 West, Center 128 East, and the 2<sup>nd</sup> Avenue Residences.

The Center 128 West Development, approved by the Planning Board in April of 2013, consists of: (a) four office/research and development buildings with a total combined square footage of approximately 740,000 square feet; (b) two free standing parking garages (to contain a combined 3,525 parking spaces); (c) 117 surface parking spaces; (d) a hotel comprising approximately 89,740 square feet and containing 128 guest units, together with (e) associated driveways, landscaping and other associated site improvements. A portion of the development has been constructed, which includes the hotel, building 3 (currently occupied by TripAdvisor, Inc.), a portion of Garage B (2,070 spaces) and 153 interim surface parking spaces. Accordingly, three (3) office buildings (Buildings 1, 2 and 4) with an aggregate of approximately 452,000 square feet, Garage A, a portion of Garage B, and the remaining associated landscaping, driveways and other site improvements have yet to be developed.

In October 2020 Boston Children's Hospital filed a special permit application with the Planning Board seeking to amend the approval for Center 128 West. Boston Children's Hospital is seeking to construct Building 1 as an approximately 224,000 square foot Pediatric Medical Facility, to complete the construction of Garage B by adding 530 parking spaces and to construct an interim surface parking lot with 105 spaces at 37 A Street. Building 2 and Building 4 are expected to be constructed later and the approved use is currently expected to remain office as set forth in the existing special permit. The special permit amendment for this project was issued by the Planning Board in January 2021. The building permit for the

project was issued in February 2023. Construction is currently underway with occupancy anticipated for late 2025.

The Center 128 East Development, approved by the Planning Board in November of 2015, includes 420,429 square feet of office space, 19,000 square feet of retail space, a 128-room hotel and surface parking area. Components of the Center 128 East completed project include: the expansion of Parking Garage B at Center 128 West to accommodate the redevelopment planned at Center 128 East, the renovation and occupancy of the building located at 77A Street to accommodate the SharpNinja headquarters and the renovation of the building located at 189 B Street to accommodate the new NBC Universal headquarters. Construction of the hotel and retail space remains to be completed under the project.

In summary, Center 128 at completion (with the Boston Children's Hospital amendment) will include a Pediatric Medical Facility, three new office buildings and two renovated buildings totaling 1,160,400 square feet, two 128-room hotels, and 19,000 square feet of retail space. Parking for 4,100 cars distributed across 3 structured parking garages along with surface parking for 778 cars is also planned. The combination of elements will represent a major step forward in the implementation of the vision developed for the district. Lastly, the construction of the 2<sup>nd</sup> Avenue Residences comprising 390 residential housing units and associated structured parking at 2<sup>nd</sup> Avenue was completed in the spring of 2018 with full rent-up completed in the fall of 2019.

Securing grants for roadway improvements in the Needham Crossing area to complement the anticipated build-out continues to be a Departmental priority. Additionally, the Planning and Community Development Division continues to work with Newton to try to locate funding for an engineering feasibility study of the unused MBTA rail running parallel to Needham Street and Highland Avenue. Both municipalities realize that mass transit is the only way to realize full economic development within the N<sup>2</sup> corridor.

### **Needham Center Planning**

The Planning and Community Development Division further continued with implementation of the Needham Center Planning effort. The Planning Board has initiated a review of the land use plan which was established for Needham Center and the Lower Chestnut Street area through the Overlay District to determine if it is meeting its stated objective of establishing a pedestrian friendly streetscape with multi-use development in the form of a traditional New England Village. Further, the Department and Planning Board are coordinating with the BI Deaconess Needham hospital as it finalizes its master plan for the hospital's Needham campus and considers redevelopment opportunities along the Chestnut Street corridor. Finally, the Department and Planning Board participated in the Needham Center and Needham Heights Parking Study completed by Stantec in March of 2023. The study included a view of the Needham Zoning By-Law parking standards as currently applied to Needham Center and Needham Heights. Recommendations on adjustments to the current Needham Zoning By-Law parking requirements to enable a more progressive parking management program are currently under review.

### **MBTA Multi-Family Zoning Districts Guidelines under Section 3A of the Zoning Act**

In January 2021, Governor Baker signed Chapter 358 of the Acts of 2020 into law, which requires each MBTA community to have "a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right." The statute requires that: (1) the housing cannot have age-restrictions and must be suitable for families with children; (2) the zoning must allow for at least 15 units per acre; (3) the district must be within 0.5 miles from a commuter rail station, subway

station, ferry terminal or bus station; and (4) non-compliant communities will be ineligible to receive state funds from the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.

The Executive Office of Housing and Livable Communities (EOHLC) formerly known as the Department of Housing and Community Development (DHCD), in consultation with the MBTA and MassDOT, is responsible for establishing guidelines for implementation and determining if communities are compliant. This legislation is part of a broader effort to encourage transit-oriented development and to address the state's housing shortage, in terms of both the number of units and types of housing stock available.

In August 2023 EOHLC released a set of guidelines for how communities can comply with this new multi-family zoning requirement. The EOHLC guidelines classify Needham as a commuter rail community which requires that the Town implement zoning to permit a housing unit capacity equivalent to 15% of the Town's total number of existing housing units. As the Town's 2020 Census count was 11,891 housing units, Needham's minimum unit capacity of 15% is 1,784 units.

The guidelines further detail a timeline for compliance. By January 31, 2023, Needham must submit a proposed action plan, including a timeline for any planning studies, community outreach activities, or other actions to create a compliant zoning district. By December 31, 2024, compliant zoning must be adopted by the Town or continued funding under the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program will no longer be available to the community. On January 23, 2023, Needham submitted its Action Plan to the Executive Office of Housing and Livable Communities. On March 24, 2023, EOHLC approved Needham's Action Plan and granted the Town Interim Compliance until the due date for District Compliance of December 31, 2024.

### **Affordable Housing Trust, Small Grant Repair Program and Emergency Rental Assistance Program**

The Housing Division supports the Town's efforts to promote and maintain affordable housing opportunities in partnership with the Needham Housing Authority (NHA), non-profit and for-profit developers and service providers, other Town departments, as well as other public entities. The Housing Division also provides professional support to collect and analyze housing-related data, coordinates potential affordable housing initiatives, monitors affordability for several housing developments, ensures compliance with funding sources, and addresses inquiries related to housing issues. Another important activity involves the staffing of the Needham Affordable Housing Trust which was established in 2018 to serve as the Town's entity for overseeing housing issues and managing a dedicated fund in support of affordable housing initiatives. The Fund has been receiving funds related to the monitoring of affordable housing units, including resale fees as affordable homeownership unit's turnover.

The 2019 Annual Town Meeting approved \$50,000 in funding from the Town's General Fund to introduce a new Small Repair Grant Program. The 2021, 2022 and 2023 Annual Town Meetings each appropriated an additional \$50,000 in funding to continue program benefits for eligible Needham residents. The Small Repair Grant Program provides financial assistance to low-and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is currently available per participant, and applications are evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older or have a disability with incomes at or below 80% of area median income. Grants are awarded during two funding rounds per year. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather

stripping, bathroom grab board, raised toilets, hand-held shower heads, among others.

All program funds appropriated to date have been committed with a total of 60 residents served over the life of the program. The Department of Planning and Community Development has submitted a request for \$50,000 in funding for the Small Repair Grant Program from the Town's General Fund for the 2025 fiscal year.

### **Other Planning Studies**

Planning studies currently underway are as follows:

#### **MBTA Communities Planning Study under M.G.L. c. 40A Section 3A**

In January 2021, Governor Baker signed Chapter 358 of the Acts of 2020 into law. The new M.G.L. c. 40A Section 3A, requires that an MBTA community have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute. Needham is subject to the new zoning requirements as a "commuter rail community." The Town must adopt the new multi-family zoning by December 2024 to achieve compliance with Section 3A requirements. The Executive Office of Housing and Livable Communities approved Needham's Action Plan, and the Town, through the process of preparing a Housing Plan last year, has identified potential opportunities for creating the required new zoning. The Town has secured consultant services as a means for testing these approaches through EOHLC's compliance model, which is the primary tool for measuring a zoning district for such compliance. Additionally, the Town is reviewing alternative options for consideration based on the compliance model analysis.

Key components of the planning effort include the preparation of build out and fiscal impact analyses for the different development scenarios that are reviewed through the EOHLC compliance model, development of conceptual visualizations for those scenarios, identification of regulatory approaches for implementation either through modification of existing zoning parameters or implementation of a concept for a new district, and the drafting of proposed zoning by-law amendments, including proposed amendments to the zoning map, that allow multi-family housing by right in compliance with M.G.L. c. 40A, Section 3A. Additionally design recommendations pertaining to building placement and orientation, building mass and form, facades and parking placement for the selected zoning approach will be prepared. Lastly, a feasibility study that documents that a reasonable variety of multi-family housing types can be feasibly developed using at least two alternative affordability percentage thresholds, to be determined by the Housing Needham (HONE) Advisory Group, which are a higher percentage than the 10% maximum included under the Section 3A Guidelines will be prepared. The Town must submit this report to EOHLC for approval.

The preparation of a plan compliant with the MBTA Communities Act guidelines is using a similar planning process to that established for other planning efforts in Needham. First, to support the new zoning, the Town established a Housing Needham (HONE) Advisory Group that will lead the community engagement process and advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public. The composition of the Housing Needham (HONE) Advisory Group includes 2 representatives of the Planning Board, 2 from the Select Board, 1 from the Finance Committee, a Land Use Attorney, a Real Estate Developer, a Renter, and a Citizen at Large.

Second, the planning process established incorporates an inclusive public process to engage local leaders

and residents in the process of establishing local housing priorities. Three Town-wide meetings are proposed during this planning process. A Town-wide workshop will be held at the beginning of the process to review the MBTA focused housing strategies recommended in the Needham Housing Plan and to test those recommended strategies for compliance against the EOHLC unit capacity testing model established under M.G.L. c. 40A Section 3A. Two to three other additional compliant options which meet community goals will also be tested for compliance with the EOHLC unit capacity testing model and will be presented at this first workshop for public input and feedback on community preference. A second Town-wide workshop is planned for midway through the planning process. Informed by input received at the first workshop, up to three zoning alternatives will be advanced to include a build-out analysis, a fiscal impact analysis and 3D modeling. Based on comments and recommendations received at this second workshop the preferred option will be selected and implemented. At the end of the process, the final recommendations and zoning implementation strategy will be presented at an advertised public meeting.

This planning study began in September of 2023 and is expected to conclude in April of 2024.

### **Rezoning Initiatives**

In Fiscal Year 2023 four zoning initiatives as described below were adopted by Town Meeting. Article 8 was presented at the October 2022 Special Town Meeting. Articles 19, 20 and 21 were presented at the May 2023 Annual Town Meeting.

#### **Article 8. Amend Zoning By-Law – Brew Pub and Microbrewery**

This article provides for the establishment of Brew Pubs and Microbreweries within Needham. The 2022 Needham Zoning By-Law did not have any provisions for Brew Pubs or Microbreweries and because the noted uses were not specifically identified as permissible, they were prohibited. Accordingly, this zoning amendment introduced Brew Pubs and Microbreweries as permitted uses in Needham taking the following approach: 1) defined the terms “Brew Pub” and “Microbrewery”; 2) identified the zoning districts in which a Brew Pub and/or Microbrewery would be allowed; and 3) established that a Brew Pub and Microbrewery would only be allowed by special permit either from the Planning Board or the Zoning Board of Appeals.

#### **Article 19. Amend Zoning By-Law – Accessory Dwelling Units**

This article provides for the following changes to the current use and permitting framework of the By-Law as relates Accessory Dwelling Units (ADUs): (1) Allows ADUs in a single-family dwelling by-right rather than by Special Permit, while still requiring that the building and design guidelines contained in the current by-law be met. ADUs located in a single-family dwelling will continue to be required to meet all zoning dimensional requirements for a single-family home as specified in the underlying zoning district. (2) Expands the residency requirements of an ADU as contained in the definition of “Caregiver” to include “an adult employed by an Owner to provide childcare to one or more of an Owner’s Family members” for use by example of a Nanny or Au-Pair, etc. (3) Expands the residency requirements of an ADU as contained in the definition of “Family” to include “a grandparent, aunt or uncle”. (4) Allows a homeowner to rent the ADU with a minimum 6-month written lease, subject to owner occupancy of the property. The minimum 6-month lease term is designed to prevent short-term high frequency leases. (5) Increases the size limit for an ADU from a maximum of 850 square feet of living space to a maximum of 900 square feet of living space.

Additionally, the article establishes occupancy and enforcement standards. The initial occupancy permit shall remain in force provided that (1) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (2) that ownership of the premises is not changed unless, in anticipation of

a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (3) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner and a copy of any current lease, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the by-law. In the event the Owner fails to comply with the above requirements the Building Commissioner within thirty (30) days of a written request may revoke the occupancy permit for the ADU.

#### Article 20. Amend Zoning By-Law – Corrective Zoning Amendments

Over the years Town Meeting has approved numerous inserts and other changes to the Zoning By-Law. Unfortunately, when those changes occurred, not all references were changed as required. This article updates the reference made to Section 3.15 Accessory Dwelling Units to Section 3.16 Accessory Dwelling Units. Additionally, the article updates the title of "Building Inspector" to "Building Commissioner" as currently used and as it appears throughout the Zoning By-Law. Lastly, the reference to the ITE Parking Generation Manual is updated from "2<sup>nd</sup> Edition" to "the most recent edition".

#### Article 21. Amend Zoning By-Law – Single Residence B and General Residence Side Setback

This article clarifies the side yard setback requirement in the Single Residence B and General Residence districts for both conforming lots and lots that have less than 80 feet of frontage as adopted by Town Meeting in May of 2017. The goal of the amendment is to ensure that a 2-foot offset is provided after 32 linear feet of sidewall at the side yard irrespective of whether a building's placement is at the district's minimum side yard setback requirement or a distance in excess of said requirement. Such was the intent when the original article implementing this provision was presented in May of 2017 to Town Meeting with the policy goal of reducing some of the negative effects of building massing along the sideline. Accordingly, the amendment makes clear that the above-noted 2-foot off-set provision, designed to break-up building massing along the sideline, is to be applied universally irrespective of a building's placement at a distance in excess of a districts minimum side yard setback requirement.

#### Future Challenges

The key challenges facing the Planning Board and Department over the course of the next five years will be securing the successful implementation of the Needham Center Plan, and the Land Use and Zoning Plan for the Needham Crossing Business Center. Securing compliance with the MBTA Multi-Family Zoning Districts Guidelines under Section 3A of the Zoning Act required by December of 2024 is additionally a key priority.

In closing, the Planning Board welcomes your participation in any of its meetings and your expression of agreement or disagreement on positions the Board has chosen to take regarding the development of the Town.

## NEEDHAM PLANNING BOARD MINUTES

October 3, 2023

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, October 3, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Ms. McKnight, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

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

**7:05 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces. Please note: This hearing has been continued from the September 5, 2023 Planning Board meeting and will be further continued to the October 17, 2023 Planning Board meeting.**

Mr. Block noted this meeting will be continued. The Board asked the Petitioner to agree to engage a third-party peer reviewer for a traffic assessment at the last meeting. GPI has prepared a summary of comments. The summary has been sent to the Petitioner who is reviewing the report with their traffic engineer. The Petitioner has requested a continuance of the hearing to the 10/17/23 meeting.

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

VOTED: to continue the hearing on Major Project Site Plan Special Permit No. 2023-03 to 10/17/23 at 7:30 p.m.

### **Appointment:**

**7:05 p.m. – Needham Housing Authority – discussion about Linden/Chambers Redevelopment Project.**

Reginald C. Foster, Chairman of the Needham Housing Authority, noted that in 2019 the Needham Housing Authority completed a Facilities Master Plan (FMP). There are 336 affordable units in various stages-states of being worn out. There-The FMP identified are 5 major modernization and redevelopment projects. In mid-2021 the Preservation and Restoration Initiative (PRI) was created/launched, and the Cambridge Housing Authority was hired as a consultant. The first two projects are 1) is the redevelopment of the 152-unit Linden/-Chambers and is a top priority; and 2). The second project is an update the complete renovation/modernization of the Seabeds and Cook units, and the A third project, next year which won't start before 2028 at the earliest, is the redevelopment of the High Rock eEstates remaining 60 bungalows. (In 2005-2009, the first twenty bungalows were redone to duplex units.) In January 2023, Bargmann Hendrie+ Archetype Inc. (BHA) was hired to lead the Linden/Chambers project. The Conceptual Design was completed in June 2023 and the applicant came to and was presented the Planning Board and received at the June 20, 2023 meeting for input and guidance. The project is has now in complete the schematic design phase. This-The Schematic Design will be presented tonight along with the required zoning relief, and a community engagement plan will be discussed.

Dan Chen, lead architect, noted there have been several updates based on the schematic many changes since the conceptual designs. Most are cost driven. Originally in the Phase 1A/1B During the Conceptual Design there were 144 1-bedroom units to be built in. Originally there were 2 identical U shaped buildings, both U shaped. There This conceptual design required were 42 elevators in each and 4 stairwells. There will be 3 phases. In the Schematic Design, Phase 1A and 1B will be have 136 units, including 8 two bedroom units, and only needs 2 elevators and 3 stairwells. Originally there were 2 buildings, both U shaped. There were 2 elevators in each and 4 stairwells. The-Making cost reductions was also the majora

driver of ~~the other~~ schematic design ~~changes~~. ~~This~~ there is a much tighter and straight design. ~~t~~ The 2 buildings have been combined ~~into to have~~ a shared a common core design. ~~and t~~ The two amenity and utility room spaces have been combined into one room space. The applicant is looking to produce the most By having 4 stories, besides having a cheaper, more compact footprint while still retaining approximately the same number of units, there's the added advantage of increasing with the most open space by 50% over the Conceptual Design and maximum amount of units. Even though a 4th story has been added, it's only 2 feet higher than the 3 story 51' height proposed in the Conceptual Design. The height of the buildings has been reduced. This has been achieved by redesigning the roof and lowering unit ~~The ceilings were from 9 feet and will now be to 8 feet in each apartment. This is a much tighter and straight design. He discussed the other benefits advantages of in the current propose Schematic Design.~~ A major benefit was that the distance setback from Linden Street was has been increased from 25 feet to >80 feet; tenant and the height was 51 feet to the ridge of a pitched roof, but, Mr. Chen stated today's design is 80 feet back from Linden and the height has been increased to 4 stories rather than 3 stories. Parking is closer to the front door and a buffer are in the front of the building and there are 136 units rather than 144 units. There will be 128 1 bedroom units and 8 2 bedroom units. There will continue to be 144 bedrooms with a 0.5 parking ratio; and a 17,000 sq. ft. building footprint reduction (FAR 0.42). ~~There will be 2,000 square feet in a center core area.~~

Mr. Alpert asked if Schematic Design Phase 2 would be the same as the Conceptual Design. Mr. Chen stated it would be. Pulling the building back to 80 feet makes a significant buffer. The concept design was for 3 stories with 9-foot finished ceilings and a 15-foot ceiling in the attic totaling 51 feet. The schematic design is 4 floors with 8-foot ceilings and a 10-foot attic ceiling totaling 53 feet. A 4<sup>th</sup> floor has been inserted into the attic space. Architecturally it appears flatter than the 3-story. The project was 15,777 square feet into the wetland buffer zone. With the schematic design, the infringement into the buffer zone has been reduced. There is nothing in the design within the 25-foot no-disturb zone. Mr. Alpert asked if there is any more room to push the building back toward Maple Street. Maybe 15 or 20 feet without disturbing the wetlands. Mr. Chen stated it is very tight. The building is outside the 25-foot buffer which is the reason the building is twisted and angled the way it is. Many versions of this have been studied. The applicant wanted to make this as compact as possible to save cost. The project is looking at 107,000 square feet but it started at 122,000 square feet. Mr. Foster stated the Conservation Commission is pleased with the significant improvements. A full Development Review Team ~~meeting~~ review was done with all town departments. The Fire Chief wants to be able to drive a fire truck around back.

Mr. Chen noted the Phase 1 A/1B building setback is 88 feet and then a 5-foot buffer to the sidewalk. There will be a strip of green space in the back of Phase 1B. The Fire Department needs to get to the back of both sides with no need to circle around. Mr. Foster ~~will check that a review meeting with the FD had been scheduled.~~ He noted ~~this has at that the buildings will be~~ fully sprinklered ~~system~~. The project will go a little bit ~~into with~~ the 50' wetland buffer zone in Phase 1B. Mr. Alpert noted a little green space in back of the building. Mr. Crocker asked if the residents have access by a back door. Mr. Chen stated there is no rear access but a common access out of the stairwell. A tree survey was done so the applicants are aware of the condition of the trees. The concept design had 252 units with 3 and 4 stories with the 4<sup>th</sup> story at 62 feet with a pitched roof above. He showed the existing 152 studio units.

Mr. Block asked how many one bedroom units are there currently. Mr. Chen stated ~~all there are currently 152 units, all are studios.~~ In the Concept Plan Phase 1A and 1B were to be separate buildings. The schematic design in Phases 1A, 1B and 2 has 247 units with 4 stories. The total square footage went from 215,600 square feet to 201,800 square feet with a 13,800 square foot redirection. There will be 130 parking spaces. Mr. Alpert asked for clarification as to whether Phase 2 is the same as it was in June. Mr. Chen noted it is, with a lower ridge height. There are no immediate abutters. Mr. Block stated there is no rendering of the view from Maple Street with the trees. Mr. Chen noted that can be done. The trees help to shield the building from Maple Street. There are 2 green spaces on site. On the left is a larger green space. That green space will be developed into an amenity space for residents with gardens, a seating area and recreation. Mr. Crocker asked if there will be basements. Mr. Chen noted there will be no basements and all storm water will be retained on site.

Robert Smart, attorney for the applicant, stated a retention basin is not something that is part of this project or being proposed for this project. The applicant just has land available should the Town want to use it. Ms. McKnight stated she lives in a 105-unit housing project development, and ~~she~~ is interested in how people will move around. She asked where the 2 elevators in Phase 1A and 1B are located. Mr. Chen stated the elevators are located in the center. Ms. McKnight commented that all the residents would walk from the elevator to their units. Mr. Chen stated it is 190 feet from the elevator to the end unit. They tried to minimize that distance. If the building was 3 stories, there would probably be another 100 feet to the end unit. Ms. McKnight asked where the community room would be located. Mr. Chen stated the community room is



in the middle when people walk in on the 1<sup>st</sup> floor. There are still some inefficiencies in the plan, and it may still be tweaked. All central services are in the middle.

Ms. McKnight stated having the common room right there in the center makes a difference to the community. She noted ~~50% of~~ the units are to be affordable at 50% of area median income, but it was said the 2-bedroom rent would be higher. Margaret Moran, of the Cambridge Housing Authority, stated the rent is by number of bedrooms-sizes. A 2-bedroom rent would be around \$400-\$500 more per unit per month, ~~but, the~~ the rent paid by the occupant is based on income. The unit would still be affordable, but the amount of the subsidy would need to be greater. There is a demand for 2-bedroom units for people who need care or assistance. Ms. McKnight asked if the attic space was usable and was informed it was not. She asked how many existing units are there. Ms. Moran stated there are 152 studio units averaging 400 square feet. Ms. McKnight asked where a residents would go for green areas for sociability. Mr. Chen noted there is a small lounge area by the lobby and a large green space outside. This is still being worked on. Ms. Moran stated there would be the ability to sit in the back also.

Ms. McKnight asked if the project will comply with the ~~Town's~~ storm water management regulations and was informed it would. Mr. Block stated there is the opportunity in Phase 1A to have a path to walk to the parking lot rather than go through the lobby. Mr. Chen stated the exit is through the lobby. The Board discussed where the funds would be coming from. The project, as redesigned, saved \$10 million and went from \$65 million to \$55 million. It was noted the big money comes from the federal low-income housing tax credit program ~~local taxes~~. Some comes from debt with some ~~off from~~ the Section 8 vouchers and another source is state [HCD – meaning?] which would be moved from state to federal. Mr. Chen noted 72 units will be replaced. The units are \$80,000 to \$85,000 per unit [from Executive Housing- unclear]. This is effectively a grant. The Debt Service is repayable. Mr. Block asked how much of the total cost the debt is and was informed roughly 20%. Mr. Block asked how much is the town cost? Ms. Moran noted CPA funds are budgeted to be about 10% of the total cost. Mr. Block asked if \$70 million includes all development and was informed the final details are still being worked out.

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Mr. Alpert asked if the applicant was looking to get to Town Meeting in May and the timing for construction. Mr. Foster stated they would like to get to Town Meeting in May. Ms. Moran stated zoning needs to be in place, then competitive funding. They will be breaking ground in the summer of 2025 if all goes well. Mr. Chen stated it would be 16 months for Phase 1A and 16 months for Phase 1B. Mr. Alpert asked if it was \$70 million just for Phase 1A and 1B and was informed yes. Mr. Block asked the number of units in Phase 1A and 1B. Ms. Moran stated 136 units. Mr. Foster noted 111 units in Phase 2. There are still people living in Linden/Chambers. They want to minimize disruptions to existing tenants. Mr. Block asked what happens in Phase 2 if funding cannot be secured. Mr. Foster noted the 80 Chambers units can still operate. The core is Phase 1.

Mr. Crocker noted the common space. [This was 2 buildings and now one building with 1,000 square feet- unclear]. Mr. Foster stated the current community room is 1,400 square feet. The Phase 1A and 1B space is a little larger than that but there are fewer people. Phase 2 will have another community room space. That is more than ~~needed-adequate with the 2 community rooms~~. Mr. Crocker commented that it is important people have a space they can call their own or feel as if it is their own. Mr. Foster stated they are looking at the area next to 1A with the landscape plan for a large green space. Mr. Foster noted there is a net increase in green space to work in. This is much more usable and available for activities than the current green space. He feels there is tremendous potential for all kinds of different usage. Mr. Crocker noted if the applicants are thinking of gardens, they should work with the Needham Community Gardens. Mr. Foster stated there are existing garden beds and they are working with the Needham Community Gardens already. It is a very high priority to continue that.

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Mr. Smart noted there had been talk about a new district for the zoning article creating a new district. That would put all the requirements such as use, dimensions and parking, in one place. The town has done this before with the Medical Overlay, Mixed Use 128 Overlay, Elder Services Overlay and the Highway Commercial 1 Overlay. It will be a lot easier to read if ~~there is~~ there is a new affordable housing district. Affordable is defined in Section 1.3 of the By-Law. Ms. Moran noted deeply affordable means subsidy, affordable means no subsidy and based on income with fixed rent. Section 8 vouchers are based on 30% of income. Ms. McKnight asked what percentage of units would be deeply affordable. Ms. Moran stated 116 of 136 units would have a subsidy attached or be deeply affordable. The others will have a tax credit rent. Section 8 eligible is approximately 20 tax credit units and affordable at 50% of income.

Mr. Block asked if the Board should modify the definition of affordable so as not to impose other restrictions. Mr. Smart stated it could be done. He would be interested in what the Board says. Mr. Block noted it is worth flagging. There needs to be clarity in the definition and significance of the definition to prevent unintended consequences. Mr. Smart feels the Board's preference is to have a definition to make all units deeply affordable. Ms. McKnight stated what is missing is the idea that 100% of the units will be affordable. She wants to be careful to include that. Ms. Newman stated senior housing, disabled or family housing is not included as a zoning requirement. Mr. Foster noted a senior age restriction and disabled was required for the existing Linden/Chambers development is by a vote of Town Meeting authorizing the conveyance of a parcel of land for the development. Mr. Smart stated an affordable housing district is being created. He wants the use to be of right subject to site plan review. Applicants should go through the site plan review process and have a posted hearing. It is a pretty expansive set of standards. Ms. Newman stated single-family and two-family residential uses are being allowed in the underlying districts. Mr. Smart stated they are not tied to that. It could be taken out.

Mr. Smart stated part of this property is in Single Residence A and the other part in General Residence. The current multi-family use is allowed by variances. This 11-acre parcel has been assembled over time. There are numerous restrictions and variances following each of these conveyances of land by the Town. Mr. Alpert feels it is a good point to have its own district and get rid of the underlying Single Residence and General Residence zoning. Ms. McKnight commented the current buildings are protected by variances. There is nothing relevant to be said about underlying or protected uses. Mr. Smart agreed. Ms. McKnight feels this need to say it does not affect variances issued by the Select Zoning Board. Those variances stay in place protecting the existing buildings as long as the buildings are there, and the new zoning is for the new buildings. Mr. Smart feels someone should speak with Town Counsel to see the best way to go. What is proposed are a series of dimensional and parking requirements. It will be important to hear what the public says.

Mr. Block asked the depth of the building and was informed it was 58 feet. Mr. Block stated if it is determined to be 3 stories and not 4 stories how much more front setback would be needed if at the 88 feet now. Mr. Chen stated it is an issue of getting light. The same density needs to be maintained. The numbers are unforgiving in today's environment. U shaped and L shaped buildings cost more. Mr. Foster stated reducing from 144 to 136 units and lopping off a floor makes it more difficult to afford. The amount of money that could be borrowed goes down fast. Mr. Smart stated a 20-foot side and rear setback is being proposed with a minimum FAR of 0.5 and a maximum of 25 units per acre. This will be about 23 units per acre. Ms. McKnight noted the proposed minimum lot area of 10,000 square feet is way too small. There should be at least 20,000 square feet minimum, which is about half an acre. The frontage requirement in the Apartment A-1 District is 120 feet and for the Apartment A-2 District (North Hill) it is 180 feet. She feels the frontage requirement should be raised.

Mr. Smart stated the maximum lot coverage is 25% and maximum height is 58 feet. He is thinking the height will actually be 53 feet but wants to leave some room. It should be a 4-story maximum. The Board discussed the half story and site plan review. They will have the Planning Director look at this. Ms. McKnight feels they should look at the site plan review section to see if it needs revisions. Mr. Alpert stated he was confused because major project is the same as minor project. Mr. Block stated Section 3.16 of the proposed new zoning should be Section 3.17. In Section 3.16.4 (c), it says "projects after site plan review in Section 7.4." He asked if it should be after site plan review is completed and decision rendered. Mr. Smart stated it could say "after completed." This was agreed.

Mr. Block noted in section 3.16.8, it mentions "performed." He asked if it should be something else. Mr. Block stated that Ms. Moran mentioned all dimensional regulations need to happen-be "by right". Ms. Moran stated in order to be eligible to apply for Department of Housing and Community Development (DHCD) money and tax credit funding the zoning needs to be in place. The project can go through the review process but not a special permit process. She stated the basic part of the zoning needs to be complete. Mr. Block would like to see some verification of that. He feels they need to include in the zoning for 2-bedrooms a restriction in occupancy for live-in assistance. Mr. Alpert asked why not have 2 elderly sisters share a 2-bed room apartment. Ms. Moran stated there could be someone under 62 who takes care of another family member under critical care. A limitation to occupancy by personal care attendants cannot be dictated. A caregiver may or may not be an occupant. Mr. Block wants to preserve the include deed restrictions that are now in place, prior to zoning changes. Mr. Alpert stated deed restrictions are limit occupancy solely to elderly and disabled currently. Mr. Block wants a restriction in the zoning that the residents have to be a certain age or disabled. Mr. Alpert asked why that restriction is necessary

Mr. Foster will look at current federal and state programs for deeply affordable housing and look at deed restrictions. He will propose something for the old deed requirement and propose wording for zoning By-Laws for the current reality. The

Board discussed who could actually live there. It was noted there was going to be an age restriction, but Mr. Foster stated it would be elderly and disabled, who may not be elderly. Mr. Alpert heard they want affordable and deeply affordable to comply with federal requirements. Mr. Smart stated it should be left to the Housing Authority to make the determination. All units need to be affordable or deeply affordable. Mr. Foster noted elderly housing is contemplated and what is allowable under regulations and Section 8 housing and what conforms to today's standards rather than 1958. Mr. Crocker noted someone could be disabled at any age. Mr. Foster stated their intent is to redevelop this as senior housing. There are 25 acres of NHA affordable family housing just up the hill at the High Rock Estates development. Mr. Alpert noted the sense of this Board is they do [not?] want to limit to elderly and disabled if funding being applied for would allow that.

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Mr. Block wants to make sure zoning reflects what is intended. Ms. Moran stated they will do homework on their side and come back with a proposal. Mr. Block asked what the next steps and processes are. Mr. Foster stated there will be a resident meeting the week of 10/9 and the first of the community meetings on the 17<sup>th</sup>. There will be a 2-page community engagement plan. Ms. McKnight asked if residents will be allowed to come to the meeting. Mr. Foster stated the meetings will be open to the public. It will be held in the Linden Chambers meeting room. He noted what residents ask about is different from the neighbor's questions. He will reach out to Town Meeting members. Mr. Block stated there have been complaints about lack of notice of previous community meetings the NHA has had. He stated they need to improve the notice of the meetings. They should have a summary in the notice, email all Town Meeting members and local news would be helpful. He asked if Mr. Foster anticipates additional community meetings. Mr. Foster stated there will be a second community meeting the week of 10/23. Ms. Newman stated the applicant will be back on 11/7 with revisions. The Board discussed how many community meetings would be held and the timing of the zoning to go to the Select Board. Mr. Block would like a summary of comments made at the community meetings. There are some details to be worked out with the zoning.

#### **Zoning Board of Appeals – October 19, 2023.**

##### 30 Wilshire Park – Jeremy & Jessica Karlin, owners

Mr. Block stated he has no business interest, but he is personal friends with the property owners. He asked Mr. Crocker to lead the discussion and he stepped outside. Mr. Crocker stated the applicant is tearing down an existing deck and putting an addition on. Ms. Newman stated the property is currently conforming with FAR and would go above the FAR from 0.37 to 0.42. That is not allowed except by variance. A non-conformity cannot be created by special permit. Mr. Crocker stated, if granted, there would need to be a requirement for all stormwater to be retained on the property. Ms. Newman stated the applicant would need to be compliant with the Stormwater By-Law. Mr. Alpert noted the non-conformity of the FAR can only be allowed by variance.

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

VOTED: to make a comment to the Zoning Board of Appeals on 37 Wilshire Park and point out the change in FAR will be non-compliant and pursuant to our By-Law can only be allowed by variance and the ZBA should make sure the addition would cover storm water management regulations.

Mr. Block returned to the meeting.

##### 24 Webster Street – Med A. Gharsallaoui, owner

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

VOTED: with respect to 24 Webster Street, to make no comment.

#### **Minutes**

Ms. McKnight noted on the minutes of 4/4/23, page 2, the discussion with Mr. Frail, it says Ms. Espada and Ms. McKnight participated. Ms. McKnight did not participate but Mr. Crocker did. Ms. McKnight participated in the CAPC meeting. In the last paragraph the last name of Justin from Engineering needs to be inserted. On page 4, the Report, Ms. Espada stated

“that is the next generation anyway and not really the rental.” Mr. Block stated to remove the sentence. Mr. Block noted “building construction costs about 1% more.” He stated to leave that sentence as is.

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

VOTED: to accept the minutes of 4/4/23 with the red-lined changes shown and with the changes discussed.

Ms. McKnight noted on the minutes of 7/11/23, page 2, 2<sup>nd</sup> paragraph, it says “Mr. Alpert noted that any site plan modifications would be across all districts.” It would be noted under the site plan review process. The sentence will be deleted. Mr. Block noted on page 3, under Joe Matthews discussion, it says “even affordable housing would need double if not higher than median income.” Ms. McKnight stated it was part of his presentation. Mr. Block stated to leave the sentence in. Ms. McKnight noted the last paragraph, “he is open to height, setbacks and lot coverage but enforcement would be difficult.” Mr. Block stated FAR is not as relevant. The real limiting factor is height and setbacks and lot coverage. He did speak to the point of enforcement. He suggested taking out the 2 highlighted sentences. On page 6, Ms. McKnight was not Vice-Chair. That would be Ms. Espada

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

VOTED: to accept the minutes of 7/11/23 with the red-lined changes and additional changes discussed at this meeting.

Ms. McKnight noted on the minutes of 8/15/23, “some may say local housing is a commercial use.” Mr. Block stated he was referring to multi-family housing. Ms. McKnight noted on the next page “Mr. Crocker wants to see what is happening with detached ADUs.” She asked what that meant. Mr. Crocker feels it could be he wanted to see what was happening in other towns with detached ADUs. Ms. McKnight noted a reference to “this.” Mr. Block was referring to the Planning Schedule excel spreadsheet. Ms. McKnight noted in the 5<sup>th</sup> paragraph Mr. Crocker stated it cannot be regulated. Mr. Crocker stated to end the sentence at “inside space” and remove “cannot be regulated.” Ms. McKnight noted in the last paragraph there is a reference to a committee. What committee? Mr. Block stated it would be a large house committee. He noted it should be HONE rather than HOME. Ms. McKnight noted “Mr. Block wants to make sure the Housing Committee is included.” Mr. Block noted he wanted the Planning Board to participate and be on a more engaged level. He suggested striking the line in yellow.

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

VOTED: to accept the minutes of 8/15/23 with changes shown in red-line and changes discussed this evening.

#### **Report from Planning Director and Board members.**

Ms. Newman noted the next HONE meeting is this Thursday. They will be reviewing the results from the modeling the consultant has done on the recommendations in the housing plan and looking at what the model represents and what would happen ~~in terms of~~ if the ~~T~~Town changed the zoning in its commercial districts and allow~~ed~~ housing by right instead of by special permit. She thinks the results would show the plan allows more than an adequate number of housing units. It would be a decision of how far the ~~T~~Town wants to expand. ~~If T~~he existing zoning itself provides an adequate number of housing units to encompass the housing plan recommendations. ~~She feels it that~~ is surprising and ~~she~~ feels it would be a different conversation than what some of the Board members thought. Mr. Block would like on the agenda for the next meeting to review the direction of the HONE meeting 2 days from now. He wants the Planning Board to participate and discuss. He would like to make a comment to the HONE Committee that to achieve the goals of zoning they should allow for a much greater number of units per acre. The number needs to be higher than the base zoning would allow. Ms. Newman stated the goal here is to lay out the parameters and how it should be expanded. Mr. Block would like, on the 17<sup>th</sup> for Ms. Newman, Ms. Espada and Ms. McKnight to report on the outcome of the HONE meeting.

Ms. Newman stated she is preparing the budget. She will be asking for an additional full-time planner. Mr. Block feels the budget for studies should be increased. He wants to make sure there is sufficient funding. Ms. Newman feels they can talk about that. She noted Karen ~~Sunnarborg~~Sunnarborg is leaving. She just wants to do consulting. She will stay until Ms. Newman finds someone new. There are a lot of towns that use an agency for housing planning. She has reached out to a

couple of people she knows to see if they are interested. Mr. Crocker would like the Board to look into what the Planning Board working group did with the Tree By-Law. He understands it is the Select Board that would need to look into this. Mr. Block recommended Mr. Crocker have a conversation with Select Board members and report back. Mr. Crocker will do that and noted the Select Board is planning something later in the year to discuss trees.

Mr. Alpert noted there was a tree committee that did a lot of work, but it got scuttled and nothing happened. Ms. Clee noted the outcome was there was a draft of a [gGeneral By-Law](#) and the draft ended up relying heavily on how Wellesley did it. The Board began discussing the regulations but the vibe from the Select Board was there was a lot on their plate. Ms. McKnight commented her understanding was it may be too much work for the Tree Warden. Mr. Alpert agreed the Select Board were supporting that it would be too much work for the Tree Warden, so it was put on the back burner. He stated there is a draft By-Law but no draft regulations. That is where it needs to be picked up. The Board needs to formally approach the Select Board. This is a high priority. Mr. Crocker stated Wellesley has had a Tree By-Law for a while. Someone should reach out to [\[them is "them" Wellesley?\]](#).

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### **Correspondence**

Mr. Block noted an email from Rick Myers, dated 9/18/23, regarding 888 Great Plain Avenue and an email from Joe Abruzese, dated 9/28/23, regarding the release of the Planning Board 9/11/23 Executive Session meeting [minutes](#). Town Counsel Christopher Heep is handling that. Mr. Alpert feels it is a bad precedence to release executive session minutes. Mr. Block noted a letter from Planning Director Lee Newman to Town Manager Kate Fitzpatrick, dated 9/26/23, regarding donations to the Tree Fund for the property at 920 South Street and a notice of hearing from the Town of Wellesley regarding a zoning By-Law change. Ms. McKnight stated Wellesley wants to increase the percentage of residential units [so that- No](#) less than 20 percent would be affordable. Wellesley is going more for middle income people. Mr. Block noted additional correspondence of 2 Boston Globe articles from Reg Foster – one regarding affordable housing for seniors and the other about Boston suburbs.

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 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

## NEEDHAM PLANNING BOARD MINUTES

October 17, 2023

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

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

### Discuss Open Meeting Law Complaint filed by Gregg Darish on October 11, 2023.

Mr. Block stated there was an open meeting law complaint made by Gregg Darish regarding the 9/11/23 Executive Session ~~and that~~ Ms. Espada and Mr. Alpert were recused so they will step aside. Mr. Alpert stated he would not step aside. This complaint goes beyond ~~that that the matter from which he had recused himself~~. He noted there was also a joint meeting before that. Mr. Block has asked Town Counsel to be present and he will represent the Board. Town Counsel Christopher Heep stated there are 2 matters ~~cited in~~ the complaint, ~~that~~ Ms. Espada and Mr. Alpert were recused from one ~~of the matters~~, but not the other, ~~yet~~ ~~He~~ would ~~them both to be recused~~ ~~them from discussion of this complaint~~. Ms. Espada and Mr. Alpert both left the room.

Town Counsel Heep stated the meeting ~~complained of~~ had 2 items – one in Executive Session and one in open session. He needs to reply with a written response within 14 days so 10/31/23 would be the last day to respond. He reviewed the complaint and would like to discuss it ~~tonight~~ and vote to have him respond to the complaint. He ran down the points of the complaint. One complaint was the meeting notice was defective as the Planning Board did not post ~~notice of the meeting~~ separate from the Select Board. Under the law a joint notice can be done as long as it provides a time to meet and an agenda of the meeting. The notice clearly stated it was a special joint meeting and when and where it would happen. That is sufficient under the Open Meeting Law. Going forward he would suggest ~~that~~ both Board's post ~~notice of such a joint meeting~~. Another complaint was ~~that~~ the 9/11/23 meeting was outside the Board's regular meeting schedule ~~and that~~ ~~No~~ minutes were issued for that meeting. ~~He~~ ~~Town Counsel Heep~~ noted there will be minutes issued for both the regular and Executive Sessions, ~~but~~ ~~Town Counsel Heep stated~~ 2 appeals remain ~~outstanding~~, so the Planning Board may be drawn back into this. He feels there should be no release of the Executive Session minutes while ~~the case~~ is still active.

Town Counsel Heep noted there is an allegation ~~that~~ the Planning Board deliberated whether to have an Executive Session outside of the open meeting. He feels the Board should authorize him to respond prior to the deadline. Mr. Block asked if any members remember this. Mr. Crocker stated he did not remember anything outside of the meeting. The members definitely did not discuss it. Town Counsel Heep stated in the open meeting part the Planning Board voted to go into Executive Session with the Select Board. ~~Mr. Block stated it was not a separate agenda item as the Board does not remember talking with anyone but Special Counsel Jay Talerman and scheduling the time.~~ ~~Unclear~~

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

VOTED: to authorize Town Counsel to respond to the open meeting complaint filed by Gregg Darrish on 10/11/23.



Ms. Espada and Mr. Alpert returned to the meeting.

#### **117 Kendrick – discussion of proposed new loading access.**

Mr. Block stated there were materials in the packet from Bulfinch. This is an informal discussion to add a new one-bay loading dock on Third Avenue. Attorney Tim Sullivan, with Goulston & Storrs, noted 117 Kendrick Street is subject to a special permit. There is the opportunity to make the space more desirable if a loading bay is added for use one or 2 times per week. Michael Wilcox, of Bulfinch, showed the site location and noted ~~the site~~ is just over 200,000 square feet. In 2000, it was converted to creative office space with high ceilings. There are 7 different tenants that are lab or lab related. The applicant is trying to grow that footprint. The heights of the building allow direct access to the roof. The big thing is functional space. There is a loading dock on the opposite side of approximately 17,000 square feet. Everything has to go through the amenity spaces to reach the loading dock. The lab market is competitive now. There needs to be functional and efficient space. The applicant needs to create loading into the space off Kendrick Street. The intent is to create a loading dock specifically to serve the lab area. The other loading space will still be a general dock. This will be more specialized with direct access to the lab area. Loading and service is at the existing dock. Special lab users will have specialty type of deliveries that should not go through the building.

Mr. Wilcox showed where the new loading dock will be located. He noted the building face is about 47 feet off the edge of Third Avenue and 40 feet behind the existing sidewalk on Third Avenue. There are a number of different life science tenants and differences in how deliveries are done. He noted 17,000 square feet of tenant space will generate approximately 5 to 10 deliveries per day. Amazon, UPS, etc. would go to the main dock. Only specialty deliveries would go to the new dock. There will be about 1 to 2 deliveries per week via the new dock. There delivery vehicles will be mostly refrigerated vans but they could have 30-40 foot gas trucks. Vans will be about 2/3 of all deliveries. The sidewalk will remain at the sidewalk elevation and trucks would back up. He showed the elevations with landscaping existing and proposed and noted there is a little more work to be done. There will be no ramp and he showed the queue for vehicles.

Mr. Block asked for an estimate for the number of cars [that might be backed up while a delivery truck maneuvers in??] Mr. Wilcox noted 8 or 9 cars. This will be restricted to 30 feet or less. He feels there would be no impact on traffic. The loading is almost entirely in the morning. Mr. Alpert asked if the loading dock was approximately 250 feet from Kendrick Street. Mr. Wilcox stated it is. He tried to understand gaps on Third Avenue to verify that the trucks would have enough time to maneuver. The gap is around 15 seconds. In the a.m. peak there were 72 such sufficient gaps to support maneuvering. Attorney Sullivan noted there is no change to the footprint. The dock will comply with all requirements.

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Ms. Newman stated the Board will need to decide if this is a minor modification or if it needs a special permit. Mr. Alpert asked when the applicant will be filing an application with the Board. Attorney Sullivan stated he would like to do it as soon as possible. Mr. Alpert feels this requires a full hearing. There will be a curb cut and construction on the street. He feels people should have input. Mr. Block asked how long the road would be disturbed while doing work on the street. Mr. Wilcox noted the loading dock door construction would be the most time consuming and would be done from inside. Essentially a driveway is being built. Mr. Alpert stated a minor modification is not usually construction. There is nothing in the By-Law ~~for~~regulating minor modifications.

Attorney Sullivan agreed it would be a minor project. [He contemplates projects could have design review without meeting those requirements. Not clear] There have been some minor amendments to this site. This is not much different. Ms. Newman stated these have been handled as minor amendments before. Ms. McKnight sees this as minor. It must be approved by another Town Board because of the curb cut. She does not see this as a driveway. Given the anticipated minor use she sees it as a minor modification. She commented that Bulfinch keeps the property well maintained. Ms. Espada also feels this is a minor modification. She would like the Town Department

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of Public Works (-DPW) to review and wants them to review the sidewalk next to the driveway. She feels maybe bollards could be put in.

Mr. Crocker stated he respects what Mr. Alpert was talking about. He does not see this as having a real impact. He feels it is minor but sees the need to go before the Design Review Board (DRB). Mr. Block noted there is nothing in the By-Law that says there needs to be a formal amendment for a curb cut. He agrees they need to market the lab space. He is inclined to regard this as a minor modification as well. The next step is to prepare an application for a minor modification and the Board can vote at that time.

#### Public Hearing:

**7:30 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh, LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces. Please note: This hearing has been continued from the September 5, 2023 and October 3, 2023 Planning Board meetings.**

Evans Huber, Attorney for the applicant, stated the Town requested the petitioner to agree that the Town would engage a Peer Reviewer for traffic. Greenman-Pedersen, Inc. (GPI) conducted the traffic peer review and submitted a letter. Mr. Block noted the following correspondence for the record: an email, dated 9/26/23, from Jay Steeves for the Fire Chief, with no further questions as they are satisfied; a GPI letter dated 9/20/23; an email, dated 9/8/23, from resident Joanie Freidman regarding trash with comments; an email from Building Commissioner Joseph Prondak noting he is satisfied; a memo from the DRB noting they are satisfied and [DRB noted or Mr. Block noted?] the Town Engineer referred traffic to an outside firm with comments. Mr. Block stated he would like a letter from the Police and Town Engineer. He asked Mr. Huber if there were any non-traffic or site circulation issues that are unresolved at this time. Mr. Huber is not aware of any.

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Mr. Block noted they received some comments from abutters who live in the nearby condos. They raised several issues [as a courtesy?] that may have an adverse impact such as trash. The Health Department has noted some conditions such as pest control. He [Health Department or Mr. Block?] would like to see the trash disposal area on the side that abuts the other commercial properties. Mr. Huber stated the dumpster is located next to Cross Street. The pickup mechanism would be Arbor Street and across the back to pick the dumpster up. It would not go down Cross Street. Moving to the middle of the property would work best. It was noted one comment was to show truck turns for trash pickup with the trash in the current location. It is the same movement if put in the middle. It would impede on nearby residents if in the opposite (Cross Street) corner in the back. Ms. Clee clarified that the trash disposal area this is on the upper level of the parking garage.

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Mr. Alpert stated a concern was raised with the time of trash pickups. Some are at 4:30 a.m. Colby Cavanagh, of Mangel DeStefano Architects, stated in order to move the dumpster location it would affect parking spots. Currently the project meets all requirements. Mr. Block stated to move to the extent possible is reasonable. Ms. McKnight noted the DRB said plans show no light will transmit beyond the property. She noted that the Trip Advisors parking garage was highly lit. She wants to make sure there is a condition in the decision that parking areas beside and under the building are not overly lit. Ms. Cavanaugh stated the DRB was satisfied with the lighting. There are louvers in the details that would block light.

Mr. Block noted parking spaces on Cross Street are for occupants and guests of [Gateway??] the condominium abutting Cross Street and Cross and Arbor Streets are private ways. He wants to make sure the tenants' employees and patients are not using these private spaces. Mr. Huber stated currently there is closer access to parking off Cross Street adjacent to the building, so people would park there to go into the building. It would not make sense with the proposed plan to park along Cross Street which is further away from the building entrance.

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~~Mr. Huber stated currently there is a building closer to Cross so people park there to go into the building. It would not make sense with the proposed plan to park there which is further away.~~

It was noted there is an electrical pole across the street. An abutter asked if that pole would be removed and electric put underground so when it gets hit they do not lose power. Ms. Cavanaugh stated that was something the applicant wants to do but they have to work with Eversource. Mr. Block is not sure the Board has the authority to require that as a condition. He asked how long from demo to completion and was informed 18 months. Ms. Cavanaugh stated ~~the site~~ will be constantly watered down during construction. Mr. Block stated the Board could require a sign that says for any problems contact the supervisor with a name and number.

Steven Sussman, of 30 Davenport Road, noted his concerns. The landscaping will be tree heavy and set back as far as possible. He lives behind the insurance company directly across the street. Lighting is very intrusive with the other buildings. He suggests using light ~~button-blocking~~ shades for the offices. There is HVAC noise in the neighborhood. The applicant could put in built in buffers that minimize noise and exhaust away from the condos. He commented that this area gets a lot of light and noise pollution. A comment was made that motion detectors are usually put in buildings now, so they are not lit constantly. The Board members discussed lighting and shades. Jodie Zussman, of Boston Development Group, noted the applicants could do something with shades. Mr. Block stated that would be a voluntary condition. The building will meet the state standard for noise. The site plan changes were reviewed.

Ms. Zussman noted the architect's parking layout plan. They were asked to put the dimensions of all parking spots and label the patient drop off, pickup, elevator and trash areas. She put a chart on the plan and showed the spaces on each level. She stated the layout has not changed. Just the dimensional labeling. VHB also provided to GPI the circulation for garbage trucks, delivery vehicles and Fire access. Mr. Block noted the Fire Chief was satisfied and asked if GPI had any comments. Ms. Cavanaugh stated one concern is how close the parking-garage driveway is to Highland Avenue on the north side. She looks forward to looking at the revised traffic study but would like them to look at a one-way circulation on the north side to have people come out on the south side. She feels it is an idea worth exploring.

Jeffrey Dirk, of Vanasse & Associates, stated they are looking at disbursal and trying to balance traffic. The goal is the disbursal of the ~~traffietraffic~~, and it is a valid issue to go back and look at. Ms. McKnight ~~noted~~mentioned ~~that~~ Joanie Freidman's email noted the steep slope at Cross Street. She is concerned with cars coming out of the garage and taking an immediate turn with the steep-large slope. She asked if there is a conflict with having the exit there with the slope right there. Jon Cocker, of Mangel DeStefano Architects, noted that is an existing condition with the existing grade. Trucks currently use this exit with the slope. Mr. Block noted trucks going through Putnam Street and into the condos area is totally disruptive. He asked if the traffic could be navigated around the building to Arbor Street. Mr. Cocker showed the potential plan for the upper deck. He noted cars can come in and out from Cross Street and in and out from Arbor Street. Ms. McKnight asked if the exit from the upper level was only to Arbor Street and was informed it was.

Mr. Block noted trucks only come in and out on the upper level. His sense from the Board is there is a strong preference to recirculate so the exit is on Arbor for all vehicles and augmented by signage that no one goes into Putnam Street. Mr. Huber stated it is clear, for the residents in the condos, this is a primary concern. The applicant has thought about mitigations, signage and no right or left turn. If the residents want, ~~they~~ applicant could put a speed bump in. It might be helpful to have a provision in the leases that tenants need to tell the employees they are not allowed to use Putnam Street for any purpose. Mr. Block wants all vehicles to enter through Cross Street and exit through Arbor Street. Ms. McKnight stated Putnam Street is a private way. The street that connects Putnam to Highland seems to be only a condo driveway. The Board needs to be careful. They cannot encourage people to trespass on a private way.

John Diaz, of GPI, noted the reason they are looking for a one-way entrance off Cross Street is a safety operation. There is not enough room to get in the lane to make the turn. He feels it would be a zip across and someone coming out of the garage would [not?] be seen. He is concerned with a conflict of vehicles exiting. Arbor is a 2-way entrance/exit. This is only on the top level. He feels Cross should be an entrance only. They are concerned with movement at the driveway at Cross because it is so close to Highland Avenue. Mr. Crocker stated it was worthwhile to take traffic off Cross and there needs to be signage. Mr. Diaz noted the parking is 2 levels that are not connected. The 1<sup>st</sup> level can still go out and go to Cross. They are not forcing traffic to Arbor as they are just talking about the 2<sup>nd</sup> deck. Cross Street is an entrance only and not an exit for the upper deck. Ronald Greenwald, of 615 Highland Avenue, noted people living on Putnam Street are not allowed to use the condominium driveway to connect to Highland Avenue to exit. They have to go down to Cross Street.

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Ms. McKnight stated there are 3 2-family homes on Putnam Street that are not part of the condominiums. They do not have access through the condo driveway and have to go to Cross Street. Ms. Cavanaugh noted just the entrance into the parking garage is one-way; and not Cross Street is not one-way. Walter Tennant, of 605 Highland Avenue and a Trustee of Gateway Condominium, noted [with Putnam out through the lower driveway unclear] there is an 80 second light to get onto Highland Avenue. There could be a 3 or 4 car delay wanting to go to Highland Avenue. People will take the quicker left on Putnam to avoid the queue. Mr. Diaz stated the exit onto Cross is being eliminated so there will not be that queue. There will be exiting onto Arbor from the top level. Howard Goldman, from the Gateway Condos, commented this is setting people up to go through the private property. Even if there are signs, how do you enforce that? What is the enforcement mechanism? Ms. McKnight noted Ms. Friedman's memo suggested an electronic gate could be at the condominium driveway after the 2-families so cars can only go to Highland via Cross Street and would not be able to take a right on/off Putnam to Highland Avenue.

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Alan Friedman, of 71 Putnam Street, is concerned that signage would not eliminate the problem. It is not practical. He asked what is Plan B when this does not work. Having a gate at the Putnam and Cross intersection is a possibility to look at. The occupants of the 2-families use Putnam Street. This would allow UPS and others to back up and turn around. Mr. Alpert asked who plows the snow on Putnam and was informed it was private. Mr. Alpert is not sure people on a private way can put a gate to prevent the town from having access such as the Fire and Police. Mr. Block stated dispatch would have the access code.

Mr. Sussman stated the people making the decision do not know the neighborhood. He commented they are making a mess. Cross Street should be one-way in only. Arbor Street has no one living there and is easy access to Highland Avenue. Taking a left out of Cross Street to Highland Avenue is impossible. The dangers are on Highland Avenue. Speed is an issue there. How many people are going to take Mills Road as a cut through? Signs can be put up but they do not work; special permits given are not enforced and speed bumps would not deter people. Putnam does not go through to Webster Street. Mr. Huber noted it seems possible to set it up so all traffic has to exit on Arbor. It would make the queues longer but would solve problems on Cross Street. They will look into it.

Mr. Block stated he wants to get into the other elements in GPI's letter. Ben Daniels, of 5 Sachem Road, noted it was talked about with the Muzi project and they are still waiting for signage at Mills and Utica Roads. The 1<sup>st</sup> step of enforcement is acting. He is not sure who to talk to about that. He hopes the Planning Board could help facilitate that. Mr. Crocker feels the Traffic Advisory Committee would be a reasonable place to start. Mr. Daniels stated the name of the Planning Board is Planning and not reaction Board. Traffic issues will get worse and there is no plan. Things are pushed through, like Muzi, against people's thoughts and wishes. There is no overall plan for dealing with traffic on Highland Avenue. He is not criticizing but the Planning Board needs to plan. Betsy Zisi, of 615 Highland Avenue, walks her dog and is concerned for her safety. People park on Putnam. The entrance is near the top of the hill on Cross Street and she sees a conflict.

Mr. Block noted this will be explored by the traffic engineers. In their response, dated 10/10/23, a catalogue of outstanding issues was given to GPI. Adrianna Santiago, of GPI, noted outstanding issues include site access and

technical comments regarding new traffic counts done a couple of weeks ago that will be addressed in an updated traffic study. Mr. Dirk stated they need to prepare an updated traffic study with new study information. The new traffic counts are lower than pre Covid and will be provided to GPI. Mr. Block asked when the report will be completed and was informed next week. Mr. Block feels there should be a revised analysis and review by the 11/7/23 meeting. Mr. Greenwald stated the Board needs to look at all the sites together – Muzi, this site, Oak Street and Wingate as it is adding a floor.

Ms. McKnight feels the additional traffic report should have comments reviewed again and responded to by the Police Chief. It was noted [where, when, by whom? – delete?], historically, there was not really traffic on Cross Street. Deana Krieger, of 7 Utica Road, has lived here for 18 years on the corner of Highland Avenue and Utica Road. The most important thing Mr. Sussman said is a lot of people do not really know what goes on here. Every day cars whip through their neighborhood. She is pro-development but requests the conversation be elevated to address the fast cul-de-sac cut through traffic. Cut throughs happen every day. There needs to be a way to help the residents feel better about all the projects in the area. She requests this be a priority. She invited all to come to her house to see the cut through traffic.

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

VOTED: to continue the hearing to 11/7/23 at 7:00 p.m.

The Board took a brief recess.

**ANR Plan – 969 South Street LLC, Petitioner (Property located at 969 South Street, Needham, MA).**

Mr. Block noted this will be subdivided into 4 buildable lots in the Single Residence B District. The plan is compliant. Lot 31 on the site plan has a 25-foot wetland buffer. He asked if it is allowable to put a driveway over a 25-foot buffer. Ms. Newman stated the applicant will need a permit from the Conservation Commission. The only issue for the Planning Board is whether they meet the zoning and they do. Ms. McKnight asked if there is an issue that the lot needs to have actual access on South Street. Ms. Newman stated they can physically drive onto the property. The people next door would not grant an easement for them to drive on their property so the applicant had to put the driveway in the 25-foot buffer. Mr. Alpert stated when he was on the Conservation Commission they could not deny access or it could be considered a taking so they would allow applicants to put the driveway in the 25-foot buffer.

Mr. Crocker stated this lot does not exist right now so it cannot be approved because the applicant does not have access to it. Ms. McKnight stated they cannot deny it. Mr. Alpert noted all the Board has authority to do is look at the frontage. If it conforms the Board cannot deny ANR.

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

VOTED: to endorse plan of land subdivision Lot 14, Land Court Case 2417-Q, creating 4 lots as subdivision approval not required at 969 South Street.

**Request to extend subdivision plan submittal: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).**

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 request to extend the period of presentation of the Plan through and including November 15, 2023.

### **HONE Advisory Group Status Report.**

Ms. Espada gave an update. The HONE Advisory Group is meeting tomorrow night at 7:00 p.m. There was a kick-off meeting that looked at different scenarios. The meeting tomorrow will recap the minimum requirements for modeling. She has not seen it yet. Ms. Newman stated the revised [what?] went out to the HONE Committee and will be discussed tomorrow. Mr. Block stated there was a difference in the results. Initially it modeled the existing conditions provided in the Mixed-Use concept. The Industrial District was taken out. Housing is allowed at the multiple family level as of right. Existing multi-family is allowed in the Apartment District, General Residence, Business District, Avery Square District and the Hillside Avenue Business District. That is around 1,200 units. This is a starting point.

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Ms. Espada noted they need to figure out how it is moving forward with the tweaks in different areas. She thinks there is an education piece. People do not understand the density that is allowed. Ms. Newman stated the Group wants to get people's feedback on appropriate density in the different areas. Mr. Block noted the difference between what is allowed by special permit and allowed by right. Ms. Espada stated this will be looked at specifically by area. One interesting thing is certain areas of lost opportunities in the main corridor. Anything with density needs to look at the size of the lots. She feels more information is needed. [Mr. Block asked if the existing is based on by right or special permit. Ms. Newman noted it is based on a situation where multi-family houses are allowed by right or special permit. Unclear]

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### **Minutes**

The Board did not discuss the minutes.

### **Report from Planning Director and Board members.**

Mr. Block noted the Board had talked about a Solar By-Law. He would like that added to the 11/7/23 agenda but there may need to be another meeting to deal with that. Mr. Crocker stated there need to be visuals of what can be achieved with solar on top of mechanicals. Mr. Block would like Mr. Crocker to get some information and pictures.

### **Correspondence**

Mr. Block noted the following correspondence for the record: an email, dated 9/28/23, from Joe Abruzese regarding release of the 9/11/23 Executive Session meeting minutes; a letter from Town Counsel Christopher Heep, dated 10/5/23, responding to Mr. Abuzese's letter and an email, dated 9/18/23, from Heather Finnegan, of 15 Mellen Street, regarding stormwater run-off from new construction. Mr. Block feels the Town is looking for something regarding if people are affected by run-off and letting them know what can be done. Ms. Newman stated it would be the Building Department. Mr. Alpert feels the answer is it is a private matter. He feels there should be something in the Storm-~~W~~ater Management but it is not a Planning Board issue. It should be the DPW or Building Department that would look at that. Ms. McKnight stated the Traffic Safety Committee is another route to go. People say there are problems with traffic but there are solutions. Mr. Block noted 2 emails from Reg Foster, of the Housing Authority, dated 9/30/23 and 10/2/23, with attachments from Boston Globe Articles.

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 10:25 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

DRAFT

## NEEDHAM PLANNING BOARD MINUTES

November 7, 2023

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

Mr. Block noted this is an open meeting that is being held in a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website. ~~Mr. Block stated he spoke with Mr. Alpert and he will be late. He will watch the tape prior to his arrival. [suggest deleting since Mr. Block did arrive right after the Medical Office Building proponents were introduced.]~~

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### Public Hearing:

**7:30 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh, LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square foot Medical Office Building (25,000 square foot footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces. Please note: This hearing has been continued from the September 5, 2023, October 3, 2023 and October 17, 2023 Planning Board meetings.**

Mr. Block introduced the proponents. ~~Mr. Alpert arrived at the meeting.~~ Mr. Block noted the following correspondence for the record: an updated traffic study from Vanasse & Associates, Inc.; a letter, dated 11/1/23, from Adriana Santiago, Project Engineer at Greenman-Pedersen, Inc. (GPI), noting she has reviewed the updated traffic study with ~~its?~~ conclusions and recommendations; an email, dated 10/31/23, from Police Chief John Schlittler with recommendations of traffic-control signage; an email, dated 10/31/23, from Colby Cavanaugh, of Mangel Destefano, with updated plan sheets; and an email, dated 11/2/23, from Daniel Barton, of Mangel Destafano, with information and egress/entrance with revised renderings.

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Evans Huber, Attorney for the applicant, noted changes were made to move the dumpster to the center rear of the parking garage and Cross Street was made a one way entrance only. The entry was made narrower. Near the intersection of Putnam and Cross it is being proposed to change the shape of the curbing to extend part of the way toward Cross Street to prevent a left turn. There will be a "no left turn" sign. He noted the consent of the abutters along Putnam Street would be needed to change the shape and eliminate one parking space. Mr. Alpert asked if a permanent barrier would be put there. It looks like one lane. Mr. Huber stated it is still 2 lanes. He feels no one would like to take a right onto Putnam. It is not a barrier but a white painted line. He noted only vehicles from the lower parking area would be using this. It would make it difficult to make a left turn.

Ms. McKnight asked what happens if the abutters do not want to give up a parking space. She understands the spaces are used by condominium unit occupants. She asked if this could work without the parking spaces and what kind of signage would be used so people do not park on Cross Street~~there~~. Mr. Huber feels a lot of parking is near the building. He would not think people would walk across the lot to park there as it does not make sense. There is plenty of parking closer to the entrance to the building. Mr. Alpert agreed it does not make sense to park there. Justin Mosca, of VHB, noted a curbing change~~this~~ can be done without losing a parking space but the curb gets more squared off. This is really intended to discourage~~ing left~~ turns but without extending into the parking space it would be less clear. Jeffrey Dirk, of Vanasse & Associates, noted they will work with the property owners to come up with something. It needs to accommodate fire vehicles. Putnam Street is a low volume road, and they want to keep that.

Mr. Huber stated the last major change is an accessible ramp has been put in for an entrance/exit. This has minimized the visual impact. Shauna Gillies-Smith, landscape designer, clarified it is a sloped walkway and not a ramp.

Howard Goldman, Attorney for Gateway Condos, thought they were eliminating exits onto Cross Street. The upper parking level has eliminated the exit onto Cross but not the lower level. This is a very congested area. He asked if this was workable. The Gateway Condos and others do like the parking spaces along Cross Street and would not want to give up any. Joanie Freidman, of 71 Putnam Street, noted she has lived here for 27 years. There were 5 small businesses and there was traffic daily with trucks breaking the curbing. She would ask them not to use the wayway, but they continued. People came through Putnam on a daily basis. She does not feel signage would work. It is a cut through and people do not care. Truck deliveries will continue to cut through. Highland Avenue traffic is difficult. People can wait 20 minutes to take a left onto Putnam? onto Highland? She asked what would happen with people trying to get out of Cross Street onto Highland Avenue. She would prefer to have traffic exit onto Arbor Street as it is on the other side of the building. Cross Street is at an incline and not flat as shown. She stated permit parking could be put in the back but she is not sure it would help. unclear

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Mr. Goldman stated Arbor is a quiet street. He feels that could be used as there is very little traffic around there. Cross is very busy. This would make a mess and people would use Putnam to avoid the mess. The exit should be to Arbor. Mr. Crocker asked why people go out Putnam rather than Cross and was informed it was easier. Mr. Goldman asked what mechanism for enforcement can there be. Mr. Huber stated deliveries are on the upper level and would be directed to Arbor to go out. The only way to leave the upper deck is to go out Arbor. People can decide which way to go out from the lower level. It is not desirable to direct 100% of traffic to Arbor. People will be discouraged from taking a left turn onto Putnam. Ms. McKnight stated there is no difference in traffic on Highland, whether exiting from Cross or Arbor, but there is a steep slope going up Cross to Highland. Putnam to Highland via the condominium right-of-way is a much more gradual slope. She is glad all trucks will be going to the upper level and have to go out Arbor. She noted she has gone out twice to look around. Mr. Huber stated they are sensitive to concerns the people on Putnam have. He feels this preserves the functionality of the people who live there.

Robert Doherty, of Boston Development Group, stated there will be far less illegal parking because there will be a garage. It would be more inconvenient to park on the road and he feels there will be a lot less of that. Mr. Crocker agreed. Wendy Xiao, of 613 Highland Avenue, noted she has small children but could not hear the conversation. Michael Notkin, of 62 Putnam Street, noted concerns with traffic. He lives at the corner, and it looks like the applicants are taking out half his front yard. His driveway is 10 feet off Cross Street. Mr. Dirks noted green space will be added, not taken away. There would be nothing done on his physical property. Mr. Notkin asked if some of the road will be taken and was informed yes. Mr. Notkin is concerned with traffic and would like to see traffic go to Arbor. He mainly wanted to see what was going on with his property. Mr. Dirks noted they will tie Putnam Street into his driveway. Sergey Svetliv, of 63 Putnam Street, has lived there since 2005. There is a lot of snow removal in the winter. Trucks slip and sometimes hit vehicles. Garbage removal is twice a week. He stated there may be a big issue with adjustments. There are water truck deliveries also. It is hard in the winter and may be an issue. He wants the Board to think about the winter.

Nancy Greenwald, Condominium Trustee at 615 Highland Avenue, has a concern with parking for 250 cars. Cross Street has a steep hill, and she feels cars will cut through the condo development. There is not a clear view from Cross to Highland. She thinks the condo association owns the parking spots along Cross Street. Ronald Greenwald, of 615 Highland Avenue, is concerned with traffic on Highland Avenue. There will need to be a detail policeman to get traffic out of the property to Highland Avenue. Emily Pick, of 12 Mills Road, lives on the other side of Highland Avenue. She is concerned with shoot through traffic. Mills Road has a lot of kids who play in the road. People will cut through these roads. The left turn out of Mills onto Highland Avenue is a disaster. She feels this will congest the entire area with doctor appointments every 15 to 20 minutes. This is a recipe for disaster in Needham Heights.

Alan Freidman, of 71 Putnam Street, stated parking exit Cross should be one way via Cross as it makes sense. Delivery trucks did not care what was said to them. They kept coming through Putnam. People will take a left and go onto Putnam. It would be a hindrance and they should not have to tolerate it. Mr. Crocker asked if they are impinging on Cross Street and making one way at that part. Mr. Dirks stated the width basically stays the same. One telephone pole will be relocated. Mr. Crocker asked if the pole is in the road now. Mr. Dirks stated it appears it is. They are working within the roadway and the road will be adjusted a little. Mr. Crocker asked why delivery trucks will only be on the upper level. Ms. Cavanaugh stated they will not fit in the lower level. Ms. Espada asked if the project is making a street in the back. Mr. Dirks stated it



will be a 2-lane driveway that connects 2 streets (Arbor and Cross) to the lower parking. Ms. Espada asked if the entrance in front is still an entrance and was informed it was.

Teresa Combs, of 7 Utica Road, works in health care and there are ambulances and EMTs frequently coming in to work on patients. She asked which entrance would the ambulance be using to potentially transport patients. Mr. Block stated, given the height, it would have to come into the upper level through Cross or come down Arbor and would park in the loading zone. Ms. Combs stated she wanted to make sure that was thought of. Ms. McKnight stated the amended traffic report, on page 3 of the summary section, has a self-selection egress. She understands that but is not clear on directed egress by parking deck alternative. What is that? Mr. Dirks stated you can only enter the upper deck by Cross Street. He noted lower level traffic could be forced to only make a left turn to Arbor and the lower deck would be forced to Cross Street but he is not recommending that be done. They are proposing the self-selection option. The Board asked the proponent to look at alternatives. With Cross being one way in, 75% of traffic will go out to Arbor and 25% to Cross.

Ms. Cavanaugh stated the entrance to the upper deck is not just from Cross Street. Cars can come in from Arbor also. They can exit only to Arbor but can enter from either street. Ms. Freidman asked how many spaces were in the lower and upper levels. Ms. Cavanaugh stated 132 in the lower level and 118 in the upper level. Mr. Doherty tends to think staff would park in the lower level given that is covered parking. It helps reduce traffic coming out onto Cross. Mr. Crocker noted the expectation that 75% of traffic will exit to Arbor and 25% to Cross. Arbor is one road and Cross is 2 roads. When exiting the lower level, if the only option drivers they will have is to go right then there will be 2 options – the steeper grade up Cross to Highland or through the neighborhood. He feels there will be a higher level of exiting traffic going to the right that will go through the neighborhood. Mr. Dirks stated employees will be told to go out through Arbor. It is easier to get onto Highland from Arbor. Mr. Crocker commented it is great they are putting the curve in at the corner of Cross and Putnam. It will reduce going through Putnam, but people still will.

Mr. Alpert noted there are a lot more standard size spaces on the upper lot and more compact on the lower level. He is always looking for standard size spaces. People will learn they are better off on the upper level with more room and more space and will have to exit onto Arbor. He suggested keeping the mix of standard spaces on the upper level. Ms. Espada asked if the applicant feels all 250 spaces will be occupied at one time. Do they need that many or is the number based on zoning? Mr. Doherty stated the number is based on zoning. This is what doctors, hospitals and user groups of this type are looking for. He feels it is usually 85% full. Ms. Espada stated some zoning has ridiculous amounts of parking. Is this what is needed and wanted? Mr. Doherty feels this is what is wanted and appropriate for this use.

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

VOTED: to close the hearing.

The Board took a 5-minute break.

#### **Needham Housing Authority – discussion about Linden/Chambers Redevelopment Project**

Mr. Block stated he wants an update on what has been accomplished since the last meeting and changes to the proposal. Dan Chen, architect with Bargmann Hendrie + Archetype, Inc., noted the schematic design for Phases 1A, 1B and 2. There will be 2 buildings in Phase 1A and 1B and 2 in Phase 2. They deviated from the concept report to economize the resources to share, reduce the footprint to maximize efficiency, reduce FAR, maximize distance to Linden Street and reduce the height. There will be 130 parking spaces, all surface on site. Mr. Block asked if it is the same parking ratio as now. Reginald Foster, representative for Needham Housing Authority, stated there are currently 152 parking spaces. The Housing Authority has assigned parking. Mr. Chen stated the ratio is lower than 0.5. Mr. Block asked if there are too many spaces. Mr. Chen noted there is some visitor parking. He thinks 130 is the right number. He added a line for minimum lot size. The changes are in red. The minimum frontage has been modified from 80 feet to 150 feet, the front yard setback was 30 feet and is increasing to 40 feet and the rest of the table remains the same.

Ms. McKnight asked why the lot coverage is so high. The existing condition is 16% lot coverage and it is going down to 11%. The call for proposed zoning allows 25% lot coverage. Why 25% and not some lower number? Robert Smart, attorney for the applicants, stated it seems like a reasonable number. Mr. Chen noted the current design is at 11% with the



consolidation of buildings. Ms. Espada asked if Phase 1A and 1B would be built separately or at the same time. Mr. Chen noted they will be built consecutively and not at the same time. The construction time frame is 16 months for Phase 1A and 12 months for Phase 1B. He noted there are 18 Linden buildings and the site is around 11.02 acres. Fire lanes have been added to access the building. He met with the Fire Department 11/1/23. There will be a new fire hydrant in Phase 1A. There are 2 existing hydrants and there will be a new one at the rear in Phase 1B. The path has been adjusted as well as waste management as to how to remove trash and where it is located. There were 2 community meetings with the abutters and the wider community. There was discussion about pushing the Phase 1B building up. Linden Street residents want it moved down for more distance from them. This is a different site plan option. Everything will conform.

Mr. Block asked if it was possible to make the building completely straight. Mr. Chen stated they do not want a 450-foot straight building. He is trying to break it up. Mr. Smart stated it is possible Town Meeting could approve a front setback of 40 feet. They cannot go back because of wetlands. He feels there is still a need to hear further from the public. There are a lot of Town Meeting members they have not met with yet. Mr. Alpert asked the actual setback. Mr. Chen stated 40 feet and 88 feet. One property is 36 feet at the narrowest point. The other option is a little more than 36 feet. unclear – are these side setbacks? The rear setback is 20 feet. ~~#The height~~ is 53 feet to the roof ridge. They used the High Rock School for comparison where the highest point is 48 feet. It sets a precedence that there are large buildings nearby. Phase 1A has 20 units per floor with a total of 76 units and Phase 1B has 15 units per floor for a total of 60 units. The center is the core of the building. People will come in off Linden Street. All amenities were coordinated with Engineering and a trash room and trash chutes/shoots have been added on every floor as part of the waste management strategy. There is no basement. The mechanicals and 8 water heaters are in the fire services room.

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Ms. McKnight asked where the mailboxes are/were. Mr. Chen stated there is a mail room between the front entry in the central area. Ms. McKnight asked if there would be staff that sit at the desk. Mr. Chen noted there would not be a receptionist. There will be offices on the top floor. Mr. Foster stated there would be counseling sessions during office hours but there will not be a permanent staff member assigned there. There will be a central laundry room. Ms. McKnight commented having community functions all together on the first level encourages friendships. She noted people get a lot of packages. Mr. Chen stated there is a mail/package room where people will go to get their packages. He noted at the 10/3/23 meeting the Planning Board asked for some additional views. He has added 2 additional views – one from the Maple Street cul-de-sac and one from the Linden Development. The views show the building is still blocked from view with a tree buffer. He showed aerial views with late Fall/Winter views. The pictures, from 10/31, show with the leaves falling the building is still shielded from view. He showed Maple Street toward the proposed building still has coverage and he showed the outline of where the building would be. He also did shadow studies with the summer solstice at 9:00 a.m., noon, and 3:00 p.m. The shadows are principally all on the property line. With the winter solstice at 9:00 a.m. shadows are on Linden Street and at 3:00 p.m. they are approaching Maple Street. The flat shadow study did not take into account the trees there. He looked for comps and found this is most applicable to the Rosemary Lake Apartments with 30 units per acre and Chestnut Hollow Apartments with around 68 units per acre. Ms. Espada asked if Chestnut Hollow is the same height as the proposed height. Mr. Chen noted #Chestnut Hollow is 4 stories and a little lower than the proposed height. Ms. McKnight stated the Rosemary Lake Apartments are zoned for 18 units per acre.

Mr. Block noted they had 2 community meetings with 17 people at one and 16 attending the other. What comments came out of that? Mr. Foster noted people thought this was a better design, progress was made, and they were glad #the building was moved back. The strongest feedback was about flooding in the area and if this would make it worse. He feels it may be a little better as to stormwater management. ~~They~~ People see this as an opportunity to voice concerns and are getting used to a bigger building. People would like to get their relatives here who are farther away. He has not received any wild protest letters yet. Mr. Block noted there were some letters months ago expressing concern. Mr. Foster stated they are going beyond the formal outreach meetings. He was invited to Maple Street this weekend to talk about it.

Mr. Block asked, ultimately, how do we move forward? Does the Housing Authority want to be the proponent of the Article through a Citizen-s' Petition, or should the Planning Board be the proponent? The housing is a priority for the ~~#T~~ Town. Affordable housing is more challenging, but this is an opportunity to create deeply affordable housing. He would prefer the Planning Board become the proponent. He would like the Planning Board to convene a community meeting before the end of December with a first hearing in January and the second hearing, if needed, before the end of January or beginning of February. He asked if that gets the Article on the Town Meeting or Special Town Meeting schedule. He would like to get on the Special Town Meeting as that gives a little more time.

Mr. Crocker feels the Planning Board should be the proponent and the Annual Town Meeting is what they need to do. The Annual may be a little better and may reach the community in a different way. Ms. Espada agrees the Planning Board should do it. It shows solidarity with the Town and the zoning. Ms. McKnight stated it is fine with her if the Housing Authority wants the Planning Board to be the proponent. Mr. Smart noted the Housing Authority would prefer the Planning Board be the proponent. Mr. Alpert stated he does not think it matters [what Town Meeting?] but who the presenter is. He has no problem being the proponent. Mr. Crocker asked if the Planning Board could be the proponent, but the Housing Authority be the presenter. Mr. Foster noted it could be done either way. He feels it may be better if the Planning Board starts. The Housing Authority could be there, and they should ask Margaret Moran, from Cambridge Housing Authority, to be there as well as the other experts. He noted CPA funds for this project will be on the Warrant at the Annual Town Meeting. Mr. Block feels it will be an entire collaboration and all should be accessible. He would like this topic on the agenda for the next meeting.

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The Board discussed the timing. Mr. Block would like the Planning Board to have a community meeting. Ms. McKnight noted the Housing Authority has had many community meetings and will be having more. She does not feel the Planning Board has time to have a community meeting. Mr. Block stated the Board would have to make time for it. If done properly it would be better attended. He would like a community meeting in December with a notice to all Town Meeting members, a notice by mail to all residents in the surrounding area and a notice on Facebook. He would like a wide reach to get as many people as possible. There will be a hearing in January. Ms. McKnight feels it is redundant. Mr. Alpert feels if the Housing Authority is already planning a community meeting and notice to all Town Meeting members there is no need for the Planning Board to duplicate it.

The Board discussed when the zoning language would need to be done and when public hearings would be held. After discussion, Mr. Block noted they would try to plan a joint meeting of the Planning Board and Housing Authority tentatively scheduled for 12/6/23. They will check the availability of Powers Hall or the Broadmeadow School. Mr. Block stated he would like to take some time to focus on dimensionals. Mr. Smart noted in Section 3.16.6, with the Planning Board suggestions, the minimum lot area was increased to 20,000, the minimum frontage increased from 80 feet to 150 feet and the minimum front setback increased from 30 feet to 40 feet. The other numbers have been seen previously. Mr. Alpert noted the FAR is 0.42 and the zoning proposal is 0.5, the units per acre is 22.5 and the proposal is 25 and lot coverage is at 11%. He asked if they needed 25% lot coverage in the proposed zoning. He feels it would go over better if the number was lower and thinks 18% would be good. Mr. Foster stated they shrunk the footprint and went up a story. To the north there are neighbors, but the building is farther away from them. The neighbors on the other side are the Housing Authority. It would be better if [it – the required setback?] was more than 20 feet on the north. Ms. Moran stated it needs to work for both buildings. Phase 2 is closer [to the rear property line?].

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Mr. Smart stated it would be useful to hear from the Planning Board members on what they would like the applicant to look at further. They can confer and get back to the Board. Mr. Block told him to send anything they come up with to Ms. Newman and she can forward it to the members. Mr. Block asked if there will be solar or if it will be solar ready. The proponent responded that it will be solar ready. Mr. Block asked if the 58-foot height includes mechanicals. Mr. Chen stated it was 58 feet to the ridge with the mechanicals underneath. The back side of the building is flat. Mr. Smart stated there needs to be language about the mechanicals. It is not in the zoning. Mr. Alpert asked what the area is currently zoned for and does it make sense to do an overlay. Ms. Newman noted it is General Residence and Single Residence B. It needs to be rezoned and not an overlay.

Ms. McKnight stated there does not need to be a definition for multi-family dwelling as they already have that under Dwellings, Multi-Family. It should match the state Zoning Act's definition of with Multi-Family Dwellings. Mr. Smart noted in Section 3.16.6 (a) they could have a reference to Dwelling, Multi-Family. The definition is only in a few overlay districts – Needham Center Business, Chestnut Street Business and Garden Street Overlay Districts. Mr. Alpert asked why the definition is being limited to these 3 Districts. The definition should be "A building containing 3 or more dwelling units...." Ms. McKnight agreed. She asked why define site plan review in this section. There is a whole site-plan-review chapter so they do not need to define it. Ms. Newman stated there are different thresholds for different districts. If creating a new threshold there would need to be a new definition. Ms. McKnight asked why say accessory uses are allowed by right – it is already in the By-Law. Mr. Alpert noted it is usually delineated by right or special permit. Ms. Newman added that delineations are by district also.

Mr. Alpert asked for clarification as to whether ~~noted~~ this is limiting occupancy to age and disability. Mr. Smart stated that is not what they are proposing. They are using the definition in Section 1.3 – at or below 80% of income and qualifying under 40B. Affordable housing refers to Section 1.3. They do not feel they need to define more than in terms of income. It is best for the Housing Authority to have some flexibility. They need to comply with federal and state guidelines and those may change over time. Ms. Newman pointed out it can always be converted. This is not a non-issue. Mr. Foster stated he has had meetings with Town Counsel. The restrictions are in the deed registered with Norfolk County, which ~~it~~ does not speak to disabled either. Is this a Planning Board zoning issue or worked out with non-zoning issues? Mr. Alpert stated if age and disability restrictions are not in front of Town Meeting the Finance Committee would have a problem. It ~~was~~ could be in the deed and that would be in front of Town Meeting. That would take care of it.

Mr. Block would like the proponent to flag this with Town Counsel. He wants the applicant to make a recommendation on the benefit of doing it and the adverse reaction of it. Send it in separate correspondence to Ms. Newman and she will distribute to the members to review. Ms. McKnight stated the Finance Committee would take seriously any fiscal impact of the project.

#### **ANR Plan – David G. and Elizabeth Sutcliffe, Petitioner (Property located at 609 High Rock Street, Needham, MA)**

Ms. Newman stated the plan is compliant.

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 ANR Plan.

#### **Board of Appeals – November 16, 2023**

Mr. Block noted there were 2 cases. One case was continued, and the Board has already dealt with that.

1688 Central Avenue

Mr. Alpert and Ms. Espada recused themselves. Mr. Block thinks this is a building permit application and not a site plan special permit application. None of the members of the Board can provide the expertise and have not been privy to the building permit application. All the members have seen is the application for the appeal of the site plan approval decision. They have no information from the Building Commissioner or Town Counsel. He does not see the Planning Board being in a position to make a comment. [Do these changes make sense?]

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

VOTED: “No comment.”

Mr. Alpert and Ms. Espada returned to the meeting.

#### **Minutes**

The Board put off the minutes.

#### **Report from Planning Director and Board members.**

Ms. Newman noted there is a HONE Advisory Group ~~Committee~~ meeting this Thursday. She also noted that she has submitted the Planning Department budget to the Town Manager. She will put the full budget in the next packet for the members. She has asked for an additional Planner and additional planning funds in the amount of \$80,000 to replenish the account. She has also asked for additional administrative support.

#### **Correspondence**

*Planning Board Minutes November 7, 2023*

Mr. Block noted the following correspondence for the record: a letter from the Attorney General, dated 9/15/23, approving the Annual Town Meeting Articles 19, 20 and 39. They have until 11/17/23 to approve Article 18. He also noted an email, dated 10/20/23, from Assistant Town Manager Katie King regarding storm-water runoff adversely affecting the neighbors, specifically 21 Mellon Street; and a notice from the City of Newton regarding a map change. Ms. Newman noted the Engineering Department is looking at some changes to the Storm-~~W~~water Regulations to be~~r~~ering to Town Meeting. Ms. King is on top of it.

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

VOTED: to adjourn the meeting at 10:25 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Natasha Espada, Vice-Chairman and Clerk

## NEEDHAM PLANNING BOARD MINUTES

November 17, 2023

The Needham Planning Board special meeting, held virtually using Zoom, was called to order by Adam Block, Chairman, on Friday, November 17, 2023, at 11:00 a.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, ~~Planner~~ Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearing 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.

### Discussion of Zoning Strategies for Solar Energy Systems.

Mr. Block stated the purpose of this meeting is to discuss zoning strategies for solar, climate action, and conditions for the medical office project on Highland Avenue. He noted, for solar, there has been extensive research done. A lot of neighboring towns have not expanded their basic solar By-Laws. He asked if Mr. Crocker has to recuse himself on the Zoning By-Law discussion as he earns a living selling solar. Mr. Crocker has spoken with Town Counsel about what he does in Needham. If a project came before the Board, he would not be the company installing on the project. Mr. Block thinks it is valid to have Mr. Crocker participate as it is good to have the expertise. Mr. Alpert thinks Mr. Crocker's expertise in the field will be beneficial.

Mr. Block noted the Board will go through the memorandum regarding zoning for solar. Mr. Crocker made a general comment that somewhere it needs to say require vegetation and fence screening within 12 feet of the neighbor's property line. On page 1, there should be a section 1 a) 1 – solar energy system building mounted canopy. Mr. Block stated he spoke with Steven Frail about a canopy over a building as opposed to a canopy over parking. Not in the memorandum is the inclusion of a newer form of a solar canopy, which would be a structure over the building. Mr. Alpert stated in the memorandum the only discussion of canopy is over the parking. The possibility of over-the-building canopies needs to be included. Mr. Crocker noted it could be written so it does not go over the limit of the building's roof. If there is ever any rooftop type of activity a canopy would be a benefit and it should be a solar canopy. There could be a condition, so it is pulled back from the edge of the roof.

Ms. Espada stated it would be worth doing a big picture of understanding. Lexington is the least stringent and Westwood and Woburn were helpful. She asked what the Board's stance was. Mr. Block did not see building-mounted solar canopies in other towns. Mr. Crocker wants to include that. Ms. Espada noted Lexington allows it. She feels Lexington would be a good place to start. Mr. Block did not see that Lexington has a provision for building-mounted solar canopy. Ms. Espada noted it was under land use. It is the most lenient of all of them. There is site plan review, and a large system is subject to a special permit site plan review.

Mr. Block asked when the draft would need to go to the Select Board for the May Town Meeting. Ms. Clee stated the earliest schedule would be 1/2/24 to finalize and the latest would be 1/16/24 to finalize, both for the annual Town Meeting. Ms. Newman stated it could be included now, advertised, and depending upon what is heard it could be pulled out. Mr. Block noted there are 6 weeks to give further thought as to whether to allow building mounted. Mr. Crocker noted it should be included now and then fine tune the language. Ms. Newman would like to follow up with the Planner in Lexington. Mr. Crocker noted a) 1 should be added with building mounted and it could be dealt with later. He noted section 1 e) needs to be changed as it is out of date. Roof mounted systems in Needham are around 17-18 kW DC systems. It should be changed from 10 kW AC to 25 kW AC. A 39 kW DC system would need about 2,500 square feet. Section 1 e) changes from 1,500 square feet to 2,500 square feet and from 10 – 250 kW DC to 40 – 250 kW DC.

Mr. Block noted the newest systems generate more power in less area. Mr. Crocker agrees the systems are more efficient than years ago. The numbers are changing because they were wrong. Mr. Alpert stated small scale should be 2,500 square

feet. In e), it should be 2,500 square feet but less than 40,000 square feet. Mr. Block would like Engineering to look at it. Ms. Espada asked why a cap of 40,000 square feet is needed. Ms. Newman ~~responded that~~ noted larger systems in the Overlay District are being regulated. Mr. Crocker stated it is more than needed but there is no reason to change it. He thinks about if there is a domicile on the land. Ms. Newman noted these are accessory uses.

Mr. Crocker noted sometimes there are pole mounted systems. The poles are 10 inches in diameter and sometimes there are more than one. The system is on top of that. This should be effective by lot coverage and setbacks. Ms. McKnight stated, in the Zoning By-Law, residential districts include multi-family, Apartment A-1 and A-2 (North Hill) Districts. They need to be careful using the phrase "residential districts." She feels the Board should use Single Residence A (SRA), Single Residence B (SRB) and General Residence to be careful. It needs to be specific. Ms. Espada noted some other towns do Single Family Residence versus Multi-Family and do commercial separately. All the towns do it a little differently.

Mr. Block stated they are talking about adding building-mounted canopies and pole-mounted canopies. How other towns define small scale and medium scale can be looked at. He feels they should get Justin Lee to validate that ~~output capacity~~, size and form. He is struggling with the concept that with new technology more capacity with a smaller footprint can be generated. Mr. Crocker clarified it is not based on new technology. It is based on regulation changes with the state. The net meeting metering? policy needs to be raised to meet Climate goals. Mr. Block asked if it is true the newest technology panels can generate more capacity with a smaller footprint and was informed that is true. Ms. Espada stated technology is changing. She would not base this on a system but on a strategy. She feels Lexington should be looked at. Ms. Newman stated Lexington sets small scale as less than 1,500 square feet. Then large scale is done through site plan review.

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Mr. Crocker stated a 10 kW DC system is about 440 square feet. Ms. McKnight asked why Mr. Crocker is so concerned about kW ~~so much~~. The Board should be looking at ground coverage and the look of the area. It says in the definition square footage is used, then equivalent in parenthesis. Small, medium and large are not being defined based on kW but square footage they cover. Ms. Newman noted that section could be deleted and just go with square foot area. Mr. Block stated Lexington does not include capacity, but it could speak to the footage of it. He reviewed how the other towns deal with this. He would recommend under d) increase 1,500 to 2,500 and 10 kW DC to 39 kW DC and under e) 2,500 to 40,000 and change 10 to 40.

Ms. McKnight stated the word "about" is not setting a standard. The only standard is square footage. Mr. Alpert agreed with Ms. McKnight. The Board should be concerned with the Zoning By-Law and how things look at various properties. In the definition, he is not sure they want to have parenthesis. That would cause confusion in the future as the standards change. Mr. Block agreed the Board should not be regulating capacity but regulating size. He would not start at 2,500 square feet for small mounted but have it at 1,750 like other towns. He asked why change this if these can produce more with a smaller footprint. Ms. Newman feels the Board needs to look at why these thresholds are set so small and if 1,750 or less can happen by right and medium can be with site plan review. Up to 40,000 triggers site plan approval. Mr. Alpert asked what size the Board would be comfortable with without site plan review. Mr. Crocker noted, depending on the distance from the property line, there has to be screening. There are not many properties in town that could have a solar system of 2,500 square feet. Mr. Block commented that was a reason to keep it at 1,750. Mr. Crocker noted it does not need to? change. The logical standpoint is 2,500 square feet and it correlates with the Climate Action Plan.

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Mr. Alpert noted Mr. Crocker stated there should be a requirement of screening. He asked if the Board could do that with as ~~of~~ right situations. He feels the Board needs to get back to, and decide, how things are going to look on various properties. Regulating the look, feel and architectural integrity of the Town and how people in Town want to present it. unclear Ms. McKnight noted a discrepancy between d) and e). Ms. Newman will correct the typo. It should be 1,750. Mr. Crocker stated there are going to be setbacks from the house and the property line. There are a lot of restrictions. Solar systems on SRB-zoned lots will not approach anywhere near 1,750 square feet so they are really only talking about larger lots. Mr. Block sees no need to allow a larger footprint in SRB by right because of the impact with larger systems. Ms. Espada feels it needs to be tweaked and everyone should do more research.

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Ms. McKnight does not think there should be a landscape requirement without a site plan review. The Board should focus on setbacks. There needs to be a carefully worded amendment to the setback for accessory structures. It may need to be the same as principal structures. Ms. Newman stated the parking canopy was at the accessory structure setback. All others were the principal district setback. Ground mounted is an accessory use and not an accessory structure. The setback will

be the same as required for the dwelling. The setback for a parking canopy will be treated like an accessory structure like a garage. Mr. Block noted it goes back to size and how screening is managed. The size matters and has an impact. He feels it should be added with site plan review for structures over 1,750 square feet. That is where the screening would be regulated. Mr. Crocker commented maybe every ground-mounted solar facility should be site plan review. The Board is getting hung up with 1,750 or 2,500 when very few will ever be that size.

Mr. Alpert noted this could be classified as a minor site plan review. That requires the Building Commissioner to send to the Planning Board for review and recommendation. He asked if that does the trick. Mr. Block noted they have not defined the distinction between major and minor. Ms. Espada feels the members need to talk about land use before setbacks. Every town has a different land use. She feels the Board members need to agree on a strategy for each section and a general idea of what they want. Ms. Newman explained what she has done and how she had set it up. Mr. Block noted a 4<sup>th</sup> category for pole mounted solar and a 5<sup>th</sup> category for roof mounted solar canopy. Ms. McKnight stated if ground mounted has the same setback as the garage, she is fine with it. Mr. Alpert feels residential should be limited to SRA, SRB and General Residence Districts. All other residential districts should be classified as non-residential districts for all the requirements. Ms. Espada agreed. Mr. Alpert stated roof mounted canopies and building canopies should be limited to non-residential districts. Mr. Crocker agreed. Mr. Alpert noted the total building canopy should be limited to the New England Business Center and maybe the Mixed Use 128 Districts. He asked Mr. Crocker if there should be pole mounted in the SR Districts. Mr. Crocker stated pole mounted should be the same as ground mounted, limited to 10 feet in height. Maybe allow pole mounted 5 feet from the property line but with the same restriction of utilities underground.

Mr. Block stated he personally would prefer to deal with pole mounted and roof mounted canopies afterward. He does not feel they should go after everything at one time. Mr. Alpert noted roof mounted canopies in the New England Business Center and Mixed Use 128 District would not be objected to at Town Meeting. Mr. Block asked if there were going to be regulations for roof mounted and building canopies. Mr. Alpert feels there should be another special meeting in early to mid-December to continue this discussion. Mr. Block agreed. It will be done in the Chair/Vice-Chair meeting. They will talk offline about this after discussion. Ms. Newman will work with Ms. Espada to frame the communication in a conceptual way. The Board set a meeting for 11/28/23 at 7:00 p.m. via zoom.

**Discussion of Conditions for Decision: Major Project Site Plan Special Permit No. 2023-03: Neehigh LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square foot Medical Office building (25,000 square foot footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces.**

Ms. Espada noted on page 3, Section 9, it says accessible pedestrian building. She wants pedestrian universal building access. This lists 2 entrances but there is only one from Highland Avenue. People will go down the ramp and underneath the building to the second one. She clarified that to enter the building at the underground level it would be from the corner of Highland and Cross. She feels it should be universally because both require ramps. Ms. Newman wanted a condition to acknowledge it and make clear there is dual access. Mr. Block wants to be careful as he is not sure there can be a condition there are to be 2 universally accessible entrances. Ms. Newman is codifying what was proposed as a condition.

Ms. Espada noted in section 18, she has just been through a project where it was thought landscaping would minimize traffic noise, but a landscape architect told them that is not true. It just limits impact or views. She stated in the third section, in the past, there have been complaints about foundations when excavation was done. She is not sure if that is covered or is in the Planning Board's purview. Ms. Newman will check with the Building Commissioner and get back to the members. Mr. Alpert noted in paragraph 1 h), it says to the extent "approved and desired." He feels "and desired" should be changed to "to the extent allowed by Mass DOT." He noted at the Temple it was the Town that did the roadway striping.

Mr. Alpert noted in paragraph 1 l), snow accumulations, the last phrase, "where such accumulations would impede site lines" should be taken out. It should say "shall promptly remove within site triangles." Mr. Block feels in 1 h) it should say "required or approved by Mass DOT." Ms. McKnight noted even if Mass DOT is ok with it the Board wants it. It was agreed it should say "allowed by Mass DOT."

Ms. Espada left the meeting.



Ms. McKnight noted on page 3, Section 11, under Engineering Conditions, ~~she noted~~ there is already a provision for Mass DOT approval required for any work in this section of Highland Avenue. Mr. Alpert noted on page 2, Section 2 c), the condition that the TMA [define TMA] shall provide. He asked if the Board could tell the TMA what to do? Ms. Newman will remove that condition. Mr. Alpert noted d) and e) should be “to the extent available.” Ms. Newman feels the applicant may need to provide but she will figure that out. Mr. Alpert noted in f) the landlord will not provide rides. It should be “tenants shall be required to provide...” In Section 4, he noted Cedar Street in Wellesley has certain right turns that are cut overs. They have signs for “no right turn” at certain hours. They should talk to the Police Chief about having traffic controls that legally prevent people from turning onto Mills Street at certain hours. Mr. Crocker suggested saying “local traffic only” but it should be Utica Road also. Mr. Alpert suggested the Police Department be consulted.

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Ms. McKnight asked if it is a concern that people leaving would go the most direct route and go straight across Highland Avenue and cut through and was informed it was. Mr. Block noted there is no issue taking a left turn, ~~but-~~ ~~it~~ would be extremely difficult to cross 4 lanes to go straight. He feels the police should be consulted on this. Mr. Alpert is recommending the developer consult with the Police Chief. It is not a condition. Ms. McKnight noted condition 4 would be deleted and this was agreed. Mr. Block noted on page 2, condition 5, he wants to clarify if the traffic engineer suggested patient drop off within the site. Ms. Newman stated it was. The applicant agreed ~~to~~, in writing, that patient drop off would only be within the site. Mr. Block would like this double checked. The Town has made them create an entrance on Highland Avenue and the Board required a second entrance be provided. There should be a condition that the applicant shall install signs for no drop off and pick up although he is not sure the Town has the authority to say that. Mr. Alpert ~~commented~~ commented that the Board should require signage but what other people do cannot be controlled. Mr. Crocker agreed. Ms. McKnight suggested removing the word “operations.” Ms. Newman will remove it. Mr. Block suggested saying “developer is required to install a sign for no drop off or pick up on a location on Highland Avenue that meets the pedestrian entrance.” Ms. McKnight stated it would need DOT approval to put up a sign. Mr. Block suggested adding “with DOT approval.”

Mr. Alpert noted condition 8, at the end, it says “one possible change will be the elimination of the lower level...” He suggested “one possible change will be the elimination of access from the lower level of the parking garage to Cross Street.” Ms. McKnight thinks that is weak. It should make clear the Planning Board reserves the right to make this condition. Mr. Alpert is not sure the Board can have post conditions. Mr. Block wants verification from Town Counsel the Board has the authority to allow subsequent conditions. He does not think they have the authority. He will check with Town Counsel on conditions 8 and 21 to get verification on what is permissible.

Ms. McKnight feels a specific problem should have a specific condition. Ms. Newman noted the Board should reserve the right if X happens to impose this condition. She will prepare a draft decision. Mr. Alpert feels someone should suggest to the neighbors, that if they put up no-trespass signs, any offenders would be committing a crime and could get ticketed. Ms. McKnight stated those are private driveways for the condos. Mr. Alpert suggested Ms. Newman call Attorney Howard Goldman and let him know [about recommended signage?]. Ms. Newman will draft a decision for the 12/5/23 meeting.

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

VOTED: to adjourn the meeting at 1:32 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk



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## NEEDHAM PLANNING BOARD MINUTES

November 28, 2023

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, November 28, 2023, at 7:00 p.m. with Mr. Crocker and Mmes. McKnight and Espada, ~~Planner~~ Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held 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.

### Discussion of Zoning Strategies for Solar Energy Systems

Mr. Block stated the Board would be discussing Climate Action Zoning for Solar Installations, what the state recommends through the Department of Energy Resources (DOER), and what Needham is contemplating. He wants to make sure all the members are agreeing to regulate 1) roof mounted solar panels, 2) ground mounted solar systems – small and medium scale, large is already in the By-Law, and 3) solar canopies over parking lots and parking garages. They are not going to regulate pole mounted solar arrays and building mounted solar canopies. He noted Mr. Crocker advocated last time for pole mounted and building mounted solar canopies. He is ok moving forward without those. Is Mr. Block quoting Mr. Crocker – unclear who “he” is. Mr. Crocker stated he is ok with not specifying pole mounted as it is the same as ground mounted. Mr. Block stated it is not the same, since- ~~A~~ a pole mounted system is on ~~the~~ poles. Mr. Crocker stated a ground mounted system is a structure on the ground that could be supported by poles. Technically, they have to abide by the same requirements. There is no need to mention pole mounted as they would both have the same requirements.

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Mr. Block asked about building mounted solar. Mr. Crocker feels they need to include building mounted in conversations going forward. Ms. McKnight noted building mounted solar is throughout the By-Law. She stated Mr. Block commented on solar canopies above parking areas and solar canopies above parking garages. She feels those above parking garages are building mounted solar canopies. Mr. Block is making a distinction between roof mounted systems which are different than a canopy over mechanicals or a solar canopy over a parking garage. Ms. McKnight stated the distinction is not clarified in the proposal. There are solar canopies on garages but not on top of any other buildings.

Ms. Espada feels it would be good for the Planning Director to explain what she did. Ms. Newman stated she took what DOER has and researched other towns. Mr. Block wants to be clear on what the Board is regulating. Ms. Newman stated she took the Zoning By-Law and broke it up into components. She defined terms of what would potentially be regulated. She followed the definitions that were part of the draft zoning article DOER put together including the definition for solar, roof mounted, ground mounted, small scale, medium scale, active solar systems and passive solar systems. She used the definitions s as amended. A lot of towns have used that, but she went with the state model. She added building mounted solar parking canopy, building integrated photovoltaic (BIPV) and solar energy system surface integrated. To regulate, she added a new definition for solar energy system. She did add building mounted, but the Board may not want to add that. She added a solar parking canopy that was not part of the state's model. She also added building integrated and solar energy and wanted to define those terms.

Mr. Block looked at the solar amendment Ms. Newman prepared. He asked if it captured a parking garage. Ms. Newman will broaden the definition to capture both. Ms. McKnight asked Mr. Block to explain why it would be allowed on parking garages but not other types of buildings. Mr. Block stated there is no market demand for canopies over office buildings or school buildings. No one is asking for it. If it was asked for, he would not allow 10-15 feet above the roof. There would need to be more research to understand the impacts. He wants a simple zoning path that people can understand, and later, as things evolve, it could be added. He sees no need to do that now. Ms. McKnight explained why solar canopies should be allowed on parking garages. They are allowing a solar canopy over a building structure when the available roof area is

not sufficient ~~enough~~ to generate electricity for a regular roof mounted system. This has nothing to do with a garage. They are allowing a canopy over a garage. She suggested thinking of a canopy over Pollard School, ~~or~~ the Trip Advisor building ~~or any of the churches~~. There is a By-Law that mechanicals cannot take up more than 25% of the ~~roof~~ surface. The Board should either say no mechanical systems ~~larger than 25% of the roof area~~ or make an exception ~~for solar canopies~~. She feels the Board should work on the policy tonight. The policy should say solar over a parking garage would be the definition of building mounted and keep it simple.

Mr. Crocker feels Mr. Block came into the meeting with a particular idea. He feels this needs to be a group discussion. There is a difference in the percent of ~~roof~~ coverage. He feels the Board should plan for the future and the members need to discuss this. Mr. Block stated there needs to be another definition for solar parking canopy for garage structures. He noted in Ms. Newman's memo, page 1, item 1d) and 1c), all agree to remove the nameplate capacity in the definition. The question is the size. This is being done by square footage with the small up to 1,750 square feet. Mr. Crocker stated it is fine to reduce that to 1,500 square feet. All agreed. Medium would be more than 1,500 square feet. Ms. McKnight ~~asked for clarification as to whether~~ "equivalent to a rated nameplate capacity" would be deleted but Ms. Newman stated it would make sense to leave it. Mr. Block stated no capacity should be included. They are not regulating capacity, only the size of the system. He does not want to keep having to update this.

Ms. Newman stated, in her memo, under land use regulations, roof mounted solar energy systems are allowed in all districts as of right. That is consistent with the DOER regulations. In the residential districts, small scale and solar panel canopies as of right in the rear and side yards and ground mounted per site plan review. Both are consistent with the DOER model. Medium systems permitted through site plan review deviates from DOER. Ms. Newman noted where she had yellow highlight that is where she deviated from the DOER model. She stated for lot coverage, DOER recommends the towns not apply standards to ground mounted where there is grass or other pervious surface underneath. She treated them as a structure and will follow the lot coverage rules of the district they are in.

Mr. Crocker noted, under Lot Coverage, 3 b) and d) are similar. If you replace b) with d) that takes care of the square foot of the array. Ms. Newman feels the panels could be larger than the surface. Mr. Crocker noted they are dealing with lot coverage and not the size of arrays. After discussion, Ms. Newman stated her intent is to indicate ~~that~~ a solar canopy that extends beyond the building counts toward lot coverage. Mr. Block and Ms. Espada agreed. Ms. McKnight stated it needs to be taken into account ~~that~~ there is a definition of lot coverage in the By-Law. They do not count surface parking areas. Do they want a parking lot canopy to be counted toward lot coverage? Ms. Newman is saying over the building that extends beyond the building counts toward lot coverage and over a parking lot to the extent the canopy extends beyond the parking surface, that extended part counts toward lot coverage. Mr. Block stated solar panels are impervious surface. Mr. Crocker clarified ~~that~~ solar panels are classified as pervious surface.

Ms. Newman noted the Storm Water Management By-Law needs to be met when putting this up. She tried to indicate the impervious portions of ground mounted solar energy systems are subject to the Needham Storm Water Management By-Law and need to comply with that. Mr. Block asked if any extended part would count toward the lot coverage calculation regardless of application – ground mounted or on the roof. Ms. Newman stated yes, for an active solar system. All agreed. Mr. Crocker noted 3 b) is something different than 3 d). Ms. Newman noted one is ground mounted and one is active energy. She took this from Natick and would like to look at this further. She will follow up with Natick to clarify. Mr. Block would like her to see how Natick treats these; if they are pervious or impervious; and how they deal with Storm Water Management Systems.

Ms. Newman reviewed Section 4 – Height for Building-Mounted Solar Energy Systems. The state recommendation is that all building-mounted be exempt from height but she was not comfortable with that. She followed Natick where the height above the roof is based on the pitch of the roof for all districts. The systems should not be higher than the height of the roof. Mr. Block asked what the standard is now for mechanicals. Mr. Crocker noted 15 feet above the roof line. He would like different constraints for different districts. Mr. Block noted single family residential is no more than one foot higher than the roof of a house. Mr. Crocker stated a normal system is 5 to 7 feet, but a foot seems perfectly reasonable. Ms. McKnight likes the way it is presently worded. Ms. Newman would like to go through the memo then focus on zoning. Mr. Block stated the Board has not defined or regulated a canopy over a building or solar lids. Ms. McKnight noted what is being proposed makes a distinction between roof mounted and ground mounted and says canopies over buildings do not count.

Mr. Crocker commented that the conversation should be allowed. All members agree on building mounted solar applications.

Ms. Newman noted the next category is for ground mounted solar systems. DOER recommends using existing height limits that apply. Needham zoning does not have any limits for accessory structures so there is no standard to apply. She chose a 10-foot vertical height for small and medium scale. For a solar parking canopy in the residential district the maximum height would be the height of the principal structure. Mr. Block stated, if the maximum height of the structure is 35 feet, there could be a 35-foot canopy. This needs to be discussed. Mr. Crocker agrees that is too high. The Board will come back to height. Ms. McKnight noted Section d) refers to the Special Permit Granting Authority. Mr. Block stated it would be the Planning Board. Ms. McKnight feels it should say that. Ms. Newman noted Section 6 for setbacks. DOER had model recommendations for urban towns. The setback standards would be the standards of the district they are placed in with rear and side setbacks of 20 feet or less. She linked it to the setback requirement for buildings as they exist in all districts.

Ms. Newman stated DOER also recommends solar systems be discouraged in front yards. Her draft does not allow this at all. Other towns are allowing in front by special permit. The Board may want to consider opening it up to a special permit process. Ms. Espada agrees with Mr. Crocker that the systems in the front yard should be by special permit. Ms. Newman feels it makes sense. Mr. Block asked if it is being made discretionary by use or by other criteria. Ms. Newman will make allowing in rear and side yard discretionary. Mr. Crocker stated any structure has to be 10 feet from the house and meet all the other setbacks. Ms. McKnight liked that it was not allowed in front yards. Mr. Block agreed. Ms. McKnight stated this is new and people are going to be worried about it. She feels it should be kept out of the front yards. Ms. Espada stated if there is a large front yard you cannot see from the street it should be discretionary depending on the situation. Mr. Block feels then there would need to be a screening requirement. Ms. McKnight stated it could be done in the front of the house but not in the required front setback ~~requirement~~.

Ms. Newman noted the DOER model has BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems. It is clear these fall within the parameters of the Needham By-Laws. For the impervious lot coverage requirement, she added a reference and linked it back to the Zoning By-Law. Mr. Block feels there needs to be clarity on the pervious portion and the impervious portion. Ms. Newman noted, for Site Plan Approval, she called out that DOER was not requiring site plan approval for medium sized and she was requiring site plan approval for all zoning districts. Ms. McKnight noted the Planning Board would serve as the Special Permit granting authority. It does not say medium requires a special permit. They need to be careful with that.

Ms. Newman noted that DOER had design standards in their model. She used all of their standards and added a standard on height, layout and lighting for review by the entity doing the approval. Mr. Block noted the wording needs to be to the Planning Director by the end of this year. The members will go through the draft zoning Ms. Newman did and start to give her direction.

The Board took a 5 minute recess.

Mr. Block stated the definitions in Section 1 d) and 1 e) of Ms. Newman's memo are clear. A pole mounted system is X number of solar arrays on a single pole, canopy panels are mounted on one canopy and a canopy structure is mounted. Mr. Crocker stated it is not pole versus canopy but ground mounted versus canopy. Pole mounted could have multiple poles on the array. Mr. Block stated the members talked about allowing a height of up to 35 feet or more. They need to focus on definitions. He agrees the number of poles is irrelevant. There need to be height and setback requirements. He does not want the height the same as the primary residence. Mr. Crocker noted the Board already said ground mounted systems cannot be more than 10 feet high. Ms. Newman stated Natick counted panels and also the profile on the ground. Ms. Espada feels if Natick already vetted this, that should be looked at. Ms. Newman noted Natick had 2 standards – maximum height of 10 feet and a lot coverage standard for ground mounted that the total surface area is counted toward lot coverage.

Mr. Block suggested using the section on page 2, item 3 – 6.2, for roof mounted in all districts. Ms. McKnight asked what the purpose is of the reference to “nonconforming uses and structures ~~“and”~~ are located....” Ms. Newman stated solar could be put on a nonconforming structure as of right without getting a special permit. Ms. McKnight suggested rewording

without the subsection numbers and if located on the property it does not increase the nonconformity. She asked for clarification as to whether rear and side yards in b) and c) are not talking about setbacks. Ms. McKnight stated it might work to allow in front yards but not within the front setback. She suggested coming up with special wording for that. Mr. Block stated he is not a proponent. He feels there will need to be sketches of what is being talked about at Town Meeting. He is not convinced it should be allowed in front yards. Mr. Block noted small scale ground mounted solar and solar canopies should be allowed in side and rear yards and all agreed. Ms. McKnight and Mr. Block are fine with not allowing it in the front yard. Ms. Espada and Mr. Crocker are ok with it in the front yard with a special permit.

Ms. Newman walked the Board through the process of when changes can be made. This zoning amendment could be advertised for the public hearing with a special permit in and then remove it. Mr. Block would recommend [against?] advertising as allowing it. He does not advocate allowing by right in front yards or having ing further regulations for to allow it. Ms. McKnight suggested Ms. Newman draft with allowing in the front yard. Then it can be reviewed when Mr. Alpert is present here. Mr. Block noted for medium scale with site plan review, "by the Planning Board" should be added. This was agreed. Mr. Block noted in 1 c), nonresidential districts, small is allowed in rear and side yards. There were no objections. Mr. Crocker feels building mounted solar needs to be added here. There were no objections. Ms. Newman will modify the language under b) for front yards and c) for nonresidential. Ms. Espada feels it should be by special permit in both [residential and non-residential?] districts. Ms. McKnight agreed with requiring special permits for all districts but would prefer not to allow in residential front yards. Mr. Crocker suggested leaving language regarding special permits for both residential and nonresidential.

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Mr. Block stated it is different in front yards for commercial districts. The Board cannot allow on a sidewalk as that is a municipal function. He asked if they would allow a solar canopy over a seating area. Mr. Crocker stated they would. French Press has such a canopy. Solar panels should be allowed there. He would allow in the front yard of commercial but they would need to be careful. For example, a retail establishment that is set back from the road. Mr. Block noted, Fresco for example, as long as it does not take up seating area. If they have a canopy, he would have no issue having solar on the canopy. Ms. McKnight stated 6.6.2 does not seem to allow building mounted solar at all. Ms. Newman assumed it was already allowed and she did not need to separate it. She asked if she should call it out. Ms. McKnight feels it should say what type of building mounted would be allowed. Mr. Crocker stated he was focusing more on commercial buildings like those across 128. He would allow mechanicals. There are no walls so it could be seen through. Ms. Newman will have to give more thought to what Mr. Crocker wants to do. Mr. Block stated, on page 52 of the packet, the bottom image to him is not a canopy. He does not feel any other mechanicals could fit under this. He would allow this in any commercial district. He might not allow where it gives more height in the Center Business District or the Heights. Mr. Crocker stated, technically, a building not already built at the height limit could do it. They cannot stop people from going up to the height allowed. Mr. Block feels the height can be restricted. The Board needs to figure out how to and where to handle smaller versions of pole mounted system dimensional regulations and lot coverage.

Ms. Newman noted in 6.2.2 a) 1) active solar systems are not buildings but the area shall count toward the maximum percent of lot coverage. This creates a series of standards that would apply. She reviewed the standards and noted double counting needs to be avoided. Ms. Espada agreed with what Ms. Newman said. They need to abide by lot coverage. Mr. Crocker asked if a pergola would count in front of the building. Ms. Espada stated it would as it covers part of the lot. Mr. Block asked about height for building mounted/roof mounted solar systems. Ms. Espada stated the Board talked about a pitch of less than 15 degrees, allow 3 feet and go up to 6 feet. Ms. Newman stated this came out of Natick. They cannot go more than 3 feet above the maximum height of the district. She will try to find out the rationale from Natick.

Ms. McKnight wants to be clear and noted that in Section 4.7.2, height exceptions, specify those exceptions are specified and do not include solar panels. Mr. Crocker would like something in there to allow these solar lids. Maybe start with 15 feet over mechanicals. Mr. Block stated they need to modify that provision. Instead of "except with roof mounted solar system" he would say "building mounted would be setback 2 feet from the perimeter of the building." Mr. Crocker stated that does not make sense from what they have seen. Most are set back. Mr. Block is fine with roof mounted in all districts but- Bbuilding mounted should not be allowed right to the edge of the building. Mr. Crocker noted the edge is where the structure of the building is. If you pull it back, they would need to cantilever the system and add structure.

Mr. Block stated for small and medium ground mounted he is ok with a 10-foot height if there is a screening requirement. Ms. McKnight is concerned that the maximum height of a solar canopy ~~should be~~ not be 35 feet. Ms. Newman feels there needs to be a height for commercial also. She would like to speak with an architect or some expert to see what the appropriate height should be for ground mounted. Mr. Block feels she should start with what Boston Properties did. For small scale he feels 10 feet is too high. It should be 8 feet at the most. Ms. Newman will find out what screening is legally permissible. Medium scale is allowed by site plan review. They would want screening for that also and for a solar parking canopy in a residential district. Ms. Newman will need to figure out the appropriate height number.

Mr. Crocker asked if they need to think about fire access around the house. Ms. McKnight suggested asking the Fire Chief so there are no surprises later. Ms. McKnight noted in Section 3 under setbacks the last phrase regarding trees says "trees should be..." "Should" should not be used when requiring something. She suggested using "shall" or "must." Mr. Block stated they need to specify a primary structure setback. Ms. Newman noted it has to meet the setback requirements/dimensional standards. She is treating them as accessory structures like a garage. If not defined as a structure this would not have a required setback. Mr. Block wants to add "notwithstanding setbacks for mechanicals in any district, roof mounted and building mounted systems shall have the setback of the building." Ms. Newman is not sure that is needed. Mr. Block stated if not added they cannot define mechanical systems. Ms. Espada noted this is an electrical system and not a mechanical system. There are no electrical systems on roofs. This is specific to solar, which is electric. Ms. McKnight feels they need to look at the height limits for each district.

Mr. Block noted site plan review was left to discuss. He may want to add a setting provision for screening for medium and potentially small scale. Ms. Newman stated there is no site plan review for small scale, but it could be added for medium scale.

#### **Minutes**

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

VOTED: to accept the minutes of 9/5/23 as amended by Ms. McKnight.

#### **Report from Planning Director and Board members**

Ms. Newman will report at the next meeting.

#### **Correspondence**

Mr. Block noted correspondence from Ross Donald, dated 11/22/23, with questions about the Needham Housing Authority project. Mr. Block spoke with him and explained the general rules of public participation in meetings. He told him project financing was not part of zoning.

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

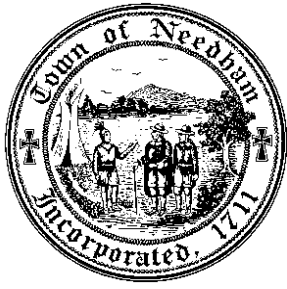
VOTED: to adjourn the meeting at 10:14 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Natasha Espada, Vice-Chairman and Clerk

DRAFT



PLANNING & COMMUNITY  
DEVELOPMENT

PLANNING DIVISION

February 1, 2024

Shaylyn Davis-Iannaco & Nika Sandal  
WestMetro HOME Consortium  
City of Newton, Housing and Community Development Department  
1000 Commonwealth Ave  
Newton, MA 02459

Re: Letter of Support for NHA's HOME-ARP Funding Application for Redevelopment of the Linden Street Property

Dear Ms. Davis-Iannaco & Ms. Sandal:

This letter is to confirm strong support from Needham's Planning & Community Development Department for Needham Housing Authority's (NHA's) application for HOME-ARP funding for NHA's Linden Street Redevelopment Project.

The redevelopment of the Linden Street property has been a major Town objective since first identified by the 2004 Needham Comprehensive Community Housing Study Committee. The recently 2022 Needham Housing Plan update reconfirmed the project as a top priority.

Built 60+ years ago, Linden Street's 72 existing deeply affordable units are undersized and worn out. They lack the accessibility and sustainability features needed for its senior and disabled population. The 136-unit redevelopment project is a critically needed opportunity to preserve the existing units while meaningfully increasing the total number of deeply affordable housing units in town. With both MBTA bus and commuter rail stops nearby, the transit-adjacent location is ideal for serving the intended population for HOME-ARP supported units.

Over the past several months, my department and the Planning Board have been coordinating closely with NHA. Working together, the Planning Board and NHA are together proposing the zoning relief needed for approval at Spring 2024 Town Meeting. It is my understanding that HOME-ARP funding from the WestMetro HOME Consortium is important portion of the overall funding needed for the Linden Street Redevelopment Project.

Thank you for your consideration of NHA's application.

Sincerely,

*Lee Newman*

Lee Newman  
Director of Planning & Community Development, Town of Needham



Cc: Cheryl Gosmon, NHA Executive Director  
Reginald C. Foster, Chair, NHA Board of Commissioners  
Needham Planning Board  
Kate Fitzpatrick, Needham Town Manager

**WELLESLEY PLANNING BOARD  
NOTICE OF ZONING PUBLIC HEARING  
ANNUAL TOWN MEETING**

**REVISED**

**MONDAY, FEBRUARY 5, 2024, 6:30 PM  
REMOTE MEETING**

<https://www.wellesleymedia.org/live-streaming.html>

The online meeting will also be streaming live and will be telecast live on Comcast channel 8 and Verizon channel 40. The meeting will also be recorded and available for later viewing on Wellesley Media.

**If you would like to participate on this topic, an agenda will be posted prior to the meeting with the remote information.**

In accordance with M.G.L., Chapter 40A, Section 5, and Section 6.4 of the Zoning Bylaws of the Town of Wellesley, Massachusetts, notice is hereby provided that the Planning Board will hold a public hearing to begin at 6:30 p.m. on Monday, February 5, 2024, on the following proposed amendments to the Zoning Bylaw and Zoning Map proposed to be considered at the 2024 Annual Town Meeting:

**ARTICLE 42: DESIGN REVIEW BOARD**

To see if the Town will amend the Town's General Bylaw by amending Article 46 Design Review Board to:

- I. Include a new subsection 46.2 Terms and to renumber the subsequent sections, as follows:

**ARTICLE 46. DESIGN REVIEW BOARD**

46.1. Membership. In accordance with Section 22 DESIGN REVIEW of the Zoning Bylaw, the Town shall have a Design Review Board (for purposes of this Article 46, the "Board"), appointed by the Planning Board to consist of five members and up to three alternate members.

46.2 Terms. Regular members will each serve for a term of three years. When the Board is first established, the Planning Board shall at first appoint three members who will serve for a term of three years, two members who will serve for a term of two years, and two alternate members who will serve for a term of one year.

46.3. General Duties. The Board shall have the powers and duties granted in Section 22 of the Zoning Bylaw, including the reviewing of requests for special permits on the basis of the design criteria specified therein.

46.4. Design Review. The Board shall review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be

placed on any public way, on Town lands other than cemeteries, or on or in Town buildings. The Board may use the design criteria established in Part C. Design Criteria of Section 22 DESIGN REVIEW of the Zoning Bylaw.

No such structure or portion thereof, work of art, ornament or decoration shall be constructed, installed, altered, or removed, and no payment shall be paid on account of any such work until:

- a. The Board has received plans for the work to be done, and
- b. The Board, Officer, or Official undertaking the work has received a written report on the work from the Board, or thirty days have passed after the plans for the work were submitted to the Board.

46.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these or the Zoning Bylaw to act otherwise.

Or take any other action in relation thereto.

- II. Correct typographical errors regarding Section numbers, where strikethrough text indicates deletions and insertions are shown in bold:

#### ARTICLE 46. DESIGN REVIEW BOARD

46.1. Membership. In accordance with ~~Section 22~~ **Section 5.5** DESIGN REVIEW of the Zoning Bylaw, the Town shall have a Design Review Board (for purposes of this Article 46, the "Board"), appointed by the Planning Board to consist of five members and up to three alternate members.

46.2. General Duties. The Board shall have the powers and duties granted in ~~Section 22~~ **Section 5.5** of the Zoning Bylaw, including the reviewing of requests for special permits on the basis of the design criteria specified therein.

46.3. Design Review. The Board shall review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings. The Board may use the design criteria established in Part C. Design Criteria of ~~Section 22~~ **Section 5.5** DESIGN REVIEW of the Zoning Bylaw. No such structure or portion thereof, work of art, ornament or decoration shall be constructed, installed, altered, or removed, and no payment shall be paid on account of any such work until:

- a. The Board has received plans for the work to be done, and
- b. The Board, Officer, or Official undertaking the work has received a written report on the work from the Board, or thirty days have passed after the plans for the work were submitted to the Board.

46.4 General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these or the Zoning Bylaw to act otherwise.

Or take any other action in relation thereto.

#### ARTICLE 44: MBTA COMMUNITY ZONING

To see if the Town will vote to amend the Zoning Bylaw to achieve compliance with the provisions of M.G.L. c.40A § 3A Multi-Family Zoning as-of-right in MBTA Communities by:

I. Amend Section 1.3 Definitions to add the following definition:

MBTA Community Project – a Construction Project located within Wellesley Square Commercial, Business, Business A, Industrial, and Industrial A Districts that complies with MGL c. 40A, Section 3A that allows for the construction or renovation of multi-family housing “as of right” with a minimum gross density of 15 units per acre, no age restrictions, and is located within ½ mile of an MBTA Commuter Rail station; said project will be exempt from the Project of Significant Impact (PSI).

II. Amend Section 1.3 Definitions, definition of Major Construction project to add a new third provision for a MBTA Community Project and to renumber the subsequent provisions to read as follows, where strikethrough text indicates a deletion and insertions are shown in bold:

Major Construction Project – shall mean any Construction Project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet;
3. **any project meeting the definition of an MBTA Community Project;**
- ~~3.~~ 4. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;
- ~~4.~~ 5. any activities regulated or restricted under Section 3.7; or

~~5.~~ 6. any activities regulated under Section 3.8

- III. Amend Section 5.7 Inclusionary Zoning subsection B. Applicability to add a third Major Construction Project provision for a MBTA Community Project to read as follows where insertion is shown in bold:

**SECTION 5.7 INCLUSIONARY ZONING**

**B. Applicability**

The provisions of this section shall apply to all projects requiring approval as Major Construction Projects involving (1) construction of twenty-five hundred (2,500) or more square feet gross floor area or (2) an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet or (3) **any project meeting the definition of an “MBTA Community Project”** in Business Districts, Business Districts A, Industrial Districts, Industrial Districts A, Wellesley Square Commercial District, Residential Incentive Overlay Districts, and Lower Falls Village Commercial District and to subdivisions on sites having a development potential under current zoning of five or more lots for One-Unit Dwellings.

Or take any other action in relation thereto.

**ARTICLE 45: SECTION 5.3 YARD REGULATIONS**

To see if the Town will amend the Zoning Bylaw to amend Section 5.3 Yard Regulations subsection B Requirements to include buildings or structures placed below a lot, as follows:

**SECTION 5.3 YARD REGULATIONS**

**B. Requirements**

There shall be provided for every building or structure hereafter erected or placed upon or below a lot at least the minimum frontage, minimum Front Yard width, minimum Front Yard depth (setback), minimum Side Yard width and minimum Rear Yard depth requirements hereinafter set forth; and there shall be not more than one dwelling erected on any lot. Such minimum Front Yard width shall be provided for the entire depth of the Front Yard.

Or take any other action in relation thereto.

**ARTICLE 46: ZONING MAP CHANGES**

To see if the Town will vote to amend the Zoning Map to rezone properties to the Residential Incentive Overlay District located at:

- 192 Worcester Street (Assessor's Parcel ID# 15-2), 194 Worcester Street (Assessor's Parcel ID# 15-3) and 150 Cedar Street (Assessor's Parcel ID# 15-6), the area to be rezoned totaling approximately 62,737 square feet in area, into the Residential Incentive Overlay District.

Or take any other action in relation thereto.

**PLANNING ARTICLE 47: AMENDMENTS TO SECTION 2.1 SINGLE RESIDENCE DISTRICTS**

To see if Town Meeting will vote to amend its Zoning Bylaws Section 2.1 Single Residence Districts, by adding a provision in Paragraph A. Permitted Uses, adding:

12. Use of land for access, and utilities to service any Assisted Elderly Living, Independent Elderly Housing, Nursing Homes or Skilled Nursing Facilities (hereinafter referred to as any "Senior Housing Project") on directly abutting property in an adjacent municipality, shall be allowed, subject to the following:

- a. the Senior Housing Project must be either allowed as of right or receive any necessary zoning relief in the zoning district in the other municipality in which the abutting property is located.
- b. The Minimum Lot Area in the Single Residence District in which such access and utilities are provided shall be four (4) acres.
- c. Not less than 50% of the Lot Area in the Single Residence District shall be restricted from further development by means of a Conservation Restriction under M.G.L. c. 184, Secs. 31-33, or another appropriate deed restriction; provided, that the uses described in clause "f" below and other uses generally consistent with conservation restrictions may be permitted.
- d. Use of the land located in the Single Residence District for access shall include any vehicular and pedestrian access necessary to service the Senior Housing Project to and from any public way located within the Town.
- e. Any access driveway shall meet the requirements of Section 5.17.D.3 of this Bylaw.
- f. Use of the land located in the Single Residence District for utilities shall include any necessary utilities that may be provided in or by the Town, including without limitation, water, sewer, storm water, electrical, telecommunications and facilities and improvements related thereto (such as, by way of example only, electrical transformers).
- g. Permitted signage shall be in accordance with signs for Institutional Uses as set forth on Table 22A.1.
- h. Provided that all of the foregoing requirements are met, notwithstanding Sections 2.1.B and 2.1.C below, the provisions of Sections 5.5 [Design Review], 5.6 [Project Approval] and 5.7 [Inclusionary Zoning] shall not apply to such use of the land in the Single Residence District solely for access and utilities for any Senior Housing Project in another municipality.  
or take any other action in amending or enacting new zoning bylaws in relation thereto.

**ARTICLE 48: SECTION NUMBER REFERENCE CORRECTIONS**

To see if the Town will vote to amend the Zoning Bylaw to correct typographical errors regarding Section numbers, where strikethrough text indicates deletions and insertions are shown in bold:

I. Amend Section 2.8.A.f.ii to read as follows:

The design, construction and screening of off-street parking, except that provided within underground garages or elevated parking structures, shall be in accordance with the provisions of ~~SECTION 21~~ **SECTION 5.17**

II. Amend Section 2.11.E.1.b. to read as follows:

The proposed project is consistent with the design criteria listed in ~~Section 22~~ **Section 5.5**

III. Amend Section 2.15.C. to read as follows:

The provisions of ~~Section XVIIA~~ **Section 5.6**, Project Approval, shall apply to properties and uses in the Parks, Recreation, and Conservation Districts.

IV. Amend Section 3.6.B. “Assisted Units” to read as follows:

Assisted Units – shall have the same meaning as defined in ~~Section 13~~ **Section 2.13** to the extent that such definition means housing that is affordable to and occupied by Eligible Households and that such definition is not materially inconsistent with, and is nonetheless subject to, the definitions of Affordable Housing in the 40R Guidelines and Affordable under the Governing Laws.

V. Amend Section 5.10.F.1. to read as follows:

Demolition and/or construction activity (as identified under ~~Section 16E.D.1~~ **Section 5.10.D.1**) on a property on which a Protected Tree is located is prohibited unless required Tree protection and/or mitigation measures will be taken as set forth in this subsection.

VI. Amend Section 5.10.F.2.b.ii. to read as follows:

Contribution to the Tree Bank Fund: The Select Board shall establish a Tree Bank Fund contribution schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed, impact on Town infrastructure, and other environmental impacts associated with the removal of the Tree. The schedule may also take into account the aggregate DBH of Protected Trees to be removed. The applicant shall make such contribution to the Tree Bank Fund for the removal of a Protected Tree, not already mitigated for, per ~~Section 16E.F.2.b.i.~~ **Section 5.10.F.2.b.i.**; such contributions shall be deposited to the Tree Bank Fund.

VII. Amend Section 5.10.F.3.a. to read as follows:

Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in ~~Section 16E.D.1.~~ **Section 5.10.D.1.** on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in Section 5.10.D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under ~~Section 16E.F.3.b.~~ **Section 5.10.F.3.b.** is changed or altered.

VIII. Amend Section 5.13.C.v. to read as follows:

Subject to the provisions of ~~Sections 17~~ **Section 5.1** and ~~25~~ **6.3**, comply with all area and yard regulation applicable to the lot on which it is located.

IX. Amend Section 5.18.F.1. to read as follows:

Sign Permit Required. Unless a Sign Permit is specifically not required by the standards of this Section, it shall be unlawful for any person to erect or replace a sign without first having obtained a Sign Permit. Refer to ~~Table 22A.1~~ **Table 5.18.1** to determine if a Sign Permit is required for a specific sign type.

X. Amend Section 5.18.I.2.a. to read as follows:

Any sign not specifically identified in ~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use, as allowed or any sign not allowed by the issuance of a Special Permit;

XI. Amend Section 5.18.L.4.b. to read as follows:

Time: Lots or Business Establishments upon which a Temporary Sign and/or temporary Window Sign is allowed, per ~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use, shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively.

XII. Amend Section 5.18.M. to read as follows:

If not otherwise stated, any sign not specifically allowed in a zoning district or for a specific use as provided herein shall be prohibited, except as otherwise provided for under this Section. The following table (~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use) provides standards governing signs



within specific zoning districts or for specific uses. Specific uses shall be allowed signage as indicated for such use rather than based on the zoning district of such use, unless the signage allowances of the zoning district are less restrictive than those indicated for the specific use. Signs for which a permit is not required shall meet all other provisions of this Section applicable to the subject sign.

- XIII. Amend Section 5.18 tables titled “Table 22A.1, Signage Allowances Based on Zoning District or Use” to read as follows:

~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use

- XIV. Amend Section 3.2.K to read as follows:

Signs shall comply with the sign requirements of Section 5.18. For the purposes of ~~Table 22A.1~~ **Table 5.18.1** of Section 5.18, RIO projects shall comply with the signage allowances of Commercial Districts Fronting Streets Other Than Worcester Street, except that RIO projects located in underlying Single Residence or General Residence zoning districts shall comply with the following or take any other action in relation thereto.

#### **ARTICLE 49: DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) REFERENCE CORRECTIONS**

To see if the Town will vote to amend the Zoning Bylaw to strike all references to “the Massachusetts Department of Housing and Community Development” to be replaced with “the Executive Office of Housing and Livable Communities” and to strike all references to “DHCD” to be replaced with “EOHLC”.

#### **ARTICLE 51: AMEND MINOR CONSTRUCTION DEFINITION**

To see if the Town will vote to amend the Zoning Bylaw to exempt certain projects visible only from the interior ways of college campuses from the design review process set forth in Sections 5.5 and 5.6 of the Zoning Bylaw by adding a clause to the first numbered paragraph in the definition of “Minor Construction Project” in Section 1.3 so that the definition will read as follows:

Minor Construction Project shall mean any Construction Project, no included within the definition of a Major Construction Project, which involves either or both of the following:

1. a change in the outside appearance of a building or premises visible from a public or private street or way **other than a street or way that is fully encompassed within a parcel of 100 or more acres in size held in single ownership in an educational district**, requiring a building permit;
2. construction, enlargement or alteration of a parking or storage area requiring a parking plan permit. Alteration as used in the preceding phrase, includes installation, removal or relocation of any curbing, landscaping or traffic channelization island, driveway, storm drainage, lighting or similar facilities

but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Or take any other action in relation thereto.

Eric Arbeene  
Planning Director  
(WT-1/18 & 1/25)

