

NEEDHAM PLANNING BOARD
Monday, December 5, 2022
7:00 p.m.

Charles River Room
Public Services Administration Building, 500 Dedham Avenue
AND
Virtual Meeting using Zoom
Meeting ID: **880 4672 5264**
(Instructions for accessing below)

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

To view and participate in this virtual meeting on your computer, at the above date and time, go to 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. Public Hearings:

7:05 p.m. Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC, 13 Eaton Court, Wellesley, MA 02481, Petitioner. (Property located at 40 & 50 Central Avenue, Needham, MA, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking. *Please note: this hearing has been continued from the November 15, 2022 meeting of the Planning Board.*

2. Deliberation/Draft Decision: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner. (Property located at 557 Highland Avenue, Needham, Massachusetts). Regarding proposal to redevelop the Property with approximately 465,000 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,052 square feet of retail and restaurant uses. See legal notice and application for more details).
3. Request to abandon special permit rights: Amendment to Major Project Site Plan Special Permit No. 2005-07: Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco, CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioners. (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts).
4. Transfer of Permit: Major Project Site Plan Special Permit No. 1991-01: TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021, to Ceed Corp, d/b/a Cook Restaurant, 15 Nell Road, Revere, MA, 02151, Petitioner. (Property located at 101-105 Chapel Street, Needham, Massachusetts).
5. Request to release Off-Street Drainage bond: Hutter Ridge Road – 1135 Webster Street Definitive Subdivision.
6. Committee Appointment – Design Review Board.
7. Planning Board Review and Comments of Draft Affordable Housing Plan.
8. Minutes.

9. Report from Planning Director and Board members.

10. 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) 465-6059

November 29, 2022

Planning Department
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Application for Zoning Relief
BTE Development, LLC
40 & 50 Central Avenue, Needham, MA

Dear Lee,

In connection with the pending application of BTE Development, LLC (hereinafter, the "Applicant" and "BTE") relative to the properties known and numbered 40 & 50 Central Avenue (together, the "Premises"), submitted herewith, please find the following:

1. Authorization letter of Jeanne Ellen Bolio and Douglas E. Panella, both individually and as Personal Representatives of the Estate of Edward Panella;
2. Authorization letter of Brian Panella, Robert Panella, Michael Panella and David Panella, being all the surviving children of Michael J. and Hellen J. Panella;
3. Copy of the Michael J. Panella 1992 Trust; and
4. Copy of the Last Will and Testament of Helen J. Panella.

The aforementioned authorization letters cover all the individuals who have or may have an interest in the Premises. While a question was raised as to whether Jason Trombi, son of the pre-deceased daughter of Michael J. and Helen J. Panella, holds any interest, he does not. Pursuant to the appointment in Article Ninth of Helen J. Panella's will, Jason Trombi was specifically excluded from any interest in the Premises.

I trust this will address any concerns relative to the proper parties authorizing the application.

Sincerely,



George Giunta, Jr.

November , 2022

Town of Needham
Planning Board
Needham, Massachusetts 02492

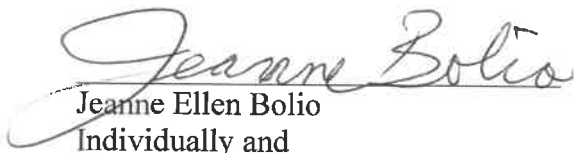
Attn: Lee Newman, Planning Director

Re: BTE Development, LLC
Application for Major Project Site Plan Review
40 & 50 Central Avenue

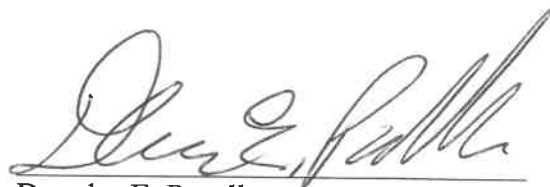
Dear Mrs. Newman,

Please accept this letter as confirmation that the undersigned, having or purported to have an interest in one or both of the properties known and numbered 40 & 50 Central Avenue, Needham, MA, have authorized BTE Development, LLC, prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application to the Planning Board for major project site plan review and for all special permits and other zoning relief that may be required or appropriate in connection with the redevelopment of the aforesaid properties for multi-use development, in a new 3 story building, with commercial uses on the first floor and residential units above. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review.

Sincerely,



Jeanne Ellen Bolio
Individually and
as Personal Representative
Estate of Edward Panella



Douglas E. Panella
individually and
as Personal Representative
Estate of Edward Panella

November 19, 2022

Town of Needham
Planning Board
Needham, Massachusetts 02492

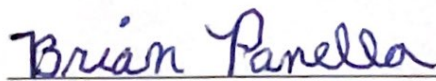
Attn: Lee Newman, Planning Director

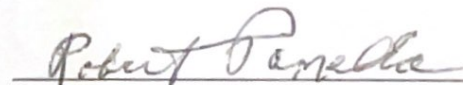
Re: BTE Development, LLC
Application for Major Project Site Plan Review
40 & 50 Central Avenue

Dear Mrs. Newman,

Please accept this letter as confirmation that the undersigned, having or purported to have an interest in one or both of the properties known and numbered 40 & 50 Central Avenue, Needham, MA, have authorized BTE Development, LLC, prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application to the Planning Board for major project site plan review and for all special permits and other zoning relief that may be required or appropriate in connection with the redevelopment of the aforesaid properties for multi-use development, in a new 3 story building, with commercial uses on the first floor and residential units above. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review.

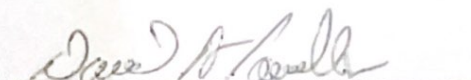
Sincerely,


Brian Panella


Robert Panella

DocuSigned by:

026129975D0C8481
Michael Panella


David Panella

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THE MICHAEL J. PANELLA 1992 TRUST

I, MICHAEL J. PANELLA, of Newton, Middlesex County, Massachusetts, on this 13 day of February, 1992, hereby declare myself to be Trustee (with any successors, "the Trustee"), to hold all property hereafter transferred to the Trustee subject to the following provisions:

FIRST: This trust shall be known as "The Michael J. Panella 1992 Trust" and shall be governed by the laws of the Commonwealth of Massachusetts.

SECOND: I reserve the right to amend or revoke any part or all of this trust at any time or times. Each such amendment or revocation shall be in writing and delivered to the Trustee during my lifetime. If I revoke the trust in its entirety, the Trustee shall transfer the trust property to me, or otherwise as I may direct. I also reserve the right to substitute Trustees, or to add one or more co-Trustees, at any time or times.

The Trustee shall not be liable for any proper act or any reasonable failure to act prior to receipt of any amendment or revocation. Notwithstanding the foregoing, no amendment or partial revocation which materially alters the Trustee's rights, duties or obligations shall be binding on the Trustee until the Trustee consents thereto in writing.

THIRD: During my lifetime, the Trustee shall pay the net income from the trust property at least quarter-annually to me or otherwise as I may direct. The Trustee shall also pay to me or apply for my benefit or otherwise so much of the principal of the

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DORCHESTER, MA

CERTIFY

[Signature]

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trust property as I may direct. Each such direction shall be in writing and delivered to the Trustee during my lifetime.

If I ever become mentally or physically unable to give directions to the Trustee, the Trustee is authorized to pay from the net income and principal of the trust property such amounts for my benefit, for the benefit of my wife, HELEN J. PANELLA ("my wife"), or for the benefit of any of my issue, as the Trustee may deem advisable for our health, maintenance, support and education.

FOURTH: Upon my death, if my wife survives me, the trust property (including any added thereto by my will or otherwise) shall be divided as of my death into two separate trusts, the "Marital Trust" and the "Family Trust". The Marital Trust shall consist of the minimum amount of property necessary to eliminate or reduce insofar as possible any Federal Estate Tax on my estate. However, if at my death I am domiciled in Massachusetts, the amount allocated to the Marital Trust shall not be less than the maximum marital deduction allowable in determining the Massachusetts Estate Tax on my estate, reduced by the value of all property qualifying for such deduction which passes to my wife otherwise than under this instrument. The Family Trust shall consist of the balance of the trust property (or all thereof if my wife does not survive me).

FIFTH: The Trustee shall hold and dispose of the Marital Trust as follows:

A. The Trustee shall pay the net income from the date of my death to my wife at least quarter-annually during her lifetime. The Trustee shall also pay to my wife so much of the principal as she may request. Each such request shall be in writing and delivered to the Trustee during my wife's lifetime. The Trustee may also

make payments of principal to or for my wife's benefit, in such amounts and at such times as the Trustee deems advisable and in my wife's best interests.

B. Upon my wife's death, the remaining principal and all accrued and accumulated income shall be distributed to or for such person or persons (including my wife's estate) as she may appoint by will making specific reference to this power. Any property not so appointed shall be distributed to the Family Trust and administered as an integral part thereof.

SIXTH: The Trustee shall hold and dispose of the Family Trust as follows:

A. The Trustee may from time to time pay to or for the benefit of such of my wife and my issue as are living such part or all of the net income and principal (and in such proportions among them) as the Trustee deems advisable for their health, maintenance, support and education. I hope and expect that the Trustee's primary consideration will be my wife's present and anticipated future needs. Any net income not so paid may from time to time be added to the principal.

B. If the assets of the Marital Trust are exhausted, the Trustee shall also pay to my wife such amounts from the principal as she may from time to time request; except that the aggregate amount payable under this paragraph to my wife during any calendar year shall not exceed the greater of Five Thousand Dollars or five percent of the value of the principal as of December 31 of such calendar year. Each such request shall be in writing and delivered to the Trustee during my wife's lifetime. The Trustee's good faith determination as to such values shall be final and binding on all concerned. This annual withdrawal power shall be non-cumulative.

C. If my wife survives me, then upon her death, the Trustee shall distribute the remaining principal and all accrued and accumulated income to or for such one or more of my issue and their spouses in such proportions and subject to such trusts, powers and conditions as she may appoint by will making specific reference to this power.

SEVENTH: Upon the death of the survivor of my wife and me, the Trustee shall divide any property not so appointed (including any property added thereto by my wife's will or otherwise) into as many shares as there are (i) children of mine then living, and

(ii) children of mine then deceased leaving issue then living. Upon division into shares, such adjustments may be made as the Trustee determines to be equitable to compensate for unequal payments previously made from the trust property to a child or his or her issue. Each share shall constitute a separate trust. The Trustee shall hold and dispose of each share as provided below.

EIGHTH: The Trustee shall hold and dispose of each share for a living child of mine as follows:

A. The Trustee may from time to time pay to or for the benefit of such of the child and the child's issue as are living, such part or all of the net income and principal (and in such proportions among them) as the Trustee deems advisable and in their best interests. Any net income not so paid may from time to time be added to the principal.

B. Notwithstanding the foregoing, the child may withdraw at any time all or any part of the principal. Each such withdrawal shall be made by a request in writing delivered to the Trustee during the child's lifetime.

C. Upon the death of the child, the Trustee shall distribute the remaining principal and all accrued and accumulated income to or for such person or persons (including the child's estate) as the child may appoint by will making specific reference to this power.

D. Any property not so appointed shall be distributed upon the death of the child to the child's then living issue by right of representation; except that if the child leaves one or more then living children under the age of twenty-five, such property shall be retained as a separate share for the child's issue and held and disposed of as provided in the following Article. If there are no such issue, such property shall be distributed to my then living issue by right of representation.

NINTH: The Trustee shall hold and dispose of each share for the issue of a deceased child of mine as follows:

A. The Trustee may from time to time pay to or for the benefit of such issue as are living, such part or all of the net income and principal (and in such

proportions among them) as the Trustee deems advisable and in their best interests. Any net income not so paid may from time to time be added to the principal.

B. At such time when there is no living child of such deceased child under the age of twenty-five, the Trustee shall distribute the remaining principal and all accrued and accumulated income to such deceased child's then living issue by right of representation. If there are no such issue, such property shall be distributed to my then living issue by right of representation.

TENTH: Notwithstanding anything herein to the contrary, any part of the trust property otherwise distributable (other than by the valid exercise of a power of appointment given above) to a person for whom a share is then held (either alone or with others) shall be added to such share and administered as an integral part thereof.

ELEVENTH: After the death of the survivor of my wife and me, the Trustee may terminate any trust or share whenever the Trustee determines such action to be in the best interests of the person or persons then eligible to receive income therefrom. Upon such termination, the Trustee shall distribute the remaining principal and all accrued and accumulated income of the trust or share to such person or persons in such proportions as the Trustee deems advisable and in their best interests.

TWELFTH: If there is ever a failure of disposition of any beneficial interest under this trust, the property comprising such interest shall be distributed as follows:

A. One-half thereof as if I had then died intestate and unmarried, domiciled in Massachusetts and owning such property absolutely.

B. One-half thereof as if my wife had then died intestate and unmarried, domiciled in Massachusetts and owning such property absolutely.

THIRTEENTH: Except as otherwise provided, upon the death of any beneficiary, any accrued or accumulated income payable to his or her estate shall be held and disposed of as if it had accrued or been accumulated after his or her death.

FOURTEENTH: Notwithstanding anything herein to the contrary, this trust shall terminate no later than twenty-one years after the death of the last to die of my wife and such of my issue as are living at my death. At such time, each share then held for the issue of a deceased child of mine shall be distributed to such child's issue by right of representation.

FIFTEENTH: The Trustee, in the Trustee's discretion, may make any distribution payable from the Family Trust (or any share thereof) to a beneficiary who is legally incompetent or otherwise unable in the Trustee's opinion to manage his or her affairs, directly to or for the benefit of the beneficiary; to the beneficiary's guardian or conservator; to a custodian for the beneficiary under an applicable state Uniform Gifts or Transfers to Minors Act; or to any other person deemed suitable by the Trustee. A written receipt from the beneficiary or such other person shall be a complete discharge of the Trustee with respect to such distribution.

SIXTEENTH: The interests of the beneficiaries in principal and income shall not be subject to claims of their creditors or others and may not be voluntarily or involuntarily assigned, encumbered or otherwise alienated.

SEVENTEENTH: The Trustee shall have the following powers which may be exercised without order or license of any court:

A. To retain any property originally transferred to the Trustee and to receive additional property from any source at any time;

B. To retain, and invest and reinvest in, property not ordinarily considered suitable for trust investment, including without restriction investments that yield a high rate of income or no income, intending to authorize the Trustee to act in such manner as the Trustee believes to be in the best interests of the beneficiaries;

C. To sell, at public or private sale, real or personal property, or to exchange property for any other property, without liability upon any person dealing with the Trustee to see to the application of any money or other property delivered to the Trustee; and to lease, with or without option to purchase, for a term which may extend beyond termination of this trust;

D. To borrow money on such terms and conditions and from such sources (including any Trustee hereunder) as the Trustee deems advisable; to mortgage and pledge trust assets as collateral; and to lend money to any beneficiary or my estate on such terms and conditions as the Trustee deems advisable;

E. To invest in any common trust funds managed by any Trustee hereunder (or any affiliate thereof), without giving notice of such investment to any beneficiary;

F. To purchase and retain bonds redeemable in payment of the Federal Estate Tax;

G. To keep securities or other property in nominee form, without disclosing the Trustee's fiduciary capacity;

H. To employ investment counsel, custodians, brokers, accountants, appraisers, attorneys and other advisors and agents, including any Trustee and any firm having any Trustee as a member or employee; and to delegate to such persons or firms such ministerial or discretionary powers as the Trustee deems necessary;

I. To pay reasonable compensation to all advisors and agents; and to apportion such compensation, together with Trustee's fees, between income and principal as the Trustee deems advisable;

J. To apportion receipts and charges between income and principal as the Trustee deems advisable (except that distributions from the income of any estate shall be treated as current income of the trust); to

amortize premiums and establish sinking funds for such purpose; and to create reserves for depreciation, depletion or otherwise;

K. To participate in any reorganization, recapitalization, merger or similar transaction; and to give proxies or powers of attorney (with or without power of substitution) to vote any securities or certificates of interest;

L. To carry property for accounting purposes at other than acquisition date values, whether to reflect tax costs or to accomplish any other objective deemed reasonable by the Trustee;

M. To make distributions or divisions of principal in kind (not necessarily pro rata, either as to the assets selected or their respective bases) at values determined by the Trustee;

N. To compromise, contest, refer to arbitration or abandon claims as the Trustee deems advisable;

O. To manage or improve real property; and to abandon any property which the Trustee determines not to be worth retaining;

P. To remove the trust property to another jurisdiction; and, notwithstanding anything herein to the contrary, to elect that this trust be governed by the laws of such jurisdiction;

Q. To hold two or more shares or portions of the trust in one or more consolidated funds in which the separate shares or portions have undivided interests, without derogating from the status of any separate share or portion as a separate trust; and to consolidate any share with any share held for the same beneficiary or beneficiaries under another trust;

R. To divide any trust or share into shares or portions for the purpose of allocating the exemption for generation-skipping transfer tax in order to establish a zero inclusion ratio for such share or portion, and to administer such shares or portions as separate trusts; and to consolidate any trust with a zero inclusion ratio with any trust held for the same beneficiary or beneficiaries under another trust which also has a zero inclusion ratio; and

S. To exercise all other powers authorized by common law, statute or other provisions in this Trust.

The Trustee's good faith exercise of the foregoing powers shall be final and binding on all concerned. The Trustee shall be liable only for willful misconduct or gross negligence. No Trustee shall be required to give bond. The Trustee shall be entitled to reasonable compensation and reimbursement of expenses.

EIGHTEENTH: If property allocated to any trust or share hereunder is or will become subject to the generation-skipping transfer tax under Chapter 13 of the Internal Revenue Code of 1986 (or corresponding provisions of future Federal tax laws), the Trustee shall immediately divide such trust or share into two separate shares or portions, one of which contains only property which is exempt from the generation-skipping transfer tax and the other of which contains no property which is exempt from the generation-skipping transfer tax. Each such separate share or portion shall be funded with assets which are representative of the appreciation or depreciation of the assets of the trust or share to be divided.

NINETEENTH: The Trustee may retain and operate any business, incorporated or otherwise, or any interest therein, which may become part of the trust property, even if such retention and operation involves business risks which trustees would not ordinarily incur; and whether or not such interest is a controlling or minority interest. The Trustee, or any employee or agent of the Trustee, may be employed by any such business and be paid a reasonable compensation for such services; and the Trustee may delegate the operation and management of any such business to others.

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TWENTIETH: The Trustee may retain all or any part of any real estate (or interest therein) that becomes part of the trust property (the "real estate") for such period as the Trustee deems advisable and shall pay all taxes and assessments on the real estate, maintain it (reasonable use and wear, fire and unavoidable casualty excepted) and insure it against risks in such amounts as the Trustee deems advisable. In addition to all other powers conferred by law or other provisions of this trust, the Trustee shall have the following powers which may be exercised without court approval:

- A. To hold title to the real estate in the name of a nominee;
- B. To sell the real estate at public or private sale for such consideration and on such terms as to credit, security and other matters as the Trustee deems advisable;
- C. To lease the real estate; and grant options and make other contracts concerning same (whether or not extending beyond the term of any trust);
- D. To borrow money and mortgage the real estate as security for the debt;
- E. To subdivide the real estate; participate in partition agreements or proceedings; erect, improve, repair, alter or demolish structures; and dedicate streets or other ways for public use with or without compensation;
- F. To impose easements or other restrictions; and donate the real estate to charitable or public uses;
- G. To establish reserves for depreciation, taxes, insurance or other purposes as the Trustee deems advisable;
- H. To execute and deliver all appropriate instruments; and discharge mortgages of record;
- I. To record in the appropriate Registry of Deeds any instrument, including any certificate acknowledged

by the Trustee as to any fact concerning the real estate; and any person without actual knowledge to the contrary may rely conclusively on the genuineness of any such instrument and on the correctness of any such certificate.

The Trustee may exercise the foregoing powers not only during the term of this trust but also after termination until final distribution of the trust property.

No person dealing with the real estate shall be required to see to the application of any money or property delivered to the Trustee, or to see that the terms and conditions of this trust have been complied with. Every instrument executed or action taken by the person or entity appearing to be the Trustee shall be conclusive evidence that this trust was in full force and effect when the instrument was delivered or the action was taken; that such person or entity was the Trustee; and that such instrument or action was valid and legally binding.

TWENTY-FIRST: In addition to all other powers conferred by law or other provisions of this trust, the Trustee shall have the following powers which may be exercised in conjunction with another or others and without court approval in connection with environmental laws:

A. To inspect property held hereunder, including interests in sole proprietorships, partnerships, or corporations, and any assets owned by any such business enterprise, for the purpose of determining compliance with environmental laws affecting such property and to respond to any actual or threatened violation of any environmental law affecting property so held;

B. To take, on behalf of the trust, any action necessary to prevent, abate, or otherwise remedy any actual or threatened violation of any environmental law affecting trust property, either before or after the initiation of an enforcement action by any governmental body;

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C. To refuse to accept property in trust if the Trustee determines that any property to be added to the trust either is contaminated by any hazardous substance or is being used or has been used for any activity directly or indirectly involving a hazardous substance which could result in liability to the trust or otherwise impair the value of the assets held therein;

D. To settle or compromise at any time any and all claims against the trust which may be asserted by any governmental body or private party involving the alleged violation of any environmental law affecting property held hereunder.

E. To disclaim any power granted by any document, statute, or rule of law which, in the sole discretion of the Trustee, may cause the Trustee to incur personal liability under any environmental law.

F. To decline to serve as a Trustee if the Trustee reasonably believes that there is or may be a conflict of interest between it in its capacity as Trustee and in its individual capacity because of potential claims or liabilities which may be asserted against it on behalf of the trust because of the type or condition of assets held therein.

For purposes of this Article, "environmental law" means any federal, state or local law, rule, regulation, or ordinance relating to protection of the environment or human health. For purposes of this Article, "hazardous substance" means any substance defined as hazardous or toxic or otherwise regulated by any environmental law. The Trustee shall be entitled to charge the cost of any inspection, review, abatement, response, cleanup, or remedial action authorized herein against the income or principal of the trust or share holding the affected property. The Trustee shall not be personally liable to any beneficiary or other party for any decrease in value of the assets of the trust because of the Trustee's compliance with any environmental law, specifically including any reporting requirement under such law. Neither the

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acceptance by the Trustee of property or a failure by the Trustee to inspect property shall be deemed to create any inference as to whether or not there is or may be any liability under any environmental law with respect to such property.

TWENTY-SECOND: The following provisions shall apply to the Marital Trust:

A. This instrument shall be interpreted so as to accomplish my intention that said Trust qualify for the Federal and Massachusetts Estate Tax marital deductions.

B. It shall be conclusively presumed that my wife survived me if the order of our deaths cannot be determined.

C. In computing the amount to be allocated to the Marital Trust, the Trustee shall use values as finally determined for Federal Estate Tax purposes and shall take into account the state death tax credit only to the extent that the use of such credit does not increase any state death taxes.

D. The Trustee shall first allocate to the Marital Trust property which qualifies for the Massachusetts Estate Tax marital deduction. If necessary to complete funding, the Trustee shall then allocate thereto property which qualifies for the Federal Estate Tax marital deduction. The Marital Trust shall be reduced to the extent it cannot be so funded. Any property distributed in kind to said Trust shall be valued as of the date of distribution.

E. I intend that the Marital Trust shall produce for my wife for life such an income, and that she shall have such use of the Marital Trust, as is consistent with its value and preservation. My wife shall have the right to require the Trustee to provide her with such beneficial enjoyment.

F. Notwithstanding any other provision of this instrument, (i) to the extent possible, no taxes, debts, expenses, insurance premiums or bequests made under my will shall be paid from the Marital Trust, and (ii) the Marital Trust shall not be consolidated with any other trust or share.

G. Any property otherwise allocable to the Marital Trust which my wife disclaims shall be allocated to the Family Trust.

TWENTY-THIRD: The Trustee, in the Trustee's sole discretion, may pay from the principal all or any part of the following: estate, inheritance or other taxes payable by reason of my death; bequests made under my will; my debts; my funeral expenses; debts and administration expenses of my estate. Such payments shall be made only from assets includible in my estate for estate tax purposes.

Upon my wife's death, the Trustee, in the Trustee's sole discretion, also may pay from the principal all or any part of the following: estate, inheritance or other taxes payable by reason of my wife's death; her debts; her funeral expenses; debts and administration expenses of her estate. To the extent possible, such payments shall be made from assets includible in my wife's estate for estate tax purposes.

Any such payment may be made to the legal representative of my estate or my wife's estate, or direct to the respective tax authorities, creditors or legatees. To the extent possible, no such payments shall be made from property that is exempt from any tax if that property would thereby become taxable. The Trustee may rely on a certificate from the legal representative of my estate or my wife's estate as to the amount of such taxes, bequests, debts or expenses.

TWENTY-FOURTH: Upon request, the Trustee shall provide me with annual accounts. After my death, the Trustee shall render annual accounts for the trust (or any share) to each person then eligible to receive income therefrom, excluding the issue of each person entitled to receive an account. If any person entitled to

an account is legally incompetent or otherwise unable in the Trustee's opinion to manage his or her affairs, the Trustee shall render the account to the guardian, conservator or other responsible person taking care of him or her.

Unless any person entitled to an account objects to the Trustee in writing within sixty days after the account has been rendered to him or her, the account shall be final and binding on all persons, including those unborn or unascertained.

TWENTY-FIFTH: The following provisions shall apply to any life insurance policies payable to the Trustee:

A. I reserve the right to withdraw such policies and to exercise, without consent of the Trustee or any other person, any and all options, rights, elections and privileges.

B. During my life, the Trustee shall execute all instruments necessary to accomplish the foregoing, but shall have no other responsibilities for such policies or the premiums thereon.

C. Upon my death, the Trustee shall collect the proceeds of all such policies; provided, however, that if collection is contested, the Trustee shall be under no obligation to take any action unless indemnified against loss or expense. The Trustee may elect any optional manner of payment.

D. No insurance company shall be responsible for the application of any proceeds paid to the Trustee, or for carrying out any provision of this trust.

TWENTY-SIXTH: Any Trustee may resign by giving at least thirty days' written notice. Such notice shall be sent by registered mail to me, if I am legally competent, otherwise to the person or persons then entitled to receive accounts. If any Trustee becomes mentally or physically unable to serve, a certificate so stating from such Trustee's then attending physician shall constitute such Trustee's resignation.

BK 11216PG656

If I cease to serve as Trustee, then my wife shall become successor Trustee. If my wife does not become or remain Trustee, then my following three sons shall become co-Trustees: BRIAN PANELLA, ROBERT PANELLA and MICHAEL PANELLA. If any one of my said sons does not become or remain Trustee, no successor need be appointed. If two or more of my said sons do not become or remain Trustees, then my daughter, SUSAN PANELLA, and my son, DAVID PANELLA, shall become co-Trustees as well. If none of my children becomes or remains Trustee, then a successor Trustee shall be appointed by me, if legally competent, otherwise by my wife, if legally competent, otherwise by a majority of the persons then entitled to receive accounts.

After my death, with the consent of the then Trustee or Trustees, one or more additional Trustees may be appointed from time to time in the same manner as successor Trustees.

Each successor Trustee shall qualify upon written acceptance attached hereto and shall have the same powers, immunities and discretions as the original Trustee. No successor Trustee shall be liable for any acts or defaults of any predecessor Trustee. Each Trustee may accept the account rendered and the assets delivered by any predecessor Trustee and/or by the personal representative of my estate without thereby incurring any liability or responsibility.

TWENTY-SEVENTH: During any period when two or more Trustees are acting:

A. Any Trustee may delegate in writing any part or all of such Trustee's powers and discretions to any one or more of the other Trustees, for such period of

time as such Trustee may determine. Any such delegation shall be revocable.

B. No Trustee shall be liable for any act or omission of the other Trustees or Trustee in which the former has not concurred.

TWENTY-EIGHTH: Notwithstanding any other provision of this trust, no Trustee who is a beneficiary entitled or eligible to receive payments from any trust or share, or who has a legal obligation to provide for any such beneficiary, shall (i) serve as sole Trustee or (ii) participate in any decision as to discretionary payments from such trust or share.

TWENTY-NINTH: Notwithstanding the provisions in Article TWENTY-SIXTH, after my death, my wife, if living and legally competent, may from time to time remove without cause any Trustee serving with her and substitute therefor any Trustee of her choice; except that (i) my wife may not exercise such power to substitute Trustees more than twice and (ii) no substitute Trustee shall be a person who is entitled or eligible to receive payments from any trust or share or who is legally obligated to provide support for any such beneficiary. My wife may exercise such power by writings delivered to the Trustee so removed and the substitute Trustee.

THIRTIETH: For all purposes of this instrument, the terms "child", "children" and "issue" shall not include any illegitimate issue who has not been acknowledged by me or by his or her parent who is my issue nor shall they include any issue who has been adopted out of my family or the family of any of my issue, unless

BK 11216 PG 658

at the time of such adoption the adopting parent is married to a natural parent of the person so adopted.

IN WITNESS WHEREOF, I, MICHAEL J. PANELLA, have hereunto set my hand and seal as Donor and Trustee as of the date first above written.

Michael J. Panella
Donor and Trustee

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 13th day of February, 1992, before me personally appeared the above-named MICHAEL J. PANELLA, known to me to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Gordon M. Stevenson, Jr.
Notary Public

Gordon M. Stevenson, Jr.

My commission expires:

3/11/94

I, Helen J. Panella, of Newton, Middlesex County, Massachusetts, make, publish and declare this to be my last will hereby revoking all wills and codicils previously made by me.

FIRST: I give and bequeath all my tangible personal property in as nearly equal shares as practicable to such of my children as are then living. I express the wish, but without thereby imposing any trust or legal obligation, that the property herein bequeathed shall be disposed of in accordance with my wishes, as expressed by letter, memorandum or otherwise. The good faith determination of my Executor as to those items which constitute my tangible personal property and, if necessary, as to equal shares thereof shall be final and binding on all concerned. The reasonable costs of delivering any such property shall be an expense of administration unless my Executor determines otherwise.

SECOND: I hereby direct my Executor to sell my entire, right, title and interest in Newton Highland, Massachusetts real estate, and all real estate which I own in Waban, Massachusetts, as soon as practicable and add the proceeds of such sales to the residue of my estate.

THIRD: I give, devise and bequeath all of the rest, residue and remainder of my estate to the then Trustee or Trustees of a certain Trust heretofore executed on this date by me as Donor and Trustee ("my Trust"), to be added to the principal of my Trust and held, administered and distributed in all respects as an integral part thereof as the same may be amended from time to time.

FOURTH: I intentionally omit any further provisions for any child or other issue of mine, either now living or hereafter born.

FIFTH: To the extent not paid by the Trustee of my Trust or the Trustee of The Michael J. Panella 1992 Trust, I direct that all estate, inheritance or other taxes payable by reason of my death shall be paid by my Executor out of the residue of my estate without any apportionment; provided, however, that my Executor shall have the right to recover any amounts to which my estate is entitled with respect to the property, if any, over which I have power of appointment.

SIXTH: I appoint as Co-Executors my following three sons: Brian Panella, David Panella and Michael Panella or their survivor. I direct that upon application any designated Executor or any administrator of my estate, shall be appointed temporary Executor or temporary administrator. My Executor, as well as any administrator of my estate, shall be exempt from furnishing any surety on the official bond while serving in any temporary or permanent capacity hereunder. The term "Executor" as used in this will includes any administrator of my estate, and that term (as well as any pronoun or verb used in connection therewith) includes each gender and the plural form.

1482

SEVENTH: My Executor shall have the following powers which may be exercised without order or license of any court:

A. Retain any property however acquired; receive additional property from any source at any time; and invest and reinvest in any kind of real or personal property;

B. Sell at public or private sale; exchange, lease, give options and make contracts concerning any real or personal property, except any property hereinbefore specifically devised or bequeathed;

C. Hold securities in bearer form; and hold securities and real estate and maintain bank accounts in the name of a nominee or nominees without indication of any fiduciary capacity;

D. Borrow money on such terms and conditions and from such sources (including any Executor) as my Executor deems advisable; and mortgage and pledge assets as collateral;

E. Make distributions or divisions in kind (not necessarily pro rata, either as to the assets selected or their respective bases) at values determined by my Executor;

F. Employ investment counsel, custodians, brokers, accountants, appraisers, attorneys and other advisors and agents, including any Executor and any firm having any Executor as a member or employee; and delegate to such persons or firms such powers as my Executor deems necessary;

G. Pay reasonable compensation to all advisors and agents; and apportion such compensation, together with any Executor's fees, between income and principal as my Executor deems advisable;

H. Compromise, contest, refer to arbitration or abandon claims as my Executor deems advisable; or litigate any matter affecting my estate or any of the property thereof;

I. Make any election or allocation afforded by applicable tax laws, including without limitation the allocation of my exemption for Federal Generation-Skipping Transfer Tax purposes;

J. Exercise all other powers authorized by common law, statute or other provisions in this will.

EIGHTH: I direct that the appointment of a guardian ad litem be dispensed with insofar as permitted in any proceeding for the allowance of any account of any fiduciary under this will.

NDP

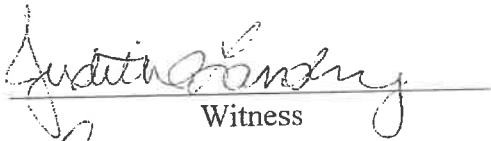
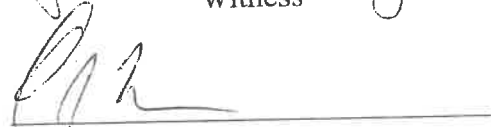
NINTH: Helen Panella, surviving spouse of Michael J. Panella, am beneficiary of the Michael J. Panella 1992 Trust dated February 13, 1992. In accordance with Article Sixty, Paragraphs C, I do hereby exercise my Power of Appointment as follows:

If there are insufficient assets in said Trust to satisfy Jason Trombi's distributive share without including a portion of the property at 50 Central Avenue, Needham, Massachusetts, I limit to Jason Trombi's distributive share to the case and/or other investments available in the Trust and exclude from his interest an portion of the property located at 50 Central Avenue, Needham, Massachusetts.

IN WITNESS WHEREOF, I hereunto set my hand and seal and publish and declare this to be my last will in the presence of two witnesses whose names are hereunto subscribed this 6th day of May, 2004.


Helen J. Panella

Signed, sealed, published and declared as and for her last will by the said Helen J. Panella, in the presence of us who, at her request, in her presence and in the presence of each other have hereunto subscribed our names as witnesses.


Witness

Witness

69 Walnut St Belmont, MA 02428
Address
95 Dover Avenue Needham MA 02494
Address

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Before me, the undersigned authority, on this day personally appeared Helen J. Panella, Judith A. Landry and Charles R. Leves known to me to be the Testatrix and the witnesses, respectively, whose names are signed to the foregoing instrument, and, all of these persons being by me duly sworn, Helen J. Panella, the Testatrix, declared to me and to the witnesses in my presence that the instrument is her last will and that she had willingly signed and executed it as her free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the Testatrix, that such person signed the will as a witness and that to the best of such person's knowledge, the Testatrix was eighteen (18) years of age or over, of sound mind and under no constraint or undue influence.

Judith A. Landry
Witness

Helen J. Panella
Helen J. Panella

[Signature]
Witness

Subscribed and sworn to before me by the said Testatrix and the said witnesses,
this 6th day of May, 2004.

John J. O'Brien
NOTARY PUBLIC
My commission expires May 21, 2010

[Signature]
Notary Public
My Commission Expires: May 21, 2010

ORIGINAL - ELL

BY

JOHN J. O'BRIEN, P.C.
SUITE 305
10 KEARNEY RD.
NEEDHAM, MA 02494

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

November 30, 2022

Planning Department
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Application for Zoning Relief
BTE Development, LLC
40 & 50 Central Avenue, Needham, MA

Dear Lee,

The following comments and additional information are submitted in connection with the pending application of BTE Development, LLC (hereinafter, the "Applicant" and "BTE") relative to the properties known and numbered 40 & 50 Central Avenue (together, the "Premises").

1. Sustainability.

As indicated at the initial hearing, BTE intends to install solar panels on the roof to provide solar electricity to the building. All residential units will be completely electric, with high efficiency heat pumps, led lighting and low flow water fixtures. In addition, electric charging stations for eight vehicles will be provided and there will be bicycle storage inside the building as well as a bicycle rack outside. Finally, high density, high efficiency insulation will be used throughout.

2. Distance from Trash Area to Adjacent House

The rear right corner of the adjacent house at 36 Central Avenue appears to be more than 50 feet from the trash area proposed for the rear corner of the Premises.

3. Parking

On-street parking is allowed on both sides of Reservoir Street, in both directions. Based on my observations, I estimate there are approximately 12-14 on-street parking spaces on the east side of Reservoir Street, and approximately 6-8 spaces on the west side, between the intersection with Central Avenue and the end of the Aqueduct to the north. In

addition, it appears there may be room for approximately 2-3 additional on-street spaces on the east side of Reservoir Street, in addition to the six that are currently proposed, if the owner of the adjacent Riverbend Office Park were agreeable. There also appears to be room for another 2-3 spaces on the west side, all the way down the end, after the Brothers Pizza property at 201 Reservoir.

On-street parking is also allowed on both sides of Central Avenue, but is prohibited on the south side, between the intersection with Reservoir Street and the Charles River, during the hours of 7 AM – 9 AM and 4 PM – 6 PM, Monday through Friday.

There is an MBTA bus stop, bus 59, right near the front left corner of the Premises on Central Avenue. The 59 bus runs between Needham Junction and the Watertown Square MBTA terminal, with a stop at the Newton Highlands Green Line station. It also connects to the 556 bus and the 558 bus at stops in Newton.

Based on the limited types of commercial uses that are allowed at the Premises pursuant to the Zoning By-Law, high numbers of employees are not expected or anticipated. Therefore, each commercial tenant will be restricted to one employee parking space on site, for a total of three employee spaces. In addition, when more than 2 employees are expected to be on site at any given time, tenants will be required to utilize public transportation, carpool, off-site parking with shuttle, or other appropriate techniques, as applicable, to minimize parking demand. Furthermore, employees will be prohibited from parking in the six new on-street parking proposed as a part of the redevelopment. The foregoing will be included in leases for the commercial spaces.

The foregoing should address certain comments and questions that arose during the initial hearing. In addition, a revised plan is anticipated, but is not yet ready. Same will be submitted when available.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Giunta, Jr.", with a stylized, cursive-like script.

George Giunta, Jr.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

December 1, 2022

Planning Department
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Application for Zoning Relief
BTE Development, LLC
40 & 50 Central Avenue, Needham, MA

Dear Lee,

In connection with the pending application of BTE Development, LLC (hereinafter, the "Applicant" and "BTE") relative to the properties known and numbered 40 & 50 Central Avenue (together, the "Premises"), provided herewith please find a revised Landscape Plan, dated 11/30/22. Please note that the following changes and additions have been made to the plan:

1. Addition of new, second trash enclosure at southwest corner of the property, near Reservoir Avenue, to accommodate two additional dumpsters;
2. Change / modification of transformer location in connection with addition of new trash enclosure;
3. Addition of four steps, leading from parking spaces at south end of the proposed building to the walkway adjacent to the building;
4. Addition of a fence along the entire easterly side of the property; and
5. Change of landscaping species pursuant to the recommendations of the Design Review Board.

In addition, although not show on this plan, an interior bicycle storage area will be added in the portion of the building show as "Lobby".

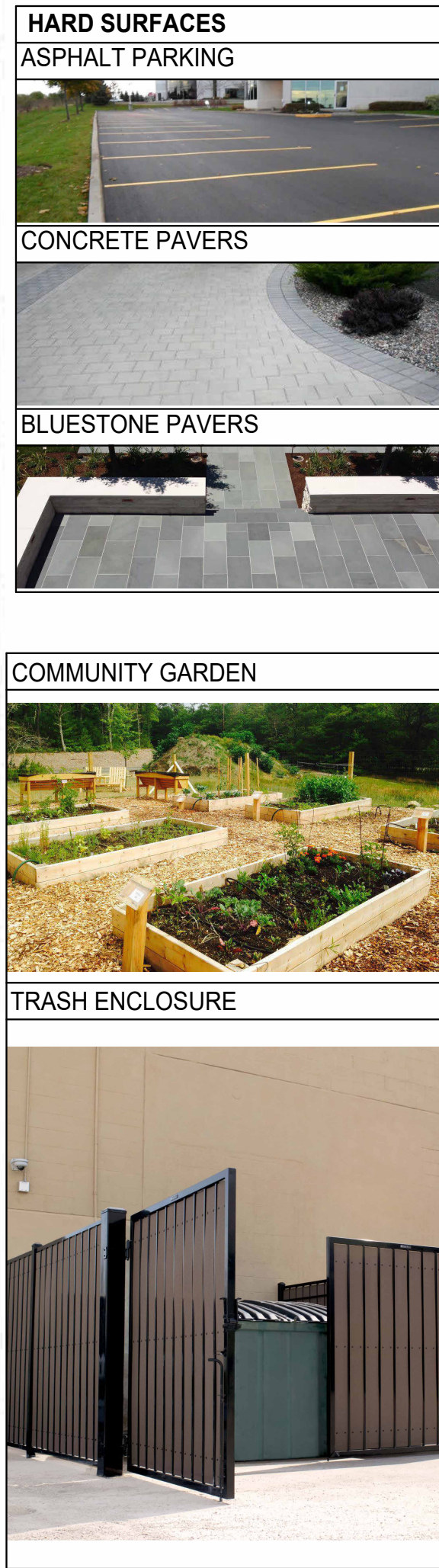
The team also evaluated changing the location of the handicapped spaces. Due in large part to the grade difference between the walkway along the southerly end of the building and the adjacent parking, it was determined that the current locations provide the shortest accessible route and are therefore the most appropriate locations. In connection therewith, I also note that the design provides three handicapped spaces, whereas only two are required.

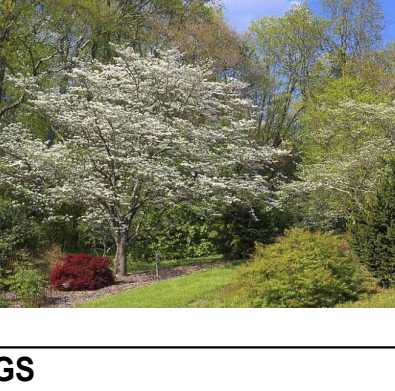
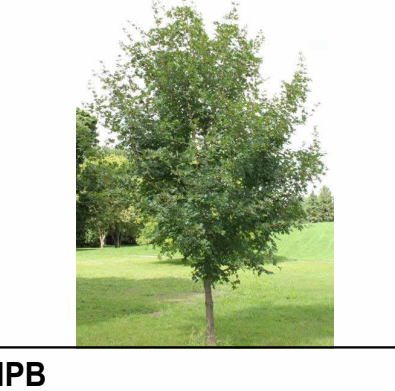
Sincerely,

A handwritten signature in black ink, appearing to read "G. Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.

MGD⁺
HABITAT DESIGN



ARB	JDW
	
FDW	HGM
	
IGS	HPB
	
WTG	GBB
	
JFG	
	

STAMP	
	SPECIAL PERMIT SET

[illegible]

CENTRAL AVE
DEVELOPMENT

40-50 Central Ave, Needham, MA

LANDSCAPE PLAN

Project number	22-007
Date	11/30/2022
Drawn by	BAC
Checked by	MGD

SP.07
Scale

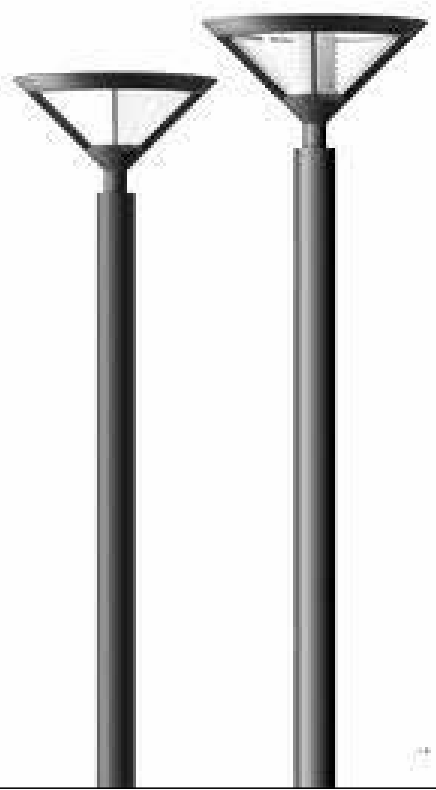
Scale

LIGHTING

LAMP (LMP)



POST LIGHTING
THROUGHOUT PARKING
LOT (BEGA 77 180)



BOLLARD (BLD)



BOLLARD LIGHTING
THROUGHOUT
LANDSCAPED LAWNS
(BEGA 99 727)



ARB

WALL SCONSE ALONG
EXT. OF CURTAIN WALL
(BEGA 66 698) (SCN1)



WALL SCONSE AT
STAIRS AND COLUMNS
(BEGA 33 059) (SCN2)

ARB

RECESSED CAN LIGHTS
ALONG UNDERSIDE OF
BUILDING ABOVE (BEGA
24 834)





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

December 5, 2022

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

RE: Major Project Special Permit No. 2022-04
40 & 50 Central Avenue- BTE Development LLC

Dear Members of the Board,

The Department of Public Works has completed review for a proposed construction of a new building structure at 40 & 50 Central Avenue. The applicant proposes to demolish both existing buildings on the properties and replace them with a single building for mixed residential and commercial use purposes. The new building will be three stories high and contain approximately 20,072 square feet of space, with retail on the first floor, and 15 residential units on the second and third floors. The entire site will be redeveloped including parking area, driveway entrances, landscaping and other site improvements.

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

1. Application for a Major Project Special Permit No. 2022-04, with Addendum A.
2. Letter from George Giunta Jr., Attorney, dated September 19, 2022.
3. Letter to Lee Newman, dated September, 2022.
4. Plan set consisting of 3 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Existing Conditions Site Plan, dated September 12, 2022; Sheet 2, Proposed Parking and Building Location, dated September 12, 2022; Sheet 3, Proposed Conditions Site Plan, dated September 12, 2022.
5. Plan set entitled "Central Avenue Development," consisting of 5 sheets, prepared by MGD plus, 411 Lexington Street, Newton, MA: Sheet 1, Sheet SP.00, entitled "Cover Page", dated September 18, 2022; Sheet 2, Sheet SP.01, entitled "Architectural Site Plan," dated September 18, 2022; Sheet 3, Sheet SP.02, entitled "Floor Plans," dated September 18, 2022; Sheet 4, Sheet SP.03, entitled "Elevations," dated September 18, 2022; Sheet 5, Sheet SP.04, entitled "3D Views," dated September 18, 2022.
6. Drainage Summary, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 12, 2020.
7. Landscape Plan prepared by MGD dated 11/30/22 (with rev. date 10/30/22) and consisting of one sheet.

8. Transportation Impact Assessment Prepared by VAI dated November 2022
9. Letter from George Giunta Jr., Attorney, to Planning Department dated December 1, 2022.

Our comments and recommendations are as follows:

- We concur with the VAI Traffic Assessment in placing stop control signage and paint marks for the driveways onto Central and Reservoir roads. We have no objections for the “stop sign” bar and details referenced as a site plan modification submittal in the Planning Board’s decision.
- The applicant will need to submit a water connection plan to show sufficient water service size for the facility as well as a separate tap for fire service for the building. We do not object that this plan be submitted as part of a plan modification incorporated into the Planning Board’s Decision.
- If Commercial or restaurant kitchen wastewater flows are expected for the facility, a separate service for the kitchen wastewater will need to be connected to an outside grease trap in accordance with the Board of Health and the Sewer Division’s grease separation guidance. We do not object that this plan be submitted as part of a plan modification incorporated into the Planning Board’s Decision.
- As part of the NPDES requirements, the applicant will need to comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed in order to incorporate it into the Planning Board’s decision.

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

Truly yours,

Thomas Ryder
Town Engineer

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 40 & 50 Central
Date: Monday, December 5, 2022 3:43:42 PM

Sorry for that, I looked at that today I do hesitate on parking and feel it is an unfair assumption that people will be returning to work in person which will open spots during the day. I think the approval of the 6 street parking spots would help even though can't be used in the calculation. If these street spots are not approved, then I think we would have to look at this again.

Thanks

Chief John J Schlittler
Needham Police Department
88 Chestnut St
Needham, MA 02492
Office: (781-455-7583)
Fax: (781-453-9496)
FBINA 259
jschlittler@needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, December 5, 2022 10:09 AM
To: John Schlittler <JSchlittler@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - 40 & 50 Central

Hi Chief,

I do not believe we heard from you on this project. Do you have any comments?

Thanks, alex.

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

From: Alexandra Clee
Sent: Tuesday, November 8, 2022 11:05 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano

<jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>

Subject: RE: Request for comment - 40 & 50 Central

Dear all,

If you haven't yet commented on this, please send your comments to me by tomorrow. Thanks!

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

From: Alexandra Clee

Sent: Friday, October 14, 2022 5:05 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>

Subject: Request for comment - 40 & 50 Central

Dear all,

We have received an application materials for a proposed amendment to 40 & 50 Central. The proposal is to demolish both existing buildings and replace them with a single, new building, to be used for mixed use purposes. The new building will be three stories high and contain approximately 20,072 square feet of space, with retail on the first floor, and 15 residential units on the second and third floors. It is currently contemplated that one of the retail bays on the first floor will be occupied by Panella's Market and that three of the residential units will be affordable, as defined by the Zoning By-Law. The entire site will be redeveloped and in addition to the new building, landscaping and other site improvements will also be installed.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for November 15, 2022. Please send your comments by Wednesday November 9, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for a Major Project Special Permit No. 2022-04, with Addendum A.
2. Letter from George Giunta Jr., Attorney, dated September 19, 2022.

3. Letter to Lee Newman, by [names I cannot read], dated September, 2022.
4. Plan set consisting of 3 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Existing Conditions Site Plan, dated September 12, 2022; Sheet 2, Proposed Parking and Building Location, dated September 12, 2022; Sheet 3, Proposed Conditions Site Plan, dated September 12, 2022.
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6. Drainage Summary, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 12, 2020 [maybe meant to be 2022?].

Thank you, alex.

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

November 28, 2022



Dear Needham Planning Board,

Here are a few observations about the proposal for 40-50 Central Avenue:

Parking: Not enough provided. Fifteen apartments with 1 or 2 occupants each, plus visitors, plus (3) businesses with their customers and employees, should dictate that more parking is needed. Street parking issues in the neighborhood may otherwise occur.

MBTA bus line #59: It's not as convenient to use as some folks believe. With its infrequent time schedule, how many people will choose to live without a car to rely on this bus service? More parking is needed because reality says we are a suburban car culture, -not a dense, urban, car-less culture like Brookline or Boston with their frequent trolley services on multiple MBTA branch lines.

Trash: Not enough and poor design, especially the container orientation. Trash trucks can retrieve the front container, but not the rear one, -unless the truck can use several adjacent parking spaces (where resident and customer cars are parked), to back-up and access a side entrance that is not shown.

Noise: With neighbors across the street, and beside the property, and all down the street, please restrict construction start times from early morning hours. Sleep and rest are very important to us all and construction noise is disruptive to that. Please, no 7:00am starts. A 8:00am start would be appropriate.

Landscaping: Please require the saving and protection of as many of the existing trees as possible on the border margins between neighboring properties to provide ongoing sound and visual buffers to this 40' tall structure. Cannot rely on new, shorter, landscape plantings.

Thank you in advance for addressing these concerns.

Anonymous Needham Resident

From: [Thomas Ryder](#)
To: [Lee Newman](#)
Cc: [Alexandra Clee](#); [Justin Savignano](#); [Michael Retzky](#)
Subject: RE: HSC 557 Highland Ave - sewage disposal
Date: Tuesday, November 15, 2022 2:57:30 PM

Hi Lee,

The proposed Highland Ave Science Center wastewater flows will continue same path as the pre-existing Muzzy sewer flows which is in the opposite direction to Noanette Road.

-

Existing and proposed sewer flow

The wastewater flow exits the property at 557 Highland Ave at the Northeast corner and continue towards the Rte 128 state highway (away from Noanett Road). Flow then combines with Channel 5's wastewater and follows the Highway in the northerly direction on Crawford Street. At the bend in the road of Crawford Street (Just before the intersection of River Park), the sewer is piped under Rte 128 to the Pump station on Reservoir Street (aka Reservoir B Pump Station).

Flows from Noanett Road do not combine with the 557 Highland avenue's wastewater until the just before the crossing under Rte 128 at Crawford Street.

I hope that clarifies.

Thomas A Ryder, PE
Town Engineer

Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Telephone: 781-455-7538
Fax: 781-449-9023
E-mail: Tryder@needhamma.gov
Website: www.needhamma.gov

From: Lee Newman <LNewman@needhamma.gov>
Sent: Tuesday, November 15, 2022 1:06 PM
To: Thomas Ryder <tryder@needhamma.gov>
Cc: Alexandra Clee <aclee@needhamma.gov>
Subject: HSC 557 Highland Ave - sewage disposal

Tom,

At the last Planning Board meeting when the Board deliberated on the Highland Science Center application, it was not clear where sewage flows after it enters the municipal sewer system. This is a concern for neighbors on Noanet Road particularly, as it seemed from their comments that sewage from the site when it was used as the Muzi car dealership did flow through sewers that are in Noanet Road. It appears to me, from my review of the proposed site utility systems shown on the

applicant's submitted engineering plans, that sewage from the Channel 5 building on TV Place will still flow down Noanet Road. It's not clear what happens to the large volume of sewage that will flow from the Highland Science Center site – it appears it will flow into a sewer in Highland Avenue, but where does it go from there? The applicant's attorney, at one of our hearings, said that the sewage would flow across 128, but I find nothing on the plans stating or showing that. The Final Environmental Report is unclear on this point. Your letter of June 2, 2022, as to Wastewater, focuses on the need for an I/I removal program, but says nothing about the direction of sewage flow. Can you provide a further comment on this project to clarify the direction of sewage flow from the project. I will also try and reach you by phone. The Board meets tonight I would like to provide clarity on this question.

Thanks,

Lee

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: Fwd: 557 Highland
Date: Monday, December 5, 2022 7:18:40 PM

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>
Sent: Monday, December 5, 2022 5:34:04 PM
To: Lee Newman <LNewman@needhamma.gov>
Cc: Robert Schlager <RAS@Bulfinch.com>; O'Dwyer, Connor <codwyer@goulstonstorrs.com>
Subject: 557 Highland

Hi Lee,

As the Board continues its deliberations this evening, I am writing to clarify that the Applicant is willing to work with the Board to address the garage height.

Specifically, the Applicant would be willing to submit, prior to the issuance of a building permit for the Parking Garage, the applicable updated Plans to the Design Review Board and Planning Board reflecting conformance with the following suggested Design Guidelines:

1. The height of the Parking Garage for the portions of the Parking Garage closest to Gould Street would be reduced to no greater than forty-eight (48) feet and four (4) levels (recognizing that the building height and levels closest to Route 128 could remain as initially proposed).
2. Additional screening would be incorporated for the portions of the modified Parking Garage visible from Gould Street utilizing one or more of the following methods: (i) landscaping, including mature trees, vines or other vegetation for the purposes of screening the Parking Garage; (ii) use of metal tubing, mesh screening or other materials to enhance the aesthetic and minimize the visual impacts of the Parking Garage; and (iii) such other reasonable means, methods and materials sufficient to provide additional screening.
3. 1,390 parking spaces would be retained at the Property utilizing one or more of the following methods: (i) restriping/reconfiguring the parking space layout within the modified Parking Garage; (ii) adding a level (or portion thereof) to the Parking Garage below-grade; (iii) restriping/reconfiguring the parking space layout within the below-grade parking underneath the North and/or South Buildings; and (iv) such other reasonable means and methods to retain 1,390 parking spaces at the Property.

I hope this clarification is helpful to you and the Board. Thank you again for your time and thoughtful consideration of our application.

Best,
Tim

Timothy W. Sullivan

Direct (617) 574-4179

Mobile (617) 645-4361

[Bio](#)

goulston&storrs

400 Atlantic Avenue Boston, MA 02110

goulstonstorrs.com

tsullivan@goulstonstorrs.com

This communication may contain information which is privileged and/or confidential under applicable law. Any dissemination, copy or disclosure, other than by the intended recipient, is strictly prohibited. If you have received this communication in error, please immediately notify us via return e-mail to tsullivan@goulstonstorrs.com and delete this communication without making any copies. Thank you for your cooperation.

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REF.: NEX-2200133.00

December 5, 2022

Ms. Lee Newman
Director of Planning and Community Development
Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492

**SUBJECT: Highland Science Center, Gould Street, Needham, MA
Traffic Peer Review – Parking Reduction Evaluation**

Dear Ms. Newman:

On behalf of the Town of Needham, **Greenman-Pedersen Inc.** (GPI) has conducted a transportation peer review of the proposed Highland Science Center in Needham, Massachusetts, which included an evaluation of the project's traffic impacts, parking provisions, site access and circulation, and safety of the study area intersections. Since the original *Traffic Impact and Access Study*¹ (TIAS) was prepared, the proposed development has been reduced in size to address comments from the Planning Board. The currently proposed development will include approximately 232,500 square feet (SF) of office space, 232,500 SF of research and development (R&D) space, 6,052 SF of retail space, and a 4,000 SF restaurant with 100 seats and one take-out station. The Applicant has requested a waiver from the Town's zoning requirements to reduce the proposed parking supply to 1,390 parking spaces. Based on comments from residents and Board members received during the Planning Board review, the Planning Board is considering requesting that the Applicant remove one floor from the stand-alone parking garage to further reduce the parking supply to 1,290 parking spaces. At the request of the Town, GPI has performed a review of the potential parking demand to be generated by the currently proposed development to assess whether the reduced parking supply of 1,290 would be adequate to accommodate the peak parking demand anticipated to be generated by the development.

A. Zoning Regulations

Section 5.1.2 of the Town's zoning bylaws specify parking requirements for various land uses. Based on the Town's zoning bylaws, the following parking spaces are required for the proposed development:

- Office – 1.0 parking space per 300 SF
- Research & Development – 1.0 parking space per 300 SF [Single tenants over 50,000 SF may provide 1.0 space per 300 SF for the first 50,000 SF and 1.0 space per 400 SF for the remaining space over 50,000 SF]
- Retail – 1.0 parking space per 300 SF
- Restaurant – 1.0 parking space per 3 seats plus 10.0 spaces per take-out station

Assuming that the proposed R&D space will not be occupied by any single tenants with more than 50,000 SF of space, the maximum parking required to serve the site based on the zoning bylaws would be 1,614 parking spaces. Therefore, the Applicant's requested parking supply of 1,390 parking spaces represents a waiver of 224 parking spaces from the most conservative (worst case) application of the bylaws.

¹ *Transportation Impact and Access Study, Highland Science Center, Needham, Massachusetts*; prepared by Vanasse Hangen Brustlin, Inc. (VHB); March 2022.

Should the R&D space be occupied by a single tenant, the parking supply required to meeting zoning bylaws would be 1,462. Therefore, the Applicant's requested parking supply of 1,390 parking spaces could represent a waiver of only 72 parking spaces if the R&D space were occupied by a single tenant.

B. Applicant's Parking Assessment

Within the March 2022 TIAS, the Applicant noted that research and development space often includes large laboratory space that is not occupied by as many employees per square foot compared to office space. Based on a count of parking demand at other similar R&D facilities in Cambridge, Massachusetts, the Applicant concluded that R&D uses generate parking demand at a rate of 2.46 parking spaces per 1,000 SF, rather than the 3.33 spaces per 1,000 SF required by zoning. As a result, the Applicant concluded that parking demand generated by the ±507,000 SF development proposed at the time would be 1,355 parking spaces.

As previously noted, the Project has since been reduced in scale to provide a total of only 232,500 SF of office space, 232,500 SF of R&D space, and 10,052 SF of retail/restaurant space. Utilizing the parking demand rates provided by the Applicant in the March 2022 TIAS, the potential parking demand generated by the currently proposed development would be 1,272 parking spaces. Therefore, the proposed 1,390 parking spaces requested by the Applicant would be adequate to accommodate the peak parking demand based on the Applicant's calculations.

It should be noted, however, that the Applicant calculated the parking requirement for the entire 10,052 SF of retail and restaurant spaces using the zoning bylaw requirements for a retail use only and did not separate the restaurant use. If the zoning bylaw had been applied to the 4,000 SF (100 seat) restaurant space separately, the estimated parking demand would be increased to 1,303 parking spaces.

C. Institute of Transportation Engineers (ITE) Parking Data

The Applicant's March 2022 TIAS noted that R&D uses typically experience parking demands rates less than 3.33 spaces per 1,000 SF based on empirical data from sites in Cambridge, Massachusetts. The same statement is also true for office spaces based on parking demand generation count data collected by the Institute of Transportation Engineers (ITE) for Land Use Code (LUC) 710 – General Office Building. Although the Applicant applied an adjustment to the Town's zoning bylaws for the R&D use, no such adjustment was applied for the office use.

GPI has conducted an evaluation of the potential peak parking demand to be generated by the currently proposed development utilizing parking demand generation rates published in ITE's *Parking Generation, 5th Edition* for LUCs 710 – Office, 760 – Research & Development, and 820 – Shopping Center. GPI also reviewed parking demand rates for multiple potential restaurant uses to determine which land use would generate the highest demand per 1,000 SF during the weekday midday time period when the office and R&D uses would also experience peak demands. As LUC 960 – Fast Casual Restaurant has the highest weekday midday demand, this land use was utilized in estimating the potential parking demand generated by the proposed restaurant space. By superimposing the peak demands generated by each of these land uses, GPI estimated a peak demand of 1,221 parking spaces to be generated by the currently proposed development. Therefore, the 1,390 parking spaces proposed by the Applicant would be adequate to accommodate the peak parking demand generated by the project.

The Planning Board desires to reduce the mass of the parking garage by eliminating one floor and decreasing the parking supply to 1,290 parking spaces. While this parking supply will exceed the anticipated parking demand of 1,221 parking spaces, it should be noted that ITE describes that parking lots that exceed 90 percent occupancy are generally perceived to be full and occupancy above 90 percent can result in excessive recirculation of vehicles to find empty spaces. Therefore, it is recommended that the peak parking demand not

exceed 90 percent of the parking supply to provide efficient traffic flow through the parking fields. A peak parking demand of 1,221 spaces would represent 94.7 percent occupancy of the parking supply if the garage were reduced to 1,290 spaces, which would exceed 90 percent. However, the Applicant has proposed a comprehensive Transportation Demand Management (TDM) program with a goal of reducing single-occupant-vehicle (SOV) trips to the site by at least 8.0 percent. Effective management of the TDM program could reduce the peak parking demand to 1,123 parking spaces, which would represent 87 percent occupancy of the 1,290 parking spaces. Therefore, the proposed development could be accommodated by a reduced parking supply of 1,290 parking spaces provided that the proposed TDM program is effective in reaching its goal. It should also be noted that the TDM program includes implementing a driver alert system within the parking lots/garages to direct drivers to open parking spaces. This will assist with maintaining efficient traffic flow on-site on infrequent occasions when the parking demand exceeds 90 percent occupancy.

The Applicant is currently proposing a total of 465,000 SF office/R&D space to be split evenly at 232,500 SF of office space and 232,500 SF of R&D space. To provide flexibility to attract tenants to the property, the Applicant has requested that space within the building be allowed to fluctuate between office and R&D space without returning to the Planning Board for additional approvals. Therefore, GPI has conducted a sensitivity analysis to determine the ability of the site to accommodate more office or R&D space with the same parking supply. Based on ITE parking demand rates, office space is estimated to generate a peak parking demand of 2.39 parking spaces per 1,000 SF, while R&D space generates a peak demand of 2.58 spaces per 1,000 SF. As the office use will generate a lower demand than an R&D use, converting any of the R&D space to office space will only result in a reduction in parking demand. If all of the proposed office space were converted to R&D space, providing a total of 465,000 SF of R&D space, the peak parking demand generated by the Project would be 1,265 parking spaces based on ITE parking rates. With implementation of an effective TDM program, this could be reduced to 1,163 parking spaces, which represents 90 percent occupancy of the 1,290 parking spaces. Therefore, the entire 465,000 SF of office/R&D space would be converted to an R&D use and parking demand would not exceed 90 percent occupancy of the reduced parking supply of 1,290 spaces.

Based on the findings of this review, it is the opinion of GPI that the site can support a reduction of parking supply to remove a floor from the parking garage to provide a total of 1,290 parking spaces on the site. In addition, the Applicant has been allowed to occupy the building with any amount of office or R&D space and be able to accommodate the peak parking demand with implementation of an effective TDM program.

Should you have any questions regarding these comments, please contact me directly at 603-766-5223.

Sincerely,

GREENMAN-PEDERSEN, INC.



Rebecca L. Brown, P.E.
Senior Project Manager

Use	Size	Units	ITE Demand			VHB Calculations				Zoning		
			Rate		Spaces	Rate		Reduction for TDM	Spaces	Rate		Spaces
Office	232500	SF	2.39	spaces/KSF	556	3.33	spaces/KSF	0.92	713	3.333	spaces/KSF	775
R&D	232500	SF	2.58	spaces/KSF	600	2.46	spaces/KSF	0.92	527	3.333	spaces/KSF	775
Retail	6052	SF	2.91	spaces/KSF	18	3.33	spaces/KSF	0.92	19	3.333	spaces/KSF	21
Restaurant	100	Seats	0.47	spaces/seat	47	--	spaces/seat	--	--	0.333	spaces/seat	34
	4000	SF	9.93	spaces/KSF	40	3.33	spaces/KSF	0.92	13	--	spaces/KSF	--
	1	Take-Out	--	--	--	--	--	--	--	10	spaces/take-out station	10
TOTAL	475052				1221				1272			1615



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

DECISION
December 5, 2022

MAJOR PROJECT SITE PLAN SPECIAL PERMIT
557 Highland, LLC
557 Highland Avenue, Needham, MA
Application No. 2022-02

Decision of the Planning Board (hereinafter referred to as the “Board”) on the petition of 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116 (hereinafter referred to as the “Petitioner”) for property located at 557 Highland Avenue, Needham, Massachusetts (hereinafter referred to as the “Property”). The Property is owned by the Petitioner. The Property is shown on the Needham Town Assessor's Plan No. 76 as parcels 3 and 8 and contains approximately 9.27 acres of land.

This Decision is in response to an application submitted to the Board on April 5, 2022, by the Petitioner for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the “By-Law”) and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building (defined below) to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building (defined below) to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet; (10) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1,390 parking spaces; (11) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls; and (12) any additional Special Permits or zoning relief required for the permitting of the Project.

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to redevelop the Property with approximately 465,000 square feet (sq. ft.) of office, laboratory, and research and development uses, as well as up to approximately 10,052 sq. ft. of retail and/or restaurant uses (the “Project”). The Project will include two buildings, one on the northerly portion of the Property (the “North Building”) and one on the southerly portion of the Property (the “South Building”), together with a shared connector atrium (the “Atrium”). The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (defined below) (the

“Underground Parking”) and a separate stand-alone parking garage (the “Garage”). A total of 1,390 parking spaces are proposed of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairman Adam Block, on Tuesday, June 7, 2022, at 7:20 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198. The hearing was continued to Thursday, July 7, 2022 at 7:15 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198, continued again to Wednesday, September 7, 2022, at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264, and further continued to Monday, October 3, 2022 at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Artie Crocker, and Natasha Espada were present throughout the June 7, 2022, July 7, 2022, September 7, 2022, and October 3, 2022 proceedings. The record of the proceedings and the submissions upon which the Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Properly executed Application for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet; (10) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1390 parking spaces; (11) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls; and (12) any additional Special Permits or zoning relief required for the permitting of the Project, dated April 7, 2022.
- Exhibit 2 - Letter from Timothy W. Sullivan, Esq. to the Planning Board Members, dated April 5, 2022.
- Exhibit 3 - A set of plans entitled “557 Highland Avenue Needham, MA 02494 – Needham Special Permit Package”, prepared by Stantec Architecture and Engineering P.C., 311 Summer Street, Boston, Massachusetts 02210, consisting of 44 sheets all dated as of March 30, 2022: Sheet 1, Proposed Site Plan; Sheet 2, Site Aerial – Proposed; Sheet 3, Street View – Proposed, Sheet G-000, Cover Sheet; Sheet C-01, Legend and General Notes; Sheet C-02, Overall Site Plan; Sheet C-03, Drainage and Erosion Control Plan; Sheet C-04, Utility

Plan; Sheet C-05, Site Details; Sheet C-06, Site Details; Sheet L-1.0, Site Plan; Sheet L-2.0, Site Grading Plan; Sheet L-3.0, Site Planting Plan; Sheet L-4.0, Site Lighting Plan; Sheet L-5.0, Site Details #1; Sheet L-5.1, Site Details #2; Sheet G-010, Zoning Gross Area Plans; Sheet A-100G1, Garage Level G1 – Overall Plan; Sheet A-101, Level 1 – Overall Plan; Sheet A-102, Level 2 – Overall Plan; Sheet A-103, Level 3 – Overall Plan; Sheet A-104, Level 4 – Overall Plan; Sheet A-105, Level 5 – Overall Plan; Sheet A-106, Level 6 – Overall Plan; Sheet A-107, Roof Plan; Sheet A-201, Building Elevations – Locator Elevations; Sheet A-202, Building Elevations – North Bldg. – North; Sheet A-203, Building Elevations – North Bldg. – South & East; Sheet A-204, Building Elevations – North Bldg. (Southwest) & South Bldg. (North & West); Sheet A-205, Building Elevations – North Bldg. (West) & South Bldg. (North & West); Sheet A-206, Building Elevations – South Bldg. – North & East; Sheet A-211, Building Sections – Overall; Sheet A-212, Building Sections – North Bldg.; Sheet A-213, Building Sections – North Bldg.; Sheet AG-100.B2, Garage Level B2; Sheet AG-100.B1, Garage Level B1; Sheet AG-101, Garage Level 1; Sheet AG-102, Garage Level 2; Sheet AG-103, Garage Level 3 (Level 4-5 Sim.); Sheet AG-105, Garage Level 6; Sheet AG-211, Garage Sections; Sheet AG-212, Garage Sections; Sheet AG-301, Elevations – North & East; Sheet AG-302, Elevations – South & West.

- Exhibit 4 - Transportation Impact and Access Study entitled “Transportation Impact and Access Study Highland Innovation Center 557 Highland Avenue, Needham, Massachusetts” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated March 2022.
- Exhibit 5 - Stormwater Report entitled “Stormwater Report Highland Innovation Center 557 Highland Avenue, Needham, Massachusetts” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated March 2022.
- Exhibit 6 - Fiscal Impact Analysis, prepared for the Town of Needham by the Barrett Planning Group, LLC of Plymouth, MA, dated March 20, 2021.
- Exhibit 7 - Fiscal Impact Analysis, prepared by Fougere Planning & Development, Inc., dated May 16, 2022.
- Exhibit 8 - Design Review Board Comments, dated May 16, 2022.
- Exhibit 9 - Transportation Impact and Access Study Traffic Peer Review Comments dated May 27, 2022, By Rebecca L. Brown, Greenman-Pedersen Inc. (GPI).
- Exhibit 10 - Letter from Kate Fitzpatrick, Town Manager, dated June 15, 2022.
- Exhibit 11 - Presentation entitled “Highland Innovation Center, Planning Board Meeting #1” prepared by Stantec, dated June 7, 2022.
- Exhibit 12 - Cover letter from Attorney Tim Sullivan, dated June 30, 2022, as well as the following documents:
 Exhibit A - Responses to Town of Needham Planning Board comments at the June 7, 2022 public hearing;
 Exhibit B - Responses to Town Department Comments;
 Exhibit C - Memorandum entitled “Response to Transportation Impact and Access Study Traffic Peer Review Comments dated May 27, 2022 By Greenman-Pedersen

- Inc. (GPI)” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated June 29, 2022;
- Exhibit D - Memorandum entitled “Response to Transportation Impact and Access Study Traffic Peer Review Comments dated June 9, 2022 By Nitsch Engineering” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated June 29, 2022;
- Exhibit E - Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 1, prepared by Acentech Incorporated, 33 Moulton Street, Cambridge, MA 02138, dated June 28, 2022, examining compliance with MassDEP noise limits.
- Exhibit F - Presentation entitled “Highland Innovation Center, Planning Board Meeting #2” prepared by Stantec, dated July 7, 2022.
- Exhibit 13 - Massachusetts Department of Transportation, Plan of Roads in the Town of Needham, consisting of 6 sheets, recorded as Plan Book 690, Pages 34-39; and Plan entitled “ALTA/NSPS Land Title Survey, 557 Highland Avenue and 0 Gould Street, Needham, MA, prepared by Feldman Geospatial, consisting of 2 sheets, dated November 11, 2021.
- Exhibit 14 - Letter from Attorney Tim Sullivan, dated August 15, 2022.
- Exhibit 15 - Boundary Description
- Exhibit 16 - Letter from Nicholas Skoly, VHB, Inc., Re: 557 Highland Ave – Highland Innovation Center – Plan Revisions for Permitting, dated August 15, 2022.
- Exhibit 17 – Letter from Sean M. Manning, VHB, Inc., Re: Transportation Updates to Special Permit Submission, dated August 15, 2022.
- Exhibit 18 - Memorandum from Eric Joseph, Paul Finger Associates, Re: 557 Highland Ave – Special Permit Summary of Plan Revisions -01, dated August 15, 2022.
- Exhibit 19 - Memorandum from Thomas Urtz, Stantec Architecture and Engineering P.C., Re: Special Permit Package R1 (08/16/2022 for 09/07/2022 Planning Board public hearing), dated August 16, 2022.
- Exhibit 20 - Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 2, prepared by Michael Bahtiarian, Acentech Incorporated, dated August 15, 2022.
- Exhibit 21 - A set of plans entitled “557 Highland Avenue, Needham, MA 02494 – Needham Special Permit Package R1 -8/15/2022 (For 09/07/2022 Planning Board Special Permit Public Hearing)”, prepared by Stantec Architecture and Engineering P.C., 311 Summer Street, Boston, Massachusetts 02210, consisting of 50 sheets all dated as of August 15, 2022: Sheet 1, Proposed Site Plan; Sheet 2, Site Aerial – Proposed; Sheet 3, Street View – Proposed; Sheet G-000, Cover Sheet; Sheet G-005, Zoning Area Plans; Sheet C-01, Legend and General Notes; Sheet C-02, Overall Site Plan - Revision; Sheet C-02B, Overall Site Plan; Sheet C-03, Drainage and Erosion Control Plan; Sheet C-04, Utility Plan; Sheet C-05, Site Details; Sheet C-06, Site Details; Sheet TR-001, Off-Site Roadway Improvements #1; Sheet TR-002, Off-Site Roadway Improvements #2; Plan entitled “Conveyance Plan” prepared by Feldman Geospatial, 152 Hampden Street, Boston, MA 02119; Sheet EX-1.0, Conveyance; Sheet L-1.0, Site Plan; Sheet L-2.0, Grading Plan; Sheet L-3.0, Site Planting Plan; Sheet L-4.0, Site Lighting Plan; Sheet L-5.0, Site Details

#1; Sheet L-5.1, Site Details #2; Sheet A-100G1, Garage Level G1-Overall Plan & Parking Legend; Sheet A-101, Level 1 – Overall Plan; Sheet A-102, Level 2 – Overall Plan; Sheet A-103, Level 3 – Overall Plan; Sheet A-104, Level 4/ South Building Penthouse – Overall Plan; Sheet A-105, Level 5/ South Building Upper Roof – Overall Plan; Sheet A-106, North Building Penthouse – Overall Plan; Sheet A-107, Full Roof Plan; Sheet A-201, Building Elev – Locator Elevations; Sheet A-202, Building Elev – North Bldg – North; Sheet A-203, Building Elev – North Bldg – South & East; Sheet A-204, Building Elev – South Bldg – South East; Sheet A-205, Building Elev – North Bldg (Southwest) & South Bldg (South); Sheet A-206, Building Elev – North Bldg (West) & South Bldg (North & West); Sheet A-207, Building Elev – South Bldg – North & East; Sheet A-211, Building Sections – Overall; Sheet A-212, Building Sections – North Bldg; Sheet A-213, Building Sections – South Bldg; Sheet AG-100B2, Garage Level B2; Sheet AG-100B1, Garage Level B1; Sheet AG-101, Garage Level 1; Sheet AG-102, Garage Level 2; Sheet AG-103, Garage Level 3 (Level 4-5 Sim.); Sheet AG-106, Garage Level 6; Sheet AG-201, Elevations – North & East; Sheet AG-202, Elevations – South & West; Sheet AG-211, Garage Sections; Sheet AG-212, Garage Sections.

- Exhibit 22 - Letter from Eric Joseph, Paul Finger Associates, dated August 30, 2022.

- Exhibit 23 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 2:34 a.m., with two attachments: Attachment 1, Plan Sheet EX2.0, entitled “Exhibit: Emergency Access,” prepared by Paul Finger Associates dated August 30, 2022, “special permit packet R1 September 7, 2022”; Attachment 2, Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 24 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 11:22 a.m., with two attachments: Attachment 1, Plan Sheet EX2.0, entitled “Exhibit: Emergency Access,” prepared by Paul Finger Associates dated August 30, 2022, “special permit packet R1 September 7, 2022”; Attachment 2, Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 25 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 4:07 p.m., with one attachment: Plan Sheet L-5.1, entitled “Site Details #2,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 26 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 5:44 p.m., with one attachment: Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 27 - Presentation entitled “Planning Board Meeting #3, September 7, 2022” prepared by Stantec Architecture and Engineering P.C.

- Exhibit 28 - Design Review Board Comments, dated September 12, 2022.

- Exhibit 29 - Transportation Impact and Access Study, Traffic Peer Review - Recommended Conditions of Approval, dated September 29, 2022 By Rebecca L. Brown, Greenman-Pedersen Inc. (GPI).
- Exhibit 30 - Plan Sheet SPSK-2.0, entitled “Curb Cut Enlargements,” prepared by Paul Finger Associates, dated September 28, 2022.
- Exhibit 31 - Letter from Timothy W. Sullivan, Esq. to the Planning Board Members, dated September 30, 2022.
- Exhibit 32 - Email from Mark DiOrio, Bulfinch, regarding Fiscal Impact Analysis, dated October 3, 2022.
- Exhibit 33 - Presentation entitled “Planning Board Meeting #4, October 3, 2022” prepared by Stantec Architecture and Engineering P.C.
- Exhibit 34 - Interdepartmental Communications (IDC) to the Board from David Roche, Building Commissioner dated May 25, 2022, August 23, 2022 and August 31, 2022; IDC to the Board from Chief John Schlittler, Police Department, dated June 3, 2022; IDC to the Board Chief Dennis Condon, Needham Fire Department, dated June 1, 2022; IDC to the Board Chief Tom Conroy, Needham Fire Department, dated August 31, 2022; IDC to the Board from Tara Gurge, Needham Health Department, dated May 27, 2022 and October 25, 2022; IDC to the Board from Stacey Mulroy, Director, parks and Recreation, dated August 31, 2022; and IDC to the Board from Thomas Ryder, Town Engineer, dated June 2, 2022 and September 1, 2022.
- Exhibit 35 - Letter from James Goldstein and Tad Staley, Bay Colony Rail Trail Association, dated May 17, 2022.
- Exhibit 36 - Email from Carlos Agualimpia, Town Meeting Member - Precinct C, dated June 4, 2022.
- Exhibit 37 - Email from Steven Sussman, 30 Davenport Road, dated June 6, 2022.
- Exhibit 38 - Email from Henry Ragin, 25 Bennington Street, dated June 6, 2022.
- Exhibit 39 - Email from Casey Fedde, 16 Mills Rd, dated June 6, 2022.
- Exhibit 40 - Email from Avery, dated June 6, 2022.
- Exhibit 41 - Email from Karen Quigley, dated June 6, 2022.
- Exhibit 42 - Email from Kim Stone, Kim Stone, 45 Greendale Ave, dated June 6, 2022.
- Exhibit 43 - Email from MaeLynn Patten, 16 Ledge Street, dated June 6, 2022.
- Exhibit 44 - Email from Valerie Maio, 15 Park Ave., dated June 6, 2022.
- Exhibit 45 - Email from Maggie Flanagan, dated June 6, 2022.
- Exhibit 46 - Email from Nicole Nasson, dated June 6, 2022.

- Exhibit 47 - Email from Brooke Reilly, 41 Pine Grove Street, dated June 6, 2022.
- Exhibit 48 - Email from Jennie Jonas, 93 Sachem Road, dated June 6, 2022.
- Exhibit 49 - Email from Shannon Shavor, dated June 6, 2022.
- Exhibit 50 - Email from Matt Flanagan, 54 Sachem Road, dated June 6, 2022.
- Exhibit 51 - Email from Holly Charbonnier, 94 Sachem Road, dated June 6, 2022.
- Exhibit 52 - Email from Joanne Garabedian, dated June 6, 2022.
- Exhibit 53 - Email from Ali Dabuzhsky, 42 Aletha Road, dated June 6, 2022.
- Exhibit 54 - Email from Ashly Scheufele, 52 Greendale Avenue, dated June 6, 2022.
- Exhibit 55 - Letter from the Needham Heights Alliance, dated June 6, 2022.
- Exhibit 56 - Email from Paul Charbonnier, 94 Sachem Road, dated June 6, 2022.
- Exhibit 57 - Email from Emily Pick, 12 Mills Road, dated June 6, 2022.
- Exhibit 58 - Email from Natalie and Eugene Ho, 21 Utica Rd, dated June 26, 2022.
- Exhibit 59 - Email from Russell Smith, dated June 6, 2022.
- Exhibit 60 - Email from Julie Tracey, Beech Street, dated June 6, 2022.
- Exhibit 61 - Email from Ada Lei Chan, dated June 6, 2022.
- Exhibit 62 - Email from Elizabeth C Rich, 323 West Street, dated June 6, 2022.
- Exhibit 63 - Email from Alanna Burke, dated June 6, 2022.
- Exhibit 64 - Email from Maureen and Jim DiMeo, 442 Central Avenue, dated June 6, 2022.
- Exhibit 65 - Email from Larry Tobin, 31 Greendale Ave, dated June 6, 2022.
- Exhibit 66 - Email from Michael Diener, dated June 7, 2022.
- Exhibit 67 - Email from Laura Ruch, dated June 7, 2022.
- Exhibit 68 - Email from Kelly Close, dated June 7, 2022.
- Exhibit 69 - Email from Robert Deutsch, dated June 7, 2022.
- Exhibit 70 - Email from Callie Curran Morrell, 2 Central Terrace, dated June 7, 2022.
- Exhibit 71 - Email from Jackie Boni, 13 Nichols Rd, dated June 7, 2022.

- Exhibit 72 - Letter from Deb Whitney, dated June 7, 2022.
- Exhibit 73 - Email from Kate Robey, dated June 7, 2022.
- Exhibit 74 - Email from Gilad & Rachel Skolnic, 33 Park Avenue, dated June 8, 2022.
- Exhibit 75 - Email from Kathleen Robey, 150 Warren Street, dated June 7, 2022.
- Exhibit 76 - Email from Kira Robinson-Kates, dated June 8, 2022.
- Exhibit 77 - Email from Ryan Ciporkin, 42 Park Avenue, dated June 9, 2022.
- Exhibit 78 - Email from Alex Boni, 13 Nichols Rd, dated June 9, 2022.
- Exhibit 79 - Email from Robert Dangel, 28 Hewitt Circle, dated June 11, 2022.
- Exhibit 80 - Email from Susan B. McGarvey, 66 Upland Road, dated June 11, 2022.
- Exhibit 81 - Email from Shari Stier, 23 Park Ave, dated June 14, 2022.
- Exhibit 82 - Email from Christine Dedek, 55 Hunting Road, dated June 28, 2022.
- Exhibit 83 - Email from Teresa Combs, 7 Utica Road, dated July 5, 2022.
- Exhibit 84 - Email from Joan E. Feeney, 74 Wayne Road, dated July 6, 2022.
- Exhibit 85 - Email from David M. Mindlin, 74 Hampton Avenue, dated July 7, 2022.
- Exhibit 86 - Email from Elizabeth Mercer, dated July 7, 2022.
- Exhibit 87 - Letter from the Needham Heights Alliance and Community, dated September 12, 2022.
- Exhibit 88 - Email from Michele Markley, dated September 12, 2022.
- Exhibit 89 - Email from Peter Schuller, 25 & 27 Mills Rd, dated September 13, 2022.
- Exhibit 90 - Email from Lauren Schuller, 25 & 27 Mills Rd, dated September 13, 2022.
- Exhibit 91 - Letter from Eugene Ho, Utica Road, dated September 15, 2022.
- Exhibit 92 - Email from Carol Richmond, Noanett Road, dated September 17, 2022.
- Exhibit 93 - Email from Kenneth Phillips, 74 Sachem Rd, dated September 18, 2022.
- Exhibit 94 - Email from Marjorie Phillips, 74 Sachem Rd, dated September 18, 2022.
- Exhibit 95 - Email from Verna Gurwitz, dated September 20, 2022.
- Exhibit 96 - Email from Carol Cohne, dated September 20, 2022.
- Exhibit 97 - Email from Henry Ragin, 25 Bennington Street, dated September 21, 2022.

- Exhibit 98 - Email from Lisa Durkin, 15 Avery Street, dated September 23, 2022.
- Exhibit 99 - Email from Beverly W. Litman, Noanett Road, dated September 25, 2022.
- Exhibit 100 - Email from Howard Breslau, 199 Evelyn Road, dated September 25, 2022.
- Exhibit 101 - Email from Fotoula Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 102 - Email from John Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 103 - Email from William Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 104 - Email from Anastasia Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 105 - Email from Judy and Larry Pelletier, 107 Gould Street, dated September 26, 2022.
- Exhibit 106 - Email from Le Truong, dated September 27, 2022.
- Exhibit 107 - Two emails from Antoinette Tigges, 122 Webster Street, dated September 27, 2022.
- Exhibit 108 - Email from Ranen S. Schechner, 50 Spring Road, dated September 29, 2022.
- Exhibit 109 - Email from Nancy L. Magier, 112 Woodbine Circle, dated September 29, 2022.
- Exhibit 110 - Email from Wei Lu, dated September 29, 2022.
- Exhibit 111 - Email from Yulia Murray, 93 Hillside Avenue, dated September 29, 2022.
- Exhibit 112 - Email from Brian O'Neill, 149 Charles River Street, dated September 30, 2022.
- Exhibit 113 - Email from Kathy Zimbone, 10 Woodbury Dr, dated September 30, 2022.
- Exhibit 114 - Email from Casey Fedde, 16 Mills Rd, dated September 30, 2022.
- Exhibit 115 - Email from Chrissy Silverman, dated September 30, 2022.
- Exhibit 116 - Email from Jeffrey D. Drucker, The Atlantic Interests Limited Partnership, 144 Gould Street, Suite 206, Needham, MA 02494, dated September 30, 2022.
- Exhibit 117 - Email from Matthew S. Ross, 41 Stewart Road, dated September 30, 2022.
- Exhibit 118 - Email from Jodi Traub, dated September 30, 2022.
- Exhibit 119 - Email from Bob Rice, dated September 30, 2022.
- Exhibit 120 - Email from Bob O'Connor, 9 Fuller Road, dated September 30, 2022.
- Exhibit 121 - Email from Thomas M Totten, 370 Central Avenue, dated September 30, 2022.
- Exhibit 122 - Email from Steven Sussman, 30 Davenport Road, dated September 30, 2022.

- Exhibit 123 - Email from Joni and Michael Schockett, 174 Evelyn Road, dated September 30, 2022.
- Exhibit 124 - Emailed letter from Moe Handel, former Planning Board and Select Board Member and Needham Heights Resident, 3 Rosemary Street, dated October 1, 2022.
- Exhibit 125 - Email from Cynthia R. Janower, 85 Riverbend Lane, dated October 1, 2022.
- Exhibit 126 - Email from Larry Tobin, 31 Greendale Ave, dated October 2, 2022.
- Exhibit 127 - Email from David A. Shaff, MD, 109 Arch Street, dated October 2, 2022.
- Exhibit 128 - Email from Wujun Qie, 43 Douglas Rd, dated October 2, 2022.
- Exhibit 129 - Email from Yun Bian, 115 Gould Street, dated October 2, 2022.
- Exhibit 130 - Email from Marvin Berkowitz, 23 Wayne Road, dated October 2, 2022.
- Exhibit 131 - Email from Edward & Barbara Shapiro, 276 Bridle Trail Road, dated October 2, 2022.
- Exhibit 132 - Email from Shari Stier, dated October 2, 2022.
- Exhibit 133 - Email from Oleg Kerbel, dated October 2, 2022.
- Exhibit 134 - Email from Dingsong Feng, 45 Plymouth Road, dated October 2, 2022.
- Exhibit 135 - Email from Jacquelyn Furman, dated October 2, 2022.
- Exhibit 136 - Email from Ben Daniels, 5 Sachem Rd, dated October 2, 2022.
- Exhibit 137 - Email from Derek Wade, 41 Riverside St, dated October 2, 2022.
- Exhibit 138 - Email from Janice Chen, dated October 2, 2022.
- Exhibit 139 - Email from Tonia Chu, dated October 2, 2022.
- Exhibit 140 - Email from Donghui Yu, dated October 2, 2022.
- Exhibit 141 - Email from Brooks Goddard, 59 Otis Street, dated October 2, 2022.
- Exhibit 142 - Email from Albert Chang, dated October 2, 2022.
- Exhibit 143 - Email from The Lu family, 90 Norwich Rd, dated October 2, 2022.
- Exhibit 144 - Email from Hairuo Peng, dated October 2, 2022.
- Exhibit 145 - Email from Martha Cohen Barrett, 49 Lynn Road, dated October 2, 2022.
- Exhibit 146 - Email from Dennis Zhang, dated October 2, 2022.
- Exhibit 147 - Email from Joe Matthews, dated October 3, 2022.

- Exhibit 148 - Email from Matt Siciliano, dated October 3, 2022.
- Exhibit 149 - Email from James Segel, 30 Edgewater Drive, dated October 2, 2022.
- Exhibit 150 - Email from Yi Ding, dated October 3, 2022.
- Exhibit 151 - Letter from the Charles River Chamber, dated October 3, 2022.
- Exhibit 152 - Email from Emily Pick, 12 Mills Road, dated October 3, 2022.
- Exhibit 153 - Email from Natalie T, dated October 3, 2022.
- Exhibit 154 - Email from Michelle Saipe, 5 Sachem Road, dated October 3, 2022.
- Exhibit 155- Draft Environmental Impact Report, Highland Science Center, Needham Heights, Prepared by VHB; July 2022.
- Exhibit 156 - Response to MEPA DEIR, Traffic Peer Review by Greenman-Pedersen Inc. (GPI) dated August 18, 2022, 557 Highland Avenue, Needham, Massachusetts; prepared by VHB; August 29, 2022.
- Exhibits 21 and 33 are hereinafter referred to as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The Property is located in the Highway Commercial 1 Zoning District (“HC-1 District”). The Property consists of a single parcel currently shown on Needham Town Assessors Map 76, parcels 3 and 8. The Property contains approximately 9.27 acres of land and is presently owned by 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116. It was most recently used as an automotive dealership and car wash making up a nearly entirely impervious surface which included parking for approximately 532 vehicles.
- 1.2 The HC-1 District was established by an amendment to the Town of Needham Zoning By-Law adopted by a 168-37 vote of Town Meeting pursuant to Article 5 of the Warrant of the Annual Town Meeting held on May 3, 2021. According to the Zoning Map, the Property is not located within any overlay districts. The creation of the HC-1 District was the result of an extensive planning effort by the Town of Needham. The Town’s Council of Economic Advisors (“CEA”) began an evaluation of the Town’s Industrial Zoning Districts in 2013. The CEA held public meetings with residents, neighbors, public officials, businesses, and landowners (collectively, the stakeholders) in 2014 and obtained a build-out analysis and a traffic impact report. The CEA made preliminary recommendations to the public and Select Board to upgrade the zoning adjacent to I-95/Route 128 to make these areas more economically competitive.
- 1.3 The Planning Board and Select Board decided to move forward with rezoning of the former Industrial-1 Zoning District circumscribed by I-95/Route 128, Highland Avenue, Gould Street, and the MBTA right of way, and occupied by the Muzi Ford and Chevrolet dealership, a car wash, and WCVB Channel 5. An Article proposing to rezone this Industrial-1 Zoning District was developed

and presented to the October 2019 Special Town Meeting, where it received a majority vote but less than the required two-thirds. In response to public concerns about density, traffic impacts, permitted and special permit uses, and environmental issues, a Town-wide community meeting was held with stakeholders in January 2020 to discuss overall land use goals for the HC-1 District. A working group, including representatives from the Planning Board, Select Board, Finance Committee, and CEA was formed. The working group then commissioned an updated traffic study of the area, to analyze the ability of the Town's traffic infrastructure to accommodate development at various densities and use profiles, as well as an updated fiscal impact analysis. From these efforts, the Planning Board drafted a revised Zoning Article to establish the HC-1 District. The revised Zoning Article reduced maximum floor area ratios and building height, increased building setback distances, required additional landscape buffering along Gould Street and Highland Avenue, increased open space requirements, and established green building standards for issuance of a special permit.

- 1.4 In connection with the above process, the Town of Needham commissioned the Barrett Group's Fiscal Analysis (Exhibit 6) to study the potential financial benefit of such rezoning. Based on the Fiscal Analysis, a full-build out of the Property and the adjacent parcels at 1.35 FAR would yield an annual net financial benefit to the Town of approximately \$8,342,400. The Project proposes a build-out of approximately 60% of the HC-1 District area, which results in a prorated annual net financial benefit of approximately \$5,000,000 (based on the Fiscal Analysis) to the Town from development of the Project. The Fiscal Analysis prepared for the Petitioner by Fougere Development & Planning, Inc. (Exhibit 7) confirmed this approximate net financial benefit to the Town from the Project. Based on the foregoing and after considering the long and short-term financial impacts to the Town, the Board finds that the Project's anticipated financial benefits to the Town outweigh the costs and any potential adverse impacts.
- 1.5 The Petitioner proposes to redevelop the Property with approximately 465,000 square feet (sq. ft.) of office, laboratory, and research and development uses, as well as up to approximately 10,052 sq. ft. of retail and/or restaurant uses, totaling approximately 475,052 sq. ft. The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (the Underground Parking) and a separate stand-alone parking garage (the Garage). The Project will include two buildings, one on the northerly portion of the Property (the North Building) and one on the southerly portion of the Property (the South Building), together with a shared connector atrium (the Atrium). The Project will have a floor area ratio of 1.21, based on a total buildout of 475,052 sq. ft.
- 1.6 A breakdown of proposed uses and the approximate square footage of such uses is as follows: Office: 232,500 sq. ft.; Lab/Research and Development: 232,500 sq. ft.; Retail/Restaurant: 10,052 sq. ft.; and Accessory Parking: 1,390 parking spaces of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces.
- 1.7 Pursuant to By-Law Section 3.2.7, professional, business, or administrative offices and laboratory uses are allowed by-right in the HC-1 District. Retail uses are also allowed by-right so long as no single retail establishment contains more than 5,750 square feet of gross floor area. Light-manufacturing uses, including manufacture of pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, which may be part of the Project tenants' laboratory uses, are allowed by right and also as an accessory use to any lab/research development use. The Petitioner anticipates that light-manufacturing uses accessory to research and development uses, including the production of prototypes, may be part of the Project depending upon the ultimate tenanting of the Project.

- 1.8 By-Law Section 3.2.7.1(m) allows all customary and proper uses accessory to lawful principal uses. Given that the accessory parking on the Property is intended to provide parking incidental to operation of the main uses described above, such accessory use is allowed by-right.
- 1.9 The Petitioner anticipates that the retail space may contain a tenant of approximately 6,052 sq. ft., and a restaurant of approximately 4,000 sq. ft. The restaurant is anticipated to accommodate up to 100 seats with one take-out station. Accordingly, the Petitioner has requested a Special Permit, in accordance with By-Law Section 3.2.7.2(d), for retail use by a single tenant of between 5,750 – 10,000 sq. ft. and a Special Permit, in accordance with By-Law Section 3.2.7.2 (g), for a restaurant use.
- 1.10 Because the specific square footage breakdown is subject to final tenant demands, the Petitioner has requested that the Board allow the allocation among the uses (and floor plans) to change from time to time without further Board review or approval as long as the Project maintains the number of parking spaces required by the approvals. The Petitioner further requests the ability to construct the Project in phases, including the right to obtain a certificate of occupancy for the parking garage in conjunction with either of the two buildings prior to completion of the construction of both buildings.
- 1.11 The Petitioner proposes to construct a total of 1,390 parking spaces to be provided between a one-level underground parking structure beneath the buildings (362 parking spaces), a separate stand-alone above-ground parking garage with two levels of underground parking (998 parking spaces) and a surface parking lot (30 spaces). Under the provisions of Section 5.1.2 of the By-Law 1,614 parking spaces are required for the Project. Pursuant to Section 5.1.2 of the By-Law the required parking for the office use is one space per 300 square feet of floor area. The Project proposes 232,500 sq. ft. of office use yielding a parking requirement of 775 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the lab/research and development uses is one space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet of floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet. Assuming the Project will not have a single-tenant occupying in excess of 50,000 sq. ft., which would yield a lower parking count, based on the Project's proposed 232,500 sq. ft. of lab/research and development use this yields a parking requirement of 775 parking spaces. Finally, the Petitioner anticipates the retail space to include a retail tenant of approximately 6,052 sq. ft. and a restaurant of approximately 4,000 sq. ft. seating 100 patrons and having one take-out service station. Pursuant to Section 5.1.2 of the By-Law the required parking for the retail use is one space per 300 square feet of floor area yielding a parking requirement of 20 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the restaurant use is one space per 3 seats plus ten spaces per take-out service station yielding a parking requirement of 44 parking spaces. Accordingly, the Petitioner has requested a Special Permit in accordance with By-Law Section 5.1.1.5, for a waiver of 224 parking spaces from the required number under By-Law Section 5.1.2 to be provided as part of the Project.
- 1.12 The parking spaces provided will comply with all design guidelines prescribed by By-Law Section 5.1.3 as shown on the Plan.
- 1.13 The following chart sets forth the dimensional requirements applicable to the Project:

Item	Required	Project	Compliance with Zoning?
Minimum Lot Area	20,000 sq. ft.	391,846 sq. ft.**	YES
Minimum Lot Frontage	100 ft.	At least 100 ft.	YES
Maximum Floor Area Ratio	0.70 as-of-right Up to 1.35 by special permit	1.21	YES – Special Permit Required
Front Setback from Highland Avenue and Gould Street	15 ft.	North Building: 200 ft. South Building: 50 ft.	YES
Landscape Buffer	50 ft. along Highland Ave. and Gould Street	50 ft. ***	YES
Increased Height Setback	200 ft. from Highland Ave. and Gould Street	North Building: 200ft.	YES
Side/Front Setback on Rt. 95	20 ft.	20 ft.	YES
Rear Setback	20 ft. (along TV Place)	20 ft.	YES
Maximum Lot Coverage	65%	47.9 %	YES
Maximum South Building Height* (within 200 ft. height limitation zone)	35 ft. as-of-right 42 ft. by special permit	42 ft.	YES – Special Permit Required
Maximum Building North Height*	56 ft. as-of-right	70 ft.	YES – Special Permit Required

Item	Required	Project	Compliance with Zoning?
(outside 200 ft. height limitation zone)	70 ft. by special permit		
Maximum Garage Height*	44 ft. as-of-right 55 ft. by special permit	55 ft.	YES – Special Permit Required
Maximum Stories* (within 200 ft. height limitation zone)	2.5 stories as-of-right Up to 3 stories by special permit	3 stories (South Building)	YES – Special Permit Required
Maximum Stories* (outside 200 ft. height limitation zone)	4 stories as-of-right Up to 5 stories by special permit	5 stories (North Building)	YES – Special Permit Required
Maximum Garage Footprint	42,000 sq. ft.	41,361 sq. ft.	YES
Minimum Open Space	25%	>25%	YES
Maximum Uninterrupted Façade Length	200 ft.	200 ft.****	YES
Building Parapet Height	5 ft.	5 ft.	YES
*Pursuant to Section 4.11.1(e), structures erected on a building and not used for human occupancy, including mechanical equipment, may exceed the maximum building height provided that no part of such structures extends more than 15 ft. above the maximum allowable building height (e.g., 57 ft and 85 ft., respectively for each building) and such structures do not cover more than 25% of the building roof.			

Item	Required	Project	Compliance with Zoning?
This area calculation is based on the reduction of the Property areas after transfer to the Town of Needham of the 12,080 sq. ft. Conveyance Area. Separately, the Petitioner's property at 0 Gould Street containing approximately 7,127 sq. ft. is not included in calculation of lot area and other measurements. *Pursuant to Section 4.11.1(1)(d) of the By-Law, sidewalks, including the Multi-Use Walkway may be located within the 50 ft. setback buffer along Highland Avenue and Gould Street. ****As shown on the Plan, the façade length of the stand-alone garage will be broken up through the use of banners which will result in interruptions of the façade so as to make it less than 200 ft.			

- 1.14 Based on the dimension requirements detailed in Section 1.13 above, the Project will require a Major Project Site Plan Review and Special Permits from the Planning Board as follows: (i) to allow a maximum Floor Area Ratio of 1.21; (ii) to allow a maximum height of 70 feet for the North Building; (iii) to allow a maximum of 5 stories in height for the North Building; (iv) to allow a maximum height of 42 feet for the South Building; (v) to allow a maximum of 3 stories in height for the South Building; and (vi) to allow a maximum building height of 55 feet for the above-ground parking structure.

With respect to clause (i) above, pursuant to By-Law Section 4.11.1(5) the Planning Board may allow an FAR of up to 1.35 by issuance of a Special Permit. The grant of a Special Permit pursuant to this section must consider the factors detailed further below in paragraph 1.24. With respect to clauses (ii) through (vi) above, pursuant to By-Law Section 4.11.1(1), buildings within 200 ft. of Highland Avenue and Gould Street are limited to a height of 35 ft. and 2.5 stories. The Planning Board may grant a Special Permit to increase the height of buildings within the 200 ft. height limitation zone to 42 ft. and 3 stories and may further increase the height of buildings beyond the 200 ft. height limitation zone to up to 70 ft. and 5 stories. The 200 ft. height limitation envelopes allowing for such height increases are depicted in Figure 1 and Figure 2 of By-Law Section 4.11.1(f), which provides for such figures to clarify the limits of the required setbacks and allowed envelopes. Additionally, pursuant to Section 4.11.2, the Planning Board may grant a Special Permit to increase the height of a parking structure up to 55 ft.

Accordingly, the Petitioner has requested: (i) a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (ii) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (iii) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (iv) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (v) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (vi) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); and (vii) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage to 55 feet.

- 1.15 The Project will also require a Special Permit to allow for retaining wall height greater than 4 ft. and other applicable design requirements for retaining walls pursuant to By-Law Section 6.11.5. The retaining wall proposed along the eastern property boundary is approximately 4-6 ft. in height and will be located along the side of the proposed fire lane/walkway and adjacent to the I-95/Route

128 off ramp. Accordingly, the Petitioner has requested a Special Permit pursuant to By-Law Section 6.11.5.

- 1.16 The Petitioner has committed to tracking the Leadership in Energy & Environmental Design (LEED) criteria, and to show that it has met (except for good cause, including but not limited to the limitations imposed by the existing building) the LEED “Silver” standard for the project by submitting to the Board prior to the issuance of the building permit the checklist prepared by the project architect itemizing the LEED criteria for the proposed building and by submitting to the Board prior to issuance of the occupancy permit a copy of the project architect’s affidavit certifying project compliance (except for good cause, including but not limited to the limitations imposed by the existing building) with the LEED “Silver” standard for the project.
- 1.17 The Project has been engineered based on assumptions that both the Property and the adjacent property owned by Channel 5 and its affiliates will be fully developed, taking into account such items as storm water management, sewage disposal, utilities, internal driveways, landscaping and other improvements, parking and traffic, and off-site roadway expansion and improvements.
- 1.18 The original materials and studies submitted with the Application on April 5, 2022 assumed a “full build” condition of approximately 531,000 sq. ft. based on a maximum 1.35 FAR build-out of the Property allowed under the By-Law. However, the Project proposes only 465,000 sq. ft. of office/research and development space and 10,052 sq. ft. of retail and/or restaurant space (a total of approximately 475,052 sq. ft.), together with 1,390 parking spaces. Accordingly, traffic generated by the Project is expected to be approximately 9% less than what was studied, and the materials should be read in the context of this lesser build-out.
- 1.19 The Project will include significant transportation improvements and mitigation, including those items as shown on Sheet TR-001 entitled “Off-site Roadway Improvements#1” and Sheet TR-002 entitled “Off-site Roadway Improvements#2” of the Plan (Exhibit 13), and such other improvement as described in Exhibits 4, 9, 12C, 12D, 17, and 29 and paragraph 3.39 of this Decision (the “Traffic Improvements”).
- 1.20 The Petitioner will provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner will allow area residents and employees to utilize the shuttle.
- 1.21 The Petitioner has requested a number of Special Permits for which the Board makes the following findings pursuant to Section 7.5.2.1 of the By-Law:
 - a) The Project generally complies with the criteria and standards for the granting of the requested Special Permit relief as set forth more particularly herein.
 - b) The Project is consistent with the general purposes of the By-Law, including the promotion of health, safety, convenience, morals, and welfare for Town of Needham residents because it will redevelop the Property from an underutilized and environmentally compromised site into an economically viable and eco-friendly development with public amenities. The Project will promote the welfare of the inhabitants of the Town through a significant increase in property tax revenues, as described above, by providing approximately \$5,000,000 (based on both the Barrett and Fougere Fiscal Analyses) in annual additional real estate and personal property taxes which will support the Town’s educational and recreational programs, housing initiatives, community and open spaces, and other Town priorities. The Project includes traffic mitigation measures, including a number of

improvements to local roadways and bicycle improvements to lessen congestion on area streets as shown more particularly on Sheet TR-001 entitled “Off-site Roadway Improvements#1” and Sheet TR-002 entitled “Off-site Roadway Improvements#2” of the Plan (Exhibit 13), of this Decision. The Project is an appropriate use of the Property and is consistent with the purposes and design guidelines set forth in the HC-1 District zoning, By-Law Section 4.11.3, as described in paragraph 1.25 of this Decision, below.

- c) The Project will be in conformity with the By-Law upon issuance of the requested Special Permits.
 - d) The Project will improve upon the existing natural features of the Property and is compatible with the characteristics of the surrounding area. The Property has few existing natural features, as it is almost entirely covered with the foundations of the former car dealership and car wash buildings and associated impervious areas used for parking and for the display of motor vehicles for sale. The location of the Garage near the “rear” of the Property will result in limited visibility of the parking structure from the major surrounding roads, including Highland Avenue and Gould Street as such Garage has been further mitigated by the Plan modifications detailed in paragraph 2.0. Extensive landscaping will be provided around the entire Property, including a circumferential multi-use fitness/access walkway with exercise stations for use by tenants’ employees, neighbors, and the general public.
 - e) The circulation patterns for motor vehicles and pedestrians which would result from the Project will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the Property or in the surrounding area. The Transportation Impact and Access Study prepared by VHB (Exhibit 4) (the “TIAS”) analyzed existing traffic conditions on area roadways and at area intersections, under current conditions, and under future conditions expected to exist in seven years, in the context of construction and non-construction of the Project. The TIAS recommends, and the Petitioner has committed to implement, several measures to prevent the Project from increasing traffic congestion or the potential for traffic accidents. As shown on Sheet TR-001 entitled “Off-Site Roadway Improvements#1” and Sheet TR-002 entitled “Off-Site Roadway Improvements#2” of the Plan (Exhibit 13), these measures include widening and reconfiguring Gould Street at the intersection with Highland Avenue and at the intersection with the Property entrance (opposite the Wingate Residences entrance), and construction of a shared multi-use walkway on the Property along Gould Street (the “Multi-Use Walkway”) for use by neighbors and residents. The internal circulation pattern has been designed to control vehicle speeds and to reduce vehicle-pedestrian interactions by providing wide sidewalks.
 - f) The proposed use, structures and activity at the Property resulting from the Project will not have any demonstrable adverse impact on the surrounding area. Any noise, illumination or glare associated with the Project will be mitigated with thoughtful design features, including landscaping and cut-off lighting, as more particularly shown on the Plan. No noxious or hazardous substances are anticipated to be emitted as a result of the Project, and no waterways or groundwater will be polluted.
- 1.22 As shown on Sheet C-02B entitled “Overall Site Plan” of the Plan (Exhibit 13) the proposed Project will conform to zoning requirements as to front setback from Highland Avenue and Gould Street, landscape buffer, the increased height setback along Highland Avenue and Gould Street of 200 ft., side and front setbacks along Route 95, rear setbacks along TV Place, maximum lot coverage,

maximum garage footprint, minimum open space, maximum uninterrupted façade length, and building parapet height. Subject to the granting of the requested Special Permits, the Project will conform to zoning requirements for maximum floor area ratio, maximum garage height, and maximum height and maximum stories (both within and outside the 200 ft. height limitation zone specified in By-Law Section 4.11.1), and the Project will therefore comply with all zoning requirements. The lot conforms to zoning requirements as to size and frontage. Pursuant to Section 4.11.1(1)(d) of the By-Law, sidewalks and walkways, including the Multi-Use Walkway, may be located within the 50 ft. setback buffer along Highland Avenue and Gould Street.

- 1.23 The Plan shows that certain shade structures, exercise equipment, and other non-habitable structure may be part of the landscaped buffer zone provided by the Project pursuant to the By-Law. The Board finds these features are part of the landscaping of the buffer zone and as such are permitted to be located within the buffer zone pursuant to Section 4.11.1(d) of the By-Law.
- 1.24 The Petitioner has requested an increase in the floor area ratio (FAR) above 1.0 in the HC-1 District to 1.21 and therefore the Board considered the factors set forth in Section 4.11.1(5) of the By-Law and makes the following findings:
 - a) As set forth in the Stormwater Report, the TIAS, and based on the Petitioner's engineer's independent review of the infrastructure, the existing or proposed infrastructure can adequately service the Project without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services.
 - b) As set forth in the TIAS and elsewhere in this Decision, the Project will include significant off-site mitigation, including the Traffic Improvements, that will counterbalance the intersection capacity impacts of the additional Project-generated trips added to the roadway network. The Project will also include a robust Traffic Demand Management (TDM) program to incentivize reduced single occupant driving and increase use of alternative forms of transportation.
 - c) Regarding direct environmental impacts, the Petitioner will take feasible steps to reduce carbon emissions and minimize energy usage and has designed the Project accordingly. Energy modeling will evaluate several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows, high efficiency glycol heat recovery loop, reduced laboratory exhaust through exhaust monitoring, electric water heating, and more. The Petitioner also studied options to include photovoltaic solar panels at the roof of the Garage and roof of the North & South Buildings. In addition to these emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the Core and Shell building components to incorporate other sustainability strategies. The Petitioner anticipates the Project will be LEED Silver Certified with higher targets possible.
 - d) Regarding future impacts due to Sea Level Rise/Storm Surge and other climate change considerations, the Project is not exposed to Sea Level Rise/Storm Surge or Extreme Precipitation-Riverine Flooding. Although the Property has a high risk of Extreme Precipitation-Urban Flooding and a high risk of Extreme Heat, the Project will combat these risks by including measures to reduce the threat of urban flooding from extreme precipitation and developing appropriate strategies for a changing climate in the near term,

as well as planning for a longer-term adaptation strategy over the course of the Project's life span.

- e) No part of the Property has a historic structure, or a structure within a historic district listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth.
- f) As described above, the Project is expected to result in a net annual financial benefit of approximately \$5,000,000 to the Town, plus personal property taxes which would also generate significant additional revenue as confirmed by both the Barrett and Fougere Fiscal Impact Analyses.

1.25 The Board also considered the design guidelines in Section 4.11.3 of the By-Law in connection with the request for a Special Permit under Sections 3.2.7.2 and 4.11 of the By-Law and makes the following findings:

- a) The Project will contain various pedestrian and neighborhood connections and amenities. The south end of the South Building, near the intersection of Gould Street and Highland Avenue will contain the Project's "retail zone" of approximately 10,052 sq. ft. of retail and/or restaurant use. This area is being developed with retail/restaurant plaza and landscapes visible from the public streets, making it a vibrant and cohesive part of the neighborhood. A landscaped ½ mile public multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals on the loop and including a pond and water feature.
- b) The Garage will be primarily constructed of structural precast concrete columns and spandrel beams with color and finish intended to coordinate with the color and finish of the lab buildings. In addition, the overall scale of the stand-alone Garage will be broken up through the use of fabric banners hung from the upper levels, which will result in visual interruptions and a softening of the façades onto the sides most visible to the neighborhood. The foregoing design elements of the Garage and utilization of banners will create such interruptions in the Garage façade so that uninterrupted façade lengths are less than 200 ft in compliance with Section 4.11.2(3) of the By-Law requirement. The Garage will be in the northeast corner of the site, downgradient and well way from Gould Street. Its presence will be masked to the south and southwest by the North Building. The Garage will also comply with the specific dimensional criteria developed for this district to integrate with the surrounding area, as shown on Sheet C-02B entitled "Overall Site Plan" and Sheet G-005 entitled "Zoning Area Plans" of the Plan (Exhibit 13).
- c) As described above, the Project will include two buildings, the North Building on the northerly portion of the Property, and the South Building on the southerly portion of the Property and the shared Atrium to connect them. The design of the buildings will help break down the scale of the overall Project into smaller pieces. The proposed office and lab/research and development uses mixed with retail and/or restaurant use will create an active gateway condition visible from the public streets. A landscaped ½ mile multi-use/access walkway will be constructed around the perimeter of the Property, with various exercise areas planned at intervals around the buildings, and including a pond and water feature. This will provide an opportunity for internal and external users, including the general public, to enjoy the Property.

- d) The buildings' massing was designed to take advantage of unique view corridors, interesting topography, solar orientation, and will comply with the zoning requirements outlined above. The buildings will provide flexible floorplates that are desirable for today's tenants looking for access to light and views and opportunities for shared indoor and outdoor amenities.
- e) With respect to green building standards, the Petitioner has taken all feasible steps to reduce carbon emissions and minimize energy usage in designing the Project. Energy modeling for the Project evaluated several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows; high efficiency glycol heat recovery loop; high efficiency chilled water plant; reduced laboratory exhaust through exhaust monitoring; electric water heating; improved envelope insulation and infiltration without thermal bridging; and high-performance lighting and controls.
- f) In addition to emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the core and shell building components to incorporate other sustainability strategies such as: green vehicle parking; open space; rainwater management; heat island reduction; construction and demolition waste management; and building product disclosure and optimization. The Project will be Energy Star rated and certified as a WELL Building.

The WELL Building Standard takes a holistic approach to health in the built environment addressing behavior, operations and design. WELL, is a performance-based system for measuring, certifying, and monitoring features of the built environment that impact human health and well-being, through air, water, nourishment, light, fitness, comfort and mind. WELL, is grounded in a body of medical research that explores the connection between the buildings where we spend more than 90 percent of our time, and the health and wellness impacts on us as occupants. WELL Certified™ spaces can help create a built environment that improves the nutrition, fitness, mood, sleep patterns and performance of its occupants.

- g) The prior use of the Property as a car wash previously included 1,360 peak daily vehicle trips to and from the car wash during the winter months, or roughly 600 vehicles daily during peak periods. Furthermore, the Petitioner will implement significant traffic mitigation measures as described herein, including the Traffic Improvements and the Multi-Use Walkway. As set forth above, the Project will also include a robust TDM program to incentivize reduced single occupant driving and increase use of alternative forms of transportation. Based on the TIAS, the roadway network, as improved through the Project's proposed transportation mitigation, can safely and adequately handle the trips associated with the Project.
- h) The Petitioner will provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner will allow area residents and employees to utilize the shuttle. The Petitioner will incentivize reduced single occupant driving and increased use of alternative forms of transportation.

1.26 The Petitioner is requesting a Special Permit for relief under Section 6.11.5 of the By-Law with respect to retaining walls.

- a) The retaining wall proposed along the eastern property boundary is approximately 4-6 ft. in height and will be located along the side of the proposed fire lane/walkway and adjacent to the I-95/Route 128 off ramp. The retaining wall will direct stormwater discharges toward the Property's proposed drainage system and not to the MassDOT Right-of-Way. This is a significant improvement over existing conditions, under which sheet drainage discharges untreated runoff off to adjacent properties and roadways. The proposed retaining wall will face the Exit 35C ramp from I-95/Route 128 to Highland Avenue. Therefore, it will have little, if any, impact on adjacent property or the public. Additionally, the retaining wall has a low profile and there is a wide vegetated shoulder from the roadway before the wall. The Petitioner and the Board have each independently considered the report of the Design Review Board in designing the retaining wall and in granting the Special Permit for relief hereunder.
- b) The Board finds that (i) the retaining wall will not cause an increase of water flow off the Property; (ii) the requested retaining wall will not adversely impact adjacent property or the public; and (iii) the report of the Design Review Board has been received and considered in making this finding.

1.27 The Board makes the following findings with respect to the Petitioner's requested Special Permit waiving strict adherence to the required number of parking spaces and parking design requirements pursuant to Section 5.1.1.5 of the By-Law.

- a) As described above, the TIAS assumed a development of approximately 531,000 sq. ft. based on a maximum 1.35 FAR build-out of the Property allowed under the By-Law. However, the Project proposes only 465,000 sq. ft. of office/research and development space and 10,052 sq. ft. of retail and/or restaurant space (approximately 475,052 sq. ft. total), together with 1,390 parking spaces. It is anticipated that the Underground Parking and the Garage as shown on the Plan will be fully constructed at one time together with the rest of the Project. The Project has been engineered as more specifically set forth in the application materials filed herewith, taking into account such items as storm water management, sewage disposal, utilities, internal driveways, landscaping and other improvements, and parking and traffic.
- b) Under the provisions of Section 5.1.2 of the By-Law 1,614 parking spaces are required for the Project. Pursuant to Section 5.1.2 of the By-Law the required parking for the office use is one space per 300 square feet of floor area. The Project proposes 232,500 sq. ft. of office use yielding a parking requirement of 775 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the lab/research and development uses is one space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet of floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet". Assuming the Project will not have a single-tenant occupying in excess of 50,000 sq. ft., which would yield a lower parking count, based on the Project's proposed 232,500 sq. ft. of lab/research and development use this yields a parking requirement of 775 parking spaces. Finally, the Petitioner anticipates the retail space to include a retail tenant of approximately 6,052 sq. ft. and a restaurant of approximately 4,000 sq. ft. seating 100 patrons and having one take-out service station. Pursuant to Section 5.1.2 of the By-Law the required parking for the retail use is "One space per 300 square feet of floor area" yielding a parking requirement of 20 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the restaurant use is "One space per 3 seats plus ten spaces

per take-out service station” yielding a parking requirement of 44 parking spaces. Accordingly, the Petitioner has requested a Special Permit in accordance with By-Law Section 5.1.1.5, for a waiver of 224 parking spaces from the required number under By-Law Section 5.1.2. As described in Condition 3.3 below, the foregoing uses and corresponding square footage amounts may be re-allocated among the Project’s approved uses so long as the Project does not exceed 1,390 total parking spaces and the use profile proposed does not exceed a parking requirement under Section 5.1.2 of more than 1,614 parking spaces.

- c) There are special circumstances in construction of the Project on the Property that do not warrant the minimum number of parking spaces required under Section 5.1.2. The Petitioner plans to construct a total of 1,390 parking spaces, which is less than the required amount under the By-Law of 1,614 parking spaces as shown above. The TIAS reports that actual parking demand for the Project is anticipated to be approximately 1,355 spaces. The By-Law’s required parking ratios assume a higher employee density than is typical for lab/research & development uses. The By-Law also assumes that each office employee will commute alone, by motor vehicle. The Petitioner is committed to a transportation demand management program to encourage the use of carpool, walking, biking, and public transit alternatives to single occupancy vehicle trips. Also, the By-Law’s parking ratio does not consider the potentially permanent changes in commuting patterns resulting from the COVID-19 pandemic, including hybrid/remote work programs.
- d) This Decision does not exempt the Project from future compliance with the provisions of Section 5.1.2 and 5.1.3 which may be applicable to future changes to the buildings or structures after construction of the Project pursuant to the terms and conditions hereof. This Decision adequately defines the conditions of the use of the buildings and structures of the Project so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand.
- e) The Project will provide the Traffic Improvements detailed in paragraph 3.39.
- f) Based on the foregoing and the other findings detailed in this Decision, the Board finds it appropriate that the Project provide 244 fewer parking spaces than the required number of spaces in the By-Law and that the proposed number of 1,390 spaces is sufficient to satisfy the anticipated parking demand for the Project. The Board also finds the issuance of the requested Special Permits under Section 5.1.1.5 of the By-Law will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of the By-Law.

1.28 The Board makes the following findings regarding the Petitioner’s requested Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules.

- a) The Project has adequately protected adjoining premises against serious detriment. The Project maintains a significant landscape buffer between the proposed structures and Highland Avenue and Gould Street, which streets themselves provide a buffer for the nearby residential neighborhoods and other properties. The buffer includes landscaped berms planted with shade trees and conifers. The Project’s buildings are far enough from the Property line (in conformance with By-Law setbacks) so there will be no shade cast towards any residential properties beyond the Property boundary. Except for a small surface parking lot next to Gould Street, all parking will be contained below the buildings

or within the Garage. Service and loading areas are located within the buildings. As described above, the Project will provide a multi-use fitness/access walkway around the perimeter of the Property adding another buffer. Adjoining premises will be protected against any seriously detrimental uses on the Property through provision of surface water drainage, a retention pond, sound and sight buffers, and the addition of natural landscaping and green space to the Property. As detailed in the Stormwater Report, stormwater will be contained within the Property and catch basins with sumps and hoods, oil/water separators, rain gardens, and vegetated swales to improve storm water quality discharges, are provided. Stormwater will be infiltrated to mitigate storm water volumes. The retention pond is incorporated into the multi-use fitness/access walkway as an attractive feature.

- b) As described in greater detail above, the Project will provide enough parking to accommodate all vehicles on the Property and the parking spaces provided will comply with the design criteria set forth in By-Law Section 5.1.3 with deviations as necessary and granted pursuant to the Special Permit. The Project will provide a primary entrance on Gould Street, across from the existing curb cut for the Wingate senior housing community via a newly signalized intersection. An internal drive loop will mitigate traffic queuing in and out of the Property. There will be a secondary entrance/exit from the Garage to TV Place. The Petitioner will construct significant traffic mitigation, including the Traffic Improvements, which will widen Gould Street to better handle traffic movements and volume. Internal sidewalks and the Multi-Use Walkway connected to Gould Street will encourage multimodal transportation opportunities. Bicycle storage for short-term and long-term use is incorporated into the Project design. Handicapped parking will be provided in compliance with applicable requirements. All access walks and paths are designed with slopes of less than 5%, so no ramps will be needed. Crosswalks are proposed at the Gould Street signalized intersection.
- c) Parking and loading spaces have been adequately arranged in relation to the proposed uses on the Property.
- d) The Project will provide adequate methods for disposal of refuse and waste. Solid waste and refuse will be disposed of in compliance with all applicable rules and regulations. The wastewater system will be connected to the municipal sewer system. The Petitioner will require Tenants to comply with all applicable regulations regarding the handling and disposal of wastes.
- e) The Project will comply with the setback and landscape buffer requirements of the By-Law that were specifically developed to create an appropriate relationship between the Project and the surrounding area. As stated above, a multi-use fitness/access walkway is proposed along the perimeter of the Property, to be available for use by the general public. Fitness stations will be provided along the walkway.
- f) The Project will not have any adverse impact on the Town's water supply and distribution system, sewer collection and treatment, fire protection, or streets. The Project will not have any adverse impact on the Town's water or wastewater infrastructure. Sufficient pump stations provide support for the area. The proposed buildings will be fully accessible for the Town's firefighting apparatus.

- g) Based on the foregoing points and other information detailed in this Decision, the Board has considered the criteria described in 7.4.6 of the By-Law in granting the Petitioner's request for a Major Project Site Plan Special Permit.
- h) Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the HC-1 District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the findings and criteria described herein, the Board finds that the Project plan, as conditioned and limited herein for Site Plan Review, to be in harmony with the purposes and intent of the By-Law to comply with all applicable By-Law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.

1.29 The Project redevelops an underutilized site into an economically viable development with public amenities. The addition of the Project will be a source of employment for Town residents, will generate significant additional tax revenues for the Town, introduces uses, including retail and/or restaurant uses, which will contribute to making the Project a vibrant and cohesive part of the neighborhood and will be designed to enhance the aesthetic of a prominent entry to the Town.

1.30 The Project has been approved by the Design Review Board.

On the basis of the above findings and conclusions, the Board finds the proposed project and plan, as modified by this Decision, and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and will not be a detriment to the Town's and neighborhood's inherent use of the surrounding area.

THEREFORE, the Board voted [#-#] to GRANT: a Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet; (10) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1390 parking spaces; and (11) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the Site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit nor permit any construction activity on the Site to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the

Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the Site. The Petitioner shall submit nine copies of the final Plan as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

- a) The Plan shall be revised to show the following updates to the building design as were presented to the Board on September 7, 2022 and October 3, 2022: (1) Update the elevation at Highland Ave as follows: (i) Create 3rd floor setback to emphasize 2-story punch-window massing; (ii) Add 3rd floor material change and sunshades to emphasize the façade; (iii) Create “notch” at mid-block of Highland façade & added outdoor balcony space; (iv) Create “notch” at corner of Highland Façade to soften corner; and (v) Articulate roof screen with materiality to “transition to sky”. (2) Adjust glass extents on Gould Street elevation of the North Building to align with bump out. (3) Consolidate footprint of Atrium between North & South Building facing Highland Avenue/ Route 128. (4) Reduce the square footage of the Project from 490,000 sq. ft. and a 1.25 FAR to 475,052 sq. ft. and a 1.21 FAR.
- b) The Plan shall be revised to show the following updates to the transportation mitigation system and related elements as were presented to the Board on September 7, 2022 and October 3, 2022: Include parking management provisions into the design of the structured parking to help motorists clearly understand parking space availability on site. Structured parking areas to be monitored by level and daily parking levels in the underground parking garage so motorists can be informed prior to entering the underground parking garage when the parking area is full.
- c) The Plan shall be revised to show the following updates to the landscape design as were presented to the Board on September 7, 2022 and October 3, 2022: (1) Added cross walk from surface parking area to Main Entrance; (2) Shift surface parking area northerly to accommodate added cross walk; (3) Add curb cut on Gould Street and realigned fire access route as requested by Town; (4) Create 7,127 sq. ft. park with interpretive exhibits on northern parcel and future connection to rail trail.
- d) The Plan shall be revised to show the following further updates to the landscape design as were presented to the Board on September 7, 2022 and October 3, 2022: Sheet L-1.0 Site Plan: Create walk through and cross walk at southeast corner of surface parking area to provide more direct access to Main Entrance; and Note that all of the cross walks across the drives are to be raised paver walks; Revise alignment of the fire access route and created circular water feature to promote improved emergency access. Sheet L-2.0 Grading Plan: Revise as associated with the additional site improvements as described above. Sheet L-3.0 Planting Plan: Revise as associated with the additional site improvements as described above. Sheet L-4.0 Lighting Plan: Revise as associated with the additional site improvements as described above; and Relocate path lights along fire access to be on building side of path to further reduce obstructions. Sheet L-5.1 Site Details #2: Provide curb and permeable pavement details in regard to the emergency access as requested by the Town.

[INSERT ADDITIONAL GARAGE/MECHANICAL SCREENING REQUIREMENTS PER BOARD DETERMINATION]

CONDITIONS

The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.31 hereof.

I. General Conditions

- 3.1 The proposed buildings, structures, parking areas, driveways, landscape areas, and other site and off-site features shall be constructed in substantial accordance with the Plan as modified by this Decision and shall contain the dimensions and be located on that portion of the Property as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as may be approved by this Board in accordance with the terms of this Decision. Upon completion of the project a total of 1,390 parking spaces shall be provided to service the Project. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, as modified by this Decision or as may be waived in the future by this Board.
- 3.2 The proposed buildings and support services shall contain the dimensions and shall be located on that portion of the Property as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law as have been waived as modified by this Decision or as may be waived in the future by this Board.
- 3.3 This permit is issued for professional, business or administrative offices, laboratories engaged in scientific research and development, and retail and/or restaurant space. The laboratory/research and development uses shall be limited to Biosafety Levels 1 and 2 as established by the United States Centers for Disease Control and Prevention and shall comply with all applicable federal, state, and local regulations. The Project is anticipated to contain 232,500 sq. ft. of laboratory/research and development uses, 232,500 sq. ft. of office uses, and 10,052 sq. ft. of retail and/or restaurant uses accommodating up. The restaurant use is anticipated to accommodate up to 100 seats with one take-out station. The foregoing laboratory/research and development use and office use square footage amounts may be reallocated among these two uses as approved by this Decision, without further review by the Board, so long as the Project maintains 1,390 parking spaces. The retail and/or restaurant uses shall be located on the ground floor of the South Building at the Highland Avenue/Goud Street intersection as shown on the Plan. Any further changes of such above-described uses shall be permitted only by amendment of this Approval by the Board.
- 3.4 Except (a) as a result of the condominiumization of the Property, or (b) the Property being ground leased, all buildings and land constituting the Property shall remain under single ownership.
- 3.5 The Petitioner shall implement all of the traffic mitigation measures set forth on Sheet TR-001 entitled "Off-Site Roadway Improvements#1" and Sheet TR-002 entitled "Off-Site Roadway Improvements#2" of the Plan (Exhibit 13) and paragraphs 3.39(a) and 3.39(b) prior to issuance of the Certificate of Occupancy for the Project.
- 3.6 The Petitioner shall prior to issuance of the Certificate of Occupancy for the Project construct the Multi-Use Walkway as shown on the Plan, which Multi-Use Walkway shall be available for use by the general public.

- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed at Owners Expense". The quantity and design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.8 Sufficient parking shall be provided on the site at all times in accordance with the Plan, as modified by this Decision and there shall be no parking of motor vehicles off the site at any time. The leasing plan shall not allow the allocation of parking spaces to tenants in excess of the available number.
- 3.9 The Petitioner shall make available shuttle service between the Project and public transportation stations, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands during the hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m., Monday through Friday, such services to begin no later than issuance of the Certificate of Occupancy for the Project, or for the North or South Building. The Petitioner shall allow area residents and employees to utilize the shuttle.
- 3.10 The Petitioner shall undertake a transportation demand management program (TDM) program to facilitate carpooling, transit usage, and parking management. A copy of the TDM program plan, including those elements as described in paragraph 3.39(c) shall be submitted to the Board for review and approval for compliance with the terms of the permit prior to the issuance of the Certificate of Occupancy for the Project, or for the North or South Building.
- 3.11 The Petitioner shall track the Leadership in Energy & Environmental Design (LEED) criteria for the project and shall submit to the Board the checklist prepared by the project architect itemizing the LEED criteria as it relates to the proposed building prior to the issuance of the building permit. The Petitioner shall show that it has met (except for good cause, including but not limited to the limitations imposed by the existing building) the LEED "Silver" standard for the Project prior to the issuance of the occupancy permit.
- 3.12 The emergency diesel fueled generator to be installed on the roof shall be designed and operated so as to comply with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The emergency diesel fueled generator shall also be installed and screened as far as practical to minimize the visibility of the emergency generator. The Petitioner shall deliver to the Board for its review and approval plans and specifications of said emergency diesel fueled generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Board that said emergency generator has been designed such that when it is operated it will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.13 Prior to project occupancy, an as-built plan of the emergency generator together with a sound level analysis prepared by an acoustical engineer (if, in the opinion of the Board, available manufacturer's specifications are insufficient to demonstrate compliance with applicable noise standards) shall be submitted to the Board for its review and approval. The sound analysis shall demonstrate compliance with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.

- 3.14 Normal maintenance and testing of the emergency generator shall be limited to one occurrence per month between the weekday hours of 9:00 a.m. and 5:00 p.m. for a period not to exceed 2 hours. The emergency generator shall not operate more than 300 hours per rolling 12-month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for the Project, has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.
- 3.15 All deliveries and trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. The trash shall be picked up no less than two times per week or as necessary.
- 3.16 All lights shall be shielded during the evening hours to prevent any annoyance to the neighbors and to minimize light pollution. The Petitioner shall reduce its parking lot lights during the night and early morning consistent with safety and security concerns. No later than 11:30 p.m., the Petitioner shall reduce the parking lot lights using the lights on the building to shine down and provide basic security. The building lights shall be set at a low light level to prevent any annoyance to the neighbors to the extent reasonable and practicable, consistent with safety and security requirements.
- 3.17 All new utilities, including telephone and electrical service, shall be installed underground from the street line or from any off-site utility easements, whichever is applicable. If installed from an off-site utility easement the utility shall be installed underground from the source within the easement.
- 3.18 All solid waste shall be removed from the Property by a private contractor. Snow shall also be removed or plowed by private contractor. All snow shall be removed or plowed such that the total number and size of required parking spaces remain available for use.
- 3.19 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the Petitioner cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out as per Town requirements.
- 3.20 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.
- 3.21 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit and shall pay an impact fee, if applicable.
- 3.22 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.23 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town Requirements.
- 3.24 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy.
- 3.25 The construction, operation, and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town's Stormwater By-Law.

- 3.26 The Petitioner shall implement the following maintenance plan:
- a) Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b) Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
 - c) Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.27 The maintenance of parking lot landscaping and site landscaping, as shown on the Plan, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.28 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed
- 3.29 In constructing and operating the proposed buildings and parking area on the Property pursuant to this Decision, due diligence shall be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.30 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the Property, shall be removed from the Property.
- 3.31 All construction staging shall be on-site. No construction parking shall be on public streets except for the planned improvements to public roadways contemplated by the Project. Construction parking shall be all on-site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.32 The following interim safeguards shall be implemented during construction:
- a) The hours of any exterior construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the Project Property which require excavation or otherwise pose a danger to public safety.
 - c) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue or Gould Street.
 - d) The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Highland

Avenue and Gould Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

- 3.33 Condominiumization of the Property. The Board hereby acknowledges that the land comprising the Site and the improvements thereon may be submitted to the provisions of Massachusetts General Laws Chapter 183A by the recording of appropriate documents with the Norfolk County Registry of Deeds thereby creating a Condominium. Except for condominiumization of the Property and/or to base ownership on ground lease arrangements, the buildings and land constituting the Property shall remain under a single ownership.
- 3.34 No building permit shall be issued for the Project, or portion thereof, in the pursuance of this Decision until:
- a) The final plans shall be in conformity with those previously approved by the Board and a statement certifying such approval has been filed by this Board with the Building Commissioner.
 - b) A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c) The Board shall have received a copy of the checklist prepared by the project architect itemizing the LEED criteria as it relates to the proposed building as described in paragraphs 1.16 and 3.11 of this Decision.
 - d) The Board shall have received the traffic count information required under paragraph 3.39(a) of this Decision.
 - e) The Petitioner shall prepare and file with the Board and the Norfolk County Registry of Deeds a plan which shows Assessors Plan No. 76, parcels 3 and 8 merged, using customary surveyor's notation.
 - f) The Petitioner shall have delivered to the Board for its review and approval plans and specifications the emergency diesel fueled generator, including sound attenuation components as described in paragraph 3.12 of this Decision.
 - g) The Petitioner shall have recorded with the Norfolk County Registry of Deeds or filed for registration with the Norfolk County District of the Land Court a certified copy of this approval with the appropriate reference to the Book and Page number of the recording of the Petitioner's Title, Deed or Notice endorsed thereon.
- 3.35 No building or structure, or portion thereof, for the Project and subject to this Decision shall be occupied until:
- a) An as-built plan supplied by the engineer of record certifying that the on-site and off-site Project improvements pertaining to the Project were built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines. In addition, the as-built plan for the Project shall show the final location, size, depth, and material of all public and private

utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the Project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

- b) There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the Project.
- c) There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the Project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- d) There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction for the Project, or portion or phase thereof.
- e) The Board shall have received a copy of the project architect's affidavit certifying project compliance with the LEED "Silver" standard for the project as described in paragraphs 1.16 and 3.11 of this Decision.
- f) A copy of the TDM program as described in paragraphs 3.10 and 3.39(c) of this Decision shall have been submitted to and approved by the Board for the Project.
- g) The Petitioner shall have implemented all of the traffic mitigation measures as described in paragraphs 3.5 and 3.39(b) of this Decision.
- h) The Petitioner shall have implemented the shuttle service as described in paragraph 3.9 of this Decision.
- i) The Petitioner shall have completed construct of the Multi-Use Walkway as described in paragraph 3.6 of this Decision.
- j) The Petitioner shall have completed construction of the 7,127 sq. ft. park with interpretive exhibits on the northern parcel and the future connection to rail trail.
- k) The Petitioner shall have filed an as-built plan of the emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.13 of this Decision.
- l) Notwithstanding the provisions of Section a, b, and c hereof, the Building Commissioner may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 110% of the value of the aforementioned remaining landscaping or other work to secure

installation of such landscaping and other site and construction features for the Project phase thereof.

- 3.36 In addition to the provisions of this Decision, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.37 The buildings and Garage authorized for construction by this shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for said building or Garage, or portion thereof, has been issued by the Building Commissioner.
- 3.38 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.
- 3.39 The Project shall comply with all of the following conditions: ¹

a) **Prior to commencing construction of the Project, the Petitioner shall:**

- (1) Collect existing conditions traffic volume counts along Sachem Road and Noanett Road to establish a baseline condition on these roadways. These will include a minimum of 48-hour automatic traffic recorder (ATR) counts to obtain weekday daily traffic volumes on both roadways. In addition, turning movement counts (TMCs) will be collected during the weekday AM (7:00 AM – 9:00 AM), weekday midday (11:00 AM– 1:00 PM), and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
- Central Avenue / Noanett Road
 - Gould Street / Noanett Road
 - Hunting Road / Sachem Road
 - Highland Avenue / Mills Road
 - Highland Avenue / Utica Road

This traffic count data will be used to create a baseline condition for comparison to post-occupancy traffic counts in order to assess any increase in cut-through traffic generated by the Project on Noanett Road and Sachem Road.

¹ These conditions were based on the recommendations of the Town's peer-reviewer, GPI, in its letter of September 29, 2022.

- b) **Prior to issuance of a certificate of occupancy for the Project, the Petitioner shall complete the following off-site improvement measures:**
- (1) Implement signal timing modifications to optimize traffic operations at the following intersections:
 - Highland Avenue/West Street
 - Highland Avenue/Webster Street
 - Highland Avenue/ 1st Avenue
 - Hunting Road/ Kendrick Street
 - (2) Adjust the yellow and red clearance intervals at the Hunting Road/ Kendrick Street intersection consistent with current design standards for the geometry of the intersection to improve safety.
 - (3) Install NO THRU TRAFFIC or LOCAL TRAFFIC ONLY regulatory signage at the following locations:
 - Noanett Road facing Gould Street
 - Noanett Road facing Central Avenue
 - Mills Road facing Highland Avenue
 - Utica Road facing Highland Avenue
 - Sachem Road facing Hunting Road
 - (4) On Central Avenue/Gould Street:
 - Install a fully-actuated traffic control signal with video detection and Opticom for emergency vehicle activation;
 - Restripe Central Avenue to provide a dedicated left-turn lane on Central Avenue westbound and single through lane in each direction;
 - Install new crosswalks with ADA-compliant curb ramps and APS pedestrian signals with countdown indications and vibro-tactile push-buttons on all three approaches; and
 - Provide dedicated signal phases for the two residential driveways within the intersection.
 - (5) On Gould Street/ Noanett Road:
 - Reconstruct curb ramps on the northwest and southwest corners of the intersection to provide ADA accessibility and stripe a new crosswalk across Noanett Road.
 - (6) Gould Street Pedestrian and Bicycle Enhancements:
 - Install a 10-foot two-way bicycle track and 8-foot sidewalk along the easterly side of Gould Street between Highland Avenue and the former railroad track approximately 150 ft. north of TV Place;
 - Provide a 4-foot bicycle accommodating shoulder along the westerly side of Gould Street between TV Place at Highland Avenue;
 - Install a crosswalk at the northerly end of the bicycle track at the former railroad crossing and install Rectangular Rapid Flash Beacons (RRFBs) with a passive detection system for pedestrians and bicyclists; and
 - Reconstruct the sidewalk along the westerly side of Gould Street between Highland Avenue and Noanett Road to provide a 6-foot ADA-compliant sidewalk.

- (7) On Gould Street and TV Place:
 - Widen Gould Street to provide a left-turn lane and a through lane on the Gould Street southbound approach and a single lane on the northbound approach; and
 - Widen TV Place to provide separate left- and right-turn lanes exiting to Gould Street and a single entrance lane with 8-foot sidewalks on either side of TV Place.
- (8) On Gould Street, the Project driveway, and Wingate Driveway:
 - Widen Gould Street southbound to provide a dedicated left-turn lane, a through lane, and a shared through/right-turn lane;
 - Widen Gould Street northbound to provide a 50-foot left-turn pocket, a through lane, and a right-turn lane;
 - Construct the driveway to provide a dedicated left-turn lane and a shared left/through/right-turn lane;
 - Install a fully-actuated traffic signal with video detection and Opticom for emergency vehicle activation; and
 - Install cross-ways with ADA-accessible curb ramps and APS pedestrian signals with count-down indications and vibro-tactile push-buttons across all four approaches to the intersection.
- (9) On Highland Avenue, Gould Street, and Hunting Road:
 - Widen the Gould Street southbound approach to provide two left-turn lanes and a shared through/right-turn lane with a minimum 4-foot bicycle-accommodating shoulder;
 - Reconstruct the median island on Highland Avenue eastbound to accommodate the left-turn onto Gould Street;
 - Reconstruct the median island on Highland Avenue westbound to accommodate the left-turn double left-turn from Gould Street onto Highland Avenue;
 - Reconstruct crosswalks and curb ramps on the Highland Avenue eastbound and Gould Street southbound approaches consistent with ADA guidelines;
 - Install new traffic signal equipment as necessary to accommodate the geometric changes to the intersection, including, but not limited to, mast arms, vehicle detection, signal heads, conduit, pull-boxes, signage, etc.;
 - Replace the existing traffic signal controls with adaptive traffic signal controls to allow for improved optimization of traffic operations; and
 - Upgrade pedestrian signals to APS signals with countdown indications and vibro-tactile push-buttons.
- (10) On Hunting Road:
 - Fund the installation of two radar-embedded speed limit signs on Hunting Road as locations to be determined in coordination with the Needham Police Department to control speeds.
- c) **Prior to issuance of a certificate of occupancy for the Project, the Petitioner shall provide the following TDM measures as part of the Project:**
 - (1) Provide an Employee Transportation Advisor who will coordinate with the local Transportation Management Association;

- (2) Provide up to 104 secure, covered bicycle parking spaces for tenant's employees and up to 50 public bicycle spaces for visitors and patrons;
 - (3) Install EV charging stations at a minimum of 25 percent of the parking spaces provided within each parking lot/garage area. Provide free EV charging for all employees for at least the first five years following issuance of a Certificate of Occupancy for the Project;
 - (4) Provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner shall allow area residents and employees to utilize the shuttle;
 - (5) Require tenants to provide a 50 percent transit pass subsidy for employees;
 - (6) Implement carpool assistance and incentives for employees;
 - (7) Provide incentives and amenities for bicycling and walking;
 - (8) Provide a guaranteed ride home to all employees using public transit, walking, bicycling, or carpooling to work;
 - (9) Provide on-site locker rooms and showers for employees; and
 - (10) Display transportation-related information and tenant's employees and visitors in the main lobby.
- d) **Within one year, and at least six months following, initial occupancy of the Project, the Petitioner shall conduct a transportation monitoring program to include the following:**
- (1) With respect to trip generation:
 - Collect automatic traffic recorder (ATR) or turning movement counts (TMCs) at the site driveway intersections with TV Place and Gould Street to verify the trip generation characteristics of the development during the weekday daily, weekday AM peak hour, and weekday PM peak hour time periods.
 - Should the actual trip generation of the site exceed the trip generation estimates contained in the Draft Environmental Impact Report (Exhibit 155) by more than 10 percent, the Petitioner shall evaluate and implement measures to reduce vehicle trip generation, including implementation of additional Transportation Demand Management (TDM) measures.
 - Should the actual trip generation of the site exceed the trip generation estimates contained in the MEPA DEIR (Exhibit 155), as adjusted to reflect the actual square footage constructed by the Project, by more than 10 percent, the Petitioner shall work with MassDOT and the Town of Needham to assess whether the Transportation Monitoring Program should be expanded to assess the Project's impacts on additional intersections.
 - (2) With respect to traffic operations:
 - Collect turning movement counts (TMCs) during the weekday AM (7:00 AM – 9:00 AM) and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
 - o Central Avenue / Gould Street

- o Gould Street / TV Place
 - o Gould Street / Site Driveway / Wingate Driveway
 - o Highland Avenue / Gould Street / Hunting Road
 - Conduct capacity and queue analyses to evaluate the operations of the intersections listed above during the weekday AM and PM peak hours and compare the results of the traffic operations analysis to the analysis projections contained in the August 29, 2022 *Response to Comments* prepared by VHB (Exhibit 156).
 - The Petitioner shall evaluate and implement additional measures to mitigate Project impacts should the results of the capacity and queue analyses indicate any of the following occurs:
 - o Any movement at any of the study area intersections exceeds capacity (volume-to-capacity (V/C) ratio exceeds 1.00);
 - o Delay increased by more than ten seconds for any movement operating at level-of-service (LOS) E or F;
 - o Queues in any lane exceed the storage capacity of that lane AND increased over projected queues in the *Response to Comments* by two vehicles (50 feet) or more; or
 - o Queues in any lane increased over projected queues in the *Response to Comments* by four vehicles (100 feet) or more.
- (3) With respect to cut-through traffic:
- Collect a minimum of 48-hour automatic traffic recorder (ATR) counts to obtain weekday daily traffic volumes on Noanett Road and Sachem at the same locations as collected as part of the Pre-Construction Study. In addition, turning movement counts (TMCs) will be collected during the weekday AM (7:00 AM – 9:00 AM), weekday midday (11:00 AM – 1:00 PM), and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
 - o Central Avenue / Noanett Road
 - o Gould Street / Noanett Road
 - o Hunting Road / Sachem Road
 - o Highland Avenue / Mills Road
 - o Highland Avenue / Utica Road
 - Compare the post-occupancy traffic volumes along Noanett Road and Sachem Road to those collected pre-construction to assess whether any measurable increase in cut-through traffic has resulted from the proposed development. Should traffic volumes on Noanett Road or Sachem Road increase by more than 10 percent over the pre-construction traffic counts, the Petitioner shall take additional measures to reduce cut-through traffic, including, but not limited to:
 - o Coordination with the Needham Police Department for increase enforcement;
 - o Installation of radar speed indication signage along the subject roadway;
 - o Installation of traffic calming devices such as speed tables, chicanes, bump-outs, or other devices; and/or
 - o Implementing signal timing modifications or other improvements at the Central Avenue / Gould Street and/or Highland Avenue / Gould Street / Hunting Road intersection, as necessary, to re-duce the apparent benefit of cut-through behavior in the neighborhoods.

- Following implementation of any additional cut-through mitigation measures as described above, the Petitioner shall conduct additional traffic volume counts to ensure that the implemented measure(s) were effective in reducing cut-through traffic.
- (4) With respect to on-site parking utilization studies:
- Conduct a parking utilization study on weekday between 8:00 AM and 4:00 PM to assess the occupancy of each parking area within the Property, including the parking structure, underground garage and the surface lot. This study shall include a review of EV charging stations, compact car parking, and any provided carpool or otherwise designated parking spaces to assess the adequacy of these spaces in accommodating the peak parking demand.
 - Should the results of the parking study indicate that more than 90 percent of the EV charging stations are occupied during the peak period, the Petitioner shall install additional EV charging stations to accommodate additional parking demand.
 - Should the overall parking demand exceed 95 percent of the parking supply, the Petitioner shall identify and implement measures to reduce parking demand and perform an additional post-implementation assessment to verify the effectiveness of the implemented measures.
- (5) The foregoing transportation monitoring program described in this clause d) shall continue on an annual basis for a period of five years following the issuance of an initial certificate of occupancy for the Project or phase thereof.

LIMITATIONS

The authority granted to the Petitioner by this Decision is limited as follows:

- 4.1 This Decision applies only to the Property improvements, which are the subject of this Decision. All on-site and off-site construction shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements on the Plan. There shall be no further development of this Property without further site plan approvals as required under Section 7.4 of the By-Law.
- 4.2 The Board, in accordance with M.G.L., Ch. 40A, § 9 and said Section 7.4 of the By-Law, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision to clarify the terms and conditions of this Decision.
- 4.3 This Decision applies only to the requested Major Project Site Plan Review Special Permit and related special permits and approvals specifically granted herein. Other permits or approvals required by the By-Law, other governmental board, agencies, or bodies having jurisdiction should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.

- 4.6 This special permit shall be governed by the provisions of Chapter 40A and Section 7.5.2 of the By-Law, which establish the time within which construction authorized by the Special Permit must commence. This Major Project Site Plan Review Special Permit ("Special Permit") and the other Special Permits granted herein shall not lapse if commencement of construction of any portion of the Project has commenced within two years of the date of filing of this Decision with the Town Clerk.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court, as appropriate. This Decision shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and the Decision is recorded with Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this ____ day of _____, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairman

Jeanne S. McKnight

Natasha Espada

Artie Crocker

Paul S. Alpert

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

_____, 2022

On this ____ day of _____, 2022 before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by 557 Highland, LLC, 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116, for property located at 557 Highland Avenue, Needham, Massachusetts, shown on Assessors Plan No. 76 as Parcels 3 and 8 containing a total of approximately 9.27 acres, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

October 26, 2022

Planning Board
Town of Needham
500 Dedham Avenue
Needham, MA 02492

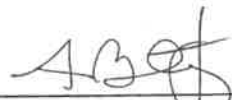
Re: Amendment to Major Project Site Plan Special Permit No. 2005-07
Dated April 25, 2022
Needham Gateway, LLC—100, 120 Highland Avenue

Dear Planning Board Members:

The Planning Board issued the Amendment to Decision dated April 25, 2022, amending Major Project Special Permit No. 2005-07 (the "Amendment Decision"). This Amendment Decision conditionally authorized Carbon Health Medical Group of Florida, PA and Needham Gateway, LLC to conduct a new principal use of the property located at 100, 120 Highland Avenue in Needham, namely a medical office providing primary and walk-in medical care and uses accessory thereto.

The permit holders no longer intend to develop or use the property for the use authorized in the Amendment Decision, and will not exercise that permit. As a result, the permit holders hereby jointly abandon the Amendment Decision, and will develop and use the property, if at all, as otherwise allowed pursuant to the Town of Needham's Zoning Bylaw and by the existing Site Plan Special Permit No. 2005-07 as amended (without the Amendment Decision), without any rights or benefits conferred in or by the Amendment Decision.

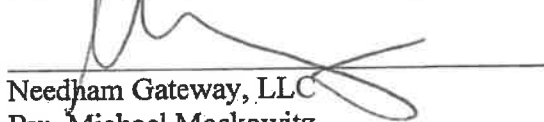
Sincerely,



Carbon Health Medical Group of Florida, PA

By: Adam Balthrop

Its: Assistant General Counsel/Authorized Signatory



Needham Gateway, LLC

By: Michael Moskowitz

Its: Manager

cc: Theodora K. Eaton, Town Clerk
David A. Roche, Building Commissioner



2022 APR 26 PM 4:31

PLANNING & COMMUNITY
DEVELOPMENT

AMENDMENT TO DECISION

April 25, 2022

Major Project Site Plan Special Permit

SPMP No. 2005-07

Needham Gateway, LLC

100, 120 Highland Avenue

Application 2005-07

(Original Decision dated January 24, 2006,
amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011,
March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022)

DECISION of the Planning Board (hereinafter referred to as the “Board”) on the petition of Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, MA (hereinafter the “Petitioner”), for property located at 100 and 120 Highland Avenue, Needham, Massachusetts, shown on Assessor’s Map No. 73 as Parcel 18 containing 82,582 square feet and partially located in the New England Business Center Zoning District and partially located in the Highland-Commercial 128 Zoning District (both buildings, together with all other improvements on the Land are herein collectively referred to as the “Shopping Center”).

This decision is in response to an application submitted to the Board on January 25, 2022, by the Petitioner for: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law (hereinafter the “By-Law”) and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested Major Project Site Plan Review Special Permit amendment (herein sometimes referred to as the “Amendment”) would, if granted, allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, March 15, 2022 at 7:40 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, Martin Jacobs and Natasha Espada were present throughout the March 15, 2022 proceedings. The hearing was continued to Tuesday, April 5, 2022 at 7:45 p.m. by Zoom ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, Martin Jacobs and Natasha Espada were present throughout the April 5, 2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Transmittal letter from Attorney Rick Mann, dated January 24, 2022.
- Exhibit 2 - Application Form for Further Site Plan Review completed by the applicant dated January 25, 2022. (with supplemental application signed by Carbon Health, dated February 24, 2022).
- Exhibit 3 - Rider A to application.
- Exhibit 4 - Physician Profile of Sujal S. Mandavia, MD.
- Exhibit 5 - Memorandum to Mike Moskowitz Needham Gateway LLC, from Michael A. Santos, BSC, Group, re: Parking Evaluation, dated November 19, 2021.
- Exhibit 6 - Letter to Board Members from David Roche, Needham Building Commissioner, dated December 29, 2021.
- Exhibit 7 - Floor Plan entitled "Needham MA Gateway Shops," prepared by Environments for Health Architecture, dated January 12, 2022 (the "Floor Plan").
- Exhibit 8 - Legal memorandum to Carbon Health, from Foley & Lardner LLP, dated January 19, 2022.
- Exhibit 9 - Emails from Elizabeth Kaponya, dated January 4, 2022 and March 14, 2022.
- Exhibit 10 - Letters to Board Members from Attorney Rick Mann, dated February 18, 2022 and February 28, 2022.
- Exhibit 11 - Parking evaluation letter from the BSC Group to Richard Mann, Esq., dated February 28, 2022 and attached satellite photo of site.
- Exhibit 12 - Letters to Lee Newman from Attorney Rick Mann, dated March 14, 2022 and March 25, 2022.
- Exhibit 13 - Parking Memorandum to Mike Moskowitz Needham Gateway LLC, from the BSC Group to Mike Moskowitz, Eclipse Management, dated March 24, 2022.
- Exhibit 14 - Email from Derek Wade, 41 Riverside Street, dated March 15, 2022.
- Exhibit 15 - Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated February 10, 2022; IDC from Thomas Ryder, Assistant Town Engineer, dated March 10, 2022; IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated February 11, 2022; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated February 10, 2022.

Exhibits 2, 3, 7, 10, 11, and 13 are hereby referred to as the Project Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its Decision dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 except as modified herein.

- 1.1 The Petitioner is seeking the modification of Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 (herein the “Decision”), to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.
- 1.2 The Decision issued by the Board approved the construction of two buildings on the land, one located at 100 Highland Avenue containing 10,628 square feet of floor area and the other located at 120 Highland Avenue containing 12,820 square feet of floor area.
- 1.3 Section 3.2 of the Decision, allows the use of 10,628 square feet of the building at 100 Highland Avenue and 8,020 square feet of the building at 120 Highland Avenue for general retail purposes and craft, consumer, professional or commercial service establishments dealing directly with the general public and 4,800 square feet of said building for a fast food restaurant. Further, although otherwise allowed as of right or by special permit in the underlying Highland Commercial-128 Zoning District, Section 3.3 of the Special Permit as amended expressly prohibits the following uses in the Shopping Center: (1) all sit down food and beverage restaurants; (2) all fast food pick up and/or delivery restaurants, excepting Panera Bread; (3) all sports clubs; and (4) all convenience markets.
- 1.4 The Petitioner proposes to amend the Decision to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District. The proposal consists of leasing approximately 3,275 gross square feet of floor area in the building at 120 Highland Avenue (the “Premises”) to Carbon Health Medical Group of Florida, PA, a Florida professional corporation d/b/a “Carbon Health” (“Carbon Health”), duly registered as a foreign corporation in the Commonwealth of Massachusetts, which is wholly owned by a single physician licensed in the Commonwealth of Massachusetts. Based on its ownership, Carbon Health asserts that it will not be required to be licensed as a clinic under GL Chapter 111, Section 51.
- 1.5 Carbon Health proposes to use the Premises principally for the provision of primary and walk-in medical care and will have a maximum aggregate of eight (8) medical and non-medical staff on the Premises at any one time (typically 4-6). No more than two (2) of any combination of physician, physician’s assistants, or nurse practitioners shall be present on the Premises at any one time for the purpose of administering medical treatment. Hours of operation are expected to be 8 AM - 8 PM, seven days a week.
- 1.6 By letter dated December 29, 2021 (Exhibit 6), a copy of which has been submitted with this application, the Building Commissioner has determined that the proposed use constitutes a “professional office” which is allowed as a matter of right in the Highland Commercial-128 District in which the Premises are located. The Commissioner concluded that Carbon Health's proposed use fits the definition of a "Professional Office" allowed as a matter of right in the Highland Commercial - 128 District and is not a Group Practice, Medical Clinic or a Medical Services Building, nor is it an alternative medicine practice, physical therapy or wellness treatment facility as defined.

The Petitioner requests that the Planning Board adopt a finding that Carbon Health's proposed use fits the generic use category of a professional or commercial service establishment dealing directly with the general public that is more specifically categorized under the By-Law as a "professional office" as determined by the Building Commissioner and that the proposed use as a "professional office" is allowed as a matter of right in the Highland Commercial - 128 District based on the foregoing analysis.

- 1.7 No changes are proposed to the parking area.
- 1.8 The total number of parking spaces on-site is currently 97. With the installation of a dumpster on one parking space, as approved by Amendment dated March 28, 2022, there will be one fewer space, for a total of 96.
- 1.9 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) to enable the proposed new use of the building located at 120 Highland Avenue. The parking requirement for the existing uses in the building located at 120 Highland Avenue is calculated as follows. Pursuant to the By-Law, the total parking requirement for the fast-food use namely, Panera Bread, is calculated as 64 spaces (130 seats divided by 3 = 43.33 spaces, plus 20 spaces for two take-out stations = 63.33 spaces). For this parking requirement each cash register is considered a take-out station. Pursuant to the By-Law, the parking requirement for the Carbon Health facility is calculated as 17 spaces (3,275 square feet divided by 200 = 16.375) and for the Geico Insurance facility is calculated as 16 spaces (4,745 square feet divided by 300 = 15.81). Accordingly, pursuant to the By-Law, the parking requirement for the building located at 120 Highland Avenue is 97 spaces (64+17+16 = 97) and only 96 parking spaces are provided. A waiver of 1 parking space is required to allow full occupancy of the building located at 120 Highland Avenue as noted above.
- 1.10 No parking waivers are currently being sought by the Petitioner under Section 5.1.2 to enable occupancy of the now vacant former Frank Webb's Bath Center building at 100 Highland Avenue whose use is yet to be determined.
- 1.11 A Parking Study dated March 24, 2022 (Exhibit 5) was prepared by the BSC Group, Inc. The study evaluated changes in parking demand at the Shopping Center under the following assumptions: (1) Omaha Steaks, SuperCuts, and Hamra are replaced with a Carbon Health urgent care facility consisting of approximately 3,275 sf of space at 120 Highland Avenue; (2) Panera Bread and Geico Insurance remain as tenants at 120 Highland Avenue; and (3) The former Frank Webb's Bath Center building at 100 Highland Avenue is currently empty and untenanted. The parking evaluation consisted of 48-hour traffic counts at the driveways that serve the site, parking occupancy observations on the site, parking demand estimates related to the changes in use, and an analysis of the impacts of the changes in use. The evaluation demonstrated that the existing parking supply will accommodate the proposed changes in use under the above noted assumptions.
- 1.12 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Parking Plan and Design Requirements). More particularly, the Petitioner seeks a waiver from Section 5.1.3 (j) to waive the ten (10) foot parking setback requirement from the front lot line along Second Avenue to seven (7) feet and in Section 5.1.3 (k) to waive the associated ten (10) foot wide landscape requirement as it pertains to said (10) foot front setback along Second Avenue.
- 1.13 No exterior changes are proposed to the building or site by this Amendment. The site is fully developed. The completed improvements protect adjoining premises against seriously detrimental

uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site includes a surface water drainage system connecting to the municipal system that accommodates surface water runoff.

- 1.14 The Shopping Center, as constructed, insures the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The existing design for vehicular and pedestrian movement within the property stresses the safety and convenience of both types of movement and no modifications to the parking area are proposed. Access is provided by way of the existing driveways. No inconvenience or safety hazard either on site or on adjacent streets will be created. The parking area is ADA compliant.
- 1.15 An adequate arrangement of parking and loading spaces in relation to the already approved uses of the Shopping Center for general retail/fast food use, has been provided and noted in Major Project Site Plan Special Permit Nos. 2005-7, January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021, and March 28, 2022. No changes to the parking area are proposed by this Amendment and therefore, an adequate arrangement of parking and loading spaces in relation to the already approved uses of the Shopping Center and the new use allowed by this Amendment at 120 Highland Avenue will continue to be provided. (A recent and independent amendment, dated March 28, 2022, permitted a new dumpster enclosure in the parking lot and the consequent reduction of one parking space.)
- 1.16 Adequate methods for disposal of refuse and waste will be provided. The site is already fully developed with adequate infrastructure in place. All waste and refuse will be disposed of in conformance with all applicable regulations. The entire site is connected to the municipal sanitary sewerage system. The site is presently fully developed, and the footprint of the building will not change. Only minor façade changes are contemplated, which are necessary to combine the prior tenant spaces into one new space (the subject proposed Carbon Health facility).
- 1.17 Neither the Shopping Center nor the proposed Carbon Heath facility will have any adverse impact upon the Town's resources, including water supply and distribution system, sewer collection and treatment, fire protection, and streets. The municipal system has adequate capacity to service the Shopping Center, including the proposed Carbon Heath Facility.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District and the Highland-Commercial 128 Zoning District, if the Board finds that the proposed Project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Project Plan, as conditioned and limited herein, for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable by-law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.
- 1.19 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

DECISION

THEREFORE, at its meeting of April 14, 2022, the Board voted 5-0 to GRANT: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively); subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.0 The Project Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. No Project Plan Modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022, are ratified and confirmed except as modified herein. The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.25 hereof.

- 3.1 The Carbon Health facility shall have a licensed physician, physician's assistant or nurse practitioner on site at all times.
- 3.2 The use of the Premises shall be limited to the Carbon Health facility where primary medical care and walk-in medical care is provided.
- 3.3 People who present to the Carbon Health facility with life threatening situations shall be stabilized and then immediately transferred to the Hospital Emergency Department or referred to the 911 EMS system. The Carbon Health facility may also provide a full range of testing services including Department of Transportation exams and pre-placement drug tests.

- 3.4 Authorization for the Carbon Health facility to operate under this decision is solely as a "Professional Office", allowed as a matter of right in the Highland Commercial - 128 District, under Section 3.2.5.1 (f), of the By-law and not as a Group Practice, Medical Clinic or a Medical Services Building, nor as an alternative medicine practice, physical therapy or wellness treatment facility as those terms are further defined in the By-Law.
- 3.5 The Carbon Health facility shall include an X-ray department for basic radiology covering fracture care, chest exams, etc., a laboratory department for routine blood test and other diagnostic procedures and a procedure room for lacerations and fractures, all as shown on the Project Plan.
- 3.6 The Carbon Health facility shall be limited to no more than seven (7) exam rooms (between "urgent care" and "primary care") and one (1) room for x-rays and phlebotomy, as shown on the Project Plan.
- 3.7 The waiting room as shown on the Project Plan shall be limited to four (4) seats and shall include all non-office or staff chairs excepting those located in the exam rooms. The patients shall not be permitted to wait in staff areas (break room). If a complaint is registered with the Building Commissioner, the Building Commissioner shall request that Carbon Health submit a certified census of the number of patients in the Premises at a designated time, and Carbon Health shall return the results of the census to the Building Commissioner within a reasonable time, not to exceed thirty (30) days.
- 3.8 Staffing at the Carbon Health facility may include physicians, physician's assistants, nurses, nurse practitioners and other medical staff comprised of Medical Assistants, Lab Technologists, x-ray Technologists and other medical support personnel. All Carbon Health facility physicians shall be Board Certified to practice medicine.
- 3.9 The Carbon Health facility shall not have more than eight (8) medical and non-medical staff working on the Premises at any one time. No more than two (2) of any combination of physicians, physician's assistant, or nurse practitioner shall be present on the Premises at any one time for the purpose of administering medical treatment.
- 3.10 The Carbon Health facility may be open and operated seven (7) days a week from 8:00 a.m. to 8:00 p.m. No care sessions may be conducted outside the above-stated operating hours.
- 3.11 The proposed Floor Plans and use therein shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Floor Plan and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions or modifications to the Floor Plan shall require approval by the Board.
- 3.12 The site is not licensed to receive ambulances. Ambulances will, on rare occasion, pick up at the Carbon Health facility, in the case of an emergency.
- 3.13 No signs shall be permitted on the inside of windows or transparent doors except as allowed under Needham's Sign By-law.
- 3.14 After operating hours, any illuminated sign located on the parking lot side of the building controlled by Carbon Health shall be turned off.
- 3.15 The Carbon Health facility shall share the same dumpsters and dumpster enclosure as other users on the site already use. All biological waste shall stay in the Carbon Health facility until it is picked up

by the appropriate licensed entity. Such biological waste pickups shall only be during normal office hours.

- 3.16 The future occupancy of the former Frank Webb's Bath Center building located at 100 Highland Avenue shall require further Planning Board approval including submittal of a further parking waiver request and an updated parking study demonstrating an adequate parking supply at the Shopping Center for the then proposed use or uses.
- 3.17 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents to be filed with the application for a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.18 The following interim safeguards shall be implemented during construction:
 - a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery or removal of construction material or debris shall only occur between the hours of 7:45 a.m. and 8:15 p.m. Monday through Saturday. Notwithstanding the above, interior construction work at night or on Sundays is permissible provided that the Petitioner does not make, cause, or permit to be made any noise which is audible at the perimeter of the site.
 - b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue.
- 3.19 No building permit shall be issued in pursuant to this Amendment until:
 - a) The final plans shall be in conformity with those previously approved by the Board and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b) The Petitioner shall have recorded with the Norfolk Registry of Deeds a certified copy of this Decision granting this Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07, as previously amended, and Special Permit Amendment under Section 5.1.1.5 of the By-Law with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.20 The portion of the building or structure, or portion thereof, subject to these Special Permit Amendments and Site Plan Approval shall not be occupied until:
 - a. An as-built plan and Final Affidavit, supplied by the architect of record certifying that the Carbon Health facility was built according to the approved documents, has been submitted to the Board.
 - b. That there shall be filed, with the Building Commissioner, a statement by the Board approving the as-built plan and Final Affidavit for the Carbon Heath facility, in accordance with this Decision and the approved Project Plan.

- 3.21 In addition to the provisions of these Special Permit Amendments and Site Plan Approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.22 The portion of the building or structure authorized for construction by this Amendment shall not be occupied or used, and no activity except the construction activity authorized by this Amendment shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.23 The Petitioner, by accepting this Amendment, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.24 This Special Permit to operate a Carbon Health facility at 100 Highland Avenue is issued to Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA, prospective lessee, only and may not be transferred, set over, or assigned by Carbon Health Medical Group of Florida, PA, except to another party for the same use as allowed hereby only after prior written notice to the Board of such intended transfer together with a written acknowledgment by the proposed transferee confirming that: (a) its intended use of the Premises as described in such notice is included in the uses permitted by this Amendment; (b) it and its employees possess all the required licenses to engage in such use; and (c) it will be subject to and shall abide by all of the terms of this Amendment.
- 3.25 Violation of any of the conditions of this Amendment shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Amendment, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Amendment including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Amendment if the Town prevails in such enforcement action.

LIMITATIONS

The authority granted to the Petitioner by this Amendment is limited as follows:

- 4.1 This Amendment applies only to the improvements and the use which are the subject of this petition. All construction to be conducted within the 3,275 gross square feet of floor area of leased space shall be conducted in accordance with the terms of this Amendment and shall be limited to the improvements on the Project Plan.
- 4.2 There shall be no further development of this site without further site plan approvals as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this Amendment and to take other action necessary to determine and ensure compliance with the Amendment.

- 4.3 This Amendment applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental board, agencies, or bodies having jurisdiction shall not be assumed or implied by this Amendment.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Amendment.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Amendment to Major Project Site Plan Special Permit shall lapse on April 12, 2024, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to April 12, 2024. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This Amendment shall be recorded in the Norfolk District Registry of Deeds. This Amendment to Special Permit shall not take effect until a copy of this Amendment bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 105 Chapel St Needham MA 02492
Name of Applicant Ceed Corp
Applicant's Address 15 NELL RD Revere MA 02151
Phone Number 957 250 5132

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

Property Owner's Name Roma Realty Trust
Property Owner's Address 125 Pearl St P.O. Box 850551 Braintree MA 02185
Telephone Number 617 653 0779

Characteristics of Property: Lot Area _____ Present Use _____
Map # _____ Parcel # _____ Zoning District _____

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

To replace existing restaurant with no renovations keeping same casual concept. We are also requesting to transfer the special permit to Ceed Corp.

Signature of Applicant (or representative) [Signature] Edison Gutierrez

Address if not applicant 15 NELL RD Revere MA 02151

Telephone # 617 849 1076

Owner's permission if other than applicant _____

[Signature]
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 _____

Fee Paid _____ Fee Waived _____

Denied _____

Withdrawn _____

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



PLANNING

TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

TOWN OF NEEDHAM
MASSACHUSETTS
PLANNING BOARD
June 13, 2017

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

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

Major Project Special Permit No. 1991-01
101-105 Chapel Street, Needham, Massachusetts

Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's
TRANSFER OF SPECIAL PERMIT
To TDRG Needham Inc., d/b/a Cook Needham

On June 13, 2017, the Planning Board held a meeting following a written request dated May 19, 2017, from TDRG Inc., Paul Turano, President, (the "Petitioner"), d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021. Paul Turano requested the transfer of Major Project Site Plan Special Permit No. 1991-01 originally issued to Roma Realty Trust, James Pesiridis, Trustee on June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005 Pursuant to the authority reserved to the Planning Board under Section 2.5 of the March 11, 1997 special permit amendment, the Planning Board waived public notice of the hearing.

Paul Turano stated that he intended to operate the same style of restaurant as the former tenant with a new and refreshed look. The type of operation, the number of seats, and the hours of operation will remain unchanged from what was approved in Major Project Site Plan Special Permit No. 91-01 issued to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, with only once exception. The Petitioner proposed to open the restaurant at 10:30 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service. No changes are proposed on the site other than interior renovations, and no façade changes are proposed.

Decision

On the basis of the evidence presented at the meeting, the Planning Board finds that the proposed transferee intends to operate the business as it had been operated by the prior permit holder. The Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's, to TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021 of Major Project Site Plan Special Permit No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, to use the premises at 101-105 Chapel Street as a restaurant operation with an accessory take-out component, subject to the following conditions.

1. The Planning Board's Major Project Site Plan Special Permit Decision No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, is incorporated herein by reference and all conditions therein imposed remain in full force and effect except as otherwise authorized herein.
2. The Petitioner shall be permitted to open the restaurant at 10:30 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service. All other hours of operation are to remain unchanged from those of the underlying permit.
3. The restaurant shall contain the floor plan and dimensions and shall be located on that portion of the locus as shown on the plan sheet A1, prepared by kas I kripper architecture Studio, inc., 36 Bromfield, Suite 501, Boston, Massachusetts, dated May 23, 2017, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions, counters or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed "minor movement" to the plan shall require approval by the Board.
3. This special permit may not be transferred without the prior approval of the Planning Board, upon such notice and hearing as the Board in its discretion shall deem necessary or appropriate.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Planning Board.

Witness our hands this 13th day of June 2017.

NEEDHAM PLANNING BOARD

Ted Owens
Ted Owens, Chairperson

Paul S. Alpert
Paul S. Alpert, Vice Chairperson

Martin Jacobs
Martin Jacobs

Elizabeth J. Grimes
Elizabeth J. Grimes

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

June 13 2017

On this 13 day of June 2017, before me, the undersigned notary public, personally appeared Ted Owens, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Clee
Notary Public

My Commission Expires: March 18, 2022

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
Paul Turano
Parties in Interest

Diana Sepulveda
15 Nell rd
Revere Ma 02151

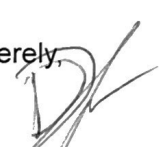
Lee Newman
Director of Planning
Town of Needham
1471 Highland Ave
Needham, MA 02492

Dear Mrs. Newman,

I am writing to request a transfer of the site plan special permit issued to TDRG Needham Inc, DBA Cook Needham on June 13, 2017 to Ceed Corp DBA Cook Restaurant. We have read the decision made by the board and plan to operate the same style of restaurant with same number of seats as the former tenant, with a new and refreshed look but no renovations. The number of seats issued in the special permit was 126 seats at tables and counters and 6 seats for waiting guests. We are requesting the same number of seats as the former tenant. The only item listed in the special permit that I would like to request be changed would be to allow the restaurant to open on Saturday and Sunday mornings at 10:00 AM instead of 10:30 AM for brunch service.

If you have any questions, comments or concerns please let me know at your earliest convenience.

Sincerely,


Diana Sepulveda


X Edison Gutierrez

32737

X11762PG254

15



TOWN OF NEEDHAM

MASSACHUSETTS

RECEIVED
TOWN CLERK
NEEDHAMRoom 20, Town Hall
Needham, MA 02192
617-455-7526

PLANNING BOARD

97 MAR 12 P1:10

AMENDMENT

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA

SITE PLAN SPECIAL PERMIT

Needham Restaurant Project Limited Liability Corporation
March 11, 1997

CERTIFY

BARRY T. HANNON, REGISTER

Upon the application of Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, to amend Site Plan Special Permit #91-1, issued to Roma Realty Trust, James Pesiridis, Trustee, on June 11, 1991, a public hearing was held on Tuesday, March 11, 1997, at 8:00 p.m. in the Needham Town Hall (Room 20) pursuant to notice thereof published in a local newspaper and mailed to all parties in interest. The purpose of said application to amend is: (i) to allow transfer to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, of the special permit, dated June 11, 1991, and filed with the Town Clerk on June 19, 1991, issued to Roma Realty Trust, James Pesiridis, Trustee, 105 Chapel Street, Needham, Massachusetts, to use the premises at 101-105 Chapel Street for a restaurant with seating for 106 at tables and counters and 26 in a waiting room; (ii) to allow a revision in the seating distribution of the restaurant so as to permit seating for 126 at tables and counters and 6 in a waiting room; (iii) to allow one take-out counter; (iv) to allow renovation of the existing interior restaurant space pursuant to a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's", dated March 6, 1997, revised March 11, 1997, by Niemitz Design Group, Inc; and (v) to allow alteration of the front and rear building facade pursuant to a plan entitled "Exterior Elevations & Details, Not Your Average Joe's", dated March 6, 1997, by Niemitz Design Group, Inc.

EVIDENCE

The Planning Board has considered the evidence presented with the application at the public hearing regarding the amended Special Permit for Site Plan Review under Section 7.4 of the Needham Zoning By-Law. The evidence submitted to the Board included:

- 1.1 A plan entitled "Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated February 7, 1997.
- 1.2 A plan entitled "Floor Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated February 7, 1997.

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NORFOLK COUNTY
97 APR -7 PM 1:09

- 1.3 A plan entitled "Exterior Elevations & Details, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997.
- 1.4 A plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997.
- 1.5 A plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997.
- 1.6 Manufacturers description of proposed Tungsten Halogen (incandescent) Elliptipar wall mounted and Elliptipar surface mounted unit.
- 1.7 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated February 7, 1997, requesting a transfer of the special permit issued to Roma Realty Trust in June of 1991, and a special permit to renovate the existing interior restaurant space pursuant to a plan entitled "Floor Plan, Not Your Average Joe's", dated February 7, 1997, by Niemitz Design Group, Inc. and the exterior building facade pursuant to a plan entitled "Not Your Average Joe's", dated February 7, 1997, by Niemitz Design Group, Inc.
- 1.8 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 6, 1997, transmitting floor plans and elevation drawings as approved by the Design Review Board on February 19, 1997.
- 1.9 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 10, 1997, requesting a revision in the seating and waiting distribution of the restaurant.
- 1.10 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 10, 1997, outlining proposed hours of operation, proposed number of employees and percentage of business dedicated to take-out business.
- 1.11 Application submitted to the Town Clerk on February 10, 1997.
- 1.12 Interdepartmental Communication (IDC) to the Board from Richard P. Merson, Director Public Works Department, dated February 18, 1997 and March 11, 1997; IDC to the Board from William G. Slowe, Chief of Police, dated February 19, 1997; IDC to the Board from Charles Mangine, Fire Inspector, dated March 4, 1997; IDC to the Board from Steve Tanner, Chairman, Design Review Board, dated March 11, 1997; and IDC to the Board from the Board of Health, dated March 10, 1997.

FINDINGS AND DECISION

On the basis of the evidence and after open deliberations, the Board finds that the Petitioner's request to amend the original Site Plan Review Special Permit Decision dated June 11, 1991, is not inconsistent with its original grant and is in harmony with the general purposes and intent of the Zoning By-Law in general and with Section 7.4 in particular.

Accordingly, the Board by unanimous vote: (i) consents to the transfer to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, of the special permit, dated June 11, 1991, and filed with the Town Clerk on June 19, 1991, issued to Roma Realty Trust, James Pesiridis, Trustee, 105 Chapel Street, Needham, Massachusetts, to use the premises at 101-105 Chapel Street for a restaurant with waiter and waitress service; (ii) consents to a revision in the seating distribution of the restaurant so as to permit seating for 126 at tables and counters and 6 in a waiting room; (iii) consents to one take-out counter; (iv) consents to the renovation of the existing interior restaurant space pursuant to a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's", dated March 6, 1997, revised March 11, 1997, by Niemitz Design Group, Inc; and (v) consents to the alteration of the front and rear building facade pursuant to a plan entitled "Exterior Elevations & Details, Not Your Average Joe's", dated March 6, 1997, by Niemitz Design Group, Inc., subject to the following conditions and limitations.

CONDITIONS

- 2.1 The restaurant at 101-105 Chapel Street shall be constructed in accordance with a plan entitled "Exterior Elevations & Details, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, and a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997. Any changes, revisions or modifications in the above-named plans shall require approval by the Planning Board.
- 2.2 The Petitioner shall, at all times the premises are open for business, offer table service, with waiters or waitresses attending the tables and counter seats provided on the premises. The restaurant shall contain a maximum of 132 seats of which no more than 126 seats shall be allocated for table and counter dining, and no more than 6 shall be in the waiting area. No food service shall be provided in the waiting area.
- 2.3 The restaurant shall contain no more than one take-out counter. The seating capacity of the restaurant and take-out station shall be as established on a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997.

- 2.4 The restaurant shall be operated and open for business everyday during the hours between 11:00 a.m. and 12:00 a.m (midnight).
- 2.5 That this Special amendment to operate a restaurant at 101-105 Chapel Street is issued to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, prospective lessee only, and may not be transferred, set over, or assigned by Needham Restaurant Project Limited Liability Corporation, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 2.6 That all new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 2.7 That the dumpster shall be suitably screened by a wood enclosure, so constructed as to obscure the dumpster from view but not to interfere with the servicing thereof. Additional trash receptacles shall be provided if required, and the area shall be kept free of litter from the restaurant operation. The dumpster shall be emptied as needed, cleaned, and maintained to meet Board of Health Standards.
- 2.8 That all solid waste shall be removed from the site by a private contractor. That deliveries and trash dumpster pickup shall occur only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 1:00 p.m. Saturday, Sunday, and holidays. That trash shall be picked up no less than two times per week.
- 2.9 All loading and deliveries shall be performed through the parking lot entrance to the premises, not from Chapel Street.
- 2.10 That in constructing and operating the proposed restaurant on the locus pursuant to this Special Permit amendment, due diligence be exercised and reasonable efforts be made at all times to avoid physical damage to the surrounding areas or adverse physical impact on the environment.
- 2.11 That all construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 2.12 That the following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.

b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the immediate construction area of the site.

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

d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction.

2.13 That no building permit shall be issued in pursuance of the Special Permit amendment and Site Plan Approval until:

a. The final elevations and the exterior design details, color, and materials shall be in conformity with those previously approved by the Design Review Board, which approval has been incorporated herein by reference, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.

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

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

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

a. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board. The as-built plan shall show the final building elevations for the entire building and the final floor plan detail for the restaurant facility.

b. That there shall be filed, with the Building Inspector, a statement by the Board approving the final building elevations and floor plan for the restaurant facility, in accordance with this Decision and the approved Plan.

2.15 In addition to the provision of this approval, the Petitioner must comply with all requirements

of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

- 2.16 The building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Inspector.
- 2.17 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 2.18 Violation of any of the conditions of this Special Permit shall be grounds for revocation of this Special Permit, or of any building permit granted hereunder. In the case of violation of the continuing obligations of this permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner or owner of the property, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of the Special Permit. As an alternative, the Town may enforce compliance with the conditions of this permit by an action for injunctive relief before any court of competent jurisdiction. The Petitioner/Owner agrees to reimburse the Town for its reasonable costs including attorney fees in connection with the enforcement of the conditions of this permit.

LIMITATIONS

- 3.1 The authority granted to the Petitioner by this permit is limited as follows:
- 3.2 This permit applies only to the site improvements which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the plan as described in paragraph 2.1.
- 3.3 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4., hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 3.4 This Decision applies only to the requested Special Permits and Site Plan Review. Other

permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.

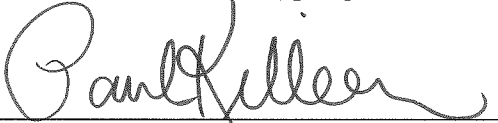
- 3.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 3.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the By-Law.
- 3.7 This Site Plan Special Permit shall lapse on March 11, 1999, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to March 11, 1999. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 3.8 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office, or that if such appeal has been filed that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 11th day of March 1997.

NEEDHAM PLANNING BOARD



Paul Killeen, Chairman



David C. Gerber, Vice-Chairman

Devra G. Bailin

Frank S. Gallelo

Maurice P. Handel

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

March 11, 1997

Then personally appeared before me Paul Killeen, one of the members of the Board of the Town of Needham, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Board before me

Phyllis J. McCarthy
Notary Public

My commission expires August 23, 2002

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

April 7, 1997
Date

Theodora K. Eaton, Town Clerk
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Board of Selectmen

Engineering
Fire Department
Police Department
Patricia A. Lang
Parties In Interest

From: [Natalie Melanson](#)
To: [Alexandra Clee](#)
Subject: Off Street Drainage Bond Request for Hutter Ridge Road
Date: Friday, May 20, 2022 1:39:24 PM
Attachments: [HRR Abutters List.xls](#)

Hi Alexandra,

Petrini Corp. would like to begin the process to request the release of the off street drainage bond being held for Hutter Ridge Road. Attached is a list of the homeowners on Hutter Ridge as well as the owners of the properties abutting each lot on HRR.

Please let me know if you need any further information from us at this time to begin this process.

Thank you,

Natalie

Natalie Melanson



PETRINI CORPORATION

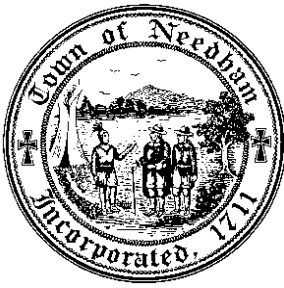
Est. 1945

187 Rosemary Street - Needham - MA - 02494

(781) 444-1963

nm@petrinicorp.com

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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

Memorandum

TO: Tara Gurge - Assistant Director, Health Department

FROM: Planning Department 

DATE: May 23, 2022

SUBJECT: Surety – Hutter Ridge Road, Needham, MA (1135 Webster Street)
Release of Off-Street Drainage Bond for Lots 1-7

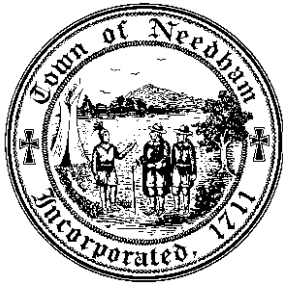
The Town of Needham currently holds \$34,500.000 to secure the completion of the 1135 Webster Street subdivision, now Hutter Ridge Road. This amount includes \$10,000.00 to be held for roadway improvements in accordance with the recommendations of the Needham Public Works Department for roadway maintenance pending street acceptance and \$24,500.00 to be held for off-street drainage in accordance with the recommendations of the Board of Health. The off-street drainage surety is being held for Lots 1-7, inclusive.

A written request has been received from Natalie Melanson, Petrini Corporation, seeking the release of the off-street drainage bond for Lots 1-7 as shown on the above-named subdivision plan. The surety amount for each lot is set at \$3,500.00. Ms. Melanson has requested a release of \$24,500.00 from the off-street drainage bond at this time. Please provide the Planning Board with a recommendation as to the release of the above described off-street drainage surety. The Board has scheduled this item for action at its meeting of Tuesday, June 21, 2022 and would appreciate receiving your comments prior to that date, or whatever subsequent date that is possible.

I have attached a copy of Ms. Melanson's request, along with the provided abutter information, dated May 20, 2022.

Thank you for your attention to this matter.

cc: Carys Lustig, DPW Director
Tom Ryder, Town Engineer
Southfield Associates



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

August 18, 2022

Ms. Evelyn Poness, Town Treasurer
Town of Needham
Town Hall
Needham, MA 02492

Ms. Theodora K. Eaton, Town Clerk
Town of Needham
Town Hall
Needham, MA 02492

Re : Surety – 1135 Webster Street (Hutter Ridge Road) - Definitive Subdivision

Dear Ms. Poness and Ms. Eaton:

Please be advised that the Planning Board at its meeting of August 16, 2022 voted to reduce the surety being held for the above-named project by \$10,000.00 from \$34,500.00 to \$24,500.00 exclusive of interest accrued to date. This reduction was made in accordance with the recommendations of the Department of Public Works as contained in a memo to Planning Board Members, dated August 10, 2022. The funds being released were held for street maintenance purposes. The \$24,500.00 plus interest accrued to date, which is to remain in the account, is to be held for off-street drainage improvements on Lots 1-7, inclusive.

The project was secured through surety items as follows, transmitted to your office on March 4, 2014: (1) Walpole Cooperative Bank Treasurer's Check No. 109746 in the amount of \$160,000.00 made payable to the Town of Needham; and (2) Agreement, dated February 14, 2014, entered into between the Town of Needham Planning Board and Southfield Associates. By letter dated April 6, 2022, the Planning Board authorized the release of \$125,500.00.

Accordingly, please release \$10,000.00 to Southfield Associates, c/o Mr. Greg Petrini, 187 Rosemary Street, Needham, MA 02494.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning & Community Development

cc: Carys Lustig, Director, Department of Public Works
Tom Ryder, Town Engineer
David Roche, Building Commissioner
Gregory L. Petrini, Petrini Corporation
John Connelly



NEEDHAM PUBLIC HEALTH DIVISION



Memo

To: Lee Newman, Planning Board
Alex Clee, Planning Board
From: Tara Gurge, Public Health Division
Date: November 28, 2022
Re: Hutter Ridge Road Subdivision (1135 Webster Street) - Off-Street Drainage Bond release approvals for Lots 1 – 7

The Public Health Division has received a request from Gregory Petrini, at Petrini Corporation, that he is seeking a release of the performance off-street drainage bonds for the Hutter Ridge Road (1135 Webster Street) definitive subdivision lots noted above. We understand that the town is currently holding \$3,500.00 for each lot, for a total off-street drainage bond amount of \$24,500.00 for the seven lots.

The owners and abutters of these properties were notified by the builder via certified mail of this bond release request to determine if they had any concerns relating to off-street drainage/erosion issues on or around these properties. We have not received anything back in writing to date regarding this request. Site visits of these lots were also conducted, and no water pooling or improper grading issues were observed.

The Needham Board of Health approved the release of all seven lots, for a total bond release amount of \$24,500.00 for these off-street drainage bonds, at our monthly Board of Health meeting which was held on Tuesday November 22, 2022.

Please contact me at the Public Health Division if you have any questions or need additional information.

cc: Gregory Petrini, Petrini Corporation
Natalie Melanson, Petrini Corporation
Timothy McDonald, Health and Human Services Department

HutterRidgeRdSubdivBondRel.11.22.22

TOWN OF NEEDHAM HOUSING PLAN



The Kendrick

Prepared by the Needham Housing Plan Working Group

Jeanne McKnight, Co-Chair	Planning Board
Natasha Espada, Co-Chair	Planning Board
Rhonda Spector	Citizen At Large
Oscar Mertz	Citizen At Large
Emily Cooper	Citizen At Large
Ed Cosgrove	Board of Health
Helen Gregory	Council on Aging
Carol Fachetti	Finance Committee
Ed Scheideler	Housing Authority
Heidi Frail	Select Board
Marcus Nelson	Select Board
Michael O'Brien	School Committee

Needham Department of Planning and Community Development

Lee Newman, Director of Planning and Community Development
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TOWN OF NEEDHAM

HOUSING PLAN

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TOWN OF NEEDHAM HOUSING PLAN

I. EXECUTIVE SUMMARY

Needham is a desirable place to live, work, and raise children. However, an excellent school system, proximity to jobs, public transportation into Boston, and other factors; housing in town has become very expensive. To address this issue, the Needham Planning Board is sponsoring this Housing Plan to obtain updated information on housing conditions and identify local housing needs and priorities to guide decision-making on the Town's future housing agenda.

To undertake this work, the Planning Board appointed a Working Group composed of representatives of various local boards and committees as well as at-large members of the community. The active engagement of local leaders, housing stakeholders, and residents is a key component of the process of preparing this Housing Plan and has included several community meetings and a community housing survey.

The Town of Needham has not had an approved Housing Plan in place since 2007, although it has made considerable progress in producing affordable housing since then, adding 894 new state-approved units¹ to its Subsidized Housing Inventory (SHI) and surpassing the state affordability goal of 10%. Despite reaching this threshold, the Town recognizes that significant unmet housing needs remain.

The Town of Needham has approximately 11,800 total housing units with a median single-family house price of \$1.29 million in 2021 (\$885,000 for condominium units), up from \$1,065,000 (+21%) and \$805,000 (+10%), respectively, as of the end of 2019. Housing prices are high and rising, up to \$1.45 million and \$850,000 for single-family homes and condos, respectively, as of September 2022. Further evidence of tight market conditions includes vacancy rates for rental and homeownership units of only 2.6% and 1.0%, respectively. Few homes in the private housing stock are affordable to low- and moderate-income residents. These conditions are exacerbated by substantial teardown activity where contractors replace modest older homes with larger very expensive ones, further driving up housing prices and eroding housing options.

The pandemic and higher interest rates do not appear to be making a large dent in the prices of homes in town. Income loss during the pandemic, rising property taxes due to escalating housing values, and other higher housing-related costs have contributed to a widening affordability gap with some residents struggling to remain in the community.

Fundamental to the rise in housing prices is the imbalance between housing supply and demand. This is not just a local problem but one that is occurring throughout much of the Commonwealth, the Greater Boston area in particular. Regional solutions to boosting housing production are needed, albeit challenging given the discretion provided to municipalities in adopting their own zoning by-laws and ordinances under the home rule amendment to the Massachusetts Constitution which authorizes local by-law enactment.

¹ A total of 894 units were added to the Massachusetts Department of Housing and Community Development ("DHCD") Subsidized Housing Inventory (SHI) maintained under MGL Chapter 40B, although 238 were actually affordable to those with incomes at or below 80% of area median income and 656 were market-rate rental units.

The Housing Plan Working Group, along with community members who attended meetings on January 27th and March 24th and filled out the Community Housing Survey, have identified maintaining a very diverse and welcoming community as our highest priority for the Town of Needham. To achieve this priority, it is imperative that our housing stock provides options for residents of all ages, races, ethnicities, gender identification, sexual orientation, religion, abilities, and stages of life.

It is the premise of this Housing Plan to create housing opportunities that will not only be affordable to low- and moderate-income households but will remain so for as long a period as possible, striving to remain above the state's Chapter 40B 10% affordability goal. Staying above this threshold offers the Town a strong negotiating position with developers to ensure that new units are created in the context of the Town's needs and preferences. It is also the intention of the Housing Plan to address the wide range of housing needs in the community to the greatest extent possible based on diverse target populations, including those who might have incomes above state limits but are still priced out of the housing market.

Through a range of strategies including zoning changes, partnerships with developers and service providers on housing development and preservation efforts, and approaches to boosting local and regional capacity to promote greater housing diversity and affordability; the Town can continue to play a meaningful role in promoting housing options that match people to appropriately priced and sized units – producing housing that reflects the guiding principles included in Section II.C and the following **community housing priorities**:

- *Households with Limited Incomes – Need affordable rental housing*
There still remains a population living in Needham with very limited financial means. Given the high costs of rental housing, including sizable up-front costs (first and last months' rent, a security deposit, and moving expenses), more subsidized rental housing is necessary, particularly for the community's most vulnerable residents and its workforce. Additionally, almost all state subsidies are targeted to rental development which enables the Town to leverage local investments and build at some higher scale.
- *Gaps in Affordability and Access to Affordable Housing – Need affordable homeownership opportunities*
Housing in Needham is expensive with large gaps between what housing costs and what many residents can afford. There are also substantial cost burdens for owners with incomes at or below 100% AMI. Even though Needham has a very high level of homeownership, at 84%, there would be a public benefit for the Town to promote opportunities for younger households to purchase a starter home and establish roots in the community. A wider range of affordable homeownership options is also needed for municipal employees, other local employees, and seniors looking to downsize. Many older adults are living in homes that are larger than they need, costly to maintain, and potentially isolating; but there are limited alternatives that better address their current lifestyles, resources, and potential special needs.
- *Special Needs Housing – Need handicapped accessible units and supportive services*
An estimated 2,262 residents, or 7.4% of all civilian, noninstitutionalized residents, identified themselves as having a disability.² Given this level as well as the aging of the population, greater

² The U.S. Census defines disability as a long-term physical, mental, or emotional condition that can make it difficult to do basic activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. Many residents

emphasis should be placed on housing that is linked to appropriate supportive services and promotes increased conformance with universal design guidelines for handicapped accessibility, adaptability and “visitability”. Beyond the increasing needs of older adults, this planning process attracted input from parents who find it difficult to secure suitable housing for their children with disabilities when they turn age 22.

A summary of recommended housing strategies is included as Appendix 6 which provides information on the proposed action, entity primarily responsible for implementation, whether Town Meeting approval is required, the level of complexity, prerequisites or resources required, as well as the timeframe for implementation. Details on proposed strategies are included In Section IV with the **following proposed actions as part of the Town’s future housing agenda for consideration:**

This Housing Plan stresses the need to develop a more holistic or comprehensive orientation towards zoning to avoid having to be reactive on a project-by-project basis. Zoning strategies are meant to help the Town be more intentional in its permitting, looking at Town-wide opportunities for directing future development.

Zoning Strategies

- *Comply with MBTA Communities Guidelines* under Section 3A of the State Zoning Act that mandates a certain level of by-right multi-family housing zoning in each community within or adjacent to the Massachusetts Bay Transportation Authority (MBTA) service area. The level for Needham is 15% of its housing stock, and recommendations include expanding the A-1 zoning requirements of up to 18 units per acre in areas located primarily along the Highland Avenue and Chestnut Street corridor.
- *Adopt town-wide inclusionary zoning* that wherever possible will require at least 12½% of units in projects of six or more units be eligible for inclusion in the SHI with some provision of payments in-lieu of units for subdivisions of less

than six units.

- *Broaden requirements for Accessory Dwelling Units (ADUs)* to eliminate the requirement of occupancy by family members and caregivers and enable owners to obtain additional income, among other benefits, which is particularly helpful to older owners on fixed incomes. Approval of units within single-family units will be by-right with Design Review Board review, however, some units in detached structures may be allowed under special permit.
- *Promote greater energy efficiencies in housing* that is being explored as part of the recently-appointed Climate Action Plan Committee’s work to guide the Town in developing a plan that meets or exceeds the State’s climate mitigation and resilience goals.
- *Consider options for promoting development in appropriate locations* by incentivizing new housing development in areas that address smart growth principles by calling for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.
- *Consider options to better control teardown activity* to discourage the demolition of more modest homes and replacement by much larger and newer homes that many residents feel do not fit into neighborhoods. Such considerations could include further amendments of the dimensional thresholds for lot coverage, FAR, setbacks, and height restrictions for new homes as well as a potential tree removal by-law, changes to the demolition delay by-law, and additional historic districts.

with one or more disabilities face housing challenges due to a lack of housing that is affordable and physically accessible.

For Further Study/Future Consideration (recommended as part of the planning process but not fully vetted by the Working Group)

- *Consider allowing 2-family homes by-right in single-family zones.*
- *Evaluate the feasibility of mixed-use development with affordable housing on the municipal parking lot in Needham Center.*
- *Explore options to establish a Chapter 40R "Smart Growth" Overlay District(s) in Needham.*

Housing Development and Preservation Strategies

- *Support Needham Housing Authority's Preservation and Redevelopment Initiative (PRI) to enable NHA to make essential improvements to its property inventory while also potentially yielding buildable lot areas for additional deeply affordable or more diverse income affordable housing.*
- *Continue local programs that address health and safety issues including the Small Repair Grant Program that provides grants of up to \$5,000 for health and safety repairs to qualifying local homeowners. Also consider reintroducing the Safety at Home Program that provided assessments of home hazards, especially regarding potential trips and falls, as well as a discussion of other fall risk factors.*
- *Strategically invest and leverage local resources to access other important resources, both financial and technical, to finance new projects and programs.*
- *Promote housing for special needs populations to ensure that Needham's residents with disabilities, both young and old, have opportunities to secure not only affordable but also accessible housing in the community.*
- *Renovate/replace the Stephen Palmer Property as the lease will expire in a few years, in May 2027, and it is time for the Town to revisit its options for redeveloping the property. As in the past, the Select Board should consider appointing a special Committee or Working Group to examine the property's potential for maximizing its reuse for affordable and/or moderate-rate housing when the lease expires, making sure to respond to the needs of existing tenants.*
- *Prepare an inventory of potential public and privately-owned development opportunities through the appointment of a Working Group of representatives from various Town boards and committees to revisit the feasibility of properties that were identified for potential housing development in the past and to determine the suitability and availability for developing affordable housing on additional publicly-owned property. Similarly, this Working Group could also be tasked with identifying privately-owned parcels that hold some development potential.*
- *Consider waiving application fees for affordable housing on any development that includes affordable units or as an additional incentive for projects that are directed to below market units in accordance with the Guiding Principles and Priority Housing Needs identified in this Housing Plan.*

For Further Study/Future Consideration

- *Make enhanced homebuyer assistance available.*
- *Support state legislation or consider a Home Rule petition for a transfer tax or impact fees on high-value home sales.*
- *Consider further property tax reductions or deferrals for qualifying seniors with high cost burdens.*

Capacity Building Strategies

- *Continue to provide community outreach and education on housing to engage the community in discussions related to affordable housing and to present information on the issue to dispel*

misinformation and help galvanize local support, political and financial, for new affordable housing production.

- *Monitor targeted housing goals and the SHI* by annually monitoring progress with respect to the implementation of this Plan by the Affordable Housing Trust, including targeted production goals, with staff support from the Department of Planning and Community Development.
- *Identify impacts of housing proposals* through impact analyses of housing initiatives on a project-by-project basis with further consideration of greater proactive instead of reactive studies to guide new development.
- *Boost local and regional support and collaboration for housing* by revisiting the Affordable Housing Trust's roles, responsibilities and membership vis a vis the implementation of this Housing Plan with potential Planning Board/Planning and Community Development Department roles in guiding housing vision and Plan implementation. Also consider participation in CHAPA's Municipal Engagement Initiative (MEI) to support efforts at local and regional coalition building around housing production and preservation.

For Further Study/Future Consideration

- *Conduct a racial impact study.*
- *Explore potential reductions in local preference in affordable housing lotteries.*

II. INTRODUCTION

A. PURPOSE OF THE PROJECT

This Housing Plan represents an effort to update and augment information that was included in an Affordable Housing Plan, completed in 2007. The 2007 Plan was the culmination of a lengthy process on the part of the Town of Needham to better understand and address unmet community housing needs. In the fall of 2002, the Needham Select Board created the Comprehensive Community Housing Study Committee, made up of both Town officials and local residents, to coordinate, research and make recommendations to the Town about ways to maintain and increase housing options for individuals and families with low- and moderate-incomes. With assistance from Needham's Planning Department, consultants and state funding under Executive Order 418, the Committee undertook a vigorous program of research and public workshops for more than a year that culminated in a completed Community Housing Plan.

In June of 2006, the Select Board appointed a special Affordable Housing Plan Task Force to work with the Town Planner and selected consultants on updating the above-mentioned Executive Order 418 Community Housing Plan to make sure it reflected current market conditions, the status of housing initiatives, and the updated HUD Consolidated Plan,³ setting production goals over the next decade to get to the Chapter 40B 10% state affordable housing goal.

More than 15 years have passed since then and significant progress has been made with respect to boosting housing production and building local capacity for promoting additional housing opportunities including the following important accomplishments:⁴

- Since 2006, the Town's Chapter 40B Subsidized Housing Inventory increased from 498 to 1,410 units or from 4.61% to 11.86% of its year-round housing stock for a net increase of 912 state-approved units.
- The Needham Housing Authority (NHA) coordinated a \$2 million modernization project that expanded the living areas and renovated the kitchens of units in its High Rock Estates project. Additionally, they redeveloped 20 single-family houses into 20 duplexes with a net gain of 20 units. Ten of these duplexes were redeveloped into 20 condominium units with a separate Homeowners Association but also receiving NHA support in maintaining and managing the units. The remaining units are rentals owned and managed by NHA. Since then, NHA prepared a Facilities Master Plan and has brought on consultants to guide it in the next phases of modernization and redevelopment work.
- The Town approved new zoning that created special districts to promote housing for older adults and mixed-use development with mandates for the inclusion of affordable units. It also approved a bylaw to allow the creation of Accessory Dwelling Units (ADUs) for family members or caregivers.
- Significant funding has been committed in support of affordable housing including almost \$1.5 million in Community Preservation Act (CPA) funding and \$280,000 in federal HOME Program funds.
- The Town prepared a permitting guide that clarifies what qualities Needham seeks in housing development, focused primarily on Chapter 40B comprehensive permit projects.

³ Such plans are required by HUD for receipt of HOME Program funding and updated every five years.

⁴ A more detailed report of zoning and housing production accomplishments is included as Appendix 2.

- The Town launched new programs, one to support qualifying tenants in paying their rent during the pandemic and another to help eligible homeowners undertake important health and safety improvements to their homes.

This Housing Plan provides an opportunity to obtain updated information on local demographic and housing changes and reflect on the ramifications of these changes on current housing needs. In order to move forward on a proactive housing agenda, the Town recognizes that it needs a more current understanding of the local housing dynamic to identify and prioritize unmet housing needs in the community and prepare a plan of action to address them. This planning effort will enable the Town to document the extent of local need in terms of affordability, accessibility, sustainability, and suitability that will provide input into decision-making on future regulatory and development prospects.

The Needham Planning Board has appointed a Working Group of representatives of various Town boards and committees as well as three at-large community members to coordinate the planning process. Fundamental to this planning effort is a robust community engagement process of public forums, interviews, and a survey to ensure that residents have opportunities to express their thoughts about local housing issues and an action plan.

B. TOWN OVERVIEW

Needham is a largely residential community that is located on rocky uplands within a loop of the Charles River in the eastern part of Norfolk County, about ten miles southwest of Downtown Boston. The town includes almost 13 square miles and is home to about 32,000 residents. Neighboring communities are some of the most affluent in the Boston Region and the state including Wellesley on the west and northwest, Newton on the north and northeast, the West Roxbury section of Boston on the east, Dedham on the southeast and south, and Westwood and Dover on the south.

Needham also has the great advantage of being well positioned with respect to transportation with four stops on the Massachusetts Bay Transit Authority's (MBTA) commuter rail system, a bus route connecting Needham with the MBTA's Green Line in Newton, and tremendous highway accessibility that includes Route 9 to the north and Routes 95 and 128 that run through town with two exits in Needham.

Needham is also made up of richly diverse environments, ranging from a compact Town Center, outlying areas that are more rural in character, a variety of smaller village centers and residential neighborhoods, as well as substantial and well-planned business areas. While, Town government remains under significant fiscal pressures, like virtually all others in Massachusetts, the level of services it strains to maintain is one that many communities would envy. Moreover, Needham has a well-recognized school system that has been ranked highly among others in the state. All of these amenities have resulted in Needham being a desirable place to live, work and raise a family.



Nevertheless, the Town faces some very real challenges that need to be addressed, and housing is among them. High housing costs coupled with limited state and federal resources present substantial challenges to meeting local housing needs. For example, young adult children of Needham families typically find it impossible to afford housing here, particularly if they have a disability. Many households, especially older adults with fixed incomes,

find that remaining here imposes increasingly unbearable cost burdens. Mobility within Needham is limited as “empty nesters,” even those with good incomes and substantial home equity, find downsizing to housing with services a choice that is largely unavailable at reasonable cost.

Moreover, Needham is categorized by the regional planning agency, the Metropolitan Area Planning Council (MAPC), as a “mature suburban town” characterized by mid-20th century neighborhoods of owner-occupied, single-family homes on small lots, interspersed with commercial districts and high-density residential developments. Such “maturity” reflects fewer future housing development opportunities. While there are some remaining scattered parcels of vacant developable land, most new development will have to occur through the redevelopment of existing buildings. This will likely be in areas where some greater density is welcome, such as near commuter rail stations and along commercial corridors. Moreover, almost all new single-family homes now involve the demolition of more modest homes in the community with replacement of much larger and expensive ones.

Bringing affordability to existing units is made more daunting by Needham’s extraordinary market values with a median single-family home price of almost \$1.3 million.

Within this context of housing challenges is the virtual mandate from Chapter 40B and the Commonwealth that at least 10% of all housing should be affordable based on specific requirements, regardless of market changes. As Needham has surpassed this 10% affordability threshold, it is in a position to better control new development of affordable housing as the Chapter 40B comprehensive permit process can only be used if the Town agrees to basic project terms and conditions.

C. GUIDING PRINCIPLES

This Housing Plan adopts the following guiding principles as core values in driving the Town’s future housing agenda. These become the context for the housing strategies that are proposed to address local and regional housing needs.

- To build a more diverse and welcoming community that includes residents of all ages, races, ethnicities, gender identification, sexual orientation, religion, abilities, and stages of life.
- To be a community having broad socio-economic diversity.
- To be an engaged community that actively shapes a vision for its housing future that is sensitive to regional considerations.
- To ensure that new housing is appropriate to its location and context.
- To provide opportunity for different housing types of a broad range of size and price.
- To enhance the vitality of our commercial areas to encourage walkability, commuting, shopping, services, socializing, and health.

D. DEFINITION OF AFFORDABLE HOUSING⁵

The federal government identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household's net or adjusted income (with a small deduction per dependent, for child care, extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, property taxes and insurance) is not more than 30% of gross income. The state's Chapter 40B comprehensive permit regulations and Local Initiative Program (LIP) guidelines define affordability if the household is not paying more than 30% of income on housing costs. If households are paying more than these thresholds, they are described as experiencing housing affordability problems or cost burdens; and if they are paying 50% or more for housing, they have severe housing cost burdens.

Affordable housing is also defined according to percentages of median income for the area, and most housing subsidy programs are targeted to particular income ranges depending upon programmatic goals. Extremely low-income housing is directed to those with incomes at or below 30% of area median income (AMI) as defined annually by the U.S. Department of Housing and Urban Development. Housing that targets this income group is often referred to as "deeply affordable". Very low-income is defined as households with incomes between 31% and 50% of area median income. Low-income generally refers to the range between 51% and 80% AMI. These income levels are summarized in Table II-1, comparing 2021 and 2022 income limits. The median area household income increased by 16% between these years, from \$120,800 to \$140,200.

Table II-1: INCOME LIMITS FOR THE BOSTON-CAMBRIDGE-QUINCY MA-NH METRO AREA, 2021/2022

# Household	30% AMI	50% AMI	80% AMI	100% AMI
1 person	\$28,200/\$29,450	\$47,000/\$49,100	\$70,750/\$78,300	\$84,560/\$98,140
2 persons	\$32,200/\$33,650	\$53,700/\$56,100	\$80,850/\$89,500	\$96,640/\$112,160
3 persons	\$36,250/\$37,850	\$60,400/\$63,100	\$90,950/\$100,700	\$108,720/\$126,180
4 persons	\$40,250/\$42,050	\$67,100/\$70,100	\$101,050/\$111,850	\$120,800/\$140,200
5 persons	\$43,500/\$45,450	\$72,500/\$75,750	\$109,150/\$120,800	\$130,464/\$151,416
6 persons	\$46,700/\$48,800	\$77,850/\$81,350	\$117,250/\$129,750	\$140,128/\$162,632
7 persons	\$49,950/\$52,150	\$83,250/\$86,950	\$125,350/\$138,700	\$149,792/\$173,848
8 persons	\$53,150/\$55,550	\$88,600/\$92,550	\$133,400/\$147,650	\$159,456/\$185,064

Source: U.S. Department of Housing and Urban Development (HUD) and Community Preservation Coalition for 100% AMI figures.

Most state-supported housing assistance programs are targeted to households earning at or below 80% AMI, as well as some at lower income thresholds. The Community Preservation Act (CPA) allows resources to be directed to those at a somewhat higher income threshold – up to 100% of area median income – now typically referred to as "community housing". It should be noted, however, that units in this income range cannot be counted as part of the SHI. In general, programs that subsidize rental units are targeted to households earning less than 60% AMI with some financing reaching those with incomes below 30% AMI. First-time homebuyer programs typically apply income limits of 80% AMI.

In counting a community's progress toward the Chapter 40B 10% threshold, the state counts a housing unit as affordable if it meets a number of requirements under Chapter 40B as summarized in Figure II-1. These units are often referred to as "A" affordable. It is worth noting that there are moderately-priced units available on the open market that do not qualify for the SHI and referred to as Market Affordable Housing.

⁵ Definitions of other terms are included in a Glossary of Terms in Appendix 3.

Figure II-1: CHAPTER 40B: WHAT IS AFFORDABLE HOUSING?

1. Must be part of a “subsidized” development built by a public non-profit, or limited dividend corporation or approved Through a state subsidizing agency.
2. At least 25% of the units in the development must be income restricted to households at or below 80% of area median income (or 20% for those earning at or below 50% AMI) and have rents or sales prices restricted to affordable levels. Restrictions must run at least 15 years for rehab and in perpetuity for new homeownership units.
3. Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
4. Project sponsors must meet affirmative marketing requirements.

State policies also enable municipalities to possibly reserve up to 70% of the affordable units created in state subsidized developments, including comprehensive permit projects, for those who live, work or attend school in the community, referred to as “local preference” units. State approval is required, and thus far Needham has obtained local preference approval at the 70% level for all of its eligible projects.

III. HOUSING NEEDS ASSESSMENT

It is important to closely examine demographic and economic data and trends, particularly past and future trends, in order to understand the composition of the population and how it relates to current and future housing needs. A summary of key demographic, economic and housing conditions is provided below that is further distilled into indicators of housing needs by rental vs. homeownership as well as target populations to identify priority housing needs. **Detailed demographic, economic, and housing profiles are included in Appendix 1 with substantial analyses of housing conditions, including affordability.**⁶

A. SUMMARY OF DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS AND TRENDS

Recent spurt in population growth, increasing racial diversity, and shifts towards more older adults

The 2020 U.S. decennial census identified continued population growth in Needham between 2010 and 2020, up to 32,091 residents, representing a gain of 3,205 new residents or 11%. Some of this growth is due to new multi-family rental development that included 526 additional residential units in The Kendrick and Modera Needham 40B developments. Population projections forecasted a total population of less than 30,000 residents by 2020 and 31,000 by 2030, significantly less than the 32,091 residents reported in the 2020 census.

The population has remained predominantly White, with growth in the number of Black and other residents of color as a percentage of the total population, from 5% in 2000, 9% in 2010, and up to 15% according to the 2020 census.

The 2020 decennial census data identified 8,439 residents as being under age 18, representing a 3.4% increase in growth since 2010 compared to an 11% increase in total population. The number of children decreased from 28.3% to 26.3% of all residents between 2010 and 2020. There were also losses in young and middle-aged adults during this period with those age 25 to 54 declining by 23% during this period.

Those 65 years of age or older increased from 4,700 residents in 2010 to 6,068 in 2020 or by 29% and from 16.3% to 19.5% of the population. This age group is projected to increase to 24% of residents by 2030. While many older adults want to downsize in the community, many remain in their homes because there are few appropriate and affordable options for them in Needham.

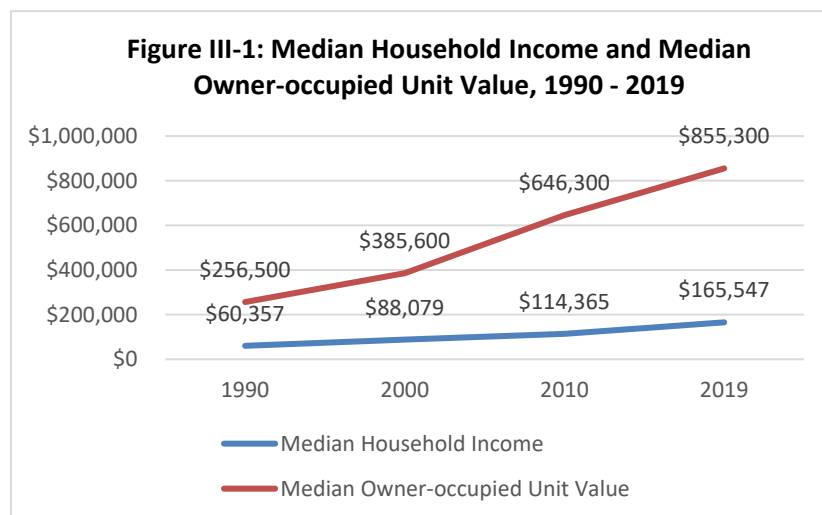
Population projections generally forecast declines in the numbers of children. The Needham Public Schools reported a student enrollment of 5,483 in the 2020-2021 school year, down from 5,645 for 2018-2019, and up considerably from 4,330 students during the 1999-2000 school year. These projections predict that student enrollments will grow to a peak of 5,946 students in the 2025-26 school year and then decline to 5,777 in 2033-2034.⁷

While the population increased by 11% between 2010 and 2020, the number of households increased by 4%, from 10,341 to 10,765 households. This suggests that households are becoming larger which is further demonstrated by the increase in average household size from 2.72 persons in 2010 to 2.82 by 2020.

⁶ As the U.S. census decennial data is limited, much of the analysis of demographic, economic and housing characteristics and trends sourced in the census as part of this Housing Plan will necessarily be based on the census estimates in the American Community Survey (ACS).

⁷ McKibbin Demographic Associates, Enrollment Projections for FY 2019/2020 to 2033/34 to the Needham Public Schools, January 2, 2019.

Smaller homes being torn down and replaced by larger ones has contributed to the increasing numbers of larger households.



Housing costs have risen faster than incomes over the decades.

The median household income grew by 30% between 1999 and 2010 to \$114,365 and then by another 53% to \$174,707 by 2020. This is more than twice the rate of inflation between 2010 and 2020 of 18.7%. As shown in Figure III-1, housing values have risen more than income, resulting in greater affordability gaps.

There were decreases in the numbers and percentages of

households in all income ranges of less than \$100,000 between 2000 and 2020, with 42% of all households earning less than \$100,000 in 2010 compared to 30% by 2020. Correspondingly, 58% of all households earned more than \$100,000 in 2010, increasing to 70% by 2020. Moreover, **44% of all households had incomes of more than \$200,000 in 2020.**

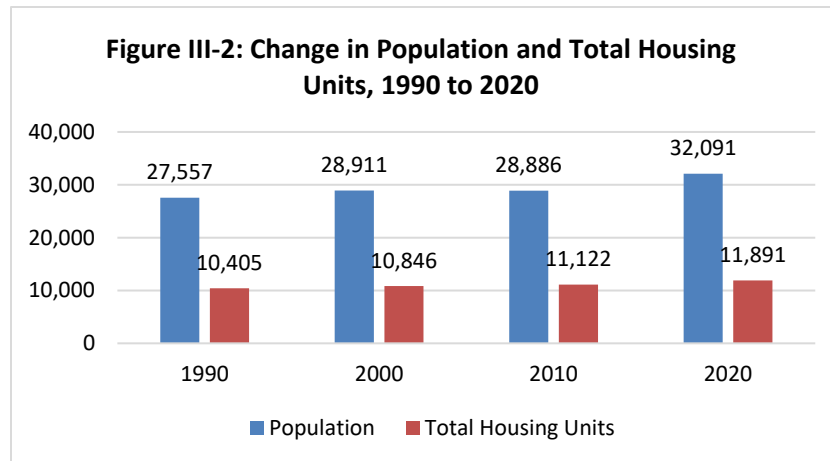
Despite generally growing prosperity, there remains a vulnerable population living in Needham with very limited financial means as 1,157 households or 10.8% of all households were estimated to have incomes of less than \$35,000, including 625 or 5.8% earning less than \$25,000. Another sign of income disparities relates to tenure. While the median household income of homeowners almost doubled between 2000 and 2020, from \$100,732 to \$203,690, the median income of renters stayed about the same, going from \$44,226 to \$44,361.

B. SUMMARY OF HOUSING CHARACTERISTICS AND TRENDS

Slower housing growth than population growth in tandem with substantial teardown activity

Population growth increased by 4,534 residents or 16.4% between 1990 and 2020 to 32,091 residents compared to housing growth of 1,486 units or 14.3% to 11,891 units as shown in Figure III-2. This higher population growth reflects higher average persons per unit which largely occurred in the owner-occupied housing stock between 1990 and 2020, from 2.83 to 3.03 persons. Average household size in rentals decreased, however, from 2.01 to 1.69 persons during this same period.

Building permit data indicates that between 2010 and 2020 there was a net gain of 720 housing units with a net increase of only 19 single-family homes. This represents a teardown level of almost 98% of all building permits issued for single-family construction during this period.



Building permit data also shows that 666 units were built in multi-family buildings of three units or more between 2010 and 2020, representing 92.5% of new unit production. Most of these units were part of the 526 units built as part of The Kendrick and Modera Needham Chapter 40B developments. Despite this significant amount of new multi-family construction, Needham's housing stock remains

dominated by single-family detached residences at 77.6% of all units with an owner-occupancy level (all owner-occupied units) of 84.5% based on 2020 census estimates.

Housing costs at unprecedentedly high levels for homeownership and rentals

Needham joined the “million-dollar club” several years ago as the median sales price of a single-family home climbed to \$1,102,000 as of January 2019 from \$976,250 as of the end of 2018. It subsequently increased to \$1.29 million in 2021. The median price for all types of condominium units was \$885,000 in 2021, up from \$805,000 in 2019.

The rental market has also changed substantially as the median rent doubled between 1990 and 2020, from \$798 per month to \$1,604. The 2020 census estimates further indicated that 65.8% of the town's rental units were renting for more than \$1,000, 50.8% above \$1,500, and 11.4% at over \$3,000. *It is also important to note that the census figures include subsidized units, which represents about 37% of all rental units in Needham, and thus median values make the rental market look more affordable than it actually is.* A more typical rent for a two-bedroom apartment is at least \$1,900 in older dwellings and over \$3,200 in newer multi-family developments.

There is very little affordability remaining in Needham's private housing stock as there was only one unit, a Habitat for Humanity house, valued below \$200,000 and just one other single-family home assessed between \$200,000 and \$300,000 that were still relatively affordable to those with incomes at or below the area median income (see Table II-1 for income levels). While almost half of the homes were assessed between \$500,000 and \$700,000 in Fiscal Year 2014, homes in this range declined to 18.7% in Fiscal Year 2022. In fact, all properties assessed for less than \$700,000 decreased from 4,987 homes, or 60% of all single-family units in FY14, to 1,684 units representing 20% of these units by Fiscal Year 2022.

A particularly important component of Needham's housing stock includes the 316 units owned and managed by the Needham Housing Authority (NHA), representing 22% of all units that the state counts as part of the Subsidized Housing Inventory (SHI). Most of these units are antiquated, without handicapped accessibility and energy efficiencies, and will require a major investment of capital to make improvements and potentially expand the number of units. This will be a major focus on the Town's housing agenda.

Growing affordability gaps and cost burdens

The affordability gap for single-family homes is estimated to have been \$482,000 in 2021, the difference between \$808,000, based on what a median income Needham household could afford (for an average

household of three and 80% financing) and the median house price of \$1.29 million.⁸ This gap is up considerably from \$211,500 as of April 2014. The upfront cash requirements for the down payment and closing costs in effect add more than another \$265,000 to this affordability gap in the case of 80% financing with a 20% down payment, an amount most first-time homebuyers lack.

When looking at the affordability gap for those with incomes at the 80% AMI limit, the gap is an estimated at \$918,500, the difference between the median priced single-family home and what a three-person household earning at this income limit can afford or \$371,500 based on the ability to secure financing with no more than a 5% down payment, such as through some state subsidized mortgage programs.

In regard to rentals, because the median household income for Needham is so high, there is no affordability gap for households earning at the median income level who could likely afford a monthly rent of almost \$4,000. However, a household with income at the 80% AMI level would encounter an affordability gap of about \$650, the difference between an estimated median rent of \$2,500 and what such a two-person household could afford of about \$1,846 based on spending no more than 30% of income on housing costs and monthly average utility bills of \$175.

Given rising housing costs and widening affordability gaps, it is not surprising that more households are spending more than they should for housing. Special tabulations of census data for HUD indicated that of the total 10,765 estimated households in Needham, 1,425 or 13.2% were spending between 30% and 50% of their income on housing with another 1,163 or 10.8% spending more than half their income on housing costs. This analysis suggests that 2,588 or 24% of all households were spending too much on their housing, commonly defined as spending more than 30% of income on housing cost and also referred to as having cost burdens.

There were 1,030 renter households and 1,060 owner households with incomes at or below 80% AMI, which included 57% or of all renter households and 11.8% of owner households.⁹ Of the 1,810 reported renter households, 620 or 34.2% were experiencing cost burdens compared to 708 or 7.9% of owners. Consequently, renters were proportionately experiencing greater cost burdens although the total number of cost-burdened owners was a bit higher.

Of the 1,030 renter households with incomes at or below 80% AMI, 60.2% were experiencing cost burdens including 38.4% with severe cost burdens. In comparison, 66.8% of the 1,060 owner households were overspending including 46.0% with severe cost burdens. It is likely that many of these cost-burdened owner households are “cash poor but equity rich” in that their incomes might have qualified them for purchasing an affordable unit (that would qualify for the SHI) but their financial assets, particularly the equity in their homes, would render them ineligible for such housing.¹⁰

⁸ Figures based on interest rate of 4.0%, 30-year term, annual property tax rate of \$13.03 per thousand, insurance costs of \$6 per thousand for single and two-family homes and \$4 per thousand for condominium units, and private mortgage insurance (PMI) estimated at 0.3125% of loan amount for 95% financing, and estimated monthly condo fees of \$300. Figures do not include underwriting for PMI in calculations with a 20% down payment and for the 80% AMI level at 95% financing that would assume that the purchaser qualified for the ONE Mortgage Program, MassHousing, or other government mortgage offerings for example. Assumptions also include the purchaser spending no more than 30% of income on housing costs.

⁹ HUD uses Median Family Income (MFI) in this report which is the equivalent of Area Median Income (AMI).

¹⁰ State asset limits are \$75,000 plus a maximum of \$200,000 in net equity from a former home for those purchasing a unit in age-restricted housing, a maximum of \$75,000 for all other households.

The convergence of these trends – an aging population, high housing prices, lower housing production, limited housing diversity, challenges in obtaining subsidies, and large up-front cash requirements for homeownership and rentals – all point to widening affordability gaps and increasing cost burdens. Consequently, without major interventions at all levels of government, Needham and many other communities in the Greater Boston area will continue to lose ground on their ability to be a place where individuals and families across a range of economic and social strata can call home.

C. PRIORITY HOUSING NEEDS

Given the high numbers of residents who are paying too much for their housing (see Table 41 in Appendix 1) and growing affordability gaps, there is a pressing need to produce more housing that is affordable in Needham, not only for the most financially-vulnerable residents, but also for those who may not meet all affordable housing requirements but are still struggling to remain in the community. Needham's Council on Aging and Public Health Department prepared an Assessment of Housing and Transit Options for Needham Seniors in August 2016 that suggested that the affordable housing problem is greatest for moderate-income people who do not qualify for subsidized housing but cannot afford market rate housing. Nevertheless, it is important to note that even if a household qualifies for subsidized housing, there are not nearly enough units to meet all of the need nor demand.

The major obstacle to meeting underserved needs is the gap between these needs and the resources available, including real property, which has been exacerbated by unprecedentedly high housing prices. Constraining regulations, low interest rates, and the pandemic have also contributed to rising housing prices.

Fundamental to the rise in housing prices is the imbalance between housing supply and demand. This is not just a local problem but one that is occurring throughout much of the Commonwealth, the Greater Boston area in particular. Regional solutions to boosting housing production are needed, albeit challenging given home rule which authorizes local bylaw enactment in compliance with state oversight.

This Housing Plan provides a road map for devising and implementing strategies to preserve and produce additional community housing options, directing development to appropriate locations and target populations.

Based on input from a wide variety of sources including updated census data, market information, input from local stakeholders, and community meetings; the following priority housing needs have been identified.

Rental housing is the greatest priority

Both rental and ownership housing are necessary to encourage a mix of housing types in response to diverse populations and household needs. There is, however, a more compelling case for rental unit creation based on the following considerations:

- Target the needs of the community's most vulnerable residents with very limited financial means as rental housing is typically more affordable and requires less up-front cash.
- Promote greater housing diversity as 84.5% of Needham's housing stock is owner-occupied and 82.7% involves single-family homes. More housing options are necessary to meet the needs of

local workers who are priced out of the housing market, people who grew up in Needham and want to remain in the community, and empty nesters, for example.

- Better leverage other funds, as state and federal resources are almost exclusively directed to rental housing development, family rentals in particular, unless the municipality has been designated as a Gateway City or has qualified low- and moderate-income census tracts (Needham does not).
- Invest locally-available subsidy funds (e.g., CPA, Needham Affordable Housing Trust Funds, HOME Program funds) in support of greater numbers of households/occupants over time as rentals turnover more regularly than ownership units.
- Respond to new state guidelines for MBTA communities in creating new transit-oriented zoning districts with by-right permitting for a minimum land area of 50 acres, minimum gross density of 15 units per acre, and minimum multi-family unit count of 20% of the Town's total housing units or 2,378 units.
- Provide opportunities for some seniors who are "over-housed" and spending far too much on their housing to relocate to more affordable and less isolated settings, opening up their homes to families requiring more space. Create new income opportunities (e.g., through Accessory Dwelling Units or conversions to two-family homes) that could also help these cost burdened seniors.
- Enhance the ability to qualify occupants for housing subsidies as state requirements for including units on the SHI make it very difficult for long-term homeowners to be eligible for subsidized or assisted housing given asset limits.
- Provide opportunities for mixed-income housing where several different income tiers can be accommodated within the same project.

Indicators of Need for Rental Housing

As detailed throughout this Housing Needs Assessment, the following considerations suggest a pressing need for more affordable rental housing:

- *Limited incomes* – About 21% of all renter households had incomes of less than \$25,000 based on 2020 census estimates. Additionally, there was an increase in the number and percentage of renter households with incomes at or below 80% AMI between 2015 and 2018, from 53% to 57%. The median income earning renter, with \$44,361 in annual income, could afford a rent of no more than about \$934 given spending of no more than 30% of income on housing costs including an estimated \$175 in monthly utility bills. This makes it extremely difficult for lower income households to find affordable market rentals without spending far too much on housing.
- *High cost burdens* – Needham's renters are spending too much for their housing with 41% of all renter households overspending including 25% with severe cost burdens as they were spending more than half their income on rent and utilities.

Of the renters with incomes at or below 80% AMI, 60% were experiencing cost burdens, 38% with severe cost burdens. Of particular concern were the 450 renter households with incomes at or below 30% AMI, referred to as extremely low-income households by HUD. Of these, 54% were experiencing cost burdens, 48% with severe cost burdens. Additionally, of the 580 renter households earning between 30% and 80% AMI, about half were overspending including 31% with incomes in the 30% to 50% AMI range that had severe cost burdens. None of the households in the 50% to 80% AMI income category were reported to have had severe cost burdens. *The focus*

of rental housing production should be on those earning at or below 80% AMI to the greatest extent possible, at lower incomes where feasible.

- *High rents* – The 2020 census estimates indicated a gross median rent of \$1,604 which would require an income of about \$77,160, assuming \$175 per month in utility bills and housing expenses of no more than 30% of the household's income. Not only is the median income of renter households much lower at \$44,361, but market rents are typically much higher and tend to be beyond the reach of lower wage earners (see Table 34 in Appendix 1). *Moreover, it is also important to note that the census figures include subsidized units, which represents about 37% of all rental units in Needham, and thus the U.S. Census reported median gross rent makes the rental market look more affordable than it actually is.*

Market rents are typically much higher and a relatively low-priced listing for a two-bedroom unit of about \$2,500 would require an income of about \$107,000 based on \$175 in average monthly utilities costs without cost burdens.

- *High up-front move-in expenses* – Many apartments require first and last months' rent plus a security deposit. For a \$2,500 apartment, that totals as much as \$7,500, an amount that many prospective tenants do not have available. Additionally, because many of Needham's rental opportunities in smaller properties are not advertised, those who do not have a special connection to the community are often out of luck.
- *Deficit of affordable rentals* – Calculations in Table 40 of Appendix 1 suggest that there is a shortage of 620 rental units for those with incomes at or below 80% AMI. Since this data was reported in 2018, it is likely that some of this need was subsequently addressed by The Kendrick or Modera Needham Chapter 40B developments for those in the 50% to 80% AMI range but not for those with incomes below which comprise the greatest need of 500 units. Given rising housing costs, it is likely that the deficits have grown and more units will be out of the range of low-income households.
- *Low vacancy rate* – The 2020 census estimates identify the rental vacancy rate as 2.6%, lower than county and state levels of 3.1% and 3.3%, respectively. As any rate below 5% is largely recognized to reflect extremely tight housing market conditions, this information confirms a very robust rental market.

Rental Needs of Older Adults

Rental housing needs of older adults are growing and cost burdens remain high as noted below. Clearly housing alternatives to accommodate the increasing population of older residents such as more handicapped accessibility, housing with supportive services, and units without substantial maintenance demands should be considered in housing planning efforts.

- *Recent population growth* – The number of those 65 years of age and older increased to 6,068 residents and 19.5% of the population according to 2020 census estimates, from 4,700 residents and 16.3% in 2010. This increase was largely driven by those age 65 to 74.
- *Significant projected growth* – As the community's Baby Boomers continue to enter the 65 years and over age range, the numbers of older adults is forecasted to increase over the next decade or

so to about one-quarter of all residents. The housing challenges of this expanding population of seniors will need to be addressed in the Town's housing agenda.

- *Significant population of renters* – The highest number and proportion of renters included those 62 years of age or older, representing 895 households or about half of all renter households.
- *High cost burdens* – About 60% of the 570 elderly renter households with incomes at or below 80% AMI were overspending on their housing, including 255 or about 45% with severe cost burdens. Those remaining 230 older adults earning below 80% AMI and not overspending were likely living in Needham's subsidized housing reserved for seniors (265 units) or other subsidized or 40B developments.
- *Insufficient income* – Most older adults living on fixed incomes and relying substantially on Social Security find that their income may not be sufficient to afford their current housing and other expenses, particularly when they lose their spouse. As their homes increase in value, so do their property taxes unless they qualify for special tax exemption or deferral programs. Moreover, many Needham households likely could be termed as "over-housed" given the disparity between the average-sized, owner household of three persons and the median-sized, owner-occupied unit of 7.5 rooms with three to four bedrooms.

Older adults relying primarily on Social Security are likely to have monthly incomes that fall far below what is needed to afford market rents.

- *Long waits for subsidized housing* – The Needham Housing Authority focuses on "deeply" affordable housing for those with incomes at or below 50% AMI and no tenant pays more than 30% of annual income for rent. Waitlists are very long. In regard to the NHA's elderly/disabled units, there were 227 on the waitlist with waits of approximately six months to a year.

Moreover, the Needham Department of Health and Human Services conducted an Assessment of Needham Housing Authority Residents in 2019 in an effort to understand the needs of these residents and to increase their access to a range of Town services. Through interviews, focus groups, and a survey; assets and challenges emerged from the study that suggested the need for strong partnerships among the Needham Housing Authority, Town of Needham, community organizations, and residents to address unmet tenant needs including:

- Improvement of the physical environment including greater handicapped accessibility.
- Greater connections to other residents and the community.
- Better access to services including mental health and transportation.

NHA has addressed most of the findings and recommendations in this report including improved communication protocols, the hiring of a part-time Public Safety Coordinator, increased staff focus on property maintenance, and new onsite activities among other important improvements.

Rental Needs of Families

Given the level of cost burdens, there are many low- and moderate-income families in Needham that have been struggling to pay their bills, with housing expenses likely chief among them. Given an impending crisis, a family may become at risk of homelessness, some forced to double-up with friends or family

and/or live in substandard conditions while waiting for subsidized housing or a Section 8 Housing Choice Voucher. The pandemic exacerbated the housing instability of some of these families.

- *High cost burdens* – A total of 80 or 37% of the 215 small families (2 to 4 household members) with incomes at or below 80% AMI were paying too much for their housing. It is likely that many of those without cost burdens were living in affordable housing. Additionally, the number of small family renter households has grown from 109 in 2011, which may be a result of the opportunities offered as part of the larger Chapter 40B developments.

The data identifies only 25 large families (5 or more members) that were renting in Needham, 10 with cost burdens. The number of such households is down from 65 in 2011, all of which were experiencing severe cost burdens. This reduction of large family renters likely reflects some erosion of relatively affordable larger units for rent in the private market.

- *Fewer subsidized housing opportunities and long waits* – NHA has 559 applicants on its wait list for their 90 family units (30 at Captain Robert Cook Drive, 60 at High Rock, and 20 at High Rock Homes) including 359 applicants for two-bedroom units, 167 for three-bedrooms, and 33 for four-bedroom units. Waits for these units extend to three to five years. None of the units are handicapped accessible. NHA also administers 120 Section 8 Housing Choice Vouchers that subsidize the difference between HUD Fair Market Rents (FMRs) for the Boston area and a percentage of household income, with long waitlists as well.

Rental Needs of Non-elderly Individuals

There are also considerable numbers of lower income non-elderly, non-family households in Needham, mostly single individuals, experiencing cost burdens and long waits for subsidized housing that make finding appropriate affordable housing a challenge. Some of these individuals have disabilities that further complicate their housing problems as many who are reliant on Social Security tend to be among the most financially vulnerable residents in a community. Not only do they have to face the challenge of finding housing that they can afford, but they may require units that accommodate their special needs as well. It is no wonder that some find themselves at risk of homelessness and forced to move to another community with more affordable and accessible housing options.

- *Significant but declining population of these renters* -- Non-family, non-elderly households (under age 62) comprised 21% of all renter households, down from almost 30% in 2015. A total of 235 or 63% of these renters had incomes at or below 80% AMI. The remaining 140 such renters had incomes of at least 100% AMI and may include single professionals that were attracted to the market units as part of the larger Chapter 40B developments.
- Adult children who were raised in Needham and want to remain in the community are back living with their parents as they cannot find places they can afford.
- *High cost burdens* - There were also 235 non-elderly, non-family households (largely single individuals) earning at or below 80% AMI, of which 81% were overspending on their housing, including 55% with severe cost burdens. This is up from 31% and 35% with severe cost burdens in 2011 and 2015, respectively. These individuals may be good targets for new Accessory Dwelling

Units (ADUs) should the Town change zoning to allow occupancy by those without family ties or performing the role of caregiver.

- *Long waits for subsidized housing* – 13.5% of NHA’s units in elderly developments are targeted to younger individuals (age 18 to 61) who are disabled with 14 applicants on the waitlist.

New ownership opportunities are also a priority

Efforts to provide starter homes for first-time homebuyers and better housing alternatives for empty nesters should be promoted to address several objectives including:

- Provide opportunities for families who want to invest in Needham but are shut-out of the current housing market.
- Create first-time homeownership opportunities for those with incomes in the 50% to 80% of area median income range, including those who work in the community.
- Potentially develop units for those with incomes in the 80% to 100% AMI range that would be eligible for Community Preservation Act (CPA) assistance and are challenged to afford market rate units.
- Offer more affordable housing alternatives to empty nesters who want to downsize, thus opening their existing homes to families and enabling them to stay in Needham. The need for elevator access in multi-family properties is particularly important for this population. Condominium unit ownership offers the security of ownership at a lower price than single-family home ownership, with significantly less maintenance, utility, insurance and tax burden.
- Lend additional stability to neighborhoods as homeowners are perceived as more rooted and invested in the community with less unit turnover.
- Enable children who were raised in the community to return to raise their own families locally.
- Provide housing options for municipal employees and other local workers who want to invest in the community in which they are working.

Because state and federal subsidy programs are almost exclusively targeted to rental housing, there are limited opportunities to leverage local investments such as CPA funding or public property sites.¹¹ Consequently, most homeownership developments that include affordable units are permitted through Chapter 40B, where market units cross-subsidize affordable units, or are very small in scale and heavily reliant on CPA funds. Additionally, due to the high land costs in Needham and limited opportunities to leverage local funds, the subsidy needed to fill the affordability gap would typically be extremely high on a per unit basis, perhaps as much as \$500,000 to target those at the 80% AMI level unless the property was donated and some density could be incorporated.

Indicators of Need:

The rising cost of housing is shutting increasing numbers of residents out of the private housing market, particularly the ownership market. In fact, Needham joined the “million-dollar club” several years ago as the median sales price of a single-family home climbed to \$1,102,000 as of January 2019 from \$976,250 as of the end of 2018. It subsequently grew to \$1.29 million in 2021. High upfront costs also challenge first-time purchasers. More affordable options are necessary that can support a range of incomes based on the following indicators of need:

¹¹ MassHousing administers the Commonwealth Builders Program to help subsidize homeownership development but funding is limited to Gateway Cities or qualifying census tracts (Needham does not have).

- *Few subsidized ownership units* – Only 17 units or 1.2% of the Town’s SHI involve ownership. All of these units were permitted through the Chapter 40B comprehensive permit process.
- *Deficit of affordable units* – Table 39 in Appendix 1 demonstrates a substantial need for more affordable homeownership opportunities for those with incomes at or below 80% AMI with even a deficit in units for those with incomes in the 80% to 100% AMI range. These calculations suggest that of the 1,060 owner households who were estimated to have earned at or below 80% AMI in 2018, there were only eight single-family homes and 147 condominium units that would have potentially been affordable to them based on FY22 assessed values and other assumptions listed in Table 36 in Appendix 1, including spending no more than 30% of income on housing costs. It is likely that many of these owner households are “cash poor but equity rich” in that their incomes might have qualified them for an affordable unit, such as those permitted under Chapter 40B or mandated by inclusionary zoning for example, but their financial assets, particularly the equity in their homes, would render them ineligible for such housing.¹²
- *High affordability gaps* – When looking at the affordability gap for those with incomes at the HUD 80% AMI limit, the gap is an estimated \$918,500, the difference between the median priced single-family home of \$1.29 million and what a three-person household earning at this income level could likely afford, or \$371,500 based on 95% financing. This gap is up substantially from \$556,500 in 2014. In the case of 80% financing, the gap would decrease to \$869,500.

As to condominium units, the affordability gap for those with incomes at the 80% AMI limit is about \$553,500, up from \$281,750 in 2014. This is based on 95% financing and assumes the purchaser would qualify for the state’s ONE Mortgage Loan Program, MassHousing mortgage, or other government assisted financing.

- *High cost burdens* – Special HUD data indicated that of the 8,955 owner households, 12.8% were overspending on their housing, including 7.8% with severe cost burdens. This is down from 24% with cost burdens and 8.7% encountering severe cost burdens in 2015. Of the 1,060 owner households with incomes at or below 80% AMI, two-thirds had cost burdens with 46% experiencing severe cost burdens. Such cost burdens make it extremely difficult for many owners to afford the costs of maintaining their homes, thus likely forced to defer necessary home improvements.

Almost all owners with incomes at or below 30% AMI were overspending including 92.4% with severe cost burdens. This suggests that the Town continue to explore options for reducing housing costs for these extremely low-income households, most of whom are older adults. Efforts such as the Small Repair Grant Program, additional funding for the Town’s tax assistance program, and additional tax deferrals could provide much needed relief. ADUs may become another source of income for these households with zoning changes.

- *Maintain population diversity and attract young families* - Young adults in the family formation stage of their lives, in the 25 to 34-age range, decreased between 1990 and 2020, dropping to 4.9% of the population from 13.7% in 1990. An increasing number of young adults who were

¹² State asset limits are \$75,000 plus a maximum of \$200,000 in net equity from a former home for those purchasing a unit in age-restricted housing, a maximum of \$75,000 for all other households.

raised in Needham have been choosing to live elsewhere, and the high cost of housing is likely a contributing factor in addition to general preferences for living in more urban areas.

Additionally, those age 35 to 44 decreased significantly since 2000, from 17% to 6.7% of all residents by 2020. While many in this age range would likely be attracted to Needham given the high quality of its school system and other community amenities for young families, it is also likely that many have been priced out of the town's housing market.

- *Financing challenges* - Without a subsidized mortgage, households have to come up with a substantial amount of cash, potentially as much as 20% of the purchase price, thus blocking many who seek to own a home. Credit problems also pose barriers to homeownership.

Prior generations had the advantage of GI loans and other favorable mortgage lending options with reasonable down payments. Also, in prior years the median home price to income ratio was much lower than it is today (see Figure 1-1 on growing gaps between incomes and home prices), making homeownership more accessible. Given current economic conditions, the ability to obtain financing is more challenging for today's first-time homebuyers without subsidized ownership. State-supported mortgage programs, such as the ONE Mortgage Program and MassHousing offerings, can offer important financial assistance to first-time purchasers. More rigorous underwriting criteria, including more stringent credit requirements, still present challenges to obtaining mortgage financing however.

- *Extremely low vacancy rates* - The vacancy rate for homeownership units was 1% based on 2020 census estimates, reflecting very tight market conditions.

It should be noted that it is difficult for existing homeowners to qualify for new affordable housing opportunities as there are limits on financial assets and current ownership and programs typically target first-time homebuyers. Nevertheless, there are still opportunities to assist low- and moderate-income owners as further described in Section IV.

More service-enriched units with supportive services and greater handicapped accessibility are also priorities¹³

Assistance modifying a home to meet one's needs and programs that help repair and maintain a person's home, such as offered by the Small Repair Grant Program and Council on Aging's previous Safety at Home Program, should be continued, modified, and expanded as needed. New service-enriched housing for older adults, such as assisted living or independent living units with available services onsite, should be explored and encouraged. Models of housing for people with disabilities should be further explored and expanded.

Indicators of Need for Additional Units with Onsite Services for Those with Disabilities:

- *Sizable local population of people with disabilities* – A total of 2,262 residents, or 7.4% of all civilian, noninstitutionalized residents, identified themselves as having a disability.¹⁴ These levels

¹³ The term supportive services generally refers to help with Activities of Daily Living or Instrumental Activities of Daily Living that can be provided in an assisted living or nursing facility or brought into a person's apartment or home.

¹⁴ The U.S. Census defines disability as a long-term physical, mental, or emotional condition that can make it difficult to do basic activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. Many residents

of disability are largely less than county and statewide figures, but still represent meaningful special needs within the Needham community. They further suggest that the Town make a concerted effort to produce housing units that are handicapped accessible and/or have supportive services as well promote home modifications in support of those with disabilities.

- *Few options for younger residents with disabilities* – The SHI includes six special needs housing facilities that altogether total 26 affordable housing units as well as another 84 units in group homes for state Department of Developmental Services (DDS) clients scattered throughout town. As noted in the January 27, 2022 Public Education and Listening Session, these facilities are insufficient to address local needs including those of young adults with disabilities who were raised in Needham but have few options for living independently with appropriate supportive services in the community.

A SEPAC parent stated, “They say it takes a village to raise a child, and in many cases, Needham has been that village – and for our kids the need for that village extends their whole lives.” Another added, “So many of our kids have grown up supported by this town that sees itself as an inclusive community, but when it’s time for them to move out of their parents’ houses, there needs to be somewhere in town for them to live.”

The Needham Special Education Parent Advisory Council (SEPAC) developed a short survey for their members to obtain input on the affordable/supported housing needs of Needham’s children with disabilities when they reach adulthood.¹⁵ SEPAC emphasized that many of these children fall into a grey area of being unlikely to qualify for and/or be a good fit for traditional state-licensed group homes but unlikely be able to live and support themselves

independently. Needs vary but the largest subgroups appear to be those with Autism Spectrum Disorder (ASD), Down Syndrome and other developmental disabilities. There is also a subgroup with more complex medical needs who would require accessibility accommodations and 24/7 onsite trained medical staff.

SEPAC estimates that, on average, approximately three to five current Needham residents annually will need some sort of adult housing support when they turn 22. It is also important to consider that there is pent-up demand from individuals who have already turned age 22. SEPAC further indicated that, through their sample, it is expected that about half would be looking to move into adult housing upon turning age 22, the remaining half in their mid to late 20’s/early 30’s.

Indicators of Need for People who Need Accessible Housing

- *Very limited inventory of handicapped-accessible units* – Only the NHA’s federal project, Seabed’s Way, has subsidized handicapped-accessible units. Of particular concern have been the second-floor units in NHA’s senior housing at Chambers Street that can only be accessed by stairs and hopefully can be resolved at some point as part of NHA’s modernization plans.

with one or more disabilities face housing challenges due to a lack of housing that is affordable and physically accessible.

¹⁵ SEPAC membership includes students ages 3-22 under the umbrella of the Needham Public Schools, including out of district students and some who have recently aged out of the system (i.e., turned age 22).

The 2022 Annual Town Meeting provided CPA funding for NHA's Linden/Chambers Architectural and Engineering Designer Phase project to prepare a redevelopment plan that will also tackle the issue of residents with disabilities, including redeveloping a specified number of the existing 152 units to be much more disability friendly. New development plans also include additional units specifically designed for persons with disabilities. NHA is also considering significant upgrades to its provision of services with continued participation of the non-profit service provider, Springwell, in supporting resident needs.

- *Growing senior population* - As the number of seniors continues to increase with the aging of the Baby Boomers and longer life expectancies, growing numbers of residents will need better access to housing that includes on-site services and/or accessibility. Local assisted living units are also typically expensive. The assisted living and independent living units as part of Needham Residences at Wingate and the Residences at Carter Mill (may not include independent living units) will help address some of these needs.
- *Barriers to aging in place* – The Assessment of Housing and Transit Options for Needham Seniors, prepared by the Council on Aging and Public Health Department in 2016, identified specific barriers to aging in place. In addition to the high cost of housing, these barriers include the scarcity of accessible housing; the high cost of upkeep; costliness of modifying existing homes to increase accessibility; and zoning regulations that at the time prohibited Accessory Dwelling Units, also known as, in-law apartments.

The report defined an age-friendly home as one with universal design elements that make living comfortable, safe, and accessible for all people regardless of ability. Key elements include: at least one no-step entry; single-floor living; wide hallways and doors; lever-style door and faucet handles; storage within easy reach; and bathrooms with walk-in showers and higher toilets. Although minor modifications can make a home safer for older adults (installing banisters on both sides of stairways, grab bars in bathrooms, slip-proof floors, etc.), many changes are significant and costly (such as adding full bathrooms, laundry facilities, and master bedrooms to the first floor of a house, etc.). Stairlifts can provide important assistance to those who are challenged by stairs.

Summary of Unmet Housing Needs

Table III-1 provides a summary of unmet housing needs according to income level and type of household, focusing on households that are paying too much of their income on housing costs. While there are many more owner-occupied units than rentals in Needham, the number of unmet housing needs is proportionately considerably higher for rentals. For example, 41% of renters had cost burdens which is double the percentage of owners. In regard to severe cost burdens, more than one-quarter of renters were experiencing such affordability challenges compared to 8% of owners.

Nevertheless, the level of cost burdens among owners is considerable, particularly for those with incomes at or below 80% AMI. For example, almost all extremely low-income owners were spending more than half their income on housing costs. An estimated 46% of owners with incomes at or below 80% AMI had severe cost burdens compared to 38.4% of renters. This data also suggests a need for housing that would be targeted to those in the 80% to 100% AMI range, sometimes referred to as community housing, as there were 180 owners with cost burdens that included 100 with severe cost burdens. As noted earlier, there are greater challenges in developing owner-occupied housing as opposed to rentals, however, some attention to the development of new affordable condominiums is certainly warranted.

Table III-1 also provides numbers on the unmet housing needs of seniors, families, and non-elderly single individuals. In regards to seniors with unmet housing needs, there were more seniors who were owners than renters, at 715 and 570, respectively. Additionally, 68.4% of owners had unmet housing needs compared to 59.6% of renters.

Seniors comprised the greatest number of households with incomes at or below 80% AMI, including renters and homeowners, compared to families and single individuals under age 62. This is not surprising given the number of seniors who are retired and living on fixed incomes, also reflected in lower median household incomes.

In regard to families in this income range, there were also more owners with incomes at or below 80% AMI, at 300 owners compared to 215 renter households. Owner households also were experiencing a higher proportion of unmet housing needs at 63.3% compared to 40.0% for renters.

There were many more non-elderly, non-family households, mainly single individuals, who were renting as opposed to owning their home, at 235 to 45 households, respectively. Renters also had a higher level of unmet housing need at 80.8% versus 64.4% for owners or 29 owner households.

What is compelling about this documentation is the very high level of unmet housing need for those with incomes at or below the 80% AMI level. Within these limited incomes, many residents are struggling to remain in the community, some likely having to decide whether they pay their rent or mortgage versus utility bills, medical prescriptions, or food.

Table III-1: Unmet Housing Needs

Target Populations	All Units	Market Affordable Units (Without Cost Burdens)	Unmet Need/Those with Cost Burdens*
Rentals			
Extremely Low Income (Within 30% AMI)	450	205	245 (54.4% of units) spending > 30% of income on housing 215 with severe burdens – spending 50% or more of Income on housing
Very Low Income (30% to 50% AMI)	405	150	255 (63.0%) 180 with severe burdens
Low to Moderate Income (50% to 80% AMI)	175	55	120 (68.6%) None with severe burdens
<i>Subtotal</i>	<i>1,030</i>	<i>410</i>	<i>620 (60.2%) 395 or 38.4% with severe burdens</i>
80% to 100% AMI	205	145	60 (29.3%) 35 with severe burdens
Above 100% AMI	575	515	60 (10.4%) 30 with severe burdens
Total	1,810	1,070	740 (40.9%) 460 or 25.4% with severe burdens
Owners			
Extremely Low Income (Within 30% AMI)	330	10	320 (97.0%) 305 with severe burdens
Very Low Income (30% to 50% AMI)	220	37	183 (83.2%) 58 with severe burdens
Low to Moderate Income (50% to 80% AMI)	510	305	205 (40.2%) 125 with severe burdens
<i>Subtotal</i>	<i>1,060</i>	<i>352</i>	<i>708 (66.8%) 488 or 46.0% with severe burdens</i>
80% to 100% AMI	375	195	180 (48.0%) 100 with severe burdens
Above 100% AMI	7,520	5,672	1,848 (24.6%) 115 with severe burdens
Total	8,955	7,107	1,848 (20.6%) 703 or 7.8% with severe burdens
TOTAL	10,765	8,177	2,588 (24.0%) 1,163 or 10.8% with severe Burdens
Target Population in Need	All Units Occupied By Those Earning ≤ 80% AMI	Housing Available That is Affordable to Those Earning ≤ 80% AMI	All Those with Cost Burdens/Unmet Needs Occupied by Those Earning ≤ 80% AMI
Seniors (62 and over)	570 Renters	230 Renters	340 Renters (59.6%)

	715 Owners	226 Owners	489 Owners (68.4%)
Families	225 Renters 300 Owners	140 Renters 110 Owners	90 Renters (40.0%) 190 Owners (63.3%)
Non-elderly Individuals	235 Renters 45 Owners	45 Renters 16 Owners	190 Renters (80.8%) 29 Owners (64.4%)

Source: U.S. Department of Housing and Urban Development (HUD), SOCDS CHAS Data, 2018. (See Table 41 in Appendix 1) *Includes all those spending more than 30% of income on housing per Table 41 in Appendix 1. Severe cost burdens income those households spending 50% or more of their income on housing costs.

Table III-2 presents targeted affordable housing development goals based on priority housing needs over the short and longer term. The table also projects a distribution of production goals by type of household, with a further breakdown by tenure. The distribution of housing goals suggests that there be an 80% to 20% split between rental and ownership. These priorities also address another priority housing need related to providing barrier-free units and supportive services where feasible, representing at least 20% of the one-bedroom units and 10% of the two- and three-bedroom units.

Given the indicators of need that are included in this Housing Needs Assessment, even if the Town were to reach the 10% level of affordability without the inclusion of market rate units in the Chapter 40B rental developments, now at 6.24%, it will likely still have unmet housing needs in the community. Another 436 affordable units would be required to surpass the 10% threshold if the market units were not taken into consideration, **a worthy long-term development goal on which to base progress in housing production.**

**Table III-2: Summary of Priority Housing Needs and Estimated Development Goals
Based on 436 Unit Long-term Goal**

Tenure	Single Persons*/ One Bedroom Units	Small Families**/2 Bedrooms	Large Families/3+ Bedrooms
Rental Units @ 60% AMI or less	20%/70 Units	25%/87 Units	5%/17 Units
Rental Units @ 61-80% AMI	20%/ 70 Units	25%/87 Units	5%/17 Units
Rental Subtotal @ 80% of units to be produced or 348 Units	40%/140 Units	50%/174 Units	10%/34 Units
Ownership Units @ < 80% AMI	12.5%/11 Units	25%/22 Units	12.5%/11 Units
Ownership Units @ > 80% AMI	12.5%/11 Units	25%/22 Units	12.5%/11 Units
Ownership Subtotal of 20% of new units to be produced or 87 Units	25%/22 Units	50%/44 Units	25%/22 Units
TOTAL = 436 Units	162 Units	218 Units	56 Units
Special Needs* (% of <u>total</u> units to be produced)	(20%)/32 Units	(10%)/22 Units	(10%)/6 Units

Source: Largely based on Table III-1 and rationale for a greater focus on rental housing based on the considerations cited in this section. * Includes seniors. **Includes couples who are seniors.

It should be noted that the state's housing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's. etc.).

The NHA provided the following detailed breakdown of their target goals for providing deeply affordable rental units over the next 10 years.

- 1BR - 110 senior units
 - 1BR - 25 disabled units
 - 2BR - 30 family
 - 3BR - 20 family
 - 4BR - 10 family
- Total = 195 units

In conclusion, there is a need to provide support to all these types of households along a wide range of incomes. Everyone should have a right to safe and affordable housing which is so fundamental to stabilizing both individuals and families who may be living in substandard conditions and/or spending far too much for their housing. The whole community benefits when all residents have a decent and affordable place to call home.

IV. HOUSING STRATEGIES

As noted earlier, the Needham Planning Board appointed a Housing Plan Working Group to coordinate the preparation of this Housing Plan, including representatives from various boards and committees and the community at large. The Working Group met largely on a monthly basis since October 2021. In addition to these monthly meetings, the Working Group sponsored a number of important community outreach activities to attract a wide range of voices and ideas from Needham residents and leadership. Fundamental to these activities were the premises of better informing the public on basic housing requirements and conditions as well as ensuring a robust inquiry into community perspectives on the Town's future housing agenda, most importantly on the priority housing strategies that should be included in this Housing Plan. These outreach activities included:

- *Dedicated Webpages*

The Housing Plan Working Group maintained a special website dedicated to the preparation of the Housing Plan at www.needhamma.gov/housingplan2021. The Working Group also encouraged written comments from the community throughout the planning process.

- *Public Education and Listening Session*

This meeting was held virtually on January 27, 2022 to offer an early opportunity for community leaders and residents to provide their viewpoints on housing concerns, needs, and strategies for the Working Group to consider as part of its preparation of the Housing Plan. A summary of basic housing-related information was also presented.

- *Community Housing Workshop*

On March 24, 2022, the Working Group held another community-wide meeting, also held virtually, to once again present basic information on housing issues and then facilitate small breakout group discussions. Facilitated by Working Group members, these discussions involved obtaining feedback on a range of specific questions such as what affordable housing meant to each participant, aspirational goals that the Town should pursue, challenges to producing housing, best locations for new housing, and priority actions for addressing housing needs.

All attendees reconvened after the breakout group discussions when each group presented their top six priority actions. In follow-up to this meeting, attendees received a poll that listed all the top recommended priority actions and were asked to identify their top six preferences. The poll was sent to 73 people with 32 respondents. The top six actions that were selected as a result of this polling included:

1. Participate in the MBTA Communities Initiative to promote by-right, multi-family housing development in proximity to transit and change zoning as needed to participate. (69%)
2. Support the Needham Housing Authority (NHA) plans to renovate and expand their housing units. (59%)
3. Review and change zoning to allow for different types of housing in different parts of town (from modest single-family homes to multi-family developments). (41%)
4. Broaden Accessory Dwelling Unit (ADU) zoning to allow occupancy beyond those who are caregivers or related to the owner. (38%)

5. Inventory Town-owned land and identify parcels that could be used to build more housing (including those that might need regulatory/zoning changes to make housing possible) and identify owners who would be interested in developing them. (31%)
 6. Incentivize the development of higher-density, multi-family housing. (31%)
- *Community Housing Survey*
The Working Group also issued a Community Housing Survey to obtain further input from the broad Needham community on housing issues, priority housing needs, goals, and actions in particular, especially from those who were less able or interested in attending meetings. The intent was to still be open-ended in the inquiry as opposed to narrowing in on what some might view as preconceived Town priorities. The results can be accessed through this link: https://www.surveymonkey.com/results/SM-e8YNblqnvGJNxjKb1dSt_2BA_3D_3D/

In addition to this community outreach, the housing strategies that are included in this Housing Plan were informed by the following other important considerations:

- *Previous Housing Plan*
The Working Group recognized that the previous Housing Plan, prepared in 2007, was out of step with the significant demographic shifts and changing housing market conditions that occurred in the 15 or so years since. Nevertheless, it was useful to refer to the actions that were recommended in the 2007 Plan, identifying not only the progress that has been made but also those actions that are still relevant for consideration in this planning process.
- *Previous Progress*
The Needham Planning and Community Development Department prepared a report on the progress that had been made through housing production efforts and zoning changes to address housing needs. This report enabled the Working Group to gain an historical understanding of existing zoning and what prior initiatives had been most effective in addressing housing needs and boosting the Subsidized Housing Inventory (SHI). See Appendix 2 HOUSING AND ZONING ANALYSIS for this report.
- *Guiding Principles*
During its May meeting, the Working Group established a set of six guiding principles as core values in driving the Town's future housing agenda. These principles are listed in Section II.C of this Housing Plan and serve as an aspirational context to further inform the housing strategies that are included in this Housing Plan.
- *Regulatory Requirements*
Regulations and other governmental requirements are also important considerations in the actions that are proposed as part of this Housing Plan. Foremost among these requirements is the existing Zoning Bylaw, particularly bylaws related to promoting affordable housing or smart growth development; the Local Initiative Program (LIP), also referred to as the "friendly 40B Program"; and the MBTA Communities Guidelines which will require significant zoning changes related to by-right, multi-family and mixed-use development for the Town to be in compliance with the new initiative.

- *Housing Needs Assessment*

This Housing Plan includes a comprehensive and detailed analysis of updated demographic, economic, and housing characteristics and trends, including housing market conditions and affordability calculations. Through this analysis and other compelling considerations, the Housing Needs Assessment identified priority housing needs to be addressed in the package of actions proposed in this Housing Plan. These priority needs are detailed in Section III.C.7.

- *Subgroups*

During the Working Group's February meeting, it was recognized that the Working Group had a great deal of talent among its members and some had expressed an interest in being more involved in preparing the Housing Plan. Consequently, it was recommended that interested members break into Subgroups to focus on particular categories of housing strategies. Subgroups related to Zoning, Housing Development and Preservation, and Capacity Building were subsequently organized. The Subgroups have met and produced reports that recommended specific actions for inclusion in the Housing Plan.

The housing strategies that are included in this Housing Plan are summarized in a spreadsheet, referred to as the Implementation Roadmap in Appendix 6. The strategies are categorized according to Subgroup topic and then by timeframe, whether in the near-term (1-2 years),¹⁶ medium term (3-5 years) or longer-term (more than 5 years). There is also a category of actions that will likely require further study. The Roadmap also includes the lead entity responsible for implementation, whether Town Meeting approval is required, level of complexity, and identified resources or approvals that will be required.

A. ZONING STRATEGIES

Housing production is contingent not only on actual development projects but on the planning and regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources.

The State Economic Development Bill and Housing Choice legislation enacted in 2021 changed zoning approval requirements for housing-related amendments from a supermajority to a simple majority, making the passage of such new zoning somewhat less daunting.

To most effectively and efficiently execute the strategies included in this Plan, greater flexibility will be needed in the Town's Zoning Bylaw. Compliance with recent state Guidelines for communities to rezone for by-right, multi-family housing near transit is also a significant component of this Housing Plan.

The Town has nevertheless made significant progress in reforming local zoning through the passage of a number of bylaws or regulatory policies including permitting requiring the inclusion of affordable housing in some areas and allowing

the creation of Accessory Dwelling Units (ADUs) for example. These reforms are detailed in Appendix 2.

It is also important to note that this Housing Plan stresses the need to develop a more holistic or comprehensive orientation towards zoning to avoid having to be reactive on a project-by-project basis. Zoning strategies are meant to help the Town be more intentional in its permitting, looking at more Town-wide opportunities for directing future development.

¹⁶ Must be approved by December 31, 2024 for compliance with MBTA Communities Guidelines.

1. Comply with MBTA Communities Guidelines

Lead Entity: Planning Board

Timeframe: Near Term

Requires Town Meeting Approval: Yes (Simple Majority)

Level of Complexity: High

Background: Chapter 358 of the Acts of 2020 amended Massachusetts General Laws Chapter 40A (the “Zoning Act”) to add Section 3A mandating a certain level of multi-family housing zoning in each community within or adjacent to the Massachusetts Bay Transportation Authority (MBTA) service area (an MBTA community). The State, through the Department of Housing and Community Development (DHCD), issued Draft Guidelines on December 15, 2021 to determine if an MBTA community is in compliance with Section 3A, to determine if an MBTA community is in compliance with Section 3A, and comments were due by March 31, 2022. The Needham Select Board submitted a number of questions and comments regarding the Draft Guidelines with some of the recommendations being integrated into the final requirements.

A principle of DHCD’s Guidelines is that MBTA communities benefit from having transit stations and should provide the opportunity for multi-family housing development around these assets. The required “unit capacity” is a percentage of the total existing housing units in the municipality, determined by the type of MBTA community. Section 3A identifies Needham as a commuter rail community with the requirements that the district(s) minimum unit capacity be at least 15% of the town’s total housing units or 1,784 units.

The final MBTA Communities Guidelines (Section 3A Guidelines) were released on August 10, 2022. The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities¹⁷ to adopt zoning districts where multi-family housing is allowed as of right, and then meet other requirements set forth in the statute. These Guidelines require that an MBTA community have at least one zoning district of reasonable size and also includes:

- Amend existing zoning within ½ mile of MBTA transit stations to accommodate multi-family housing at an average minimum density of 15 units per acre, which must be allowed by-right, not by special permit, though site plan review may be required.
- Zoning target areas are to be a minimum of 50 acres with at least one site of 25 contiguous acres within ½ mile of a transit station. Needham will have to identify and rezone approximately 120 acres,¹⁸ however, to comply with Guidelines given the need to have an average minimum density of 15 units per acre, including the requirement that 90% of the acres be within ½ mile of transit. Analyses that were conducted as part of this planning process indicate that such rezoning is strategically possible.
- Zoning districts may allow mixed-use buildings that include both commercial and residential uses provided that the allowed density for housing units is at least 15 units per acre and the housing

¹⁷ There are 175 identified MBTA communities including Needham.

¹⁸ Needham’s existing Apartment A-1 zoning complies with 3A Guidelines; ?xx acres within ½ mile of Needham’s commuter rail stations are already zoned A-1 and ?xx acres beyond ½ mile of these stations are so zoned.

units are all allowed by-right and stand-alone multi-family housing is also allowed by-right in the district.

- Zoning cannot include age restrictions and affordable housing mandates, while initially limited to 10% unless such requirements were part of existing district zoning that predates January 2021, have recently been changed to enable communities to require higher affordability levels, but not more than 20%, provided the community can demonstrate to DHCD through a third-party feasibility study that a reasonable variety of multi-family housing types can be feasibly developed at the higher percentage. The changes also give communities the option of requiring a percentage of "workforce housing" units occupied by households with incomes of more than 80% AMI, once again with DHCD review of feasibility.
- Zoning districts cannot restrict the size of the units, number of bedrooms, size of the bedrooms, or the number of occupants.
- As noted above, at least 90% of Needham's zoning district(s) must be located within ½ mile of transit based on the its total developable area near transit stations. This translates into Needham's multi-family zoning district including at least 45 acres and the ability to build 1,606 units within ½ mile of a commuter rail station; but 108 acres would be required at a density of 15 units/acre.

These Guidelines represent a significant departure from Needham's current permitting of multi-family and mixed-use housing which relies largely on the special permit process.

The 3A Guidelines allow an MBTA community to obtain "interim compliance" before it adopts a compliant zoning district by submitting an Action Plan that establishes an achievable path to zoning adoption. The Action Plan process provides guidance to MBTA communities and establishes communication between DHCD and MBTA communities that are developing strategies for compliance and is due by January 31, 2023. DHCD staff will then be available to provide technical assistance and respond to inquiries about whether a proposed district complies, prior to submitting a zoning article to Town Meeting (likely in May 2024). Inquiries must be submitted to DHCD at least 90 days prior to any vote. Needham must adopt the zoning no later than December 31, 2024 to be in final compliance with Section 3A.

An MBTA community that fails to comply with Section 3A will not be eligible for funds from a number of sources including the state's Housing Choice Initiative (the Town has been designated a Housing Choice community and is therefore eligible for certain types of funding and technical assistance), the Local Capital Projects Fund and the MassWorks infrastructure program. The final 3A Guidelines reference that determinations of compliance may also inform other state funding decisions regarding discretionary grant programs.

Recommendations: Many of the preliminary recommendations for complying with the MBTA Communities Guidelines involve adopting existing Apartment A-1 dimensional limits in more areas. The major dimensional requirements of Apartment A-1 zones include:

- Minimum lot area of 20,000 square feet.
- Minimum frontage of 120 feet.
- Maximum dwelling units per acre of 18 units.
- Maximum floor area ratio (FAR) of 0.5, meaning on a 20,000 square foot lot the maximum square footage that can be built is 10,000 square feet.

- Minimum setback (front/side/rear) of 20/20/20 feet.
- Maximum height of 3 stories or 40 feet.

Recommendations are focused largely in the areas along the Highland Avenue to Chestnut Street corridor that are not only near transit but also where higher density development already exists. The recommendations involve changing zoning to A-1 provisions in business areas that already allow multi-family housing as well as introducing this use in those that do not currently permit multi-family residential uses. Moreover, the recommendations provide guidance for the Town to consider some zoning changes in areas that are unlikely to qualify as part of the Town's compliance with the 3A Guidelines, but prescribe opportunities for promoting more appropriate zoning to better direct growth and redevelopment.

Recommendations for specific zoning by-law changes to be considered are listed below. Many of these proposed changes are related to the requirements for the new MBTA / MA G.L. c.40A, s.3A Guidelines and further study will be required to confirm that the final dimensional limits controlling district density will be able to deliver the gross density (units/acre) required by 3A Guidelines. **(Please see the annotated zoning maps in Appendix 7 for further review of proposed zoning changes):**

Needham Heights District (Group 1):

Implement **Apartment A-1** zoning in **SRB, GR** or **Industrial** Districts or in locations of non-conforming existing multi-family (MF) or other non single-family (SF) uses. Use Apartment A-1 dimensional limits.

Apartment A-1 – rezone parcels within ½ mile of Needham Heights station, now zoned SRB:

- 1a.** From Hamilton Highlands (Apartment A-1) along Highland Avenue south to Hunnewell Street;
- 1b.** Avery Park Condominium and further south along Highland Avenue to Hunnewell Street and including the Methodist Church at Hunnewell and Highland;
- 1c.** Extend existing Apartment A-1 zoning across Hillside Avenue and along the northerly side of Rosemary Street adjacent to the Industrial District and up to the MBTA right-of-way (see item 1g. below);

Apartment A-1 – rezone parcels within ½ mile of Needham Heights station, now zoned GR:

- 1d.** Convert Hillside School and the rear portions of 5 lots of the Industrial district on Crescent Road that abut the Hillside School;
- 1e.** Convert Brookline Rug parcel to Apartment A-1, but the current use remains as a non-conforming use. It has connection to both Hunnewell and Crescent Road and can be part of a consolidated MF district with the rest of new Apartment A-1 and the Industrial District that is to be rezoned to allow MF by-right as a use (see item 1f. below);

Amend current **Industrial** Districts within 1/2 mile of Needham Heights transit station to allow MF as an additional allowed use with Apartment A-1 dimensional limits.

- 1f.** Add Multi-family housing, at A-1 dimensions, to the uses allowed by right in the Industrial District along Crescent Road;

- 1g. Add Multi-family housing, at A-1 dimensions, to the uses allowed by right in the Industrial District between Hillside Avenue and the MBTA right-of-way and between West and Rosemary Streets;

Amend current **Hillside Avenue Business** District within 1/2 mile of transit to allow MF by-right and use Apartment A-1 dimensional limits. Allow mixed-use option by Special Permit if not allowed by-right.

- 1h. Hillside Avenue Business from both sides of the Hunnewell intersection south to the south side of West Street;

Amend current **Avery Square Business** District within 1/2 mile of transit. Adjust / increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

- 1i. Avery Square Business – increase height from 35’ to 38’ for mixed-use MF allowed by special permit;

Expand **General Residence** over **SRB** area along the Highland Avenue corridor to allow 2-family and SF conversions to 2-family.

- 1j. Highland Avenue from Rosemary Street to Avery Square Business District.

Needham Center District (group 2):

Amend and extend current **Business** District within 1/2 mile of transit to allow MF by-right and use Apartment A-1 dimensional limits. Allow mixed-use option by Special Permit.

- 2a. Extend Business District north to Rosemary Street to include portion of Sudbury Farms parcel zoned SRB;
- 2b. Business District along Highland Avenue from May Street northerly to Rosemary Street to include all of Sudbury Farms parcel;

Implement **Apartment A-1** zoning in **SRB**, **GR** or **Industrial** Districts or in locations of non-conforming existing multi-family (MF) or other non single-family (SF) uses. Use Apartment A-1 dimensional limits.

Apartment A-1 – rezone parcels within ½ mile of Needham Center station, now zoned SRB:

- 2c. St. Joseph School strip along May Street;
- 2d. Stephen Palmer former school leased by Town for multi-family housing;
- 2f. YMCA site on Great Plain Avenue next to Greene’s Field;
- 2g. 888 Great Plain Avenue (former nursery/garden center);
- 2h. Baptist and Christian Science Church parcels on Great Plain Avenue, near corner of Warren Street;

Apartment A-1 – rezone parcels within ½ mile of Needham Center station, now zoned GR:

- 2e. Lots on Pickering Place together with a portion of St. Joseph School parcel;
- 2i. Consolidate a portion of the Denmark Lane housing project behind the Downtown overlay district, currently zoned GR, and combine it with the small Industrial district along the MBTA right-of-way getting rezoned to Apartment A-1 that is also part of the Denmark Lane MF project area (see item 2j. below);

Apartment A-1 – rezone parcels within ½ mile of Needham Center station, now zoned Industrial:

- 2j. Convert the small Industrial district along the MBTA right-of-way to be combined with the front portion of the parcel being rezoned from GR that is also part of the Denmark Lane housing project area.

Amend current **Center Business** and **Overlay District B** and **Garden Street Overlay** District within 1/2 mile of transit. Adjust / increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

- 2k. Increase height limits in Needham Center Overlay District B for mixed-use MF to 48' & 4 stories with 4th floor setback. No stand-alone MF is allowed in the district; .
- 2m. Rezone Garden Street Overlay District by changing stand-alone MF to be allowed by right, rather than special permit, using the existing dimensional limits.

Note: No further zoning changes are proposed for the rest of the **Center Business** and **Overlay District A**. These areas are critical to Needham as our mixed-use downtown environment where active ground floors for commercial uses need upper levels for commercial and MF opportunities to provide activity and support for our downtown as a vibrant 24/7/365 community. Therefore, stand-alone MF residential is not allowed by-right, but may be allowed by special permit in some locations.

Needham Junction District (group 3):

Amend current **Chestnut Street** District and **Lower Chestnut Street** District within 1/2 mile of transit to allow stand-alone MF by-right, and mixed-use with MF by special permit. Adjust / increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

- 3a. Chestnut Street Business and Lower Chestnut Street Overlay District changed to allow stand-alone and mixed-use MF by-right to 3-story / 37' dimensional limits, 4-story / 48' limits allowed by special permit;
- 3b. Extend Chestnut Street Business and Lower Chestnut Street Overlay Districts to include Skilled Nursing Facility (SNF) property on Lincoln Street;

Implement **Apartment A-1** zoning in **SRB**, **GR** or **Industrial** Districts or in locations of non-conforming existing multi-family (MF) or other non single-family (SF) uses. Use Apartment A-1 dimensional limits.

Apartment A-1 – rezone parcels within ½ mile of Needham Junction station, now zoned Chestnut Street Business, Lower Chestnut Overlay District and SRB:

- 3c.** Rezone the Hartney Greymont site (now partly Chestnut Street Business/Lower Chestnut Street Overlay District and partly SRB) to be Apartment A-1 to allow MF without allowing mixed-use.

Other Zoning changes not specific to Transit Station Districts noted above:

Rezone designated residential areas currently zoned SRA to SRB. These specific SRA areas are adjacent to SRB and currently have parcel sizes that are closer to SRB 10,000 SF lots. This would allow for the use of dimensional controls for setbacks and coverages that are more appropriate for these smaller lots:

- 4a.** East side of Hunting Road on both sides of Kendrick Street down to Cheney Street;
- 4b.** East side of Greendale Avenue across from Meadow Road and Kenney Street;
- 4c.** Brookside Road near Wellesley town line;
- 4d.** Clarke Road / Rolling Lane / Forest Street neighborhood.

Amend two Neighborhood Business Districts – these districts are within 1/2 mile of transit, including 59 bus route, and are proposed to be amended to allow MF by-right using Apartment A-1 dimensional limits. Allow mixed-use option by Special Permit if not presently allowed by-right.

- 5a.** Neighborhood Business District along Reservoir and Central area along 128;
- 5b.** Neighborhood Business District along Great Plain near the Hersey MBTA station.

Zoning changes will also consider parking ratios for mixed-use and multi-family projects within the overlay districts that are also within ½ mile of transit stations. These changes will be informed by the Parking Study that has been commissioned by the Select Board.

Temples, churches and in general, houses of worship - these properties are located throughout Needham, often on prominent parcels at major intersections. Although most are vibrant and thriving communities, these sites may, someday in the future, be re-imagined, often as MF housing opportunities. With this proactive outlook, we are considering whether the town should propose to rezone these parcels as Apartment A-1, with those dimensional limits, or if they should remain as currently zoned in SRB or GR. Another approach for redevelopment could be through the Local Initiative Program (LIP), or “friendly 40B”, process. A sampling of sites are listed below:

- 6a.** Congregational Church on Great Plain Avenue and Linden Street;
- 6b.** Christ Episcopal Church at Rosemary Street and Highland Avenue;
- 6c.** Temple Beth Shalom at Webster Street and Highland Avenue;
- 6d.** Presbyterian Church at Central and Great Plain Avenues.

Rezone Needham Housing Authority properties – several NHA properties are in the early planning and design phases of a renovation and redevelopment campaign. Final recommendations for appropriate zoning changes for dimensional and density limits will be addressed when the design and planning goals are more defined. The Linden-Chambers and High Rock Homes developments are within a ½ mile of the Needham Junction transit station, and density of at least 15 units / acre is assumed, though the projects may have age limits for occupancy, the zoning need not impose such limits. Seabeds Way and Captain Robert Cook Drive developments are beyond ½ mile from transit stations but could still be counted as part of the 10% of the area of multi-family districts that can be beyond the ½ limit.

Rezone East Militia Heights property – this property currently in negotiation to be sold by the U.S. Army to Charles River Center, perhaps in partnership or lease arrangement with the Needham Housing Authority – As with NHA properties, it is not clear at this time what dimensional and density provisions will work for Militia Heights redevelopment.

2. Adopt Town-wide Inclusionary Zoning

Lead Entity: Planning Board

Timeframe: Near Term

Requires Town Meeting Approval: Yes (Simple Majority)

Level of Complexity: Medium

Background: While Needham has made strides in passing zoning that mandates the inclusion of affordable housing in more areas,¹⁹ the Town's Zoning Bylaw does not currently include town-wide inclusionary zoning provisions. This mechanism has been adopted by more than one-third of the communities in the state to ensure that any new development project over a certain size includes a set-aside in numbers of affordable units or funding from the developer to support the creation of affordable housing. Most of the bylaws include mandated percentages of units that must be affordable, typically 10% to 20% and density bonuses²⁰. Many also allow the development of affordable units off-site under extraordinary circumstances and/or cash in lieu of actual units.

Recommendations: This Housing Plan recommends that zoning be extended to requiring at least 12½ of housing units be affordable for households with incomes at or below 80% of Area Median Income (AMI) for all projects with six or more units in every district where multi-family or mixed-use housing is allowed. The MBTA Communities Guidelines under MA law c.40A, sec 3A initially limited multi-family districts to a 10% affordability level for households earning at or below 80% AMI, unless a designated area had already established a higher inclusionary requirement (not above 20%) that predates January 2021. Recent changes now enable communities to require higher affordability levels, but not more than 20%, provided the community can demonstrate to DHCD that a reasonable variety of multi-family housing types can be feasibly developed at the higher percentage. The Planning Board would have to consider the affordability

¹⁹ Affordable units are mandated at 10% of the total number of units in developments of six or more units that are built in the Central Business District, Lower Chestnut and Garden Street areas, and Elder Services District as well as at 12½% in the Neighborhood Business District/128, Mixed Use Overlay District, and Highland Avenue/Route 128 districts. Given rising housing values, the Planning Board determined that some modest increase from 10% to 12.5% was warranted.

²⁰ Density bonuses allow increased densities beyond what is allowed under the subdivision requirements in the Zoning Bylaw.

requirement in the new MBTA Communities rezoning vis a vis a recommended affordability requirement across all districts.

This 12½% affordability rule should also be applied to new single-family subdivisions. For both multi-family developments and subdivisions of fewer than six units, a monetary contribution (referred to as a “cash-out” fee) to the Needham Affordable Housing Trust Fund should be required proportionate to the cost of providing an affordable unit as adjusted for the total number of units in the development.

It is essential that the formula for calculating the payments in-lieu of units should provide sufficient proceeds to fully subsidize the required number of affordable units despite changes in market conditions and to ensure that the funding will be dedicated to supporting affordable housing. This fee should be tied in some way to the value of the affordable unit. From a theoretical standpoint that value is commonly considered to be the difference between a unit’s market-rate price and the affordable one. This means that the value of the fee relates to the losses the developer would suffer by building affordable units. Stronger fees typically match the value of the affordable unit not built, allowing the fee to subsidize the same number of units in a separate project.

A simple formula would be the difference between the market sales price and the affordable one with the affordability based on the state’s formula for calculating the purchase price through the Local Initiative Program (LIP). The per unit fee would be multiplied by the number of affordable units required under the permitting.

Another consideration that was adopted as part of the changes to the Neighborhood Business District/128 zoning, is adopting the cash-out fee calculation in which the cash payment is equal to the most current Total Development Costs (TDC) as articulated in the MA Department of Housing and Community Development’s Qualified Allocation Plan (QAP) for projects using the Low-Income Housing Tax Credit. These costs are divided by whether the units are part of a production or preservation project, are outside or within the Metro Boston area and by the type of housing to be built.

It is also useful to provide sufficient incentives to developers to make sure that the incorporation of affordable units will be financially feasible. Consequently, it may be prudent to add incentives, such as density bonuses, when the inclusionary zoning requires more than 10% of units to be affordable to ensure that the zoning works economically.

3. Broaden Requirements for Accessory Dwelling Units (ADUs)

Lead Entity: Planning Board

Timeframe: Near Term

Requires Town Meeting Approval: Yes (Simple Majority)

Level of Complexity: Medium

Background: The 2019 Special Town Meeting approved the bylaw to permit the creation of accessory dwelling units (ADUs) by Special Permit of the Board of Appeals. The bylaw limits the units to single-family homes that are occupied “by the Owner; Family members related to the Owner by blood, adoption or marriage (spouse, parent, sibling, child, or a spouse of such persons); and Caregivers of Family members who look after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily

living or a Family member who needs such assistance, subject to specified standards and procedures.”²¹ The bylaw also defined the ADU as “an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot, and constructed to maintain the appearance and essential character of the single-family dwelling.”²² . A total of /eight ADUs were permitted as of August 2022.

While the bylaw limited occupancy to family members or caregivers, it still promotes greater housing diversity in the community by allowing small apartments in existing dwellings, enabling extended family members to live together, and also providing opportunities for live-in support for people with disabilities.

Major provisions of the current bylaw include the following:

- Available by Special Permit from the Board of Appeals, good for 3 years, renewable by Special Permit. If there is a new owner of the home, they have to go through the Special Permitting process to keep the ADU.
- At least one of the units (the primary residence or the ADU) must be owner-occupied and occupancy of the second residence must be limited to a member of the owner’s family or a caregiver and such caregiver’s family.
- No more than five persons who are not family members of the owner can live in the primary residence and the ADU combined.
- There can be no more than one ADU on a lot, and it must be located within the single-family detached dwelling and **not** in a separate building.
- To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. No stairs for access to upper floors of the ADU shall be on the outside. There must be an interior doorway between each living unit for safety purposes in an emergency.
- The size of the ADU is limited to 850 sq. ft., and it can have no more than one bedroom.
- Off-street parking must be provided with at least one parking space per dwelling unit.

It is important to emphasize that ADUs provide a number of important benefits to the community, diversifying the housing stock and allowing Needham to be part of a regional effort to contribute to the urgent need for additional smaller, more affordable housing unit production. As documented in this Housing Plan, Needham’s housing is increasingly less affordable without a sufficient range of housing choices that offer smaller unit sizes with more affordable rental costs for employees, new residents or families, or for existing, mostly senior, residents.

If Needham’s ADU by-law were to be amended, it could address more local needs:

- ADUs could provide additional, affordable studio and one-bedroom rentals, by expanding the housing opportunities for
 - Seniors and other residents to remain in their homes
 - Young adults who want to stay in or return to Needham
 - Employees of Needham businesses
 - Potential newcomers to the Needham community

²¹ Section 3.15 of the Needham Zoning By-law.

²² Ibid.

- ADUs could allow homeowners to stay in their homes by providing needed rental income to assist with housing costs including taxes, utilities and other housing expenses.
- Homeowners of small homes that cannot easily be enlarged could benefit from ADU income by converting a smaller building on their lot, such as a detached garage, into an ADU.
- ADUs could provide additional housing while maintaining existing single-family neighborhoods.
- ADUs are encouraged by the Massachusetts Executive of Energy and Environmental Affairs and advocated for by the Needham Council on Aging, Board of Health and Department of Public Health and Human Services.
- Owners will be responsible landlords because they must reside in the property and always provide emergency egress freely through the main unit from the ADU.
- ADUs can provide important services for the owner such as snow removal or errands for seniors or babysitting for families for example.

It is important to note that ADUs are not:

- ADUs in Needham are not to be used for short-term rentals (i.e., Airbnbs) **because** rentals must be for at least 6 months.
- ADUs will not be built in large numbers throughout the town **because** the data from our Town and others in Massachusetts shows small numbers of ADUs even when regulations are less restrictive.
- ADUs will not change the look of our single-family neighborhoods **because** the appearance maintains that of a single-family dwelling.
- ADUs will not be unattractive **because** they will have to comply with specific building design guidelines that have them in keeping with the architectural design character of the main building, which will be reviewed by the Town's Design Review Board.
- (Any zoning amendment would address the role of Needham's Design Review Board to review ADU submissions for compliance with building appearance requirements and report to the Building Commissioner on design guideline compliance as a pre-condition to the issuance of a building permit for a by-right ADU or report to the Zoning Board of Appeal as a pre-condition to the issuance of an ADU special permit).

ADUs are allowed in many Massachusetts communities. For example, of the 100 cities and towns in the Metropolitan Area Planning Council (MAPC) region outside the City of Boston, 37 allow a homeowner to create an accessory apartment and rent it to persons other than family members or caregivers. Moreover, in the last decade, almost half of the 100 Boston-area municipalities have adopted either a master plan or housing production plan that recommends allowing ADUs with fewer restrictions. For example, Belmont and Hudson voted to allow ADUs unrestricted to relatives. Lexington, Newton, Carlisle, and other municipalities voted to allow ADUs in detached structures. Burlington, Bedford, and Acton, among other towns, allow ADUs by-right. Most recently, Wellesley's Town Meeting voted to adopt an ADU by-law without any residency restrictions, allowing both attached and detached ADUs by-right with a minimum unit size of 900 square feet.

Homeowners who want to add an ADU to their home under the current by-law must obtain a special permit, which involves unnecessary time for both the applicant and the Zoning Board of Appeals. Review of proposed building plans for attached ADUs by the Building Commissioner should suffice to ensure compliance with the by-law and as to whether the ADU is "constructed to maintain the appearance and general character of the single-family dwelling" with review by the Design Review Board.

Recommendations: This Housing Plan recommends amending the ADU by-law to allow for unrestricted lessee residency requirements (owner must occupy the property and allow as rental property with a 6-month minimum lease), using a by-right process. In addition, the Housing Plan recommends allowing stand-alone (detached) ADUs for existing accessory buildings through the special permit process and current design and building code regulations.

This Housing Plan recommends the following zoning changes to better encourage the creation of ADUs:

- Allow attached ADUs by-right rather than by special permit, eliminating delay and perhaps legal costs for the homeowner, while still requiring that building and design guidelines be met. ADUs must meet all zoning dimensional requirements for a single-family home.
- Eliminate the residency restriction (i.e., the unit can be rented to anyone).
- Allow ADUs in detached dwellings on the property if the detached structure to be renovated and converted already exists. Such detached ADUs would be by the special permit process.
- ADU rentals must be leased for at least 6 months, so that ADUs will be used for rental housing rather than short-term accommodations.
- This Housing Plan also suggests that there be some consideration for allowing the new construction of ADUs in detached structures in the Single Residence A districts under a special permit process and certain conditions, including approval by the Design Review Board.

Specifically, this Housing Plan recommends that the Zoning Bylaw be amended to incorporate the following new ADU definition:

An accessory dwelling unit (ADU) is an apartment on a single-family-zoned lot that is a second, self-contained, complete, separate housekeeping unit containing provisions for living, including 1 bedroom, cooking and eating. ADUs come in three different forms: Existing portions of a home can be converted into a separate apartment; an outward addition could create a new unit within an existing home, or a detached living space, such as a garage or carriage house, can be renovated to create a new unit if the detached structure already exists (a detached ADU would require a special permit approval process).

4. Promote Greater Energy Efficiencies in Housing

Lead Entity: Planning Board
Timeframe: Near Term
Requires Town Meeting Approval: Yes
Level of Complexity: High

Background: The Select Board recently appointed a Climate Action Plan Committee (CAPC) to guide the Town in developing a plan that meets or exceeds the State's climate mitigation and resilience goals. The Committee will make recommendations to the Select Board as part of a Climate Action Plan (CAP), and may be asked to continue to serve as an advisory committee to oversee the implementation of the CAP.

The Committee is seeking \$55,000 to hire a consultant to prepare the plan and has established working groups to focus on various elements of the plan. The Committee has also referenced the Metropolitan

Area Planning Council (MAPC) Climate Action Plan (CAP) toolkit that identifies major actions and provides a starting point for the working groups. It was suggested that each working group put together a similar chart and pick the top three priority actions that are achievable and will achieve the greatest reduction in Greenhouse Gas (GHG).

Recommendations: The Climate Action Plan should include actions that might ease zoning and permitting requirements to incentivize energy-efficient and environmentally-sustainable housing development. A zoning working group has been established to explore such actions. One action under early discussion is as of right zoning for solar installations.

Similarly, the zoning working group might explore potential regulatory changes requiring affordable housing to be built at a zero, or nearly net zero, energy standard under certain conditions. While such requirements will significantly add to construction costs, they will also substantially reduce operating costs, an important consideration not only with respect to the climate change issue but to keeping housing more affordable over time. Martha's Vineyard Island Housing Trust has successfully integrated these energy-efficient measures into their housing developments and have good models for consideration.

5. Consider Options for Promoting Development in Appropriate Locations

Lead Entity: Planning Board

Timeframe: Medium Term

Requires Town Meeting Approval: Yes (Simple Majority)

Level of Complexity: High

Background: This Housing Plan includes Guiding Principles (Section II.C) that stress the need for the Town to implement strategies that will promote a more socially and economically diverse community which welcomes residents of all ages, races, ethnicities, gender identification, sexual orientation, religion, abilities, and stages of life. These Guiding Principles also emphasize the need to further diversify the types of units that are created while ensuring that new housing is appropriate to its location and context.

In the framework of sound planning and smart growth principles,²³ this Housing Plan places a high priority on developments that will involve a more efficient use of land and less dependence on the automobile to promote more walkable and pedestrian-friendly neighborhoods. Consequently, the following types of housing development will be encouraged:

1. The redevelopment of existing structures.
2. Infill site development that can address the missing middle concept of housing types. Missing middle housing might include two- to four-unit properties or small-scale pocket neighborhoods or co-housing units for example.²⁴

²³ Smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

²⁴ As reported by the Lincoln Institute of Land Policy, "Urban planners and public officials are focused on developing housing types that restore the 'missing middle' – row houses, duplexes, apartment courts, and other small to midsize housing designed at a scale and density compatible with single-family residential neighborhoods." The "missing middle" concept grew out of the New Urbanism movement "to inject more moderately-priced housing into residential neighborhoods, from shrinking or subdividing lots to adding accessory dwelling units (ADUs), to expanding legal occupancy in homes." It recommends housing types that "typically have small to medium-size

3. Mixed-use and multi-family development near transportation, in business areas, or along commercial corridors.

The MBTA Communities Guidelines, discussed in strategy IV.A.1 above, help promote such smart growth development. They also recommend some zoning changes that are unlikely to be included in the MBTA Communities rezoning proposal as there are other areas of the community where development might also be promoted to address a wide range of incomes and target populations, not just affordable housing that meets state requirements for inclusion in the Subsidized Housing Inventory (SHI), but more moderate-income households whose incomes might be higher than 80% AMI but who are still challenged to find housing that they can afford in Needham. Additionally, once development plans are determined, new zoning or Local Initiative Program (LIP) permitting will be necessary for the NHA's Preservation and Redevelopment Initiative and the Charles River Center's East Militia Heights project.

Recommendations: This Plan recommends that the Town consider options to incentivize new housing development that is in alignment with the Guiding Principles that are a key component of this Plan such as:

It should be noted that the state's Local Initiative Program (LIP), also known as the "Friendly 40B Program", can also be an effective permitting tool for projects that have at least 25% of the units designated for households with incomes at or below 80% AMI. Such projects can still include more affordable units including several income tiers for those with incomes at or below 60%, 50% or even 30% AMI given multiple layers of subsidies such as Low Income Housing Tax Credits and the HOME Program for example. Homeownership options can include higher income tiers such as 100%, 110% or even up to 150% AMI with the availability of internal subsidies and perhaps CPA.

- In areas not designated for rezoning under MBTA Communities Guidelines but still in general proximity to transportation, adjust dimensional and parking limits and add density bonuses to make the inclusion of some level of affordability or other public benefit more economically viable.
- Improve development opportunities for mixed-use and multi-family development along major corridors (e.g., Chestnut Street, Highland Avenue, Great Plain Avenue) and incorporate density bonuses for increased affordability. Consider incentives for consolidating parcels to promote larger developable sites for mixed-use and multi-family projects.
- Consider options for incentivizing higher-density, smaller unit, multi-family housing choices as part of zoning reforms in other districts (not related to MBTA Communities Law requirements). Besides zoning relief, the investment of CPA, Affordable Housing Trust, or HOME Program funding would be examples of additional incentives for consideration. There are communities that have issued Requests for Proposals (RFPs) for developers or property homeowners to apply for CPA or Affordable Housing Trust funds to create affordable units based on the Town's

footprints with a body width, depth, and height no larger than a single-family homes. These can blend into a neighborhood as compatible infill, encouraging a mix of socioeconomic households and making more effective use of transit and services."

specific priorities.²⁵ Manchester-by-the-Sea issued an RFP several years ago that welcomed such proposals on a rolling basis. Yarmouth's Affordable Housing Trust recently issued an RFP with a CPA allocation of \$520,000 to attract development proposals. It received two responses, one from the non-profit, Habitat for Humanity of Cape Cod, to create six to eight new homes for first-time homebuyers and another from a private developer to build 42 rental units with 12 affordable ones.

The Planning Board should consider appointing a Working Group to study these potential strategies.

5. Consider Options to Better Control Teardown Activity

Lead Entity: Planning Board
Timeframe: Medium Term
Requires Town Meeting Approval: Yes (Simple Majority)
Level of Complexity: High

Background: The Housing Plan Working Group received ongoing feedback throughout the course of this planning process regarding resident concerns about the level and effects of teardown activity. Residents not only expressed concerns about neighborhood impacts when very large houses are constructed on small lots, but also about the erosion of smaller, more affordable homes that historically could serve the needs of first-time homebuyers. Others voiced their concerns that additional regulation would constrain housing values and thus the equity that many owners anticipate from selling their homes and supporting their retirement.

Needham's housing stock has historically comprised mostly single-family homes of varying sizes, from small summer cottages that owners winterized, modest 1950s and 1960s era Cape and ranch homes, to larger farmhouses, stately Victorians, and large new modern homes. These various options, along with NHA affordable housing and Chapter 40B developments, provide housing across a wide range of incomes. Such options are critical to the Town goal of having a community with broad socio-economic diversity and housing for residents of all ages, races, ethnicities, sexual orientation, religion, abilities, and stages of life.

Limited regulations with respect to the demolition or renovation of historic or older structures combined with modest zoning restrictions on the size of new homes has led to the significant loss of many modestly-sized homes that could be affordable to people with incomes between 85% and 140% of area median income. Of the 943 new single-family homes built between 2010 and 2021, only 25 did not involve demolition and replacement activity.

²⁵ Funds were made available through a Notice of Funding Availability (NOFA) on a rolling basis to offer financial support for qualified proposals from developers, property owners, and individuals for the creation of affordable homeownership and rental housing. Priority activities include gap funding of the shortfall of private and public sources of financing to make a homeownership or rental development feasible or buydown assistance in exchange for a commitment to rent or sell one or more dwelling units to an income-qualified tenant(s) at a reduced rate.

This reduction in modest single-family homes is impacting the ability of young families, local workers, Town employees to purchase or rent in Needham. Given that historically minorities and LGBTQ people have had fewer opportunities to establish wealth in most communities and that many seniors also have limited funds, it is imperative that the Town work to maintain moderately-sized and priced homes to support a more diverse community.

The median sales price for a home in Needham in April 2022 was \$1.4 million. To purchase that home would require a 20% down payment of \$280,000, which would leave a mortgage of \$1,120,000. A mortgage for that amount at the current rate of 5.875% for a 30-year mortgage will require a monthly payment of \$6,635 or \$79,620 annually. That would require a minimum annual gross income of \$238,860 to have the mortgage be equal to one-third of gross income, as most banks require, and assumes the buyer has a \$280,000 down payment. A home sold at even \$800,000, while not inexpensive, could be afforded by someone with an income of \$136,260 or 82% of the \$140,200 Boston area median income limit (AMI) for a household of four in 2022 (\$160,000 down payment, 30-year mortgage at 5.875%, monthly payment of \$3,785, annual payment of \$45,000). The loss of housing at or below this price point is reducing housing opportunities for that middle income tier, which includes teachers, police and firefighters.

This is not a new issue for Needham as the Town has sponsored previous efforts to review this demolition and replacement activity. Most recently, the Planning Board formed a Large Housing Study Review Committee with representatives of Town boards including Planning Board, Select Board, and Design Review Committee as well as industry professionals including builders, architects, realtors, and town residents. The first formal Committee meeting occurred on May 22, 2014, starting with a review of the Committee's purpose and goals including:

- Review past reports, plans and maps prepared by Town committees and officials, state agencies and consultants including the previous Large House Study Committee in 1999.
- Seek the input of neighborhood residents, builders, contractors, real estate agents, property owners and others, as required, including holding citizen information meetings to elicit general public comments and input.
- Review and analyze the current Zoning By-law and Planning Board regulations and consider amendments to each.
- Analyze the impact of recent planned and potential new housing constructed in the past 5 years in the Residence B and General Residence Districts.
- Review and analyze alternative zoning dimensions, restrictions, or limitations that may address neighborhood concerns.
- Prepare recommendations to amend the Zoning By-law or propose other regulatory strategies that will protect the characteristics valued by residents in the Single Residence B and General Residence Districts.
- Identify key issues and needs, analyze alternative solutions, and make recommendations to the Planning Board, both short and long-term, within the overall purpose of the Large Housing Review Study Committee.

Committee members then started to identify the regulatory options they wanted to explore and conducted a detailed analysis and mapping of recent teardown activity. Another important component of the Committee's research involved learning how other communities were regulating the demolition/replacement issue through a detailed review of zoning that was adopted in Wellesley, Newton

and Weston. Other meetings involved a review of tree regulations in Newton and Wellesley; as well as the building height, retaining wall and setback provisions in Wellesley, Newton and Brookline for example. The Committee determined that it was unnecessary for it to focus on tree and stormwater regulations at the time as there were plans to take on these issues by separate entities in the future. Research also included site visits and a community survey.

The Committee reviewed potential zoning articles for the spring 2015 Town Meeting including new zoning related to retaining walls; how height is measured; half story and dormers; exceptions for front-yard setback, grading and drainage review; and minimum side and rear line setbacks as well as height limits for accessory structures. Ultimately, the Committee decided to only request approval for a zoning article revising the definition of half-story and a complementary dormer definition, similar to Newton's, approved by Town Meeting in May 2015.

With additional analysis, discussion, and community input, a designated Working Group of the Committee drafted zoning articles for further review, modification and approval by the Committee. These articles reflected recommendations as to front, side and rear setback, lot coverage, Floor Area Ratio (FAR), and building height with the following general directions:

- Increase and encourage architectural variety by allowing various elements to be built within the front and side setbacks.
- Change setbacks to reduce some negative effects of massing.
- Increase lot coverage to 28%.
- Add Floor Area Ratio (FAR) calculations to the regulations defined as gross finished habitable area on the first and second floors with an additional 600 square foot allowance for garage space.
- Change the measurement for establishing maximum building height by providing 2 options from which the applicant can choose.
- Require that alterations and extensions of existing structures would be governed by the same regulatory provisions afforded new construction with a couple of exceptions that would require a special permit.

Town Meeting approved the articles in May 2017.

Recommendations: This Housing Plan recommends that the Town consider further regulatory changes to discourage the teardown of more modest homes and replacement by much larger new homes that many residents consider do not fit into neighborhoods. Such considerations could include further amendments of the dimensional thresholds for lot coverage, FAR, setbacks and height restrictions for new homes.

In addition, the Town should revisit the zoning requirements of neighboring towns to ensure that Needham is not experiencing greater demolition of older homes than surrounding areas due to more relaxed zoning standards. Zoning should minimize the impact of too large homes being built on small lots to maintain the character of neighborhoods as well as to avoid incentivizing the demolition of older homes simply because developers can make huge profits by replacing them with much larger new homes.

Additionally, an evaluation of existing regulations might be warranted to ensure that there are no barriers that inhibit basic improvements to existing homes (i.e., replacing a single-car garage with a two-car garage). With basic improvements, some of the existing smaller home inventory might be preserved rather than demolished.

Recommended zoning changes should be addressed within an understanding of homeowner concerns regarding their ability to maximize the sale price of their home as such property is frequently their largest asset. However, initial demolition reviews, if required, can likely be completed quickly so that homes that cannot or should not be saved can be conveyed relatively swiftly. The Town should consider working with local real estate brokers and lenders to find ways to streamline the sales of older homes that should be made available to middle-income residents so that homeowners can maximize the value of their home just as easily as selling it to a contractor.

As was the case with the Large House Review Study Committee noted above, the Planning Board might consider appointing a new Working Group to analyze the impacts of the 2017 zoning changes, review additional options, and potentially recommend additional zoning changes. This work might incorporate the following related suggestions that were raised as part of this planning process:

- *Tree Removal Bylaw*

A group of staff and a couple of members of the Planning Board met in 2018 to analyze the feasibility of adopting a Tree Removal bylaw. This work included a review of such bylaws in other communities, meetings with a tree arborist, and the preparation of a draft bylaw for review that was largely informed by Wellesley's zoning provisions. The Select Board reviewed the draft bylaw, but other competing issues put work on the Tree Removal Bylaw on hold. It makes sense for the Working Group mentioned above, and ultimately the Select Board and Planning Board, to review the previous draft bylaw and consider next steps towards refining and adopting it.

- *Demolition Delay Bylaw*

Needham currently has a demolition delay bylaw (Section 2.11.5 of the General Bylaws) involving delays of six months for buildings that the Historic Commission determines are historically-significant. Demolition delay bylaws represent a preservation tool that have been adopted in over 150 cities and towns in Massachusetts.²⁶ Such zoning offers the community a window of opportunity to find an alternative to the demolition of significant buildings. The delay is typically 6, 12 or 18 months. Most of the demolition delay bylaws and ordinances in Massachusetts are based on the age of the building, such as buildings that are older than 50 years or 75 years. Conducting a regional survey of demolition restrictions in other communities that involve homes over 50 years old would be a good starting point for revisiting Needham's provisions with some consideration for a longer period of delay and additional criteria for considering historic significance.

- *Additional Historic District(s)*

Consideration should be given to working with the Town's Historical Commission to explore additional opportunities for the establishment of Historic Districts to save homes or manage renovations to historic homes in town.²⁷ Needham currently has one designated Historic District,

²⁶ Examples of Towns with demolition delays of 12 months included Watertown, Winchester, Wellesley, North Andover, Scituate, Lexington, Concord, Lincoln, Bedford, Belmont, Andover and Arlington for example. Such bylaws with 18-month delays included Medfield, Chatham and Acton with Milton adopting a 24-month delay.

²⁷ The Needham Historical Commission was created to ensure the preservation, protection, and development of the historical assets that are the visible evidence of the Town of Needham's history. The Commission conducts research to identify places of historic or archeological value and seeks to coordinate the activities of unofficial bodies organized for similar purposes. The Commission communicates with the Select Board about recommendations as to

referred to as the Needham Town Hall Historic District, that includes the area on Great Plain Avenue between Highland Avenue and Chapel Street. The district encompasses Needham Town Hall, a Georgian Revival structure built in 1902 and designed by Winslow & Bigelow, as well as the grassy public park in front of it, which was established in 1884.

Local Historic Districts offer one of the best methods of protecting historic buildings and structures from demolition and inappropriate alterations. In a local historic district, certain changes to exterior architectural features visible from a public way are reviewed by a locally appointed Historic District Commission. This includes additions, demolitions and major alterations. Most of the communities in the Metro West area of Boston have such districts.

Strategies for Further Study/Future Consideration

This planning process surfaced other zoning and regulatory approaches for promoting greater housing affordability and diversity in Needham, including the following which were identified as requiring further study and consideration:

- **Consider allowing two-family homes by-right in single-family zones (SRA and SRB)** in the context of considerations for limiting teardowns and potential other conditions. Two-family dwellings help address the “missing middle” issue of available housing, units that can be easily incorporated into neighborhoods that fall between the single-family home and apartment buildings. The owner-occupied, two-family house, that includes a rental unit, deserves particular support as it is an exceptionally affordable form of housing, providing owners with a stream of rental income that is calculated as part of mortgage underwriting criteria (lenders generally consider about 75% of projected rental proceeds in mortgage calculations) and thus makes the home more affordable. The rental unit also helps further diversity the housing stock. Two-family dwellings are currently allowed by-right in the General Business District. It should be noted that communities such as Amherst, Erving, Great Barrington, Groton, and Greenfield have approved by-right zoning for two-family dwellings across all residential zoning districts or town-wide.
- **Evaluate the feasibility of mixed-use development with affordable housing on the municipal parking lot in Needham Center** that abuts the MBTA station platform.
- **Explore options to establish a Chapter 40R "Smart Growth" Overlay District(s)** in Needham. The key components of 40R include:
 - Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations.
 - Allows “as-of-right” residential development of minimum allowable densities.
 - Provides that 20% of the units be affordable although most bylaws require at least 25% of the units be affordable in rental developments to enable all units to be counted as part of the SHI.

the whether an asset should be certified as an historical or archeological landmark. The functions of the Historical Commission include:

- Assisting residents in obtaining historical information about the town
- Reviewing proposed demolition projects in accordance with the demolition delay by-law (2.11.5)
- Working with the Town in the evaluation of the future use of historic buildings

- o Allows mixed-use and infill development.
- o Provides two types of payments to municipalities (incentive payments based on the number of projected housing units) and density bonus payments of \$3,000 for each residential unit issued a building permit).
- o Encourages open space and protects historic districts.

B. HOUSING DEVELOPMENT AND PRESERVATION STRATEGIES

The following actions were informed by the Plan’s Guiding Principles (Section II.C), Priority Housing Needs (Section III.C.7), input from community outreach efforts, and the deliberations of the Housing Plan Working Group, particularly the work of the Housing Development and Preservation Subgroup:

1. Support Needham Housing Authority’s Preservation and Redevelopment Initiative

Lead Entity: Select Board with support from the Community Preservation Committee

Timeframe: Near Term

Requires Town Meeting Approval: Yes

Level of Complexity: High

Background: The Needham Housing Authority (NHA) and Town of Needham have engaged in long-standing discussions regarding plans to upgrade NHA’s aging and antiquated properties. The Town recognizes the great importance of NHA units to the community, providing deeply affordable housing to some of Needham’s most vulnerable residents as well as some first-time homebuyer opportunities at High Rock Homes. In addition to the 316 units owned and managed by NHA, it also provides 120 Section 8 Housing Choice Vouchers and maintains a group home that serves eight individuals with special needs. NHA is the largest provider of low-income affordable housing in the Town of Needham.

Over the years, NHA has pursued a number of initiatives to upgrade its properties including:

- In 2007 and 2008, NHA replaced 20 small single-family homes with duplexes at its High Rock Homes development, creating half the units for first-time homebuyers at a range of incomes (e.g., at 80% AMI and 110% AMI) and the other half as rentals for those earning at or below 60% AMI. This redevelopment project was deemed a significant success by all parties involved.
- In 2010, NHA received \$50,000 in Community Preservation funding from the Town to explore the feasibility of redeveloping its Linden/Chambers development. This work included the preparation of a Housing Needs Assessment, a financial feasibility analysis, and an “existing conditions” plan to assess site problems. This work provided general indications that such a redevelopment effort with an expanded number of units was potentially feasible, but also identified significant constraints due to bordering wetlands.
- During the harsh winter of 2015, the Seabeds Way complex experienced substantial damage because of defects in the building’s membrane due to the way they were originally constructed. NHA repaired the defects at a cost of \$1.8 million. Three sources of funds were used: insurance proceeds, two HUD emergency grants, and funds from NHA management reserves.
- Because the Captain Robert Cook complex, adjacent to Seabeds Way, was built about the same time and by the same contractor, NHA engaged an engineering firm to assess whether the Cook

buildings had similar construction defects. The assessment confirmed that the defects existed and projected that the cost of repairs was close to \$1.1 million.

- For many years, NHA Commissioners and staff have discussed problems with its existing developments due to antiquated and inaccessible design issues and potential construction deficiencies. The Commissioners held several offsite retreats to focus on the challenges of financing and modernizing and/or redeveloping properties. NHA sent a representative to a Massachusetts Housing Partnership Annual Housing Institute Workshop, assessing current strategies for modernization and/or redevelopment. It also made site visits to other successful Housing Authority redevelopment projects in the Commonwealth. The NHA has also met several times with DHCD, MHP and HUD on this subject.

This Plan recognizes the importance of producing housing opportunities across a wide range of incomes, acknowledging NHA's essential role in supporting a substantial portion of units for the lowest income and most vulnerable residents in the community.

While the NHA Board of Commissioners considers that its primary mission is to effectively and efficiently manage its existing housing developments and be an excellent landlord, it has also sought solutions for improving its existing developments and creating new affordable housing via the following activities:

- In the Fall of 2017, the NHA commissioned the development of a Facilities Master Plan (FMP) by consultants. After extensive analysis and community input, the final product was approved in February 2019. The FMP identified opportunities for modernization and redevelopment of NHA's existing properties and presented high level strategies for funding this work. A copy of the FMP can be downloaded via this link: <http://www.needhamhousing.org/facilitiesmasterplan.html>.
- As a result of the FMP recommendations, the Board of Commissioners voted to further pursue the possibility of a HUD Rental Assistance Demonstration (RAD) conversion of its Federal properties and to proactively pursue applying for the Section 202 Supportive Housing for the Elderly Program to improve State properties.
- In April 2021, NHA issued a Request for Proposals (RFP) to hire a consultant to review Capital Needs Assessments for each of NHA's properties and to recommend a development and financing strategy with potential sources of funds (e.g., RAD, Section 202, Section 18, Low Income Housing Tax Credits, CDBG, HOME) based on the needs of each property. This work was meant to not only enable NHA to undertake substantial property improvements and potential new development, but to also reposition the agency operationally and financially.

Through this RFP process, NHA selected the Cambridge Housing Authority (CHA) as its consultant given its extensive track record in upgrading its own properties through refinancing and repositioning efforts as well as its consultant work with other housing authorities in the area on similar projects. Table V-1 provides preliminary estimates of the number of units and costs related to this work as part of what it is calling its Preservation and Redevelopment Initiative (PRI).

NHA is vigorously moving forward with the PRI, recently approving three new work orders with the Cambridge Housing Authority and an updated PRI pre-development budget totaling about \$4.2 million that will focus will on the following major components through 2025:

1. Seabeds/Cook — Modernizing/renovating/preserving the 76 deeply affordable units
2. Linden/Chambers —
 - o Gaining approvals of a Linden/Chambers Master Redevelopment Plan; and
 - o Raising the funding and proceeding with a Linden/Chambers Phase 1 construction project to redevelop 32 old studio units on the north side of the property into approximately twice as many new one- bedroom units.

Table V-1: Summary of NHA Preservation and Redevelopment Initiative Estimates²⁸

Project*	Project Type*	BEFORE # of Units*	AFTER # of Units*	TOTAL EST. COST*	Potential Funding Sources*	
					Non- Needham*	Needham (CPA)*
1. Seabeds/Cook	Modernize/ Preserve	46 Sr./30 Family	46 Sr./30 Family	\$16.5m	\$16.18m	\$0.32m
2. High Rock I	Redevelop	30 Family	60 Family	\$22.7m	\$21.95m	\$0.75m
3. High Rock II	Redevelop	30 Family	60 Family	\$23.0m	\$22.25m	\$0.75m
4. Linden/Chambers	Redevelop	152 Sr.	152 Sr.	\$47.2m	\$45.20m	\$2.00m
5. Seabeds/Cook	New	-	61 Sr.	\$21.2m	\$20.25m	\$0.95m
[Units not Involved]		[8 Disabled/40 fam.]	[8 Disabled/40 Fam.]			
TOTALS		206 Sr./130 Family 336 units	267 Sr./190 Family 457 units	\$130.6m	\$125.83m	\$4.77m
+ 36%						

- NHA also issued another Request for Proposals (RFP) in August 2022 for Architecture/Engineering Designer Services to redevelop Linden/Chambers and expects to approve the winning A/E designer services firm in mid-October 2022.

Recommendations: The Town will continue to support the NHA including its PRI that will enable NHA to make essential improvements to its property inventory while also potentially yielding buildable lot areas for additional deeply affordable or more diverse income affordable housing. In support of these efforts, the Town should consider creating a Working Group to help with project coordination and advocacy of the following measures:

- Ensure that NHA efforts include the creation of a formal process for soliciting input from existing residents over and above the Town's existing process for gaining community and citizen input. Such tenant input is a major component of the Preservation and Redevelopment Initiative and has been occurring since the beginning of the process. Significant tenant participation is also required by state and federal regulations.
- Ensure that any housing created through PRI is affordable to people with incomes at or below 60% AMI to the greatest extent feasible. The NHA has commented that while it prefers an income

²⁸ NHA units are largely targeted to households with incomes at or below 50% AMI with the exception of the 20 condos as part of High Rock Homes that have a mix of 80% and 110% AMI limits.

target of at or below 50% AMI, their consultants have informed them that they may have to include 60% AMI, 80% AMI or even market rate units to make the financing work.

- Promote redevelopment activities within the existing senior/disabled public housing properties that result in the creation of new housing units for seniors and younger people with disabilities at an equal proportion to the current ratio at the existing property to the greatest extent feasible. For example, of the current total of 152 housing units at Linden/Chambers, including 13% (or 20 units) for younger people with disabilities, if an additional 32 units were added to the property through redevelopment, 13% of these 32 units (or 4 units) would be designated for younger people with disabilities, while the remaining 83% (or 28 units) would be designated for older adults.
- Support the development of the 61 planned units of new housing to be created in the future on the Seabeds/Captain Robert Cook site with the following considerations:
 - Designate the housing as age-restricted for older adults as there is a demonstrated need for housing for older adults.
 - Leverage federal/state/local resources to ensure that the housing is affordable to older adults with incomes at or below 60% AMI.
- Leverage expertise of existing housing development agencies that have worked closely with housing authorities to redevelop public housing, building a partnership with an experienced developer. Such partnerships are a common approach to redevelopment projects.²⁹ Encourage close collaborations with community agencies that provide services to older adults to create formal partnerships resulting in service-enriched housing; this recommendation also applies to the redevelopment of the Linden/Chambers properties.
- Work in lockstep with the NHA to ensure capacity concerns are addressed in advance of any development activities.
- Support project permitting either through rezoning³⁰ or the application of the Local Initiative Program (LIP), also known as the “Friendly 40B” Program, which is an effective permitting tool.
- Reduce or waive permit fees (see strategy IV.B.7).
- Provide CPA funding to not only help make any redevelopment work financially feasible, but to also demonstrate to funding sources that the Town is committed and invested in the project.

²⁹ For example, Harborlight Community Partners Inc. (a nonprofit housing development agency) and the Ipswich Housing Authority have entered into a joint venture agreement to substantially rehabilitate a 94-unit public housing property.

- ²⁹ Examples of models of housing-service partnerships for older adults include:
 - Harborlight House in Beverly (Harborlight Community Partners and Element Care PACE)
 - JJ Carrol in Brighton (2Life Communities and Element Care PACE)
 - Clarence Durkin Housing in Fitchburg (Fitchburg Housing Authority, Summit PACE and Aging Services of North Central MA)
 - Jack Satter House in Revere (Hebrew Senior Life)
 - St Thereses in Everett (The Neighborhood Developers, Mystic Valley Elder Services, and Neighborhood PACE)

³⁰ Potential zoning relief might include (1) Linden-Chambers redevelopment; (2) possible greater density High Rock Homes redevelopment; and/or (3) designating Needham Junction as the locus of the new Needham “MBTA Communities” overlay district (so it would encompass Linden-Chambers and High Rock.)

2. Continue Local Programs that Address Health and Safety Issues

Lead Entity: Affordable Housing Trust

Timeframe: Near Term

Requires Town Meeting Approval: Yes

Level of Complexity: Low

Background: The Town of Needham, through its Affordable Housing Trust, has been operating the **Small Repair Grant Program** since 2019 which provides limited financial assistance to income-eligible senior and disabled households to help repair and rehabilitate existing owner-occupied housing units in Needham. The purpose of the Program is not only to help fund needed home repairs, but to also help owners live more safely in their homes. The confidential application and grant process is designed to be simple. The process requires an application, estimate(s) for the proposed work, and copies of required documents including recent Federal tax returns or other verifiable documentation of income.

Grants, currently up to \$5,000, are awarded twice per year. These grants are provided on an unsecured basis as there is no repayment required unless the grant recipient does not comply with the Grant Agreement or sells or transfers the home within one year. Applications are evaluated and prioritized based on program funding, health and safety considerations, and the financial need of the applicant.

Applicants must meet the following eligibility requirements:

- The property is located in Needham, is owned by the applicant, is the primary residence of the applicant, and the applicant intends to remain in the home for at least the next 12 months.
- At least one household member is age 60 or older or disabled.
- Household income is not higher than 80% AMI. Also, 2% of the difference between the home's assessed value and any mortgage or other outstanding liens is added to income to determine eligibility.
- The property assessment is below the Town of Needham average assessed value for a single-family home.
- The applicant agrees to sign the Grant Agreement and to notify the Needham Affordable Housing Trust prior to selling or listing the home for sale.
- There is a cap of no more than \$7,000 over the lifetime of the Program for a household at a given property address. A one-year waiting period is required from the date the last payment was issued before an applicant may re-apply to the Program.

Town Meeting has approved three allocations from its General Budget of \$50,000 each, which have thus far involved 30 participants with another funding round planned for November 2022. Because of the age and general vulnerability of participants during COVID-19, most of the improvements have tended towards exterior repairs as well as home modifications for safety purposes.

Through the Needham Department of Public Health (DPH) and the Center at the Heights (CATH), the Town of Needham also offered the **Safety at Home Program** to help Needham's older adults age in place and continue to live independently. Through the Program, the Town conducted home assessments (performed by a Social Worker or a Public Health Nurse) for Needham residents age 60 or older. Home assessments included a thorough assessment of home hazards, especially regarding potential trips and falls, as well as a discussion of other fall risk factors such as exercise and nutrition. Education and

recommendations were provided throughout the visit, and free supplies (such as night lights, pill boxes, etc.) were distributed. Referrals were made as needed, and participants were encouraged to attend the evidence-based fall prevention class, Matter of Balance, offered for free at Needham's Center at the Heights. All participants received a follow-up call to monitor the actions that were taken and to provide additional resources as needed.

The Program supported 35 participants during 2017 based on a \$20,000 Healthy Aging Grant but ceased operations at the end of the grant period in January 2018.

Recommendations: The Town should continue to monitor the progress of the Small Repair Grant Program and make modifications to requirements as appropriate to ensure the Program remains responsive to community needs. The Needham Affordable Housing Trust should request additional funding when necessary to maintain operations.

In regard to the Safety at Home Program, while operations were discontinued, the Town should consider reintroducing the Program, working with both the Department of Public Health and Center at the Heights to rework Program benefits, requirements, and operations as deemed appropriate. If additional grant funding is unavailable, the Town might consider reaching out for private donations and/or providing some funding from another source such as the General Budget.

Recommendations through this planning process also include the need to promote assisted living options. It should be noted that assisted living units are typically among the most expensive housing units in any community and, because of the integration of services, they are hard to make affordable and include on the SHI. Despite this, some communities have managed to create new assisted living with some affordable units that could be counted in the SHI.³¹

3. Strategically Invest and Leverage Local Resources

Lead Entity: Select Board and Community Preservation Committee

Timeframe: Near Term

Requires Town Meeting Approval: Yes

Level of Complexity: Medium

Background: Needham is fortunate to have important local resources to support housing initiatives including Community Preservation Funds, HOME Funds, Affordable Housing Trust Funds (limited at this time), some potential property, as well as potential American Rescue Plan Act (ARPA) funding. Such funding has been instrumental in supporting the Needham Housing Authority and a group home for disabled adults on South Street for example. Unlike many other communities, Needham has thus far not had a project that relied on subsidies from the state such as Low Income Housing Tax Credits, Housing Stabilization Fund, Community Based Housing, HOME funding, Housing Innovations Fund, Project-based Section 8 or MRVP subsidies, etc. that help finance rental developments targeted to households with incomes at or below 60% AMI, with some in the less than 50% and 30% AMI ranges as well. The community's greatest housing need involves these lower income households based on their very high level of cost burdens.

³¹ For example, Inn at Robbins Brook (Acton) and Youville Place (Lexington). Some models rely on Low Income Housing Tax Credits (Christopher Heights in Marlborough, Northampton, and Webster) or use project-based Section 8 vouchers (Neville Place in Cambridge).

As the Town moves forward in the implementation of this Housing Plan, more resources will be required to address housing needs, further diversifying the housing stock. Additionally, due to widening affordability gaps, greater amounts of subsidy will be required to fill the gaps between total development costs and the prices that qualifying renters or first-time homebuyers can afford. Consequently, it will be imperative for the Town to strategically invest its limited resources to leverage other public and private sources of funding to the greatest extent possible.

Recommendations: The Housing Trust will continue to explore resources, both financial and technical, to promote new projects and programs. For example, in order to effectively redevelop NHA properties through its Preservation and Redevelopment Initiative, a mix of available state and federal financing programs will have to be tapped. Other developments that include below market rate units will also require subsidies, often multiple layers of subsidies. Additionally, this Housing Plan recommends a 22% commitment of Community Preservation Act (CPA) funds for the creation and retention of affordable housing in Needham. **Of utmost importance, new partnerships with developers that have the expertise to produce affordable housing will be essential to meeting housing goals.**

It is important to note that almost all state housing financing programs are directed to rentals, and thus there is only very limited ability to leverage local funding in the case of homeownership units.

Appendix 4 includes a list of housing financing programs that have been effective in supporting housing development, technical assistance, and home improvement financing. Examples of programs that have been instrumental in financing affordable rental housing and may be helpful in the implementation of this Housing Plan include but are not limited to the following:

- *Low Income Housing Tax Credits*

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units. Tax Credits work best for projects of a reasonable size, ideally at least 35 to 40 units, and because there is such demand for them, applicants are often faced with submitting applications for multiple funding rounds.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The DHCD One Stop Application is also used to apply for this source of funding.

- *HOME Investment Partnership Program*

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- o Produce rental housing;
- o Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- o Offer tenant-based rental assistance (two-year subsidies); and/or
- o Assist first-time homeowners.

Because Needham is not an entitlement community, meaning that it is not automatically entitled to receive HOME funding based on HUD's funding formula, the Town has joined a consortium of other smaller towns and cities, the West Metro HOME Consortium, to receive funding by a federal formula on an annual basis.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The WestMetro HOME Consortium also received about \$5.4 million in funding from the American Rescue Plan Act (ARPA) to support the housing needs of those who are homeless or at risk of homelessness. The Consortium has brought in a consultant to prepare a plan for using this funding.

- *Housing Innovations Fund (HIF)*

The state also administers the Housing Innovations Fund (HIF) that provides a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning at or below 80% AMI and another 25% for those with incomes at or below 50% AMI. HIF can also be used with other state housing development programs including HOME, Housing Stabilization Fund, and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

- *Community Based Housing Program*

The Community Based Housing Program provides loans to non-profit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred

payment loans for a term of 30 years, and CBH funds may cover up to 50% of a unit's Total Development Costs up to a maximum of \$750,000 per project.

- *Community Scale Housing Initiative (CSHI)*

The state has developed a small-scale production program to address community needs for smaller-scale housing that responds to local housing needs and density requirements. These projects, because of their small size, are not a good fit for the Low Income Housing Tax Credit program. Generally, projects that can leverage some debt by having a few higher income units and a gap filler like the Community Preservation Act (CPA) funding are in the best position to utilize such a program. This initiative might be a good fit for Needham and includes the following eligibility criteria:

- o Community must have a population not to exceed 200,000.
- o Program sponsors can be both non-profit and for-profit entities with a demonstrated ability to undertake the project.
- o The proposed project must include at least five rental units but no more than 20 rental units.
- o Project must involve new construction or adaptive reuse.
- o A minimum of 20% of the units must be affordable but it is anticipated that most proposed projects will have a minimum of 50% affordable units.
- o The host community must provide a financial commitment in support of the project.
- o The CSHI subsidy may not exceed \$200,000 per unit unless the developer intends to seek DHCD project-based rental assistance in which case the subsidy may not exceed \$150,000 per unit.
- o The total development cost per unit may not exceed \$350,000.
- o Projects will receive no more funding than is necessary to make the project feasible.
- o Projects must be financially feasible without state or federal Low Income Housing Tax Credits. Projects are expected to close and proceed to construction within 12 months of the date of the award letter.

A model for consideration is the Herring Brook Hill project in Norwell. In 2015, the Town of Norwell proposed to use the property of the former police station at 40 River Street to create affordable senior housing in support of the community's aging population and veterans. This project not only involved a transfer of Town-owned land but also a major local commitment of \$1.3 million in CPA funding. Other funding sources included \$2.6 million of private debt and state financing through the state's Community Scale Housing Initiative (CSHI).

Through a Request for Proposals (RFP) process, the Town selected Metro West Collaborative Development, a mission-driven, non-profit community development corporation, as developer and partner with the Town. The project includes a total of 18 units for those age 60 or older based on the unit distribution summarized below. The project has been completed, however, experienced some early challenges in filling the two-bedroom units.

Herring Brook Hill Unit Distribution			
Type of Unit	# Units	# Bedrooms	Maximum Rent**
80% AMI	10*	1	\$1,425
100% AMI	4	1	\$1,675
100% AMI	4	2	\$2,000
* Four of these units will have access to Project Based Rental Assistance			
** Projected rents at time of occupancy			

4. Promote Housing for Special Needs Populations

Lead Entity: Select Board
Timeframe: Medium Term
Requires Town Meeting Approval: Yes
Level of Complexity: High

Background: The Housing Needs Assessment, a major component of this Housing Plan, identified special needs housing with barrier-free units and supportive services as a local priority housing need. It documented an estimated 2,262 residents, or 7.4% of all civilian, noninstitutionalized residents, as having a disability according to 2020 census estimates.³² Given this level of disabilities as well as the aging of the population, the Needs Assessment indicated that greater emphasis should be placed on housing that is

linked to appropriate supportive services and promotes increased conformance with universal design guidelines for handicapped accessibility, adaptability and “visitability”. Beyond recognizing the increasing needs of older adults, this planning process attracted input from parents who find it difficult to secure suitable housing for their children with disabilities when they turn age 22.

The Cape Cod Village (CCV) project in Orleans provides a safe and caring home environment for 15 income-eligible (up to 80% AMI) adults with autism at a site in downtown Orleans. The project involved a comprehensive permit and includes two duplex homes with four residences on each side as well as a common building. There is 24-hour staff support. The project had a \$5,225,000 development budget that included \$950,000 in CPA donations from Brewster, Chatham, Eastham, Provincetown, Truro, and Wellfleet in addition to Orleans.

Needham’s SHI includes six special needs housing facilities that altogether total 26 affordable housing units as well as another 84 units in group homes for state Department of Developmental Services (DDS) clients scattered throughout town. A notable Needham project involved the development of a group home on South Street. Working with the Charles River Center, the Town committed \$220,000 in CPA funding and \$280,000 in HOME funds to create a home for five severely disabled residents. This facility resembles the large single-family houses in the area, and received no opposition from neighbors. The Charles River Center was the highest bidder on a federal property at East Militia Heights which will represent another opportunity for the community to increase

its inventory of special needs housing.

³² The U.S. Census defines disability as a long-term physical, mental, or emotional condition that can make it difficult to do basic activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. Many residents with one or more disabilities face housing challenges due to a lack of housing that is affordable and physically accessible.

Recommendations: As included in the Guiding Principles and Priority Housing Needs that are part of this Housing Plan, the Town is committed to making and maintaining Needham as an inclusive and supportive community for adults with disabilities, its seniors, and other vulnerable subgroups. In order to ensure that Needham's special needs residents have opportunities to secure not only affordable but also accessible housing, the Town should explore the following recommended actions:

- Review and encourage a variety of housing models that can meet the needs of Needham's adults with disabilities and Needham's seniors.
- Sponsor a meeting with agencies that create housing for adults with disabilities to learn more about different model development options, potentially including a panel presentation from special needs developers and service providers.³³
- Investigate models of housing with services for older adults including assisted living and independent senior housing services. Sponsor a meeting with agencies that create senior housing with services to learn more about different options for partnerships between housing and services.
- Explore opportunities for housing models or zoning changes that were recommended by Needham's Special Education Parents Advisory Council (SEPAC).
- Encourage and support creative solutions for creating affordable and accessible housing from property owners and developers.
- Remove barriers and recommend incentives, including funding, with the goal of establishing additional independent living situations for low-to-moderate fixed-income seniors and adults with disabilities. Consider making CPA funds available, through an RFP, for projects that support housing for people with disabilities.
- Stay up-to-date on all available state and federal funding opportunities that could be used to create housing for seniors and/or people with disabilities (e.g., HOME ARPA, Section 202, ARPA Supportive Housing) so that the Town is prepared to leverage all resources in future housing development projects.
- Consider zoning that would enable more inclusionary home building for people with disabilities and seniors near the Town Center and Heights.

5. **Renovate/Replace the Stephen Palmer Property**

Lead Entity: Select Board
Timeframe: Medium Term
Requires Town Meeting Approval: Yes
Level of Complexity: High

Background: In 1977, the Town entered into a 50-year lease arrangement with a management company, Crowninshield, Inc., for the former Stephen Palmer School at 83 Pickering Street. In 2003, the Select Board established a special Committee to explore the redevelopment of the property that had been renovated in the 1980's into 28 apartments. The terms of the lease required that the apartments be rented to tenants over 55 years old at affordable rates. However, the building has not adequately served as elderly housing due to problematic unit configurations and the absence of an elevator. Moreover, affordability

³³ Examples include Specialized Housing Inc. in Brookline, Forward at the Rock in Dennis, and South Middlesex Opportunity Council (SMOC) housing.

was not defined in the lease, however, rents have remained well below market. Even at the time, the Town recognized that the situation was not beneficial to either the management company (because it could not charge sufficient rents to properly maintain the building) or to the Town. Therefore, the Committee worked with the management company for a period of time to develop a plan for redeveloping the property. Progress, however, was hindered by the complexity of changing the existing lease agreement as well as the needs of the Senior Center, which was located in the building at the time, to expand.

It was anticipated that a renovated and expanded building could provide up to 50 units of affordable or mixed-income elderly housing. This housing could be developed through the rehabilitation of the existing building and the possible construction of an addition on the parking lot side overlooking Green's Field. At the time, this project represented a priority strategy for the Town of Needham given the potential of accomplishing multiple community goals including the conversion of existing below market units into state-defined "affordable" units, the creation of additional "affordable" units, the development of new much needed affordable housing for seniors in the Town Center near transportation and services, and the renovation of a key property in the downtown that was increasingly showing signs of age and neglect.

The Town-appointed special Committee was once again reinvigorated in a further effort to find a feasible solution to the redevelopment of the property in hopes of having a development plan in place by 2007. While it was determined to move the Senior Center to another location, little progress was made on further development plans.

Part of the lease arrangements between the Town of Needham and Crowninshield Management was for the Town to be involved in approving tenant sub-leases and conducting an annual review of the rent rolls. The adoption of a new Town Charter in 2005 effectively assigned the Town's role in the tenant selection process to the Town Manager who subsequently provided Crowninshield with a blanket approval on the sub-leases as long as vacancies were filled by Needham residents age 55 or older. The Town Manager retained approval for any sub-leases involving those who were under age 55 or lived outside of Needham. The Town Manager subsequently delegated this responsibility to the Town's Community Housing Specialist who annually reviews the rent rolls and obtains information on the waitlist, also making referrals of potential occupants. As of April 2022, rents ranged from a low of \$796 to a high of \$1,400 with average rents in the \$1,000 to \$1,200 range, well below market prices.

Recommendations: As the lease will expire in a few years, in May 2027, it is time for the Town to revisit its options for redeveloping the Stephen Palmer Building and site. As in the past, the Select Board should consider appointing a special Committee or Working Group to examine the property's potential for maximizing its reuse for affordable and/or moderate-rate housing when the lease expires, making sure to respond to the needs of existing tenants. The Permanent Public Building Committee and Department of Public Works would also be instrumental in supporting this project that would likely also involve design and engineering consultants. The assessment of redevelopment options would include the following major components:

- Determine building infrastructure and improvement needs as well as projected costs and design options.
- Assess site infrastructure capacity and ability to support additional density (e.g., additional housing units) including a building addition.
- Determine the feasibility of designating Stephen Palmer as affordable housing (e.g., eligible for SHI) while not requiring existing residents to relocate.

- Identify financing options.
- Consider the pros and cons of bringing on a development consultant for Town development versus conveying the property to a developer through a transfer of title or long-term lease via a Request for Proposals (RFP) process. The latter would avoid the extra costs associated with public projects.

It should be noted that the conversion of these units to those that would be eligible for inclusion in the SHI would take time. The Town would have to work closely with DHCD to prepare an Affirmative Fair Housing Marketing Plan which would be implemented as units turnover, as eligibility for the SHI is not allowed for occupied units. Consequently, conversion to state-defined affordable units could only occur on an incremental basis. These units would be counted as Local Action Units (LAUs) processed through the state Local Initiative Program (LIP). Other affordability requirements would also have to be met such as the execution of a Regulatory Agreement and affirmative marketing.

6. Prepare an Inventory of Potential Public and Privately-owned Development Opportunities

Lead Entity: Needham Affordable Housing Trust
Timeframe: Medium Term
Requires Town Meeting Approval: No
Level of Complexity: Medium

Background: Recurring input throughout the planning process involved the identification of specific sites in which housing development might be suitable, including property that is owned by the Town of Needham as well as some potential privately-owned properties. This is not a new issue in Needham, and prior efforts have been made to identify an inventory of such properties.

For example, the Select Board formed an Open Space Working Group in 2002 to a.) identify all Town-owned parcels; b.) gather information about each parcel including present use, designation and management; and c.) determine whether each parcel should remain under its current designation and use or whether the particular location and/or characteristics suggest a transfer to another use.

The Open Space Working Group was comprised of representatives of the Select Board, Planning Board, Conservation Commission, Park and Recreation Commission, School Committee, Finance Committee and Housing Authority. The Town Administrator also served as a member of the Working Group. The Group reviewed 157 Town-owned parcels and considered a variety of possible new uses including conservation land, affordable housing, recreation and other municipal uses. The Group examined each parcel and arrived at a recommendation based on its particular location, use, and characteristics. Most of the parcels were designated as Category A parcels, meaning that they were either active or planned municipal use parcels (e.g., school building, recreational field, municipal pumping station) and were determined to be unsuitable for any other municipal or private purpose. Other Category A parcels were so designated because they were “protected” by state statute as conservation land (Massachusetts General Laws Chapter 40, Section 8C) or were purchased for certain public purposes under Article 97 (e.g., educational, recreational, park land, water protection and conservation of natural resources), such that the designated use could not be changed without a two-thirds vote by Town Meeting and a two-thirds vote of the State Legislature. There was further consensus among Open Space Working Group members that certain

“unprotected” parcels ought to be protected by transferring the jurisdiction of those properties to either the Conservation Commission or Park and Recreation Commission.

The Working Group identified 16 parcels that had the potential for redesignation. Of these, the following properties were considered for affordable housing:

- *Parcel 8 (Stephen Palmer Building on Pickering Street)*. This parcel should continue to be used for housing, and the Working Group endorsed the efforts of the Select Board to expand the amount of housing the building can accommodate and ensure affordability of some of the units. (This remains a key strategy in this Housing Plan. See strategy IV.B.5 for details.)
- *Parcels 4 (the unimproved lot at the corner of Bancroft and Brookline Streets) and 6*. Parcel 4 was developed as an affordable single-family home by Habitat for Humanity although it was not eligible for inclusion on the SHI. Parcel 6 presently houses the Department of Public Works Water Pumping Station.
- *Parcel 13 (Emery Grover Building)*. This property is being renovated for use by the Needham Public Schools.
- *Parcel 14 and a portion of Parcel 26 (undeveloped parcel on Central Avenue adjacent to the RTS)*. Combining Parcel 14, an undeveloped parcel of approximately six acres, with unused land on the adjacent transfer station site, known as Parcel 26, should also be considered, with the possibility of a mixed-use project in the future to include housing, conservation and park and recreation purposes provided the parcel is not needed for DPW purposes. **Status?**
- *Parcel 2 (undeveloped parcel of approximately two acres located across Mills Field on Gould Street)*. The parcel was purchased in 1942 for recreational and educational purposes and would require a vote of the Massachusetts Legislature to change its use. The Housing Authority asserted that the appropriate use was housing while the Conservation Commission suggested that the parcel provides some wildlife habitat that would be lost by development. The Conservation Commission indicated it would consider supporting the redesignation of the parcel to a housing use provided other Needham land that is presently unprotected but of greater value for conservation purposes be redesignated as protected conservation land.

The following additional parcels were identified as bearing some future consideration for some amount of affordable housing:

- *Parcel 3 (undeveloped parcel at the corner of Harris Avenue and Great Plain Street)*. Much of this parcel contains wetlands and is undevelopable. Additionally, it was determined that the property was purchased for the Town’s water supply and any redesignation would require an Act of the Legislature under the provisions of Article 97 of the Massachusetts Constitution. The Conservation Commission believed strongly that the parcel should remain “as is”, however the Housing Authority felt just as strongly that a portion of the site could be developed for housing.
- *Parcel 1 (undeveloped parcel at the corner of Dedham Avenue and South Street)*. Developed as the Town’s Public Services Administration Building at 500 Dedham Avenue.
- *Parcels 37,49 and 156 (Nehoiden Park)*. Large portions of these parcels contain wetlands, however, the Town might explore their possible reuse for a combination of housing and conservation purposes if the Park and Recreation Commission determines that it has no further use for them. Further studies in regard to wetland delineation are necessary before a final determination can be made.

- *Parcel at Broadmeadow Road and Great Plain Road.* This parcel is approximately an acre in size and is located along the commuter rail line in close proximity to the Hersey MBTA station. The parcel has an Article 97 restriction, and the Town would have to secure state legislative approval to allow the development of housing.

Any conveyance of Town-owned property would involve a Request for Proposals (RFP) process that specifies the Town's terms and conditions for the development project.

This analysis occurred two decades ago, and some identified properties are no longer available, as noted above, while others on the list may still be worthy of consideration. Additionally, some properties that were not identified at the time might now be more conducive to housing development.

Given that Needham is largely built out with few vacant developable properties available, there is general consensus

that most new housing creation will involve the redevelopment of existing properties, particularly near transit. There are, however, specific privately-owned properties where new housing development has previously been proposed including the Hartney Greymont property off of Chestnut Street as well as potential cluster development on a property on Foster Street that is planned to combine housing development and open space preservation. The federal government will also be disposing of its property at East Militia Heights that currently includes a small neighborhood of single-family homes. Development of the Hillcrest Gardens property at 888 Great Plain Avenue is also a potential possibility in the Town Center.

Recommendations: The Select Board should consider appointing another Working Group of representatives from various Town boards and committees to revisit the feasibility of properties that were identified for potential housing development in the past and to determine the suitability and availability for developing affordable housing on additional publicly-owned property, **potentially as Apartment A-1 zoning with its designated dimensional requirements or LIP**. Similarly, this Working Group could also be tasked with identifying privately-owned parcels that hold some development potential. One recommendation has been to create a property inventory similar to that created by the City of Newton — see <https://www.newtonma.gov/home/showpublisheddocument/41602/637418380094000000>. Another recommendation was for the inventory to be summarized on a simpler spreadsheet similar to what was produced in the past. Criteria for inclusion in the inventory could include size, ownership, access to services and transportation, proximity to schools, presence of wetlands or environmental constraints, etc.

7. Consider Waiving Permit Fees for Affordable Housing

Lead Entity: Select Board
Timeframe: Medium Term
Requires Town Meeting Approval: ?
Level of Complexity: Low

Background: As noted in the 2007 Affordable Housing Plan, the waiver of application fees has proven to be a help in getting affordable housing efforts underway, both in Needham, where waivers have been granted on a case-by-case basis, and in other communities. Such waivers represent a signal to funding agencies of a Town's commitment to a project and thus have been considered by such agencies in making funding decisions. While fees are not extravagantly costly, they nevertheless help reduce project costs.

Building permit fees on a residential development of three or more units involve a rate of \$10.00 per one thousand (\$1,000.00 of the estimated construction cost) with a minimum flat rate for up to \$20,000.00, for example. Mechanical permits and other fees can add to this amount. The fees for a Chapter 40B comprehensive permit are \$2,000.00 plus \$100.00 per unit.

Recommendations: The Town through its Select Board in consultation with its permitting authorities (e.g., Planning Board, Zoning Board of Appeals, Building Department) should consider waiving permit fees on any development that includes affordable units or as an additional incentive for projects that it determines are directed to below market units in accordance with the Guiding Principles and Priority Housing Needs identified in this Housing Plan.

Housing Development and Preservation Strategies for Further Study/Future Consideration

- **Make enhanced homebuyer assistance available** through local funding to increase affordability of ONE Mortgage Program loans or other state mortgage programs such as those offered by Mass Housing. The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, administers the ONE Mortgage Program which replaced the highly successful Soft Second Loan Program that operated between 1991 and 2013 and helped over 17,000 families purchase their first home. The ONE Mortgage Program is a simplified version of the Soft Second Program providing low, fixed-rate financing and a state-backed reserve that relieves homebuyers from the costs associated with private mortgage insurance.

Some participating lenders and communities also offer grants to support closing costs and down payments (good models are available such as the program offered by Wellfleet) and slightly reduced interest rates on the first mortgage which Needham might consider, working closely with local lenders. Due to eligibility requirements, with maximum purchase price and homebuyer requirements, such a strategy is likely to work only for the purchase of deed-restricted affordable units, which are limited. It is also worth noting, the MassHousing has introduced a program to provide down payments and closing costs assistance of up to \$30,000 through partner lenders.³⁴

- **Support state legislation or consider a Home Rule petition for transfer tax or impact fees on high-value home sales** to help capitalize the Affordable Housing Trust Fund. For example, in an effort to provide some disincentive for transferring property and to secure funding for more

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- ³⁴ While state financing has largely focused on multi-family rental development, particularly for families, the state now offers an expanded program to assist first-time homebuyers with their down payments under the following conditions:
 - o Increased assistance of up to 5% of the purchase price or \$15,000, whichever is less.
 - o More property types are eligible for assistance including single-family homes, condominiums and 2-, 3-, and 4-family properties.
 - o Higher income limits of up to 135% of the area median income (AMI) in Boston and the Commonwealth's 26 Gateway Cities and up to 100% AMI in other communities, including Needham.
 - o The assistance is in the form of a 15-year, fixed rate loan at 2%. (Example: \$15,000 down payment assistance loan = 180 payments of \$96.53; 2.011% APR)
 - o Repayment of the down payment assistance is due upon the sale or refinance of the property prior to the end of the 15-year term and otherwise forgiven.

affordable housing development, Nantucket was successful in obtaining state legislative approval for a transfer tax fee as part of House Bill 4201. This bill requires that the seller pay ½% of the sales price to the Town of Nantucket or its designee with some exceptions. The fees are deposited in the Affordable Housing Trust Fund.

A proposed bill, Senate Bill 868, would enable Massachusetts cities and towns to also impose a fee on certain real estate transfers for use in supporting affordable housing. This bill has been winding its way through the state legislature and would involve a transfer fee of no less than 0.5% and up to 2% on the purchase price of property. The city or town would have the authority to designate whether the fee will be paid by the buyer, the seller, or how it would be allocated between the two. The fee itself was to be paid to the city or town, or its designee. If this bill passes, Needham would have another resource for supporting its affordable housing efforts, and potentially, the fee would serve as a deterrent to some sales.

- **Consider further property tax reductions for qualifying seniors with high cost burdens.** Needham currently provides the following options to reduce or defer property tax payments for qualifying residents:

- *Senior Corps Program*

Needham's Council on Aging (COA) offers residents who are 60 years of age or older and/or are disabled to contribute up to 100 hours each year at \$14.26 per hour to "work off" a portion of their real estate taxes, become more involved in local government, and support the delivery of local services. The COA appropriately matches qualifying applicants to jobs in municipal departments and schools. Applicants must meet income eligibility requirements including having a maximum income of \$62,000 for a single individual and \$93,000 for two persons. The program operates from July 1st through May 1st of each year and applicants must reapply annually.

- *Property Tax Deferral Program*

Needham's Assessor's Office administers the Property Tax Deferral Program that enables qualifying homeowners to postpone the payment of property taxes until the house is sold or transferred. The maximum deferral is half of the value of the home and every person that has a legal or beneficial interest in the property must provide written approval for the deferral. Each year participants enter into an agreement with the Town to defer all or part of the tax bill. The agreement is similar to a loan with a specified interest rate set at 4% for Fiscal Year 2023. This interest rate increases to 16% upon the demise of the owner or a change in ownership.

- Eligibility requirements include the following:
- The owner and/or spouse must be 65 years of age or older on July 1, 2022 for Fiscal Year 2023.
- Maximum income of \$51,000 for married or single applicants (there is no asset restriction).
- Must have primarily resided in Massachusetts for the past 10 years as of July 1, 2022.
- Must have owned and occupied a home in Massachusetts for the past 5 years as of July 1, 2022.
- Participants may also use any tax exemption for which they are qualified and then defer any portion of the remaining amount.

- Participants have the option to also defer water and sewer bills.
- *Tax Exemption Programs*

The Town of Needham allows a number of property tax exemptions to qualifying homeowners with different requirements based on the owner's age, disability status and other qualifications. For example, a homeowner who is at least 65 years of age and married with an income of no more than \$30,000 and maximum assets of \$55,000 could expect a tax exemption of between \$500 and \$1,000 annually. Those age 70 or older may receive a tax exemption from \$175 to \$350 if their financial assets are less than \$40,000. Veterans also qualify for exemptions based on the type and extent of their service-related disability including an exemption of between \$1,500 and \$3,000 for those living in specially adapted housing. Another example is that a legally blind owner can expect an exemption of between \$500 and \$1,000 without any income or asset requirements.
- *Property Tax Assistance Fund*

Elderly and disabled residents can apply for additional property tax relief through the Property Tax Assistance Fund that is funded by residents and local businesses. The Fund has supported 421 separate donations over the years with an average grant of \$433.
- *CPA Surcharge Exemptions*

Qualifying residents can also apply to receive an exemption of the CPA surcharge if they qualify as low- or moderate-income homeowners.

While these programs are helpful, given the number of lower income seniors who are spending more than half of their income on housing costs,³⁵ it may be useful for the Town to reconsider some eligibility requirements and benefits to further reduce cost burdens on seniors and help them remain in their homes and community. The Town should explore similar programs that address this issue and are run by other communities, such as in Sudbury³⁶ to determine if there are opportunities to enhance, expand, or revise Needham's property tax programs.

C. CAPACITY BUILDING STRATEGIES

It will be important for the Town of Needham to continue to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing local and regional partnerships with public and private developers and service providers, and augmenting local organizations and systems that will support new housing production and preservation efforts.

This Plan builds on the following organizational structure and resources for the implementation of strategies and continued oversight of housing initiatives in Needham:

- *Needham Affordable Housing Trust*

The Needham Affordable Housing Trust was created in 2017 under Massachusetts General Laws Chapter 44, Section 55C, which simplified the process of establishing dedicated housing funds for supporting affordable housing activities. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into

³⁵ HUD data indicates that there were 715 homeowners over age 62 who had incomes at or below 80% AMI, and of these, 489 or 68.4% had cost burdens including 319 or 44.6% with severe cost burdens as they were spending more than half of their incomes on housing costs.

³⁶ See <https://sudburyseniorcenter.org/wp-content/uploads/sites/381/2021/08/FY2022-Senior-Means-Exemption-Application.pdf> and <https://patch.com/massachusetts/sudbury/house-votes-continue-sudbury-senior-tax-program-0>

an Affordable Housing Trust Fund, and use these funds without going back to Town Meeting for approval. It also enables Trusts to own and manage real estate, not just receive and disburse funds. As a municipal entity, Trusts are still subject to Chapter 30B procurement rules.

The purpose of the Affordable Housing Trust is “to provide for the preservation and creation of affordable housing in the Town of Needham for the benefit of low- and moderate-income households”. The Town had been receiving fees related to the monitoring of affordable housing units, which had previously gone into the general fund as opposed to revolving back in support of specific housing initiatives. The Housing Trust has provided the means to reserve these funds for housing purposes, which could be supplemented by additional resources to further capitalize the Fund.

The Needham Affordable Housing Trust is composed of all members of the Select Board and one appointed at-large member from the community. In addition to managing the Fund, the Affordable Housing Trust has sponsored the Small Repair Grant Program that provides small grants to qualifying homeowners for health and safety improvements as well as a temporary Emergency Rental Assistance Program that provided funding to help tenants who had lost income due to COVID-19 pay their rent.³⁷ The Affordable Housing Trust typically meets twice annually, and also deliberates on housing issues as they arise.

- *Needham Housing Authority*

The Needham Housing Authority (NHA) was established during a special meeting of the Needham Board of Selectmen in May of 1948 under the provisions of Massachusetts General Laws, Chapter 121B, as amended by Chapter 574 of the Acts of 1946 and by Chapter 200 of the Acts of 1948. NHA’s mission is to provide decent, safe and affordable housing for low- to moderate-income families and individuals and to offer programs and resources to improve the quality of life for residents, program participants and the broader Needham community while respecting the rights and privacy of all. NHA owns and manages 316 units of deeply affordable housing, largely for those with incomes at or below 50% AMI, paying no more than 30% of their income on rent.

- *Needham Community Preservation Committee*

Needham approved the Community Preservation Act in November 2004, which has been a very important resource for supporting affordable housing efforts.³⁸ Over the years the Town has committed about \$3 million of its CPA funds on housing initiatives including:

- o \$120,000 in recent funding to support an Emergency Rental Assistance Program.
- o \$860,500 for four grants to NHA, three for the High Rock Estates project and another for a feasibility study for redeveloping NHA property.

³⁷ The Emergency Rental Assistance Program was approved by Special Town Meeting in October 2020 to provide financial assistance to help renters who lost income due to Covid-19 remain in their homes. With an allocation of \$120,000 of Community Preservation funding and another \$50,000 from the Massachusetts Covid-19 Relief Fund, secured for Needham by the Foundation for MetroWest, the Program covered 50% of rent up to \$1,500 per month for up to six months. To qualify, applicants must reside in a private rental unit, including affordable Chapter 40B units, and have incomes no more than 80% of Area Median Income (AMI). The Town selected the regional non-profit organization, Metro West Collaborative Development, to administer the program.

³⁸ CPA approval was based on a 2% surcharge of residents’ property taxes with exemptions for the first \$100,000 of property value as well as for low- and moderate-income households.

- o Another \$150,000 grant to NHA for development consulting services which enabled NHA to bring on the services of the Cambridge Housing Authority to help it determine how best to refinance much needed property improvements and potential new units.
- o At its 2022 Annual Town Meeting, almost another \$1,467,000 was approved to fund predevelopment costs for the Linden-Chambers housing project and a property survey for the High Rock Estates site to better position NHA to receive funds from outside sources as part of its Preservation and Redevelopment Initiative. At this Town Meeting, the Community Preservation Committee approved a set-aside of 20% of the Town's estimated CPA revenue for housing, up from a minimum of 10%.
- o \$370,000 for the Charles River Center (formerly the Charles River ARC) for four grants including three grants for existing group homes and another for a new group residence for five people with significant physical and cognitive disabilities.
- o \$25,000 for a housing consultant to prepare Chapter 40B guidelines and additional funding towards a portion of the part-time Housing Specialist position over three years.

This Housing Plan stresses the importance of being alert to new government funding and property that can help leverage local resources to address identified local needs and production goals.

Most of the CPA housing reserve funds have been set-aside to support the NHA's Preservation and Redevelopment Initiative (see strategy IV.B.1).

- *WestMetro HOME Consortium*

The Town also joined the Metro West HOME Consortium in 2008, which has enabled it to secure HOME Program funding to address local affordable housing needs. Funding has fluctuated over the years from an allocation of \$57,521 in

fiscal year 2009, to \$67,387 by 2011, down to \$36,149 in 2013, and then as low as \$27,455 and \$27,750 in 2020 and 2021, respectively. The Town spent \$280,000 in HOME funds for the Charles River Center's group residence at 1285 South Street in addition to annual operating/administrative funds. Funding also supported two units at High Rock Homes.

- *Local and Regional Advocates and Resources*

Needham is fortunate to have local organizations that have the interest and capacity to serve as local advocates and resources for efforts related to promoting greater housing affordability and diversity. Such organizations include, but are not limited to the following:

- o Center at the Heights
- o Charles River Center
- o Equal Justice Needham (EJN)
- o League of Women Voters (LWV)
- o Metropolitan Area Planning Council (MAPC)
- o Metro West Collaborative Development (Metro West CD)
- o Needham Diversity Initiative (NDI)
- o Needham Historical Commission
- o Needham Special Education Advisory Council (SEPAC)
- o Needham United to Advance Racial Injustice (NUARI)
- o Representative Garlick and Senator Russo's Offices

Because affordable housing policies, regulations, programs and projects rely on local approvals, building local support for new affordable housing initiatives is also essential. New funding streams as well as

efforts to make local entities more efficient and effective, such as the Affordable Housing Trust, can better promote housing services and production. Moreover, frequent concerns raised during the planning process involved the need to understand and measure the impacts that any action in this Housing Plan would have on local infrastructure, services, student enrollments, and resulting costs. While the following strategies do not directly create new affordable units, they help build local capacity to do so:

1. Continue to Provide Community Outreach and Education on Housing

Lead Entity: Sponsoring Entities of Housing Initiatives

Timeframe: Near Term and Ongoing

Requires Town Meeting Approval: No

Level of Complexity: Low

Background: As noted above, this planning process has involved a comprehensive community education and public relations effort to provide important information on basic housing issues and current conditions. For example, such information included the need for greater housing diversity as 84% of Needham's housing stock is owner-occupied and 83% are single-family homes.

It was also conveyed that the affordable units listed on the SHI, while up to 11.86%, are based on Chapter 40B rules that allow the inclusion of market-rate rental units in projects along with the dedicated affordable units. Consequently, the current SHI count of truly affordable housing units is really 6.24% of Needham housing units. This is below the required 10% 40B target goal.

This planning process also emphasized the need for more housing options to meet identified local needs, as detailed in Section III.C.7, including the needs of local workers who are priced out of the housing market, young people and families looking for starter residences (e.g., single-family homes, condominiums, apartments etc.), people with disabilities, and downsizing empty nesters.

Recommendations: While a major component of the planning process has been an inclusive and robust community outreach and education process, such activities should remain a priority in the years ahead. Additional opportunities to engage the community in discussions related to affordable housing and to present information on the issue are needed to continue to dispel misinformation and help galvanize local support, political and financial, for new affordable housing production. These outreach efforts are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on resident concerns and suggestions.

Each sponsor of a housing initiative should make concerted efforts to work with the Town's Public Information Officer to ensure that residents have ample information on these efforts and opportunities for input. The Town will continue to use its informative website, local cable access television, special articles, community events, and other community meetings to provide information on affordable housing issues and new initiatives. More information should be provided on sustainable/universal design standards and fair housing for example.

Another consideration for bolstering community outreach efforts is the Municipal Engagement Initiative (MEI) that is sponsored by Citizens Housing and Planning Association (CHAPA). (see strategy IV.C.4).

2. Monitor Targeted Housing Goals and the Subsidized Housing Inventory

Lead Entity: Needham Affordable Housing Trust
Timeframe: Near Term and Ongoing
Requires Town Meeting Approval: No
Level of Complexity: Low

Background: This Housing Plan provides targeted Housing Goals (see Section III.C.7) that can be tracked over the next five, ten and twenty years, documenting housing production across housing types. The effects of regulatory reform will take some time to be realized, but ultimately the Town will experience the development of greater housing diversity to address the wide range of local needs.

Recommendations: The Affordable Housing Trust should take the lead on an annual monitoring of progress with respect to the implementation of this Plan, including targeted production goals, with staff support from the Department of Planning and Community Development. This report should be included in the Town's Annual Report.

Moreover, it is important to ensure that all affordable housing units that are part of the Town's Subsidized Housing Inventory (SHI) comply with affordability requirements for as long a period of time as possible. The Town, through its Department of Planning and Community Development, has prepared a database on all affordable housing projects/units in order to better monitor and maintain the affordability of SHI units.³⁹ The Department will continue to update and maintain this database to effectively monitor the affordability of not only existing SHI units but to also ensure that any new affordable units meet all requirements and are added to the SHI when eligible.

3. Identify Impacts of Housing Proposals

Lead Entity: Sponsoring Entity and Select Board for non-project specific issues
Timeframe: Near term for New Initiatives/Medium term for More Proactive Studies
Requires Town Meeting Approval: No
Level of Complexity: High

Background: As new development and rezoning have been proposed in the past, the Town of Needham has made important efforts to assess the impacts on existing resources. Such impacts can include those related to traffic access and congestion, school enrollments, fire and police department services, taxes, etc. In many cases, the Town, largely through the Planning and Community Development Department, has brought in consultants to undertake specific transportation, engineering, and fiscal impacts analyses. Public hearings on these proposed initiatives have also involved input from residents, particularly those who reside in close proximity to the proposed project or zoning proposal. These analyses and public participation have helped identify potential problems as well as mitigation measures.

³⁹ The Town, through the Affordable Housing Trust, serves as Monitoring Agent to directly monitor affordability requirements on an annual basis for the older Chapter 40B homeownership projects (e.g., Junction Place, Garden Street/Browne-Whitney, High Cliff Estates) as well as units that were required as affordable as part of zoning provisions (e.g., Needham Place, Wingate Residences) and the affordable unit at Hamilton Highlands. Other monitoring work includes the HOME Program funded group home for developmentally disabled adults at 1285 South Street and support for the Needham Housing Authority's High Rock Homes condos (for refinancing or resales).

Recommendations: Impact analyses of housing initiatives need to occur on a project-by-project basis, however, comments received as part of this planning process have recommended greater proactive instead of reactive studies to guide new development including:

Impacts from housing initiatives will range significantly based on a number of factors including location, number of units, and type of unit as there will be very limited impact from a new Accessory Dwelling Unit but considerably more from a larger development that is not age-restricted such as workforce housing. As the Town needs a wide range of housing types to address the wide range of local needs, community impacts will necessarily occur as a result of the implementation of this Housing Plan.

- Update the School Master Plan to study the impacts of recent housing developments and consider those of proposed rezoning initiatives. This work should also consider needs related to new school construction, including renovations and additions. An updated report on projected changes in school enrollment is due in the fall of 2022. It is worth noting that actual school enrollments have thus far been lower than the projections of school children for the larger Chapter 40B rental developments. It is further noteworthy that the most recent enrollment figures showed a higher than anticipated increase in kindergarten students.⁴⁰
- Examine capacity issues along the entire commercial corridor, focusing on Great Plain Avenue and Highland Avenue, and analyze potential impacts related to zoning for an additional 1,784 housing units through compliance with MBTA Communities Guidelines.
- Use results from the parking study that was conducted by the WestMetro HOME Consortium and Metropolitan Area Planning Council (MAPC) to advise changes in parking

requirements for housing development. The Town is also working with a consultant to undertake a parking study for the Town Center and Chestnut Street Business District that will inform potential changes to existing parking requirements, and might at some time be expanded to other areas of the community.

- Study public realm (streetscape) improvements and transit alternatives that may be needed to handle traffic that may result from new development while addressing the special needs of seniors and disabled.

Additionally, while not directly related to housing and somewhat outside the purview of this Housing Plan, the following strategies have been recommended to better improve the quality of life for Needham residents and complement new housing development:

- Preserve existing parks and conservation land throughout town and ensure the long-term accessibility to the public for recreational purposes.
- Require new development to consider the importance of creating new public and private open spaces in all new and renovation projects, where feasible. Consideration should be given to how open spaces can connect to, or expand on, the adjacent open spaces and public realm of the immediate surrounding neighborhood context.
- Require the installation or improvement of sidewalks, bike paths, or pedestrian trails to access the nearest park or open space in locations where on-site provision of open space is not feasible.

⁴⁰ The current Needham Public School projections suggest a decline of 169 students between 2025-2026 and 2033-34, or from 5,946 to 5,777 students. These projections indicate a much higher level of growth in enrollment than is currently occurring with the 2020-2021 enrollment at 5,483 students as opposed to the forecasted 5,813. With average school costs of approximately \$15,000 per student, savings would be significant.

- Consider providing additional Town-funded internal transportation options to reduce car usage, connect to existing transit, and assist in the mobility of residents, seniors and the disabled within Needham's core areas and along the Highland Avenue/Chestnut Street commercial corridor.

4. Boost Local and Regional Support and Collaboration for Housing

Lead Entity: Needham Affordable Housing Trust

Timeframe: Medium Term

Requires Town Meeting Approval: No

Level of Complexity: Low

Background: A major component of this planning process has been a robust community outreach and education effort to bring in numerous and diverse voices from the community to inform the content of the Housing Plan. Nevertheless, the Working Group is aware that more ongoing community input is required to not only obtain political support for new initiatives but to also build partnerships and coalitions with entities that can provide guidance and advocacy for ensuring effective and efficient implementation of recommended actions.

Recommendations: While the Needham Affordable Housing Trust is the likely entity to pursue such alliances, it was suggested that the Housing Trust revisit its mission and better define its roles and responsibilities vis a vis the implementation of this Housing Plan. It was also suggested that the Housing Trust consider broadening its membership to bring in a wider range of perspectives and expertise. Additionally, recommendations included identifying a role for the Planning Board and Planning and Community Development Department to guide the housing vision and monitor Plan implementation.

The following recommendations have also been offered for consideration to strengthen Town relationships with other housing stakeholders including realtors, lenders, developers, property owners, service providers, and advocates:

- Work with realtors, lenders, and others to explore ways of helping buyers purchase existing smaller homes and save them from demolition.
- Help build a coalition among all the advocacy groups in town to find out how housing impacts their goals and how they might be helpful in implementing actions as part of this Housing Plan. This coalition could be comprised of diversity or faith-based entities as well as other community interest or civic groups. Because housing is such a pressing community issue, it effects the missions of many local organizations and constituencies.

Equal Justice Needham's housing group sponsored an initial coalition meeting, and the Town could provide support for additional efforts to convene such entities, perhaps on an annual basis as part of an annual housing summit for housing stakeholders and residents alike. Ongoing communication could also be facilitated through this coalition building.

- Improve communications/collaboration within Town government boards and committees to be more proactive in addressing affordable housing needs, opportunities, and challenges as well as related impacts on infrastructure, Town services, the budget, and the school system. This could be facilitated through participation in CHAPA's Municipal Engagement Initiative.

Another consideration for coalition building is the Municipal Engagement Initiative (MEI) that is sponsored by Citizens Housing and Planning Association (CHAPA). Under this program, CHAPA will partner with the Town to build coalitions that work together to address housing production challenges and bolster new development. In other communities, this program has been effective in bringing together local and regional stakeholders representing businesses, civic groups, houses of worship, and other active constituencies in supporting local housing priorities.

- In order to bolster local support for this Housing Plan, it has been suggested that the Affordable Housing Trust consider a formal vote on an expanded housing mission statement that supports a diversity of housing opportunities in Town. The purpose of the Affordable Housing Trust, as included in the Declaration of Trust, is to provide for the preservation and creation of affordable housing for low- and moderate-income households. Given this Housing Plan's expanded vision of creating housing opportunities to address a wide range of housing needs, not just limited to affordable housing targeted to those with incomes at or below 80% AMI, the Affordable Housing Trust might provide another declaration related to this broader community goal. As part of these deliberations, the Affordable Housing Trust might discuss its specific roles and responsibilities within the context of the Guiding Principles, Priority Housing Needs, and recommended actions as part of this Housing Plan. The Housing Trust might also recommend to the Select Board that it consider another recommendation from this planning

process of appointing affordable housing advocates to more Town boards and committees.

A related recommendation was for the Housing Trust to more fully utilize the considerable powers that were provided by the state under Chapter 44, Section 55C and proactively pursue housing development opportunities. Other communities are using their Housing Trusts as vehicles for producing housing. The Housing Trusts in Scituate and Hingham, for example, have acquired property, made improvements, and then sold or rented the units to qualifying occupants. As mentioned earlier, the Housing Trusts in Manchester-by-the-Sea and Yarmouth have issued RFPs for development proposals. Housing Trusts have also been instrumental in shepherding the development of Town-owned property into new affordable or mixed-income housing, working with affordable housing developers, as was the case in Marion for example.

- Sponsor a gathering with developers, property owners, and housing entities to obtain feedback on development constraints and what the Town might do to better encourage the development of affordable and moderate-rate housing in town. It has been recommended that the Town look specifically at the Chestnut Street area between the Town Center and the Junction train station for potential sites for such housing, however, input on development opportunities in other areas would also be welcomed. It may be useful for the Town to host a forum with these entities to gather feedback about reasons why they would or would not be interested in working with the Town to create new affordable housing.⁴¹

⁴¹ The Town might also reach out to the following organizations that have proven track records with producing affordable or mixed-income housing, mostly involving sizable multi-family rental development:

Some of this outreach represents a continuation of efforts to work with developers and property owners to promote greater housing diversity and affordability. It has been the Town's experience that the major obstacles to developing affordable housing has been site control and density. For example, the Town has been working with Metro West Collaborative Development (Metro West

It should be noted that rental developments that access financing programs, such as Low Income Housing Tax Credits, require a certain size of at least 30 units, but preferably 40 or more to be feasible. Developers of such housing will therefore be looking for sites that will accommodate such density.

CD), which is the Community Housing Development Organization (CHDO) for the West Metro HOME Consortium with special set-asides of federal funding, to identify development opportunities. Thus far, it has been outbid by private entities and the density needed to target units to lower income households using government financing programs, such as Low Income Housing Tax Credits, have generated neighborhood concerns about density.

The Town has also assembled owners of properties in the Town Center and along Chestnut Street to ascertain the major barriers to new development. The issues of site assemblage, parking, and the reluctance of owners to embark on any

development outside their comfort zones were identified as major contributing factors.

Besides enhanced local collaboration, feedback during the planning process also emphasized the regional nature of the housing crisis and need to explore opportunities to work across our boundaries to promote greater housing diversity and affordability. The MBTA Communities Guidelines represent a state initiative to promote such housing for all MBTA communities in the region that will hopefully result in an expanded housing supply near transit where greater density is more appropriate. Other opportunities to engage regionally on the housing crisis include the Town's continued participation as part of the WestMetro HOME Consortium and the Metropolitan Area Planning Council's (MAPC) Inner Core Subregion meetings. Other potential regional approaches include providing CPA funding for projects located in a nearby community where Needham residents will likely benefit, such as the Cape Cod Village project in Orleans described under strategy IV.B.4.

Capacity Building Strategies for Further Study/Future Consideration

- **Conduct a racial impact study** to determine whether Needham's existing residential zoning has a disproportionate impact on Black, Indigenous and People of Color (BIPOC) and other groups

-
- o PennRose
 - o The Community Builders
 - o Caritas Communities
 - o B'nai B'rith Housing
 - o Rogerson Communities
 - o Beacon Communities
 - o 2Life Communities
 - o Hebrew Senior Life
 - o Newton Community Development Foundation
 - o Winn Development
 - o Maloney Properties
 - o Preservation of Affordable Housing (POAH)
 - o Archdiocese's Planning Office for Urban Affairs (POUA)

protected under the Federal Fair Housing Act (FFHA). It is likely that the Town would hire a consultant to conduct such a study, working with the Select Board and NUARI.

- **Explore potential reductions in local preference** in affordable housing lotteries. State Guidelines indicate that the Town must obtain approval from DHCD when requesting local preference for those who live and/or in Needham, or have children attending local schools, as part of the lottery process and initial occupancy. The Town must provide documentation to DHCD on the local need to provide housing for residents to obtain this approval. The Town has obtained the highest level of local preference, at 70%, for each of the Chapter 40B rental developments. It has been suggested during this planning process that such local preference might negatively affect applicants of color given Needham's relatively limited racial diversity.

Appendix 1

Demographic, Economic and Housing Profiles

A. DEMOGRAPHIC PROFILE

This section examines population growth in terms of changes in the age distribution and household types that predict impacts on local services and the housing market.

1. Population Growth – Recent spurt in population growth

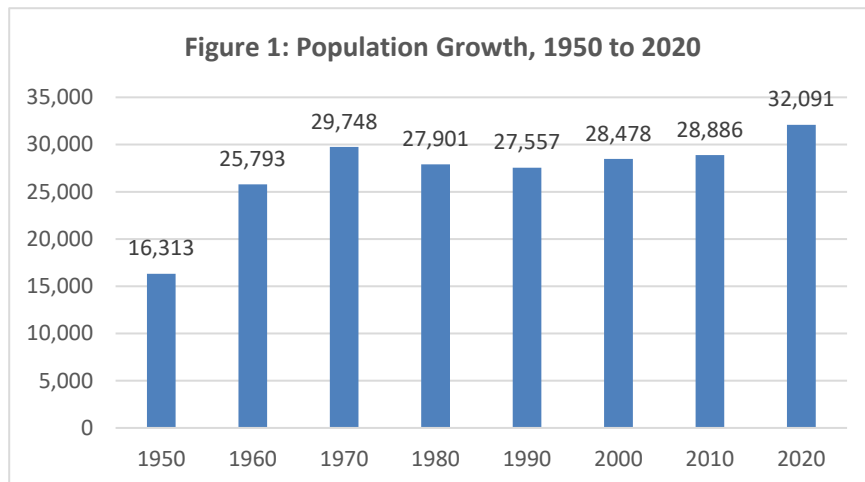
As presented in Table 1 and Figure 1, Needham's population increased substantially after World War II, more than doubling between 1940 and 1960, according to U.S. census data. The population climbed to 29,748 residents by 1970, and then dipped to 27,557 in 1990. It rebounded after that growing to 28,478 residents or by 3.3% in 2000, and then up modestly to 28,886 residents and 1.4% in 2010. The 2020 census identified significant population growth between 2010 and 2020 of up to 32,091 residents or 11%, representing a gain of 3,205 new residents. Some of this growth is due to larger household size and new multi-family rental development. For example, The Kendrick and Modera Needham Chapter 40B developments included 526 additional residential units.

The Town census count was 31,736 residents as of November 2021 with an additional 1,163 inactive voters for a total of 32,899. The Town is required to keep these inactive voters on the census for two biennial state elections if they do not return a confirmation notice. The disparity between the federal and local figures is also typically due to the federal census counting students as living at their colleges and universities while the Town counts students as living at the home of their parents.

Table 1: Population Change, 1930 to 2020

Year	Total Population	Change in Number of Residents	Percentage Change
1930	10,845	--	--
1940	12,445	1,600	14.8%
1950	16,313	3,868	31.1%
1960	25,793	9,480	58.1%
1970	29,748	3,955	15.3%
1980	27,901	-1,847	-6.2%
1990	27,557	-344	-1.2%
2000	28,478	921	3.3%
2010	28,886	408	1.4%
2020	32,091	3,205	11.1%
Town Records As of 11/21	32,899	--	--

Sources: U.S. Census Bureau, 2010 and 2020; University of Massachusetts Donahue Institute State Data Center; Needham Town Clerk's Office.



There are a number of projections that have been calculated to forecast future demographic growth including those provided by the Metropolitan Area Planning Council (MAPC), State Data Center at the University of Massachusetts Donahue Institute, and Needham Public Schools, all of which are summarized below. **All these projections were incorrectly calculated**

as they showed a total population of less than 30,000 by 2020 and less than 31,000 by 2030, less than the 32,091 residents reported in the 2020 U.S. census.

The Metropolitan Area Planning Council (MAPC) provided two different sets of projections based on varying assumptions. The first is the Status Quo scenario based on the continuation of existing rates of births, deaths, migration and housing occupancy. The second is the Stronger Region alternative based on the following assumptions:

- The region will attract more people than it does today, particularly young adults;
- Younger households born after 1980 will be more inclined to live in urban areas with less of an inclination to live in single-family homes; and
- An increasing number of older adults will choose to downsize from their single-family homes to apartments or condominium units.

The projections suggested very limited population growth over the next several decades with a total population of 28,981 and 29,491 by 2020 under the Status Quo and Stronger Region scenarios, respectively. By 2030, MAPC calculated that Needham's total population would be 29,706 or 30,746 residents under the Status Quo and Strong Region scenarios, also respectively.

Projections from the University of Massachusetts State Data Center forecasted declining growth with a total population of 29,610 and 28,539 residents for 2020 and 2030, respectively. The Needham Public Schools forecasted a comparable population to the 2010 level of 28,960 residents for both 2020 and 2030.

The projected changes in the age distribution for all of these population projections are included in Section A.3 below.

2. Race – Gains in resident diversity

Table 2 provides a summary of the racial breakdowns of the population for 2000, 2010, and 2020, showing the increase in population diversity over these decades. The population has remained predominantly White, but Asian, Latinx and Black residents have been steadily growing in number and as a percentage of the total population, from 5% in 2000, 9% in 2010, and up to 15% according to the 2020 census. Asians comprised 3.5% of the population in 2000 and 9.4% by 2020, representing half of all minority residents.

Black or African-American residents comprised only 1.4% of the population in 2020. Those claiming Hispanic or Latino heritage added another 1,223 residents in 2020, representing 3.8% of the population.⁴²

Table 2: Racial Distribution, 2000, 2010, and 2020

Race/Ethnicity	2000		2010		2020	
	#	%	#	%	#	%
Total Population	28,911	100.0	28,886	100.0	32,091	100.0
White*	27,140	93.9	25,730	89.1	26,013	81.1
Black*	187	0.6	275	1.0	452	1.4
Asian*	1,023	3.5	1,753	6.1	3,033	9.4
Native American*	7	0.02	10	0.03	10	0.03
Some Other Race*	34	0.1	64	0.2	195	0.6
Two or More Races*	179	0.6	436	1.5	1,165	3.6
Non-White, Non-Hispanic/ Non-Latino	1,430	5.0	2,538	8.8	4,855	15.1
Hispanic or Latino**	341	1.2	618	2.1	1,223	3.8

Source: U.S. Census Bureau, 2020 * Includes race alone, non-Hispanic. ** Includes all racial groups.

3. Age Distribution – Increasing numbers of children despite proportional declines with losses in younger adults and significant gains in older residents

Census data regarding changes in the age distribution from 1990 to 2020 is provided in Table 3 and visually presented in Figure 2. The 2020 census data identified a total population count of 32,091 residents, including 8,439 residents as being under age 18, close to the 8,496 children indicated in the 2020 census estimates based on survey data. In general, trends show an overall increase in children accompanied by decreases in younger and middle-aged residents and gains in older adults. The aging of the population is also reflected in the median age which climbed from 38.9 years in 1990 to 43.0 by 2010, and then to 43.9 years in 2020, largely reflective of overall increases in the 65 to 74 age range. The 2020 median age of 43.5 years is higher than that of Norfolk County at 40.9 years or the state at 39.6 years.

Table 3: Age Distribution, 1990 to 2020

Age Range	1990		2000		2010		2020	
	#	%	#	%	#	%	#	%
Under 5 Years	1,860	6.7	2,153	7.4	1,869	6.5	1,511	4.8
5 – 17 Years	4,402	16.0	5,423	18.8	6,270	21.7	6,985	22.4
18 – 24 Years	2,088	7.6	1,540	5.3	1,527	5.3	2,054	6.6
25 – 34 Years	3,776	13.7	2,514	8.7	1,694	5.9	1,535	4.9
35 – 44 Years	4,619	16.8	4,939	17.1	4,046	14.0	2,090	6.7
45 – 54 Years	3,223	11.7	4,490	15.5	4,940	17.1	4,624	14.8
55 – 64 Years	2,959	10.7	2,662	9.2	3,840	13.3	4,370	14.0
65 – 74 Years	2,394	8.7	2,265	7.8	2,053	7.1	3,170	10.2
75 – 84 Years	1,556	5.6	1,885	6.5	1,606	5.6	1,579	5.1
85+ Years	680	2.5	1,040	3.6	1,041	3.6	1,319	4.2
Total	27,557	100.0	28,911	100.0	28,886	100.0	31,177	100.0
Under 18	6,262	22.7	7,576	26.2	8,139	28.2	8,496	27.2
Age 65+	4,630	16.8	5,190	18.0	4,700	16.3	6,068	19.5
Median Age	38.9 years		40.8 years		43.0 years		43.9 years	

Sources: U.S. Census Bureau, 1990, 2000 and 2010 and American Community Survey 2016-2020 5-Year Estimates

⁴² There is some overlap of race identification between these minority groups.

A further analysis of these demographic shifts is offered below.

- *Increasing population of children that is slowing down with proportional declines*
While many relatively affluent towns have experienced significant decreases in the number of children, this has not been the case in Needham. Those under age 18 increased from 6,262 residents in 1990 to 8,139 by 2010, or from 22.7% to 28.2% of the population. This represented a 21% increase between 1990 and 2000 and a lower 7.4% increase between 2000 and 2010. Census estimates for 2020 suggest continued growth to 8,496 children but proportionally down to 27.2% of the population with a growth rate down to 4.3% since 2010. The 2020 decennial census identified 8,439 residents under age 18, down to 26.3% of all residents and a 3.7% rate of growth since 2010.⁴³
- *College age residents decreased by 27% between 1990 and 2010 and increased to almost 1990 levels according to 2020 census estimates*
Young residents in the 18 to 24-age range decreased by 27% between 1990 and 2010, going from 2,088 residents to 1,527. The 2020 census estimates indicate some increase in this population to 2,054 residents and 6.6% of the population. It is important to note that many former Needham residents in this age range are boarding at college or living out of town and are not included as part of this count but are still connected to the community.⁴⁴
- *Young adults declined by 59% since 1990*
Younger adults in the 25 to 34-age range, many in the family formation stage of their lives, also decreased significantly between 1990 and 2010, dropping to 5.9% of the population from 13.7% in 1990, or from 3,776 to 1,694 residents. The 2020 census estimate of 1,535 residents represents another decrease to 4.9%. Overall, an increasing number of Millennials (born 1980-1994) who were raised in Needham have been choosing to live elsewhere, and the high cost of housing is likely a contributing factor in addition to general preferences for living in more urban areas.
- *Recent losses of younger middle-aged residents*
While those age 35 to 44 increased between 1990 and 2000, by 320 residents or 6.9%, there was a fall-off of this population after that, decreasing from 4,619 to 4,046 residents or by 12.4% between 2000 and 2010. The 2020 census estimates suggest a major loss of 1,956 residents or 48% in this age range since 2010 to 2,090 residents. While many in this age range would likely be attracted to Needham given the high quality of its school system and other community amenities for young families, it is also likely that many have been priced out of the town's housing market.
- *Recent decline in middle-aged residents*
There was an upsurge of those in the 45 to 54 age range, growing by 1,717 residents or 53.3% between 1990 and 2010, likely reflective of those further into their work lives being better able to afford to live in Needham. However, the 2020 census estimates indicate a decrease in this age cohort, down to 4,624 residents from 4,940 in 2010. Some in this age range may also have found it challenging to afford the rising housing costs during this period.

⁴³ Decennial census data is limited and consequently much of the analysis in this Housing Plan must necessarily rely on census estimates from the American Community Survey 5-Year Estimates which involves sample data.

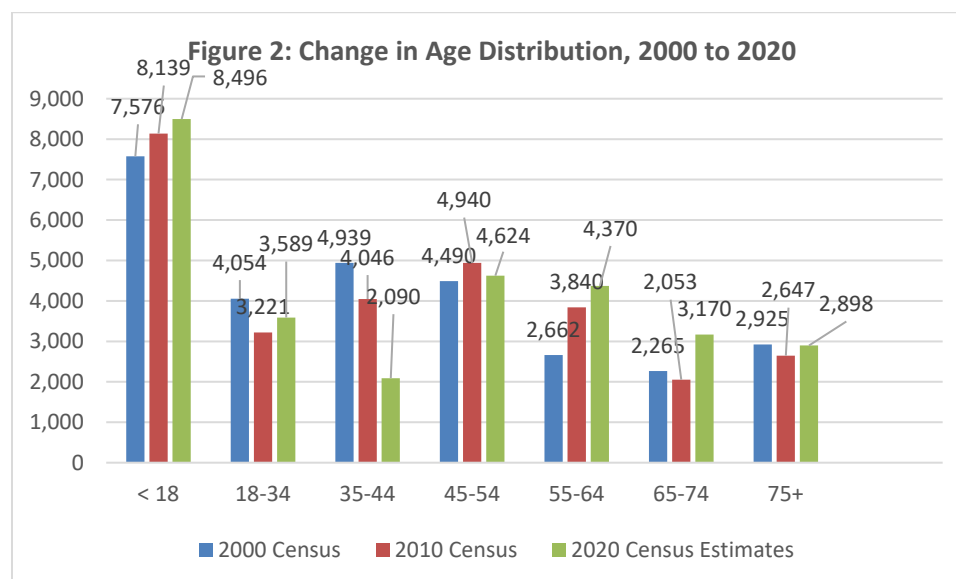
⁴⁴ The federal census counts students attending colleges and universities, or other boarding institutions, as residing in their school community. Those living in dormitories are reported separately as living in group quarters.

- *Increases in older middle-aged residents*

Those in the 55 to 64-age range increased from 10.7% of the population in 1990 to 13.3% by 2010, or from 2,959 to 3,840 residents. Census estimates for 2020 suggest further increases to 4,370 residents, comprising 14.0% of Needham's population. The Town will need to be prepared to accommodate this increasing population of older adults as they enter retirement with more housing with handicapped accessibility, supportive services, and low maintenance demands.

- *Fluctuating population of older residents with recent increases*

The number of those 65 years of age and older has fluctuated somewhat over the decades from 4,630 residents in 1990, up to 5,190 in 2000, and then back down to 4,700 in 2010, close to the 1990 level. The 2020 census estimates indicate a major increase to 6,068 residents and up to 19.5% of the population, largely driven by those age 65 to 74. As the community's Baby Boomers continue to enter this age range, the numbers of older adults will increase over the next decade or so as forecasted in population projections.



Population Projections

There are several different projections of changes in the age distribution including the two scenarios from MAPC, figures from the University of Massachusetts Donahue Institute's State Data Center, and calculations from Needham Public Schools. These estimates are summarized below.

MAPC Projections

A comparative summary of MAPC's Status Quo and Stronger Region projections is provided in Table 4, also comparing 2010 census figures. Total population growth between 2010 and 2030 under the Status Quo scenario is 2.8% with the Stronger Region growth rate at 6.4%. These projections suggest that Needham's population would continue to grow slowly to a total population of 30,746 by 2030 based on their Stronger Region scenario, however, *even the Stronger Region scenario underestimates actual growth of 32,091 residents according to the 2020 U.S. census decennial count.*

Nevertheless, as explained above, it is likely that the Stronger Region scenario will more reliably reflect future growth patterns than the Status Quo projections. Both scenarios, however, indicate an increase in those 65 years of age or older, from about 16% to 24% of the population between 2010 and 2030, with

some fall-off of those under age 20, from 30.1% in 2010 to about 25% by 2030. There were also some gains in younger adults age 20 to 34 and modest projected decreases in those 35 to 64 years of age.

Table 4: MAPC Population Projections for 2030

Age Range	2010 Census		2030 Status Quo Projections		2030 Stronger Region Projections	
	#	%	#	%	#	%
Under 5 Years	1,869	6.5	1,572	5.3	1,650	5.4
5 to 19 Years	6,814	23.6	5,763	19.4	5,935	19.3
20 to 34 Years	2,677	9.3	3,400	11.4	3,680	12.0
35 to 64 Years	12,826	44.4	11,593	39.0	12,002	39.0
65+ Years	4,700	16.3	7,378	24.8	7,479	24.3
Total	28,886	100.0	29,706	100.0	30,746	100.0

Source: Metropolitan Area Planning Council (MAPC), Massachusetts Housing Data Portal, January 2014.

Figure 3 shows the projected percentage change in total population for those under 15 years of age and for those over age 65 for Needham from 2010 and 2030. These changes are compared to other Maturing Suburbs in the Boston region, MAPC's Three Rivers Interlocal Council subregion, and the entire Metro Boston area, once again based on MAPC's Stronger Region scenario. This data indicates that Needham's total projected growth of 3% between 2010 and 2030 is comparable to what is estimated in other Maturing Suburbs and the subregion. The data also identified Needham with the greatest predicted decrease in the number of children although this 19% population loss is about the same as the estimated 18% decline in other Maturing Suburbs. While not as extreme as the other areas, Needham is also projected to experience increases in those over the age of 65, at a 57% gain.

Figure 3: Population Change Comparison, 2010 to 2030⁴⁵

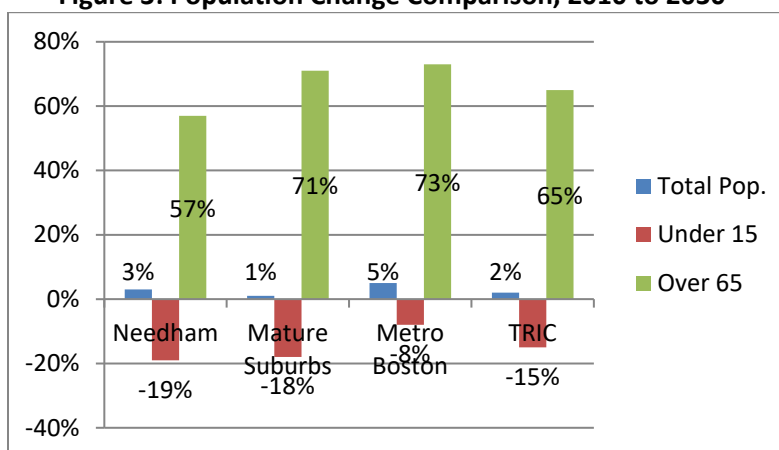


Table 5 and Figure 4 present more detailed MAPC Stronger Region projections for 2020 and 2030 for Needham in comparison to the 2010 U.S. census counts, suggesting the following more specific population trends:

⁴⁵ Source: Metropolitan Area Planning Council, Metro Boston 2030 Population and Housing Demand Projections. TRIC (Three Rivers Interlocal Council) is the MAPC subregion that includes Needham as well as Canton, Dedham, Dover, Foxborough, Medfield, Milton, Norwood, Randolph, Sharon, Stoughton, Walpole and Westwood.

- *Continuing declines in the number and percentage of children* with those under age 20 decreasing from 30.1% of the population in 2010, to 26.8% by 2020, and down further to 24.7% by 2030, representing a loss of 1,098 young residents during this period. This decline, if realized, would have impacts on school enrollments and costs.
- Gains of those in the 20 to 24 age range with a net increase of 173 such residents. Given such high housing prices, many in this age range and recently out of college may need to live with their family or find rentals that they can share.
- Increases in those age 25 to 34, from 5.9% of all residents in 2010 to 8.2% by 2030 and with a net gain of 830 residents. This group represents a major target market for the new Chapter 40B rental developments or other future multi-family construction, both rentals and ownership.

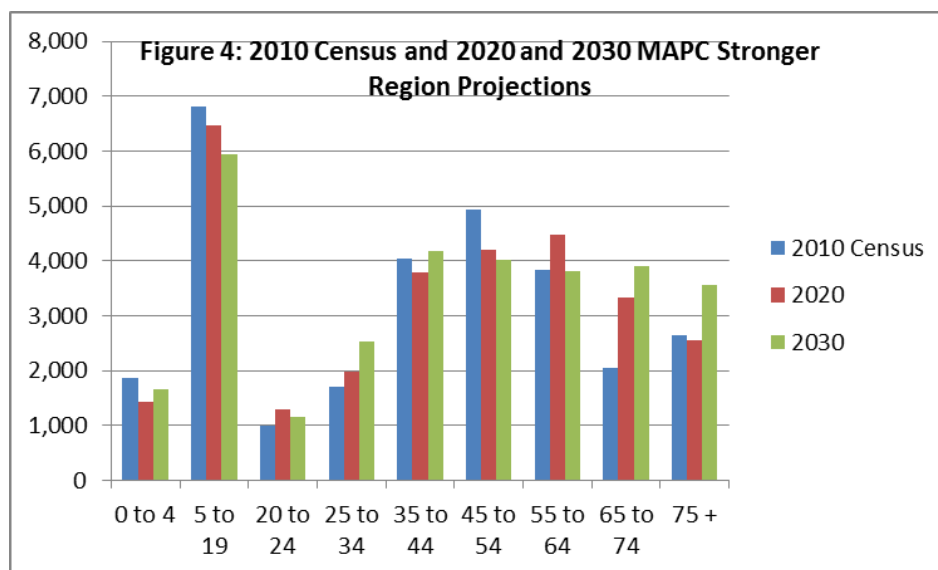
Table 5: 2010 Census and 2020 and 2030 MAPC Population Projections

Age Range	2010 Census		2020 Projections Stronger Region		2030 Projections Stronger Region	
	#	%	#	%	#	%
Under 5 Years	1,869	6.5	1,438	4.9	1,650	5.4
5 –14 Years	4,952	17.1	4,301	14.6	4,106	13.4
15 – 19 Years	1,862	6.4	2,165	7.3	1,829	5.9
20 – 24 Years	983	3.4	1,295	4.4	1,156	3.8
25 – 34 Years	1,694	5.9	1,968	6.7	2,524	8.2
35 – 44 Years	4,046	14.0	3,780	12.8	4,181	13.6
45 – 54 Years	4,940	17.1	4,192	14.2	4,008	13.0
55 – 64 Years	3,840	13.3	4,480	15.2	3,813	12.4
65 – 74 Years	2,053	7.1	3,326	11.3	3,909	12.7
75 – 84 Years	1,606	5.6	1,528	5.2	2,509	8.2
85 Years and Over	1,041	3.6	1,018	3.5	1,061	3.5
Total	28,886	100.0	29,491	100.0	30,746	100.0
Under 20 Years	8,683	30.1	7,904	26.8	7,585	24.7
65+ Years	4,700	16.3	5,872	19.9	7,479	24.3

Source: 2010 U.S. Census Bureau and Metropolitan Area Planning Council's Population and Housing Demand Projections for Metro Boston, January 2014.

- Relative stability of younger adults age 35 to 44 that are projected to continue to represent about 14% of the population, increasing by an estimated 135 residents.
- A fall-off in middle-aged residents age 45 to 54, from 17.1% of the population in 2010 to 13.0% by 2030 and with a net loss of 932 residents or 18.9%. Some of these residents may choose to leave the community in search of more affordable living conditions and/or because their children have already graduated from local schools.
- Projected fluctuations in those 55 to 64 years old, increasing from 13.3% to 15.2% between 2010 and 2020 and then down to 12.7% by 2030 with a net loss of 27 residents. Some in this age category might be looking for opportunities to downsize which are very limited in Needham.
- *Increases in the population 65 years of age and older*, from 16.3% in 2010 to 24.3% in 2030 and with an estimated gain of 2,779 residents. This increase includes the aging Baby Boomers and

suggests that the Town undertake appropriate planning to accommodate an aging population that is likely to have special needs in the future. The Town can anticipate a greater demand for housing opportunities for downsizing as well as Council on Aging services for example.



State Data Center Projections

Table 6 provides projections of the age distribution in Needham for 2020 and 2030 from the State Data Center at the University of Massachusetts Donahue Institute. The 2020 data suggests rather comparable population figures to the 2020 MAPC Stronger Region estimates with proportional variations of only about 1% or less for each age range with the exception that the State Data Center projects a higher level of those 45 to 54 years of age at 16.4% instead of 14.2%.

Table 6: 2010 Census and 2020 and 2030 State Data Center Population Projections

Age Range	2010 Census		2020 Projections		2030 Projections	
	#	%	#	%	#	%
Under 5 Years	1,869	6.5	1,187	4.0	1,340	4.7
5 –14 Years	4,952	17.1	4,140	14.0	3,133	11.0
15 – 19 Years	1,862	6.4	2,479	8.4	1,290	4.5
20 – 24 Years	983	3.4	963	3.3	966	3.4
25 – 34 Years	1,694	5.9	1,680	5.7	2,156	7.6
35 – 44 Years	4,046	14.0	3,496	11.8	3,615	12.7
45 – 54 Years	4,940	17.1	4,851	16.4	3,918	13.7
55 – 64 Years	3,840	13.3	4,739	16.0	4,458	15.6
65 – 74 Years	2,053	7.1	3,242	10.9	3,896	13.7
75 – 84 Years	1,606	5.6	1,680	5.7	2,559	9.0
85 Years and Over	1,041	3.6	1,153	3.9	1,208	4.2
Total	28,886	100.0	29,610	100.0	28,539	100.0
Under 20 Years	8,683	30.1	7,806	26.4	5,763	20.2
65+ Years	4,700	16.3	6,075	20.5	7,663	26.9

Sources: 2010 U.S. Census Bureau and University of Massachusetts, Donahue Institute, State Data Center.

Additionally, the State Data Center's 2030 projections indicate a decline in population to 28,539 residents which is below the 28,886 total population count in 2010 and well below the 2020 census population

count of 32,091 residents. Nevertheless, these figures still demonstrate general demographic trends related to decreases in children, gains in younger adults, and increases in seniors age 65 or older. For example, the State Data Center estimates that those under age 20 will decline by 2,920 residents between 2010 and 2030 while those 65 years of age or older will increase by close to the same amount at 2,963 residents. Younger adults between the ages of 25 and 34 are projected to increase by 462 residents.

Needham Public Schools Projections⁴⁶

Table 7 presents population projections that were prepared by McKibben Demographics for the Needham Public Schools which suggest no real total net growth or population loss from the 2010 census count through 2030. The figures nevertheless demonstrate the same general demographic shifts as the other projections with a decrease in younger residents, with the exception of Millennials, as well as increases in older residents triggered largely by the aging of the Baby Boom generation and the continuing residency of empty nesters.

The report's findings suggest an increase of 111 students between school year 2021-2022 and 2025-2026, or from 5,835 to 5,946 students, the highest enrollment forecasted for pre-kindergarten through 12th grade. The projections then suggest a decline of 169 students after that through 2033-34, or from 5,946 to 5,777 students. These projections indicate a much higher level of growth in enrollment than is currently occurring with the 2020-2021 enrollment at 5,483 students as opposed to the forecasted 5,813.

This data is primarily based on birth, death and migration data. In regard to housing, the report suggests that "even if the district continues to have some annual new home construction (even if that construction is rental units), the rate, magnitude and price of existing home sales will become the increasingly dominant factor affecting the amount of population and enrollment change". The report further suggests the following with respect to housing:

The issue over the next five to ten years is that the number of new and existing home sales over the last three years has been more than 60% lower on average than the previous seven years. Without this in-migration flow the district pre-school age cohorts will be of insufficient size to maintain the current elementary enrollment levels. The more dependent an area is on in-migration for students to compensate for a low number of births, the larger the enrollment will decline. While the construction of new rental units will help reduce this problem in the short term, once these units are finished (assumed in these forecasts to be by 2027) they will have no additional impact on the overall age distribution of the district.

⁴⁶ McKibben Demographics, Needham Public Schools, MA Demographic Study, January 2, 2019. These figures reflect the forecaster's "Best Scenario" with all currently platted and approved housing developments built out and completed by 2032 and occupied by 2033.

Table 7: 2010 Census and 2020 and 2030 Needham Public School Projections

Age Range	2010 Census		2020 Projections		2030 Projections	
	#	%	#	%	#	%
Under 5 Years	1,869	6.5	1,760	6.1	1,620	5.6
5 – 14 Years	4,952	17.1	4,710	16.3	4,750	16.4
15 – 19 Years	1,862	6.4	1,910	6.6	1,850	6.4
20 – 24 Years	983	3.4	1,060	3.7	940	3.2
25 – 34 Years	1,694	5.9	2,170	7.5	2,210	7.6
35 – 44 Years	4,046	14.0	3,090	10.7	3,600	12.4
45 – 54 Years	4,940	17.1	4,040	14.0	3,240	11.2
55 – 64 Years	3,840	13.3	4,680	16.2	3,810	13.2
65 – 74 Years	2,053	7.1	2,990	10.3	3,700	12.8
75 – 84 Years	1,606	5.6	1,490	5.1	2,220	7.7
85 Years and Over	1,041	3.6	1,060	3.7	1,020	3.5
Total	28,886	100.0	28,960	100.0	28,960	100.0
Under 20 Years	8,683	30.1	8,380	28.9	8,220	28.4
65+ Years	4,700	16.3	5,540	19.1	6,940	24.0

Sources: 2010 U.S. Census Bureau and Demographic Study conducted by McKibben Demographics for the Needham Public Schools, January 2, 2019.

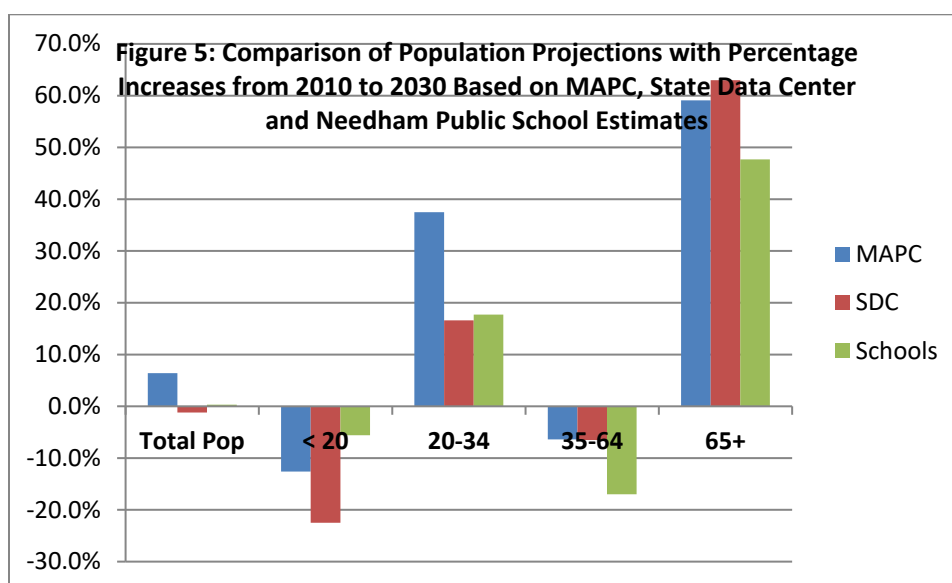
Table 8 and Figure 5 provide a comparison of the 2030 MAPC Stronger Region, State Data Center, and Needham Public School projections. The State Data Center and Needham Public School projections suggest relatively comparable total population estimates, but the decreases in children as well as the increases in older adults are much less extreme in the Public School figures in comparison to the others. Of particular note in these population projections are the following general demographic shifts and resulting implications:

- Some declines in the numbers of children which will provide relief to Needham’s public school system, reducing costs with decreases in school enrollment. MAPC and State Data Center projections suggest greater declines in children than those prepared for the Needham Public School District.
- Increases in younger adults with sufficient income to afford housing in Needham. These smaller households will likely put less stress on local infrastructure, and many will be attracted to the smaller multi-family units that have been produced as part of the new rental developments or opportunities that might arise out of new zoning such as the Mixed Use Overlay District (MUOD) or potential accessory dwelling units. Fiscal analyses of the MUOD and recent multi-family developments have indicated that they will likely result in positive annual fiscal benefits to the Town.
- Some declines in middle-age residents who are likely to be homeowners, many with school-age children. This population puts substantial pressure on Town services.
- Increases in older adults 65 years of age or older, many who would prefer to downsize in the community but have tended to remain in their homes given limited housing alternatives. These residents will likely put greater pressure on the Council on Aging and local ambulance services as well as private health services. The increase in this age category is much higher in the MAPC and State Data Center projections as compared to the Needham Public School estimates.

Table 8: Comparison of Population Projections for 2030

Age Range	2010 Census		MAPC Stronger Region Projections		State Data Center Projections		Needham Public Schools Projections	
	#	%	#	%	#	%	#	%
Under 5 Years	1,869	6.5	1,650	5.4	1,340	4.7	1,620	5.6
5 to 19 Years	6,814	23.6	5,935	19.3	5,389	18.9	6,600	22.8
20 to 34 Years	2,677	9.3	3,680	12.0	3,122	10.9	3,150	10.9
35 to 64 Years	12,826	44.4	12,002	39.0	11,991	42.0	10,650	36.8
65+ Years	4,700	16.3	7,479	24.3	7,663	26.9	6,940	24.0
Total	28,886	100.0	30,746	100.0	28,539	100.0	28,960	100.0

Sources: 2010 U.S. Census Bureau, Metropolitan Area Planning Council's Population and Housing Demand Projections based on the Stronger Region Scenario, January 2014; University of Massachusetts, Donahue Institute, State Data Center; and Demographic Study conducted by McKibben Demographics for the Needham Public Schools, January 2, 2019.



Previous fiscal analyses of new Chapter 40B development or the Mixed Use Overlay District as well as some updated cost information suggest the following:

- The Needham Public School projections suggest a decline of 169 students between 2025-2026 and 2033-34, or from 5,946 to 5,777 students. These projections indicate a much higher level of growth in enrollment than is currently occurring with the 2020-2021 enrollment at 5,483 students as opposed to the forecasted 5,813. With average school costs of approximately \$15,000 per student, savings would be significant.
- Because Needham is so close to buildout of single-family homes, any new development is likely to involve new multi-family development in business areas and/or the redevelopment of existing properties that will be better oriented towards young single adults, young couples, and downsizers who put less demand on local services.

- With time and the turnover of homes by empty nesters, it is likely that the population will increase after 2030 as families reoccupy the homes with accompanied increases in the number of children, school enrollments, and a higher demand for local services.

4. Households – More families and recent increases in household size⁴⁷

As shown in Table 9, after an increase in the number of households between 1990 and 2000, the number of households fell by 271 or 2.6% to 10,341 by 2010. It then increased to 10,765 households according to 2020 census estimates. The net number of new households was 605 between 1990 and 2020 representing a 6.0% rate of growth, a bit more than a third of the 16.4% rate of population growth during this period. This suggests that households were becoming larger which was further demonstrated by the increase in average household size from 2.68 persons in 1990 to 2.82 by 2020. Perhaps the teardown activity that has occurred over the past decade, with smaller more modest homes being replaced with larger more expensive ones, is a contributing factor to increasing numbers of larger households as families largely replace empty nesters.

MAPC Stronger Region projections suggest an increase from 10,310 households in 2010, to 11,084 by 2020, and then 12,026 by 2030, representing a growth rate of 16.6% compared to projected population growth of 6.4%. This indicates an increase in smaller households, which is a reversal of recent trends. While projections have underestimated actual population growth, it is likely that they are overestimating household growth levels.

Unlike many communities, where the number of families is shrinking in comparison to growing numbers of non-family households (includes unrelated household members and those living alone), the number of families has been increasing in Needham. **The percentage of families, 81.0% in 2020, was higher than the 66.6% level for Norfolk County and 63.2% statewide.**

Almost 11% of the households with children under age 18 were headed by one parent and 87% of these, or 428 households, involved single mothers who likely have lower incomes on average than their male counterparts.

Table 9: Household Characteristics, 1990 to 2020

Household Type	1990		2000		2010		2020	
	#	%	#	%	#	%	#	%
Total Households	10,160	100.0	10,612	100.0	10,341	100.0	10,765	100.0
Family Households*	7,565	74.5	7,782	73.3	7,792	75.4	8,718	81.0
Married Couple Families With Children <18*	2,876	28.3	3,528	33.2	3,619	35.0	3,953	36.7
Female Headed Families With Children <18*	331	3.3	337	3.2	386	3.7	428	4.0
Non-family Households*	2,595	25.5	2,830	26.7	2,549	24.6	2,047	19.0
Persons Living Alone*	2,149	21.2	2,470	23.3	2,492	24.0	1,857	17.2
Average Household Size	2.68 persons		2.63 persons		2.72 persons		2.82 persons	

Sources: U.S. Census Bureau, Census 1990, 2000 and 2010 and American Community Survey 5-Year Estimates 2016-2020 *Percent of all households

⁴⁷ The U.S. Census Bureau's definition of "family" includes married couples, with or without children, or single heads of households with children.

The 2020 census estimates indicate that there were 1,857 individuals living alone, representing 17.2% of all households. This shows a decrease from 2,470 and 2,492 such households in 2000 and 2010, respectively. Of the single-person households, 1,387 or 75% were 65 years of age or older in 2020.

Table 10 examines the types of households by household size. Single-person households comprised 17.2% of all households in 2020, down from 24% in 2010, including 91% of all non-family households. There was a modest increase in two-person households, from 3,359 in 2000 to 3,457 by 2020, remaining at about 32% all households. On the other hand, households with more than three persons increased from 3,070 in 2000 to 3,775 by 2020, or from 29.0% to 35.1% of all households. This is consistent with increases in average household size from 2.63 to 2.82 persons.

Table 10: Types of Households by Size, 2000, 2010 and 2020

Households by Type and Size	2000		2010		2020	
	#	%	#	%	#	%
Non-family Households	2,795	26.4	2,667	25.7	2,047	19.0
1-person household	2,470	23.3	2,492	24.0	1,857	17.2
2-person household	279	2.6	159	1.5	154	1.4
3-person household	36	0.3	0	0.0	36	0.3
4-person household	10	0.1	16	0.2	0	0.0
5-person household	0	0.0	0	0.0	0	0.0
6-person household	0	0.0	0	0.0	0	0.0
7+ person household	0	0.0	0	0.0	0	0.0
Family Households	7,800	73.6	7,706	74.3	8,718	81.0
2-person household	3,080	29.1	2,864	27.6	3,303	30.7
3-person household	1,660	15.7	1,525	14.7	1,640	15.2
4-person household	2,043	19.3	2,245	21.6	2,733	25.4
5-person household	785	7.4	933	9.0	739	6.9
6-person household	203	1.9	139	1.3	193	1.8
7+ person household	29	0.3	0	0.0	110	1.0
Total	10,595	100.0	10,373	100.0	10,765	100.0

Source: U.S. Census Bureau, 2000 Census, Summary File 3, and 2016-2020 American Community Survey 5-Year Estimates.

Small families with three or four household members comprised 40.6% of all households in 2020, increasing from 35% in 2000. Large families of five or more persons represented 9.7% of all households in 2020, relatively comparable to 9.6% in 2000 and somewhat higher than Norfolk County at 9.1%.

Table 11 provides the distribution of household size as to whether the household was a renter or homeowner. While 86% of renters were in households of only one or two members, this was the case for 43% of owner households (includes those who own houses as well condo units) based on the 2020 census estimates, compared to 80% and 49% of renters vs. owners in 2000, respectively. Also, 14.1% of all renter households included three or more members compared to 57.4% of owner households.

Generally, renter households have been getting smaller while the opposite is true for owner households. These changes are also demonstrated in average household sizes of 1.69 persons for renters in 2020, down from 1.90 in 2010. The average household size for owners increased from 2.88 persons to 3.03 during this same period. Consequently, the rental housing stock has far fewer children, largely dictated by units with more limited numbers of bedrooms. On the other hand, the increasing numbers of larger homes due to teardown activity is likely a factor in the increases in average household size for owners. This also points to the development of rental housing having far less impact on school enrollments.

A high percentage of Needham households are likely what could be termed as “over-housed” given the disparity between the average-sized, owner household of 3 persons and the median-sized, owner-occupied unit of 7.5 rooms and three to four bedrooms.

Table 11: Household Size by Tenure, 2000, 2010 and 2020

Household Size by Tenure	2000		2010		2020	
	#	%	#	%	#	%
Owner-occupied Housing	8,584	80.9	8,607	83.0	9,092	84.5
1-person household	1,431	13.5	1,472	14.2	956	8.9
2-person household	2,765	26.1	2,621	25.3	2,921	27.1
3-person household	1,522	14.3	1,427	13.8	1,567	14.6
4-person household	1,946	18.3	2,089	20.1	2,622	24.4
5-person household	727	6.9	859	8.3	739	6.9
6-person household	174	1.6	139	1.3	193	1.8
7+ person household	19	0.2	0	0.0	94	0.9
Renter-occupied Housing	2,028	19.1	1,766	17.0	1,673	15.5
1-person household	1,051	9.9	1,020	9.8	901	8.4
2-person household	571	5.4	402	3.9	536	5.0
3-person household	193	1.8	98	0.9	109	1.0
4-person household	127	1.2	172	1.7	111	1.0
5-person household	76	0.7	74	0.7	0	0.0
6-person household	0	0.0	0	0.0	0	0.0
7+ person household	10	0.1	0	0.0	16	0.2
Total	10,612	100.0	10,373	100.0	10,765	100.0

Source: U.S. Census Bureau, 2000 Census, Summary File 3, and 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates.

B. ECONOMIC PROFILE

This section focuses on economic issues related to Needham households including changes in incomes and employment over time, also examining changes regarding education and levels of special needs that affect the community.

1. Income – High income levels but growing income disparities

Table 12 and Figure 6 present income data based on census estimates, revealing huge increases in higher-income earners over time. Median incomes have increased substantially, with the median household income increasing from \$60,357 to \$88,079, or by 46% between 1989 and 1999, and growing by 30% between 1999 and 2010 to \$114,365. The 2020 census estimates indicate a 53% growth in median household income since 2010 to \$174,707, more than twice the rate of inflation of 18.7%. Moreover, Needham's median household income was considerably higher than the county and state levels of \$105,320 and \$84,385, respectively.

In 1989, about 40% of all households had incomes of less than \$50,000, decreasing to 15.1% by 2020. There were decreases in the numbers and percentages of households in all income ranges of less than \$100,000 between 1989 and 2020, with 78.4% of all households earning less than \$100,000 in 1989 compared to 30% by 2020. **On the other hand, 21.6% of all households earned more than \$100,000 in 1989, increasing to 70% by 2020.**

Table 12: Household Income Distribution, 1989 to 2020

Income Range	1989		1999		2010		2020	
	#	%	#	%	#	%	#	%
Under \$10,000	647	6.3	464	4.4	298	2.9	196	1.8
\$10,000-24,999	1,112	10.8	739	7.0	884	8.5	429	4.0
\$25,000-34,999	886	8.6	698	6.6	357	3.4	532	4.9
\$35,000-49,999	1,434	14.0	909	8.6	477	4.6	476	4.4
\$50,000-74,999	2,350	22.9	1,668	15.7	1,329	12.8	815	7.6
\$75,000-99,999	1,618	15.8	1,389	13.1	971	9.4	833	7.7
\$100,000-149,999	1,271	12.4	2,158	20.4	2,027	19.5	1,541	14.3
\$150,000 +	948	9.2	2,570	24.3	4,030	38.9	5,943	55.2
Total	10,266	100.0	10,595	100.0	10,373	100.0	10,765	100.0
Median income	\$60,357		\$88,079		\$114,365		\$174,707	

Source: U.S. Census Bureau, Census 1990 and 2000 Summary File 3, and American Community Survey 2006-2010 and 2016-2020 5-Year Estimates.

44% of all households earned more than \$200,000 according to 2020 census estimates.

The income distribution of families shows even higher income levels with a median of \$213,438 and 78.2% earning more than \$100,000 including 52.6% with incomes of more than \$200,000, a finding highly correlated with the greater prevalence of two-worker families.

Despite generally growing prosperity, there remains a vulnerable population living in Needham with very limited financial means as 1,157 households or 10.8% of all households were estimated to have incomes of less than \$35,000 in 2020, including 625 or 5.8% earning less than \$25,000.

Some of Needham's lower income households likely live in subsidized housing, while others might be retired and/or disabled, living on fixed incomes. Others may need to leave the community entirely at some point because of rising housing costs.

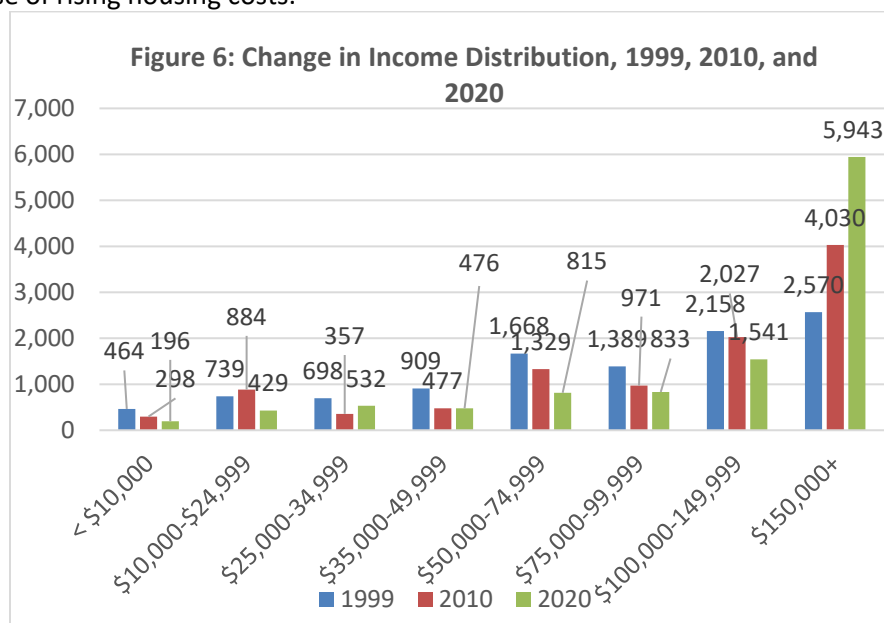


Table 13 provides comparative median income levels for various types of households in 2020. Not surprisingly, incomes were highest for families, households in the prime of their working lives, men, and homeowners. The Town's per capita income was \$57,716 in 2010, increasing to \$80,532 by 2020, considerably higher than the county and state medians of \$55,860 and \$45,555, respectively. The median for non-family households was 35% of median household income and 29% of median family income.

The median income of those 65 years of age or older was \$88,239, less than 40% the median for households with heads in the 25 to 64 age range. It is interesting to note that the median income of households in the 25 to 44 age range, and earlier into their careers, was higher than for those age 45 to 64. It may be that some of these younger households are newer residents who were attracted to the community as a place to raise their families and have incomes that can accommodate Needham's high and rising home values, including the larger homes that are being built through teardown activity.

Table 13: Median Income by Household Type, 2020

Type of Household	Median Income
Individual/Per capita	\$80,532
Households	\$174,707
Families	\$213,438
Non-families	\$61,506
Male full-time workers	\$151,788
Female full-time workers	\$104,449
Renters	\$44,361
Homeowners	\$203,690
Householder age 15 to 25*	Sample size too small.
Householder age 25 to 44	\$242,885
Householder age 45 to 64	\$228,281
Householder age 65 or more	\$88,239

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates for 2016-2020.

*Householder is a member of the household.

Other 2020 census data indicates that 3,512 or 32.6% of households were obtaining Social Security benefits with an average benefit of \$26,019. A total of 2,406 households received some other retirement income, representing an average of \$51,976 in income. There were 205 recipients of public assistance, averaging only \$7,217 in benefits, and 289 households were receiving Food Stamps/SNAP benefits.

As shown in Table 14, median income levels largely increased with growing numbers of household members, from \$56,069 for a single individual living alone to \$239,531 for three-person households. The census data did not calculate the specific medians for both the four- and five-person households as the categories were open-ended over the amount of \$250,000.

Table 14: Median Household Income by Household Size, 2020

Size of Household	Median Household Income
1-person households	\$56,069
2-person households	\$122,566
3-person households	\$239,531
4-person households	\$250,000+*
5-person households	\$250,000+ *
6-person households	\$190,069
7+ person households	\$239,010

Source: U.S. Census Bureau, American Community Survey 2016-2020 5-Year Estimates

* Indicates that median falls in the upper interval of an open-ended distribution.

Another perspective on income levels examines *income by the age of the primary household earner* or householder as summarized in Table 15. Few householders were less than 25 years of age and all had incomes of less than \$25,000 according to 2020 census estimates. Some of these households may have been attending local colleges or working part-time.

Of the 2,524 householders age 25 to 44, only 13.3% had incomes of less than \$50,000 while 70.5% had incomes of more than \$150,000. This age group had the highest median income level of \$242,885.

The largest age group included those in the 45 to 64 age range involving 4,617 households or 43% of all households. As with the 25 to 44 age group, a substantial number of these households had incomes of more than \$150,000, representing 70.1% of these households, while only 7.0% had incomes of less than \$50,000. It is likely that some of these households with more modest means have lived in Needham for many years, entering the community when it still had a fair amount of starter housing available, prior to the huge boom in housing values.

It is also interesting to note that the median incomes and percentages of those earning more than \$100,000 are fairly similar in the 25 to 44 and 45 to 64 age categories, in the 81% to 83% range. More typically, income levels are higher for those in the older age range as they are generally more established in their careers and at the peak of their earning potential. One reason for this comparability may be that more recent homeowners are younger and were particularly attracted to Needham schools and other community amenities, including public transportation. They also were able to afford the high costs associated with housing, particularly the large homes that are a product of demolition and replacement activity.

The incomes of those 65 years or older were not as concentrated in any particular income range but 11.9% had incomes of less than \$25,000 and 41% earned under \$75,000. Nevertheless, more than one-quarter had incomes of more than \$150,000 with another 18% earning in the \$100,000 to \$149,999 range. These income levels also do not reflect a household's financial assets, especially home equity that can be considerable for long-term Needham residents.

Table 15: Household Income by Age, 2020

Income Range	Less than 25 Years		25 to 44 Years		45 to 64 Years		65 Years and Over	
	#	%	#	%	#	%	#	%
Under \$10,000	21	60.0	13	0.5	19	0.4	143	4.0
\$10,000-24,999	14	40.0	38	1.5	94	2.0	283	7.9
\$25,000-34,999	0	0.0	61	2.5	133	2.9	338	9.4
\$35,000-49,999	0	0.0	226	9.0	77	1.7	173	4.8
\$50,000-74,999	0	0.0	32	1.3	253	5.5	530	14.8
\$75,000-99,999	0	0.0	102	4.0	196	4.2	535	14.9
\$100,000-149,999	0	0.0	272	10.8	610	13.2	659	18.4
\$150,000 +	0	0.0	1,780	70.5	3,235	70.1	928	25.9
Total	35	100.0	2,524	100.0	4,617	100.0	3,589	100.0

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

While the median household income of homeowners almost doubled, from \$100,732 in 2000 to \$203,690 by 2020, the median income of renters stayed about the same, going from \$44,226 to \$44,361.

Table 16 compares 2000 and 2020 estimated *income levels for owners and renters*. Besides income disparities related to age, there are growing disparities related to tenure. For example, 33% of renters had incomes of less than \$35,000 based on 2020 census estimates, down from 41% in 2000. In comparison, only 5.6% of homeowners had incomes in this range in 2020, down from 12.8% in 2000. On the other end of the income range, 62.5% of homeowners earned more than \$150,000 compared to 15.7% of renters. Most of these higher-income-earning renters were likely renting single-family homes, were staying in other rentals while renovating their existing home, or moved into one of the market rate units in the larger Chapter 40B developments.

An estimated 23% of all households and 60% of all renter households had incomes below \$75,000. These households might qualify to purchase or rent an affordable unit, some even obtaining such assistance based on income alone given that this threshold is generally less than the 80% of the 2021 area median income level.

Table 16: Income Distribution by Owner and Renter Households, 2000 and 2020

Income Range	Homeowners				Renters			
	2000		2020		2000		2020	
	#	%	#	%	#	%	#	%
Under \$10,000	177	2.1	106	1.2	292	14.4	90	5.4
\$10,000-24,999	420	4.9	172	1.9	338	16.7	257	15.4
\$25,000-34,999	501	5.8	235	2.6	201	9.9	297	17.8
\$35,000-49,999	607	7.1	267	2.9	308	15.2	209	12.5
\$50,000-74,999	1,316	15.3	670	7.4	411	20.3	145	8.7
\$75,000-99,999	1,230	14.3	578	6.4	120	5.9	255	15.2
\$100,000-149,999	1,954	22.8	1,383	15.2	193	9.5	158	9.4
\$150,000 +	2,379	27.7	5,681	62.5	165	8.1	262	15.7
Total	8,584	100.0	9,092	100.0	2,028	100.0	1,673	100.0
Median Income	\$100,732		\$203,690		\$44,226		\$44,361	

Source: U.S. Census Bureau, 2000 Census and 2016-2020 American Community Survey 5-Year Estimates.

2. Poverty Status – Low and declining except for those age 65 or older

Table 17 confirms that poverty declined between 1989 and 1999, both in terms of percentages and the numbers of individuals and families living in poverty, from 3.3% to 2.5% of all residents. However, between 1999 and 2010 poverty increased to 3.8%, especially among older adults where poverty increased from 0.7% to 5.3%, likely related to the recession towards the end of the decade. The 2020 census estimates indicate declines in those living in poverty to 2.4% of all residents with a decrease for families as well to 1.9%. Poverty among older adults age 65 or older increased to 5.8% from 5.3% in 2010, and from 249 to 336 individuals.

The level of poverty remains lower than the state where 9.8% of all individuals were estimated to be living in poverty in 2020, including 6.6% of all families and 8.9% of older adults.⁴⁸ The 2020 poverty levels for Norfolk County included 6.0% of all residents, 4.0% of families, and 7.2% of those 65 years of age or older.

Table 17: Poverty Status, 1989 to 2020

Populations	1989		1999		2010		2020	
	#	%	#	%	#	%	#	%
Individuals Below Poverty *	896	3.3	705	2.5	1,098	3.8	716	2.4
Families **	140	1.8	121	1.6	234	3.0	166	1.9
Individuals 65+***	42	0.9	36	0.7	249	5.3	336	5.8

Sources: U.S. Census Bureau, Census 1990 and 2000 Summary File 3 and 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates.

3. Employment – Diverse economic base with high average wages

Needham has a strong and diverse economic base. Early agricultural, grazing, lumbering and tanneries gave way to manufacturing with the extension of the railroad and the removal of the community's relative isolation within the loop of the Charles River. Land speculation, housing development and knitwear became the foundation of the community's economy well into the 20th Century. The construction of

⁴⁸ The federal poverty limits for 2021 were \$12,880 for a single individual and \$21,960 for a family of three (3).

Route 128 enabled the town to become part of the high-tech highway after World War II, further expanding the local economy.

Of those 23,761 Needham residents over the age of 16 in 2020, 15,392 or 64.7% were in the labor market. *Of these, 3,816 or 25% worked in the community.* It should also be noted that 66.7% of workers drove alone to work and another 3.9% carpooled. Almost 13% used public transportation, up from 11.6% in 2012 and 10.6% in 2017. The average commuting time was 32.5 minutes.

The 2020 census estimates also provide information on the concentration of Needham working residents by industry, indicating that more than two-thirds were involved in management or professional occupations (68.3%), 20.5% in sales and office occupations, 6.0% in service occupations, 2.3% in construction or maintenance jobs, and 2.9% in production and transportation work. About 82% were private salaried or wage workers, another 9.9% were government workers, and 8.1% were self-employed.

Detailed labor and workforce data from the state on employment patterns for establishments located in Needham is presented in Table 18. This information shows an average employment of 19,951 workers employed in Needham in 2020, up from 19,212 in 2012, but down from 22,788 in 2017. The data also confirms a mix of employment opportunities with a concentration of higher paying professional jobs that brings the average weekly wage for those working in Needham to a relatively high level of \$2,105, up from \$1,698 in 2012 and \$1,829 in 2017, and almost as high as Boston's average weekly wage of \$2,281. Needham's average weekly wage translates into an annual income of approximately \$109,880, lower than Needham's median household income of \$174,707 but well over the state's median of \$84,385. As another point of comparison, the unemployment level as of August 2021 was 3.7%, up from 2.1% in 2019 prior to the pandemic, but down from 5.7% in 2020. Needham's unemployment rate was in fact lower than Boston's at 5.7% as of August 2021.

Table 18: Average Employment and Wages by Industry, 2012/2017/2020

Industry	# Establishments	Total Wages	Average Employment	Average Weekly Wage
Construction	91/97/93	\$42,622,017/ \$63,363,569/ \$71,658,524	607/737/791	\$1,350/ \$1,653/ \$1,742
Manufacturing	34/30/27	\$63,547,622/ \$58,946,451/ \$57,157,442	905/994/788	\$1,350/ \$1,140/ \$1,395
Wholesale trade	85/91/75	\$71,748,277/ \$83,824,817/ \$168,380,722	704/757/1,378	\$1,960/ \$2,129/ \$2,350
Retail trade	88/91/88	\$44,685,144/ \$47,792,522/ \$54,086,597	1,195/1,166/ 1,071	\$719/ \$788/ \$971
Transportation/warehousing	11/16/13	\$12,314,649/ \$12,903,648/ \$15,605,271	205/215/232	\$1,155/ \$1,154/ \$1,294
Information	51/57/65	\$115,387,213/ \$144,131,188/ \$97,229,775	1,159/1,374/ 877	\$1,915/ \$2,017/ \$2,132
Finance/insurance	101/116/128	\$145,016,408/	1,141/1,256/	\$2,444/

		\$175,911,361/ \$188,385,336	1,119	\$2,693/ \$3,238
Real estate/rental/leasing	52/73/72	\$23,073,500/ \$34,711,522/ \$30,718,057/291	282/374	\$1,573/ \$1,785/ \$2,030
Professional/technical services	281/281/308	\$749,042,333/ \$795,475,169/ \$721,177,474	3,607/3,101/ 2,449	\$3,994/ \$4,933/ \$5,663
Management of companies/enterprises	15/16/14	\$34,875,515/ \$52,573,490/ \$55,805,435	519/556/494	\$1,292/ \$1,818/ \$2,172
Administrative and waste Services	79/87/43	\$53,763,933/ \$227,978,705/ \$257,843,051	1,154/2,426/ 2,258	\$896/ \$1,807/ \$2,196/
Health care/social assistance	127/191/194	\$184,236,263/ \$258,298,719/ \$264,507,740/	4,075/5,282/ 4,634	\$869/ \$940/ \$1,098
Educational services	31/40/43	\$69,940,784/ \$103,182,739/ \$110,552,909	1,202/1,720/ 1,624	\$1,119/ \$1,154/ \$1,309
Arts/entertainment/recreation	22/23/23	\$2,942,322/ \$3,797,711/ \$3,307,819	118/188/141	\$480/ \$388/ \$451
Accommodation/food services	53/57/58	\$25,158,353/ \$40,321,432/ \$26,431,704	1,025/1,396/ 742	\$472/ \$555/ \$685
Other services	250/228/256	\$34,798,802/ \$36,726,874/ \$31,421,022	921/837/621	\$727/ \$844/ \$973
Total	1,381/1,503/1,548	\$1,696,831,400/ \$2,166,747,180/ \$2,183,370,050	19,212/ 22,788/ 19,951	\$1,698/ \$1,829/ \$2,105

Source: Massachusetts Executive Office of Labor and Workforce Development, 2012, January 22, 2019, and November 12, 2021

Shaded industries have average employment of more than 1,000 workers.

4. Education – High educational attainment and increasing student enrollment

The educational attainment of Needham residents is very high and has improved over the last couple of decades. In 2020, 97.9% of those 25 years and older had a high school diploma or higher, and 78.1% had a bachelor's degree or higher compared to 54.6% for the county and 44.5% for the state. These attainment levels are up from the 2000 figures of 96.4% with at least a high school degree and 64.9% with a bachelor's degree or higher. Such high education attainment levels are correlated with Needham's generally high incomes.

According to 2020 census estimates, there were 9,330 residents three years of age or older who were enrolled in school (nursery through graduate school) or about 29% of the 2020 population. Those enrolled in kindergarten through high school totaled 7,264 students, representing 22.6% of the total population. The Needham Public Schools reported a student enrollment of 5,483 in the 2020-2021 school year, down from 5,645 for 2018-2019, and up considerably from 4,330 students during the 1999-2000 school year. This data suggests that about 1,500 school-age children attend schools outside of the Needham Public

School system. Needham Public School projections also predict that student enrollments will grow to a peak of 5,946 students in the 2025-26 school year and then decline to 5,777 in 2033-2034.⁴⁹

Figure 7 shows the racial distribution of students enrolled in the Needham Public School system, indicating that about 25% of students were members of minority populations. The White population, at approximately 75% in 2020-2021, was down from previous years, from 84% in 2010-2011 for example.

Figure 7: Student Race and Ethnicity for Needham Public Schools, 2020-2021

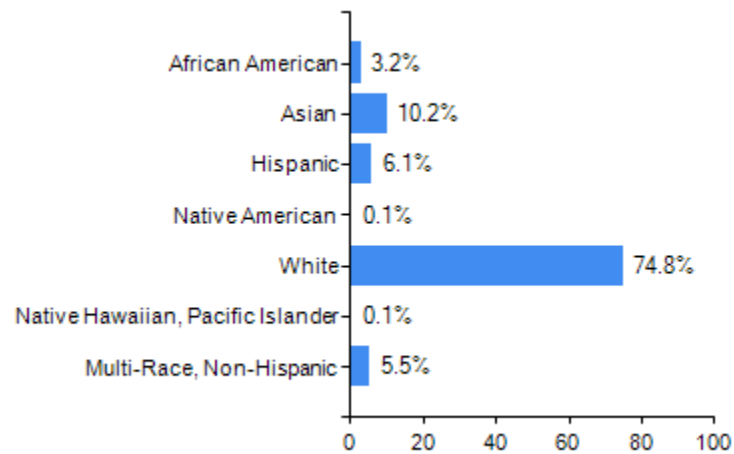
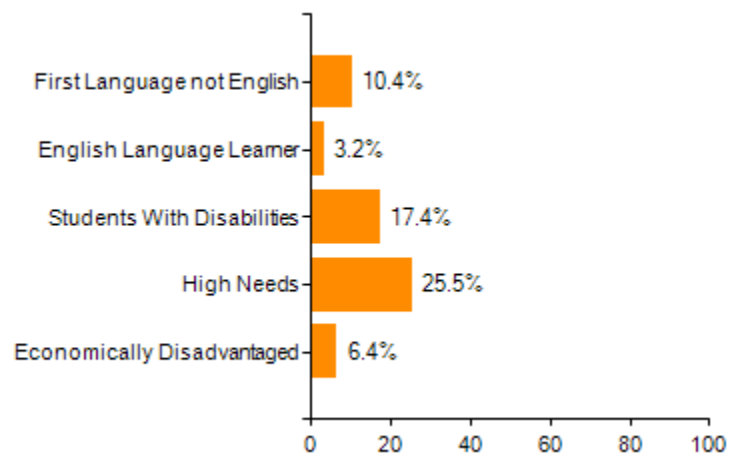


Figure 8 presents the distribution of selected populations for 2020-2021, showing significant special needs and that 6.4% of students were economically disadvantaged and eligible for free or reduced-priced meals from the U.S. Department of Agriculture's school nutrition program. To qualify, the student must be part of a household receiving supplemental nutrition assistance program (SNAP) or temporary assistance for needy families, or homeless, a migrant, or in foster care.

Figure 8: Selected Populations for Needham Public Schools, 2020-2021



⁴⁹ McKibbin Demographic Associates, Enrollment Projections for FY 2019/2020 to 2033/34 to the Needham Public Schools, January 2, 2019.

5. Disability Status – More than 2,200 residents claimed a disability

The 2020 census estimates, as summarized in Table 19, indicate that 2,262 residents, or 7.4% of all civilian, noninstitutionalized residents, identified themselves as having a disability.⁵⁰ Of these, 171 were under the age of 18, 650 between ages 18 and 64, and 1,441 were 65 years or older. These levels of disability are largely less than county and statewide figures, but still represent notable special needs within the Needham community and suggest that the Town make a concerted effort to produce special needs housing units that are handicapped accessible and/or have supportive services.

Table 19: Civilian Noninstitutionalized Population with a Physical Disability, 2020

Age Range	Needham		County	MA
	#	%	%	%
Less than age 5	0	0.0	0.3	0.8
5 to 17 years	171	2.5	4.2	6.1
18 to 34 years	309	8.7	5.7	6.4
35 to 64 years	341	2.6	7.3	10.5
65 years+	1,441	25.0	27.8	31.3
Total	2,262	7.4	9.5	11.7

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2016-2020.

The 2020 census estimates also identify numbers of residents with particular disabilities, as summarized in Table 20. It should be noted that some residents will have multiple challenges but more than half of the 2,262 residents who claimed a disability experienced an ambulatory difficulty with about 37% and 39% with cognitive and/or independent living difficulties, respectively.

Table 20: Types and Distribution of Disabilities, 2020

Type of Disability	# Residents	% Disabled	% All Residents
Hearing Difficulty	694	30.7	2.3
Vision Difficulty	256	11.3	0.8
Cognitive Difficulty	834	36.9	2.9
Ambulatory Difficulty	1,240	54.8	4.2
Self-care Difficulty	684	30.2	2.3
Independent Living Difficulty	885	39.1	4.0

Source: U.S. Census Bureau, Census American Community Survey 5-Year Estimates for 2016-2020.

6. Resident Mobility – Housing turnover lower than the statewide level

Of the population one year of age or older, 92.6% lived in the same house as they did the year before according to 2020 census estimates. Of those 2,284 residents who had moved into Needham in 2019, 34% came from within Norfolk County, 35% from another county in Massachusetts, with another 30% coming from a different state or abroad. There was more mobility of residents on the statewide level with 12.5% of residents moving in 2019.

⁵⁰ The U.S. Census defines disability as a long-term physical, mental, or emotional condition that can make it difficult to do basic activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. Many residents with one or more disabilities face housing challenges due to a lack of housing that is affordable and physically accessible.

C. HOUSING PROFILE

This section summarizes housing characteristics and trends, analyzes the housing market from a number of different data sources and perspectives, compares what housing is available to what residents can afford, and identifies what units are defined as affordable by the state. Through indicators of needs, priority housing needs are also identified.

1. Housing Growth – Slower housing growth than population growth and high demolition/replacement activity

The 2020 U.S. census counted 11,891 housing units, involving an increase of 769 units or 6.9% since 2010. This is higher than the 6.5% and 5.0% growth rates of the 1970s and 1990s, respectively, but a bit lower than the 8.9% and 7.9% rates of the 1980s and early 2000s. It should be noted that housing growth between 2010 and 2020, at 6.9%, was lower than the 11.1% population growth during the same period pointing to increases in average household size.

Table 21 provides information from the 2020 census estimates on housing growth over the decades. This information indicates that 22.4% of Needham's housing stock predates World War II. Building activity took off in the 1940s through the 1960s when about 41% of the housing stock was developed according to these figures, greatly affected by the construction of Routes 95 and 128. After that, growth slowed down to below 10% per decade.

It is important to note that there is a disparity between the 2020 decennial census counts and the 2020 census estimates with total housing units of 11,891 and 11,211, respectively. Much of the analysis of housing characteristics and trends in this Housing Plan will be necessarily based on the census estimates as such information is not available in the decennial figures.

The Town will still have a healthy cushion with respect to the 10% affordability threshold under Chapter 40B with a current Subsidized Housing Inventory (SHI) of 1,410 units; however, the percentage of affordability decreased from 12.76% based on the 2010 year-round housing figure to 11.86%.

Table 21: Housing Units by Year Structure Was Built, 2020

Time Period	#	%
2010 or later	913	8.1
2000 to 2009	888	7.9
1990 to 1999	564	5.0
1980 to 1989	998	8.9
1970 to 1979	725	6.5
1960 to 1969	1,188	10.6
1950 to 1959	2,353	21.0
1940 to 1949	1,069	9.5
1939 or earlier	2,513	22.4
Total	11,211	100.0

Source: U.S. Census Bureau, American Community Survey 2016-2020 5-Year Estimates.

In 2021, 76 single-family units were permitted as well as three duplexes. During the year, 72 single-family homes and two duplexes involved teardowns for a total net unit gain of only ten units.

Table 22 indicates that between 2010 and 2020 there was a net gain of 720 housing units with a net increase of 19 single-family homes. This represents a teardown level of almost 98% of all new permitting for the construction of single-family homes during this period. On the other hand, 666 units were built in multi-family buildings of three units or more, representing 92.5% of new unit production. This level of housing growth is

lower than the 913 units built between 2010 and 2020 according to the 2020 census estimates summarized in Table 21. Nevertheless, based on the 2010 and 2020 decennial census counts, the total number of units produced between 2010 and 2020 was 769 as shown in Table 23, 49 units higher than the building permit count.

Table 22: Net New Residential Units, 2010-2021

Year	New Single-family Units	New Two-family Units/New Multi-family	Demolished or Relocated	Estimated Total Net New Single-family Units	Net New Two-family + Multi-family or Subdivisions
2010	66	4 (8 units)	160*	5	1
2011	67	5 (10 units)	101*	5	1
2012	75	10 (20 units)	108*	6	2
2013	61	10 (20 units)/1***	68**	-7	2 + 12
2014	98	34 (68 units)/4****	92**	6	6 + 40
2015	85	9 (18 units)	84**	1	2
2016	104	6/12*****	96**	8	1 + 52
2017	92	10 (20 units)/12*****	93**	-1	2 + 562
2018	80	4	79	3	2
2019	87	11	87	2	9
2020	52	11	65	-9	7
<i>Subtotal = 720 Total Net New Units</i>	<i>867</i>	<i>886</i>	<i>1,033</i>	<i>19</i>	<i>35 + 666</i>
2021	76	6	72	6	4
Total = 730 Total Net New Units	943	892	1,105	25	39 + 666

Source: Needham Building Department

* All demolition permits

** Indicates only residential building permits. Assume that about 92% of the new single-family and two-family units involved demo/replacement.

*** Includes 12 independent living units at The Residences of Wingate.

**** Includes 10 units at mixed-use property at 50 Dedham Avenue, Greendale Village 40B with 12 single-family units and 4 duplex units for a total of 20 units, and 10 units at Webster Street Green 40B development.

***** Includes 52 independent living units at One Wingate Way.

***** Includes 390 units at 275 Second Avenue (The Kendrick), 136 units at 700 Greendale Avenue (Modera Needham) as well as several subdivisions (Sunrise Terrace – 6 units, Rockwood Lane – 22 units, and Belle Lane – 8 units).

2. Housing Occupancy – High level of owner-occupancy and extremely tight market conditions

Table 23 includes a summary of housing occupancy characteristics from 1990 through 2020. Of the total 11,891 housing units counted as part of the 2020 U.S. decennial census, 11,282 were identified as occupied compared to 609 vacant units with an occupancy rate of 94.9%, up from 93.0% in 2010.⁵¹

Based on 2020 census estimates, of the occupied units 9,092 or 84.5% were owner-occupied and the remaining 1,673 occupied units, or 15.5%, were rental units. This suggests that there was an increase of 450 owner-occupied units between 2010 and 2020 and a 26-unit loss of rental units. This data is clearly inaccurate as almost all new owner-occupied development involved teardown activity with only 19 net new single-family homes built between 2010 and 2020 as identified in Table 22. Given the construction of 666 new units of multi-family housing as noted in Table 22, the changes in new owner versus rental units are more likely closer to the reverse.

These figures still represent a relatively high level of owner-occupancy. For example, only 69.2% of the occupied units in Norfolk County were owner-occupied with the state at 62.3% in 2010, which changed very little to 68.8% and 62.5%, respectively, by 2020.

The average number of persons per unit increased from 2.83 persons in 1990, to 2.88 persons by 2010, and then up to 3.03 persons in 2020 for owner-occupied units. On the other hand, the average household size decreased from 2.02 to 1.69 persons for rental units during this period. This increase in the average household size of owner-occupied units is consistent with increases in the town-wide average number of persons per household from 2.68 persons in 1990, to 2.72 by 2010, and 2.82 by 2020, and likely at least partially reflects the larger size of new homes. Moreover, new rental development has focused on multi-family projects with smaller unit sizes and thus the decrease in average household size is not surprising.

Table 23: Housing Occupancy, 1990 to 2019/2020

Housing Characteristics	1990		2000		2010		2020 Decennial/ Estimates*	
	#	%	#	%	#	%	%	#
Total # Housing Units	10,405	100.0	10,846	100.0	11,122	100.0	11,891/ 11,211*	100.0/ 100.0
Occupied Units *	10,160	97.6	10,612	97.8	10,341	93.0	11,282/ 10,765*	94.9/ 96.0
Total Vacant Units*	245	2.4	234	2.2	781	7.0	609/ 446*	5.1/ 4.0
Occupied Owner Units **	8,097	79.7	8,587	80.9	8,642	83.6	9,092*	84.5
Occupied Rental Units **	2,063	20.3	2,025	19.1	1,699	16.4	1,673*	15.5
Average Household Size/ Owner-occupied Unit	2.83 persons		2.82 persons		2.88 persons		3.03* persons	
Average Household Size/ Renter-occupied Unit	2.02 persons		1.84 persons		1.90 persons		1.69* persons	

Source: U.S. Census Bureau, Census 1990, 2000, 2010, and 2020 decennial and American Community Survey 5-Year Estimates for 2016-2020 as marked with an asterisk (*).

* Percentage of all housing units ** Percentage of occupied housing units

⁵¹ The year-round housing figure is the one used under Chapter 40B for determining the 10% affordability goal, calculated by subtracting seasonal units (zero based on 2020 census estimates) from total units (11,891).

The vacancy rate was only 2.2% for homeownership in 2010, up somewhat from 0.3% in 2000 as shown in Table 24. Estimates for 2020 indicate an even tighter market with a 1.0% vacancy rate, which was somewhat higher than the county and state at 0.8% and 0.9%, respectively.

On the other hand, the rental vacancy rate was estimated to be zero in 2010, which does not even reflect normal turnover rates. By 2020 this rate had increased to 2.3%, lower than county and state levels of 3.1% and 3.3%, respectively. As any rate below 5% is considered to reflect extremely tight housing market conditions, this information confirms very strong homeownership and rental markets.

Table 24: Vacancy Rates by Tenure,⁵² 2000 to 2020

Tenure	Needham 2000	Needham 2010	Needham 2020	County 2020	MA 2020
Rental	2.2%	0.0%	2.6%	3.1%	3.3%
Homeowner	0.3%	2.2%	1.0%	0.8%	0.9%

Source: U.S. Census Bureau, 2000 and 2010, Summary File 1; American Community Survey 5-Year Estimates, 2016-2020.

3. Types of Structures and Units – Predominance of single-family homes

Table 25 and Figure 9 demonstrate that Needham's housing stock is dominated by single-family homes with the following changes in housing types:

- The number of detached and 1-unit attached dwellings (e.g., townhouses) combined continues to comprise about 82% of all units. The census data suggests a gain of 371 single-family detached units between 2010 and 2020 and a loss of 44 attached units. The total number of identified single-family detached units, of 8,700 units, is higher than the 8,412 units included in Assessor's records although some of multiple units on one lot might be included in the census data. Moreover, Table 22 shows that because teardown activity was so high, only 19 net new single-family homes were built between 2010 and 2020. This once again points to an overestimation of housing growth in the census figures, likely at least somewhat related to counting new building permits instead of net new units given teardown activity.
- There was a loss of 135 units in two to four-unit properties between 2010 and 2020 but a net loss of 408 units since 1990. These losses are of particular concern as such properties are typically among the most affordable in the private housing stock as they can provide rental income to purchasers who choose to occupy them.
- There was a net increase of 57 units in five to nine-unit properties between 1990 and 2020.
- The 2020 census estimates also suggest an increase of 211 units in properties of ten or more units since 2010 which undercounts the units created as part of the large multi-family properties that have been permitted under Chapter 40B. It is clear that the 2020 census overestimates the increase in single-family units while underestimating the growth of units in large rental developments. Table 22 indicates that 666 units were built as part of multi-family development. For example, 526 units were produced as part of The Kendrick and Modera Needham projects alone.

⁵² Vacant units include those offered for rent or sale, units that are rented or sold but unoccupied, seasonal or occasional units, and an "other" category.

- The number of units in the “other” category, which includes mobile homes, RV’s, houseboats, etc., decreased to ten units according to census estimates. This is incorrect as Assessor’s data indicates that there are no such units remaining in Needham.

Table 25: Units by Type of Structure, 1990 to 2020

Type of Structure	1990		2000		2010		2020	
	#	%	#	%	#	%	#	%
1-unit detached	8,185	78.7	8,333	76.8	8,329	77.3	8,700	77.6
1-unit attached	237	2.3	317	2.9	619	5.7	575	5.1
2 to 4 units	800	7.7	813	7.5	527	4.9	392	3.5
5 to 9 units	225	2.2	187	1.7	256	2.4	282	2.5
10+ units	901	8.7	1,177	10.9	1,041	9.7	1,252	11.1
Other	57	0.5	19	0.2	9	0.1	10	0.1
Total	10,405	100.0	10,846	100.0	10,781	100.0	11,211	100.0

Source: U.S. Census Bureau, Census 1990 and 2000 Summary File 3 and the American Community Survey 2006-2010 and 2016-2020 5-Year Estimates.

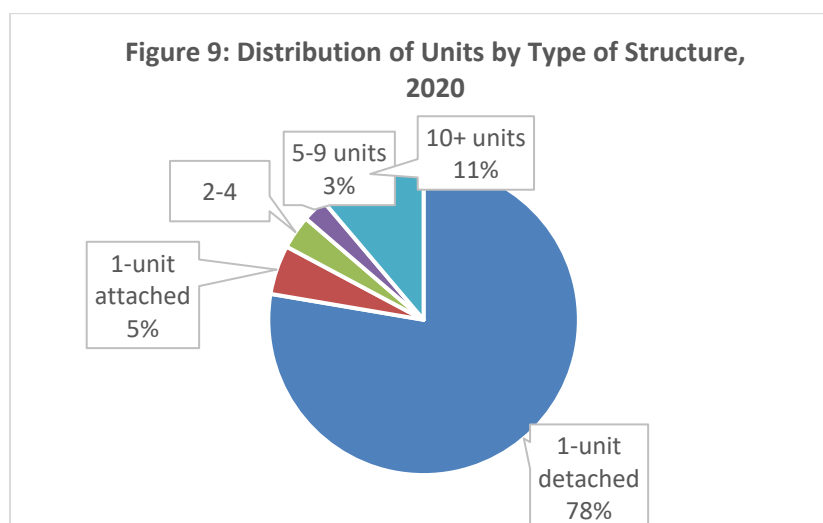


Table 26 provides a breakdown of the estimated 2010 and 2020 distributions of units per structure according to whether the units were occupied by renters or homeowners. About 94% of owners resided in single-family detached or attached homes in both 2010 and 2020. On the other hand, more than 40% of renters lived in multi-family units of ten or more units in 2020, up from one-third in 2010. This is related to new multi-family rental development that has helped diversify the housing stock.

It is interesting to note that 21% of renters lived in single-family homes in 2020, down from almost one-third in 2010. This is higher than the state level of 14.7% in 2020, and not surprising given the prevalence of single-family homes in Needham and once again new rental alternatives in the community. The decline in homeowner units in buildings of 10 or more units, from 323 in 2010 to 298 units in 2020, perhaps indicates that more condominium units are held as investments and rented out.

Table 26: Type of Structure by Tenure, 2010 and 2020

Type of Structure	Homeowner Units				Renter Units			
	2010		2020		2010		2020	
	#	%	#	%	#	%	#	%
1 unit, detached and attached	8,115	94.3	8,634	95.1	577	32.7	357	21.3
2 to 4 units	160	1.9	102	1.1	367	20.8	197	11.8
5 to 9 units	0	0.0	48	0.5	228	12.9	234	14.0
10 or more units	323	3.8	298	3.3	594	33.6	674	40.3
Total	8,607	100.0	9,082*	100.0	1,766	100.0	1,673	100.0

Source: U.S. Census Bureau, 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates.

* The 10 mobile homes that are counted by the 2020 census estimates are not included in this analysis.

It also should be noted that the 2020 decennial census indicates that Needham had 776 people living in group quarters (including licensed group homes). These individuals included 381 institutionalized residents, largely living in skilled nursing facilities, and 395 noninstitutionalized individuals, most living in student housing. These units are not counted as part of the total number of housing units per census data.

Table 27 provides information on the distribution of unit sizes, more specifically the number of rooms per unit. This data indicates that the median sized unit in Needham was large with 7.5 rooms based on 2020 census estimates, likely including four bedrooms, and higher than the county and state medians of 6.0 and 5.5 rooms, respectively. In addition, those units that might be more appropriate for single persons, with five or fewer rooms, involved only 21.5% of all units in Needham, down from 23.0% in 2010 and much lower in comparison to 42.7% and 49.4% for the county and state, respectively.

Given that about half (49.4%) of all households included single individuals or two-persons, a portion of households in Needham are living in housing that is much larger than what they may need; in essence they could be considered “over-housed”. Some residents may even want to downsize but find it challenging to find appropriate alternative housing that better meets their current lifestyles and ability to pay. The new multi-family housing developments have provided some opportunities for downsizing, however, most long-term homeowners would be unlikely to qualify for the affordable units given financial assets, including accrued equity, and market prices require incomes well over \$100,000. The lack of new condominium developments means that those who wish, for the sake of financial security, to reinvest a portion of the proceeds of sale of their single-family homes in a condominium unit that meets their needs, cannot find such housing in Needham.

Table 27 also shows that Needham’s housing stock includes a growing segment of large homes. With the exception of units with one, two and five rooms; the percentages of all units with less than nine rooms decreased between 2010 and 2020 while those units with nine units or more increased by 1,195 units, going from 26.3% to 35.9% of all units. Those units with seven or more rooms involved 65.7% of Needham’s housing stock compared to 41.6% for the county and 33.5% for the state.

The surge in larger homes is also reflected in the median number of rooms per unit increasing from 7.1 to 7.5 rooms as well as increases in the size of the average house in Needham.

Through a sample of Assessor records, including 192 homes from 1975 to 1980 and 213 homes from 2018 to 2020, the average square footage increased from 2,235 to 4,461 square feet. This has occurred while the average household size decreased from 2.99 persons in 1980 to 2.82 based on 2020 census estimates.

Table 27: Number of Rooms per Unit, 2020

Number of Rooms per Unit	Needham 2010/2020		Norfolk County 2020	Massachusetts 2020
	#	%	%	%
1 Room	191/226	1.8/2.0	2.1	2.6
2 Rooms	130/248	1.2/2.2	3.5	3.4
3 Rooms	643/455	6.0/4.1	10.5	10.0
4 Rooms	810/682	7.5/6.1	13.7	15.7
5 Rooms	700/796	6.5/7.1	12.9	17.7
6 Rooms	1,749/1,426	16.2/12.7	15.7	17.1
7 Rooms	1,896/1,720	17.6/15.3	13.4	12.2
8 Rooms	1,827/1,628	16.9/14.5	11.7	9.3
9 or More Rooms	2,835/4,030	26.3/35.9	16.5	12.0
Total	10,781/11,211	100.0	100.0	100.0
Median (Rooms)	7.1/7.5 rooms		6.0 rooms	5.5 rooms

Source: U.S. Census Bureau, American Community Survey 2016-2020 5-Year Estimates.

Certainly, the demolition of smaller homes and replacement with much larger units explains some of these shifts towards larger units although other market dynamics are also at play. The regional, and in many cases national, imbalance between housing supply and demand drives up property values, particularly land costs, and the pandemic has caused increases in construction costs. Such costs in turn compel developers to build larger homes at very high sales prices to cover their investment and deliver a profit when zoning limits the number of units that can be created. Escalating market prices have been further fueled by low mortgage interest rates. Consequently, Needham has experienced a housing market where very large and expensive homes set the bar for real estate expectations.

4. Housing Values – Extremely high and rising housing costs

The following analysis of the housing market examines values of homeownership and rental housing from a number of data sources including:

- The 1990, 2000, 2010 and 2020 Decennial U.S. Census figures
- The U.S. Census Bureau's 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates
- The Warren Group's median sales price statistics and sales volume by year
- Multiple Listing Service data
- Town Assessor's data
- Internet rental listings

Homeownership – Unprecedentedly high housing values

Census data also provides information on housing values, summarized for owner-occupied units (includes single-family and two-family homes as well as condominium units) in Table 28. The 2020 census estimates indicated a median house value of \$900,200, up from the median of \$646,300 in 2010 and more than

triple the median in 1990 of \$256,500. Between 2000 and 2020, the median increased by 133%, considerably more than the rate of inflation of 50% during this period.

In 2020, there were only 81 units valued at less than \$200,000 with another 189 units in the \$200,000 to \$300,000 price range. This demonstrates that very little of the community's owner-occupied housing units were relatively affordable to low- and moderate-income households. On the other end of the price range, 35% of the units were valued at over \$1 million, almost triple the 2010 level.

Table 28: Housing Values of Owner-occupied Units, 1990 to 2020

Price Range	1990		2000		2010		2020	
	#	%	#	%	#	%	#	%
Less than \$200,000	1,126	15.8	250	3.2	148	1.7	81	0.9
\$200,000 to \$299,999	3,988	55.9	1,471	19.1	239	2.8	189	2.1
\$300,000 to \$499,999	1,672	23.4	4,274	55.5	1,551	18.0	304	3.3
\$500,000 to \$999,999	350	4.9	1,577	20.5	5,525	64.2	5,324	58.6
\$1 million or more			126	1.6	1,144	13.3	3,194	35.1
Total	7,136	100.0	7,698	100.0	8,607	100.0	9,092	100.0
Median (dollars)	\$256,500		\$385,600		\$646,300		\$900,200	

Source: U.S. Census Bureau, 1990 and 2000, Summary File 1, and U.S. Census Bureau, 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates.

Table 29 provides The Warren Group data from *Banker & Tradesman* on median sales prices and the number of sales from 2000 through 2021, offering a long-range perspective on sales activity. This data is tracked from Multiple Listing Service information based on actual sales.

Needham joined the “million-dollar club” several years ago as the median sales price of a single-family home climbed to \$1,102,000 as of January 2019 from \$976,250 as of the end of 2018. It subsequently grew to almost \$1.3 million in 2021.

The lowest point of the market occurred in 1992 when the median single-family home was priced at \$225,000, reflective of the economic recession in the early 1990s. After that, single-family home values climbed steadily until 2005 when they fluctuated a bit due to the financial crisis but remained above \$600,000. Since then, the median has grown steadily, almost doubling from the 2005 median to \$1,290,000 in 2021. Figure 10 shows this pattern of increasing housing values. COVID-19 did not have a negative impact on housing values, and much of the increase in housing values is due to the larger homes that are being built through teardown activity.

The number of single-family home sales has also fluctuated, declining from 452 sales in 2004, to a low of 329 sales in 2008 in reaction to the recession, and then up and down after that to 384 and 383 sales in 2018 and 2019, respectively. Sales activity decreased somewhat in 2020, to 366 sales, and was up a bit to 372 sales in 2021.

The condominium unit market has experienced more volatility, both in terms of values and number of sales. Median prices reached a high of \$593,750 in 2005 and then dropped to \$297,750 by 2009, again in response to the recession. The condo market did not surpass pre-recession levels until 2015 when the median reached a high of \$636,000. After a decline in 2016, the median spiked to \$767,000 in 2017 and was at its highest of \$885,000 in 2021. The number of sales ranged from a low of 41 in 2000, to a high of

77 in 2015, then down again to 57 sales in 2016, and once again up to 69 in 2018 and 2019. It has continued to increase, up to 85 sales in 2021.

Table 29: Median Sales Prices and Number of Sales, 2000 to 2021

Year	Months	Single-family		Condominiums		All Sales	
		Median	# Sales	Median	# Sales	Median	# Sales
2021	Jan – Dec	\$1,290,000	372	\$885,000	85	\$1,199,500	494
2020	Jan – Dec	\$1,170,000	366	\$858,000	59	\$1,100,000	455
2019	Jan – Dec	\$1,065,000	383	\$805,000	69	\$1,025,000	483
2018	Jan – Dec	\$976,250	384	\$754,900	69	\$930,000	488
2017	Jan – Dec	\$962,500	396	\$767,000	58	\$910,000	489
2016	Jan – Dec	\$859,000	422	\$580,000	57	\$836,000	513
2015	Jan – Dec	\$848,250	419	\$636,000	77	\$809,000	537
2014	Jan – Dec	\$810,000	385	\$550,000	75	\$789,500	496
2013	Jan – Dec	\$749,500	424	\$485,000	59	\$729,000	529
2012	Jan – Dec	\$672,100	396	\$445,000	47	\$657,000	491
2011	Jan – Dec	\$656,500	356	\$361,000	35	\$636,500	428
2010	Jan – Dec	\$632,500	392	\$402,000	52	\$625,500	468
2009	Jan – Dec	\$650,000	331	\$297,750	54	\$620,000	408
2008	Jan – Dec	\$645,000	329	\$415,000	65	\$625,000	421
2007	Jan – Dec	\$618,000	441	\$428,000	57	\$610,000	527
2006	Jan – Dec	\$655,000	368	\$444,500	44	\$636,000	454
2005	Jan – Dec	\$663,750	364	\$593,750	62	\$650,000	456
2004	Jan – Dec	\$619,500	452	\$379,500	70	\$604,500	569
2003	Jan – Dec	\$560,000	426	\$379,750	42	\$545,000	508
2002	Jan – Dec	\$520,850	422	\$328,000	63	\$500,000	522
2001	Jan – Dec	\$489,950	366	\$279,950	48	\$465,000	449
2000	Jan – Dec	\$436,250	434	\$239,000	41	\$425,000	525

Source: The Warren Group/Banker & Tradesman, April 11, 2022.

Housing prices are high in Needham even relative to neighboring communities that include some of the priciest suburbs in the Boston area and state. Median values for single-family homes are shown in Table 30 for 2000, 2005 (the height of the market for most of these communities prior to the recession), 2010 and 2021, showing the fluctuations in the market over time. The 2021 medians ranged from a low of \$725,750 in Dedham to a high of \$1,650,000 in Wellesley. Needham's median is almost twice the \$636,000 level for Norfolk County. It is also interesting to note, that while Needham's median values have typically lagged well behind those of Dover, the 2021 figures show a growing comparability as Needham's values have recently risen at a faster rate.

Table 30: Median Single-family Home Prices for Needham and Neighboring Communities, 2000 to 2021

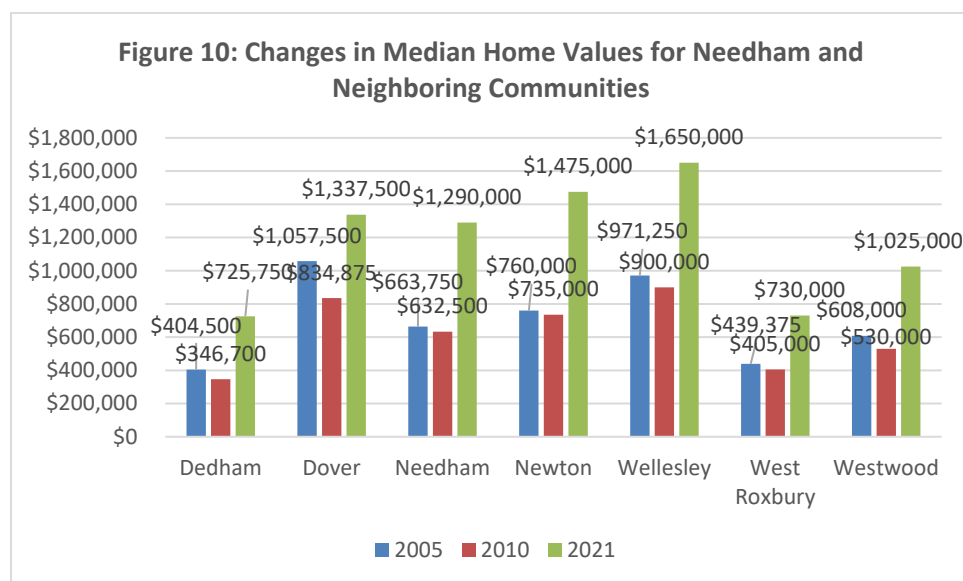
Community	2000	2005	2010	2021
Dedham	\$254,950	\$404,500	\$346,700	\$725,750
Dover	\$700,000	\$1,057,500	\$834,875	\$1,337,500
Needham	\$436,250	\$663,750	\$632,500	\$1,290,000
Newton	\$539,000	\$760,000	\$735,000	\$1,475,000
Wellesley	\$592,750	\$971,250	\$900,000	\$1,650,000
West Roxbury	\$270,000	\$439,375	\$405,000	\$730,000
Westwood	\$392,500	\$608,000	\$530,000	\$1,025,000

Norfolk County	\$275,000	\$425,000	\$378,000	\$636,000
Massachusetts	\$215,000	\$355,000	\$295,000	\$510,000

Source: The Warren Group/Banker & Tradesman, April 11, 2022.

Figure 10 tracks these median single-family home values, demonstrating the trajectory of the housing market since 2005, the height of the housing market in many communities just before the recession. While all of these nearby communities experienced a downturn in the market following the recession, as shown in the 2010 values, they recovered quite well and have since experienced unprecedentedly high housing values. The recovery from the “bursting of the housing bubble” demonstrates the robust and relatively resilient housing markets in these communities as well as a clear signal of the upswing in the overall housing market in the region.

The speculation and bad loans that drove home sales and prices into an artificially inflated, unsustainable bubble during the recession are not factors today. Market prices are instead being driven mainly by limited availability where housing demand exceeds housing supply.



Source: The Warren Group/Banker & Tradesman, April 11, 2022.

There are some signs that the housing market is slowing somewhat. However, economists point to a continuing imbalance of housing supply and demand as even a slower market with escalating interest rates will likely create enough inventory to satisfy demand anytime soon. This is not just a regional problem as for years the country has suffered from a chronically undersupplied housing market. A *New York Times* article stated, “After two years of torrid demand, agents had become accustomed to fielding multiple offers for each listing and setting price records each weekend. That frenzy, brought on by pandemic migrations and the growing centrality of the home as a space where people live and work, is now subsiding...That rising mortgage rates have not had more of an effect shows how difficult it is to tamp down prices and bring demand into balance in an economy where a lack of supply – marked by half-empty car lots, furniture order backlogs and a paucity of homes for sale – is playing a guiding role.”⁵³

⁵³ Dougherty, Conor and Smialek, Jeanna, “Hot Market for Housing Beginning to Cool Off”, *New York Times* April 16, 2022.

Town Assessor data on the assessed values of residential properties in Needham is presented in Tables 31 and 32, which provide insights not only into the diversity of the existing housing stock but also the range of values for each dwelling type. This data shows that Needham had 8,413 single-family properties, less than the 2020 census figure of 8,700 single-family detached homes. This again points to the census overestimation of growth in the owner-occupied housing stock.

There was only one unit, a Habitat for Humanity house, valued below \$200,000 and just another assessed between \$200,000 and \$300,000 that were still relatively affordable to low- and moderate-income households. While almost half of the homes were assessed between \$500,000 and \$700,000 in Fiscal Year 2014, homes in this range have declined to 18.7%. In fact, all properties assessed for less than \$700,000 decreased from 4,987 homes, or 60% of all single-family units in Fiscal Year 2014, to 1,684 units representing 20% of such units by Fiscal Year 2022.

The bottom line is that there is very little affordability left in Needham's private housing stock for low- and moderate-income households.

The most striking change involves the number of properties assessed for more than \$1 million, increasing from 1,322 homes, or 15.8% of the single-family dwellings in FY14, to 3,062 or 36.4% in Fiscal Year 2022. The highest assessment was \$5,649,600 for a property with 43 acres and 12,400 square feet of living space on South Street.

The loss in lower-valued properties and growth in high-end market units clearly corresponds to the substantial amount of demolition and replacement activity that has been taking place in the community where small, less expensive homes have been replaced by much larger and pricier ones. The dramatic uptick in Needham's housing market, particularly the luxury market, is visually presented in Figure 11.

There were 988 condo units counted in Assessor's records, up from 791 in Fiscal Year 2014, comprising about 8.3% of all housing units and thus representing a relatively small segment of Needham's housing market. The growth in condos has occurred largely by the conversion of two-family dwellings to high-priced condominium units. Nevertheless, condos were assessed generally more affordably than the single-family homes with the median value of \$698,300 compared to \$876,300 for the single-family homes with a range of values from \$111,400 for a deed restricted affordable unit to \$1,690,900 for a condo on Maple Street.⁵⁴

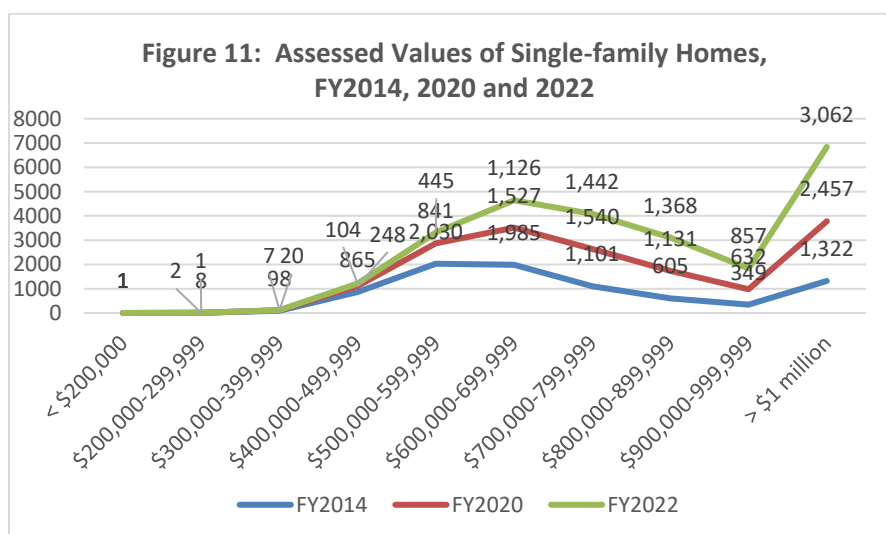
Many of the 22 condos with assessments below \$200,000 were deed restricted and part of the Town's Subsidized Housing Inventory (SHI). Altogether, almost 12% of the condos were assessed below \$300,000, down considerably from 40% in Fiscal Year 2014. Condos with assessments between \$300,000 and \$500,000 increased from 22.7% to 28.7% between Fiscal Year 2014 and Fiscal Year 2022. Those higher end condos valued at more than \$500,000 increased from one-third to 60% of all condos during this period, including 156 condos assessed for more than \$1 million in Fiscal Year 2022 compared to four in Fiscal Year 2014. It is also interesting to note that there was a relatively even distribution of condos among each of the assessment ranges between \$500,000 and \$1 million, each at about 10% of all condos.

⁵⁴ It should be noted that assessed values typically underestimate market levels, particularly in rising housing markets, as they are largely based on sales prices two years before.

Table 31: Assessed Values of Single-family Homes and Condominiums, FY 2022

Assessment	Single-family		Condominiums		Total	
	#	%	#	%	#	%
Less than \$200,000	1	0.01	21	2.1	22	0.2
\$200,000-299,999	1	0.01	96	9.7	97	1.0
\$300,000-399,999	7	0.08	130	13.2	137	1.5
\$400,000-499,999	104	1.2	153	15.5	257	2.7
\$500,000-599,999	445	5.3	73	7.4	518	5.5
\$600,000-699,999	1,126	13.4	83	8.4	1,209	12.7
\$700,000-799,999	1,442	17.1	95	7.6	1,537	16.4
\$800,000-899,999	1,368	16.3	89	9.0	1,457	15.5
\$900,000-999,999	857	10.2	92	9.3	949	10.1
Over \$1 million	3,062	36.4	156	15.8	3,218	34.2
Total	8,413	100.0	988	100.0	9,401	100.0
Median	\$876,300		\$698,300		--	

Source: Needham Assessor, Fiscal Year 2022.



While condo units are on the whole more affordable, they also tend to be more susceptible to wide fluctuations in the housing market. Condominium markets are historically slower to appreciate and faster to decline in value, and condominium unit values tend to rise when the price of single-family homes reaches unprecedented high levels, a trend Needham is currently witnessing.

Assessor's data for multi-family properties, as summarized in Table 32, indicates that there are 197 two-family homes (394 units), down from 254 two-families (508 units) in Fiscal Year 2014, likely related to the conversion of two-family homes to single-family use. The 2020 census estimates are lower than the Assessor's count, at 281 units. The median two-family house price was \$635,900 based on Assessor records. There were also 12 three-family properties, all assessed at more than \$600,000 and with a median of \$822,600.

As to larger multi-family rental properties, there are 31 properties with four units or more that ranged in assessed value from \$482,900 to \$92,289,800. Many of the larger properties were concentrated on Tillotson and Perrault Roads (off Rosemary Street) but also included Charles River Landing, Chestnut Hollow, Nehoiden Glen, Modera Needham, The Kendrick, and Hamilton Highland developments for

example. There were also 26 mixed residential and commercial properties including 13 properties that were primarily residential and 13 that were primarily commercial.

Table 32: Assessed Values of Multi-family Properties, Fiscal Year 2022

Assessment	2/3-unit properties		More than 4-unit properties	
	#	%	#	%
Less than \$200,000	0/0	0.0/0.0	0	0.0
\$200,000-299,999	0/0	0.0/0.0	0	0.0
\$300,000-399,999	10/0	5.1/0.0	0	0.0
\$400,000-499,999	10/0	5.1/0.0	1	3.2
\$500,000-599,999	40/0	20.3/0.0	0	0.0
\$600,000-699,999	81/4	41.1/33.3	3	9.7
\$700,000-799,999	29/1	14.7/8.3	2	6.4
\$800,000-899,999	17/4	8.6/33.3	2	6.4
\$900,000-999,999	4/1	2.0/8.3	4	12.9
Over \$1 million	6/2	3.0/16.7	19	61.3
Total	197/12	100.0/100.0	31	100.0

Source: Needham Assessor, Fiscal Year 2022.

Rental Housing

Table 33 presents information on rental costs from 1990 to 2020 based on the *U.S. Census Bureau* sample data. The rental market has changed over the years as the median rent doubled between 1990 and 2020, going from \$798 per month to \$1,604. In 2020, 65.8% of the town's rental units were renting for more than \$1,000, 50.8% above \$1,500, and 11.4% at over \$3,000. *It is also important to note that the census figures include subsidized units, which represents about 37% of all rental units in Needham, and thus median values make the rental market look more affordable than it actually is.*

Table 33: Rental Costs, 1990 to 2020

Gross Rent	1990		2000		2010		2020	
	#	%	#	%	#	%	#	%
Under \$200	197	9.7	108	5.4	0	0.0	238	14.2
\$200-299	79	3.9	55	2.7	139	7.9		
\$300-499	195	9.6	133	6.6	176	10.0		
\$500-749	350	17.2	160	7.9	74	4.2	189	11.3
\$750-999	540	26.5	243	12.1	98	5.5		
\$1,000-1,499	487	23.9	543	26.9	329	18.6	251	15.0
\$1,500 +			667	33.1	788	44.6	850	50.8
No Cash Rent	190	9.3	106	5.3	162	9.2	145	8.7
Total*	2,038	100.0	2,015	100.0	1,766	100.0	1,673	100.0
Median Rent	\$798		\$1,289		\$1,484		\$1,604	

Sources: U.S. Census Bureau, Census 1990 and 2000 Summary File 3 and 2006-2010 and 2016-2020 American Community Survey 5-Year Estimates.

Updated information on rental offerings in November 2021 is presented in Table 34, which indicates very high rent levels. The lowest advertised rents included a studio apartment, one and two-bedroom units at Rosemary Lake Apartments, an older rental development, and a two-bedroom condo unit, all below \$2,000. More typical market rentals are significantly higher including rents near or above \$4,000 for two and three-bedroom units in newer multi-family developments that were permitted under Chapter 40B

and thus also include some affordable units at 25% of total units. A typical rent for a two-bedroom apartment is at least \$1,900 in older dwellings and over \$3,200 in newer multi-family development.

Table 34: Market Rental Listings, November 2021

Location	# Bedrooms	# Baths	Square Feet	Rent	Property Type
The Kendrick	Studio	1	606	\$2,473	Large Multi-family/40B
	2	2	985-1,292	\$3,411-\$3,755	
Modera Needham	1	1	905	\$2,746	Large Multi-family/40B
	2	2	1,205-1,360	\$3,997-\$4,291	
	2	2.5	1,756	\$5,705	
Charles River Landing	1	1	1,024-1,122	\$2,659-\$3,324	Large Multi-family/40B
	2	1	1,139	\$3,198	
	2	2	1,379	\$3,471	
Rosemary Lake	1	1	441-1,024	\$1,550-\$1,775	Large Multi-family
	2	2	1,047	\$1,925	
	3	1.5	1,774	\$2,850	
	3	2	1,850	\$3,195	
Webster Green	1	1	987	\$2,650	Large Multi-family
	2	1	900-978	\$2,400-\$2,650	
	2	2	1,200	\$2,700	
Oak Street	Studio	1	NA	\$1,575	Top Floor in House
Hamlin Lane	2	1	800	\$1,900	Condo
Marshall Street	2	1	1,000	\$2,300	2 nd Floor of House
Pleasant Street	2	1	NA	\$2,500	Apt. in House
Guild Road	3	1	1,400	\$2,300	Townhouse
Great Plain Ave.	3	1	1,200	\$2,500	Duplex Apt.
Maple Street	3	1	1,200	\$2,800	Townhouse
Hillcrest Road	3	2	1,825	\$4,000	House
Forest Street	3	2	1,604	\$4,000	House
Standish Road	3	2	1,837	\$4,500	House
Greenough St.	4	3	2,606	\$2,500	Duplex Apt.
Carol Road	5	2	1,956	\$3,800	House
Myrtle Street	5	2.5	2,620	\$4,500	House

Source: Internet listings, November 16, 2021.

Most of the apartments also require first and last month rent plus a security deposit equivalent to as much as a month's rent. For a \$2,500 apartment, that totals \$7,500 in up-front cash, an amount that many prospective tenants are hard-pressed to afford. Some listings even added a broker's fee as well.

Table 35 provides HUD Fair Market Rents (FMRs) for the Boston area that are the rent limits that are applied to Section 8 Housing Choice Vouchers and some other rental subsidy programs, adjusted annually by the number of bedrooms. These rents are meant to reflect the cost of modest not luxurious rental units in the community. Given the market rents listed in Table 33, it becomes clear why Section 8 voucher

holders can encounter problems finding rental opportunities in Needham below these caps. The Needham Housing Authority has received permission to permit voucher holders to rent units up to 110% of FMRs given high market prices.

Table 35: HUD Fair Market Rents (FMRs), 2018 to 2021

Year	Efficiency*	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
2021	\$1,742	\$1,924	\$2,336	\$2,906	\$3,168
2020	\$1,715	\$1,900	\$2,311	\$2,880	\$3,131
2019	\$1,394	\$1,561	\$1,902	\$2,383	\$2,571
2018	\$1,253	\$1,421	\$1,740	\$2,182	\$2,370

Source: U.S. Department of Housing and Urban Development (HUD) *An efficiency unit, also known as a studio apartment, does not have separate bedroom.

5. Affordability Analysis

Affordability Gaps

While it is useful to have a better understanding of past and current housing costs, it is also important to analyze the implications of these costs on affordability. Tables 36 and 37 review affordability from two different perspectives. Table 36 calculates what households earning at various income levels can afford with respect to types of housing. On the other hand, Table 37 examines housing costs summarized above in Section C.4, estimating what households must likely earn to afford these prices *based on spending no more than 30% of their income on housing expenses*, the commonly applied threshold of affordability.

In addition to showing how different types of housing are more or less affordable to households earning at the median household income level for Needham, the 100% of median income for the Boston area, and at the 80% of area median income, Table 36 also indicates that the amount of down payment **to buy a home** has a substantial bearing on what households can afford. Prior to the recession, it had been fairly easy for purchasers to limit their down payments to 5% or even less as long as they paid Private Mortgage Insurance (PMI) or qualified for a subsidized mortgage program such as the state's ONE Mortgage Program,⁵⁵ MassHousing mortgage assistance programs, or other government mortgage insurance programs. Since then, lenders have typically applied more rigid lending criteria, including high down payments and stricter credit standards. These requirements make homeownership, particularly first-time homeownership, much more challenging, and the proportion of first-time homebuyers entering the market has plummeted. As Table 36 demonstrates, a household earning the same level of income can acquire a much higher priced home if the household is able to pay more cash down, as they are borrowing less.

Whether mortgage financing requires Private Mortgage Insurance (PMI) also makes a difference. PMI is not required on mortgages with large down payments or for many publicly insured or subsidized mortgage programs. Assuming that a household earning at 80% AMI can qualify for the state's ONE Mortgage Program or MassHousing mortgage assistance programs for example, this household could potentially afford a single-family home for about \$371,500 without PMI but \$351,500 with this extra cost.

Table 36 also shows that because condo fees are calculated as housing expenses in mortgage underwriting criteria, condo units can be relatively more expensive. Therefore, a three-person household earning at the 80% of area median income limit, for example, can afford a single-family home of \$371,500 with a 5% down payment, but a condo unit for only \$331,500, assuming a condo fee of \$300 per month. Condo

⁵⁵ The Soft Second Program has been replaced by the state's ONE Mortgage Program.

units are typically smaller and cost less than single-family homes and the condo fee pays for maintenance of building and grounds.

It should be noted that the same household with income at the 80% AMI limit is estimated to potentially be able to buy a two-family house for \$593,000. This assumes that it can charge \$2,000 per month in rent to a second household. This income is also considered in mortgage underwriting, usually at about 75% of the rent level or \$1,500. A three-family house is even more affordable with two paying tenants, and it is therefore not surprising that the two-family and triple-decker have been so successful as starter housing for those looking to enter into homeownership.⁵⁶

Table 36: Affordability Analysis I
Maximum Affordable Prices Based on Various Income Levels and Housing Types

Type of Property	Income Level	30% of Monthly Income	Estimated Max. Affordable Price 5% Down***	Estimated Max. Affordable Price 20% Down***
Single-family	Needham Median Income = \$174,707*	\$4,367.68	\$686,000	\$808,000
	100% AMI = \$108,720	\$2,718.00	\$427,000	\$503,000
	80% AMI = \$90,950**	\$2,273.75	\$371,500	\$420,500
Condominium	Needham Median Income = \$174,707*	\$4,367.68	\$656,000	\$776,500
	100% AMI = \$108,720	\$2,718.00	\$390,000	\$461,500
	80% AMI = \$90,950**	\$2,273.75	\$331,500	\$377,000
		30% of Monthly Income	Estimated Utility Cost	Affordable Monthly Rental
Rental	Needham Median Income = \$165,547*	\$4,367.68	\$175.00	\$4,192.68
	100% AMI = \$96,640	\$2,416.00	\$175.00	\$2,241.00
	80% AMI = \$80,850**	\$2,021.25	\$175.00	\$1,846.25
	50% AMI = \$53,700**	\$1,342.50	\$175.00	\$1,167.50
	30% AMI = \$32,200**	\$805.00	\$175.00	\$630.00

Source: Calculations provided by Town's Community Housing Specialist.

* Based on the U.S. Census Bureau's American Community Survey (ACS) 5-Year Estimates, 2016-2020.

** HUD 2021 Income Limits for the Boston area for a household of three (3) for homeowners (average household size for homeowners in Needham was 3.03 persons per the ACS 2016-2020 Estimates) and average of two (2) for renters as average household size for renter-occupied units was 1.69 persons based on the 2016-2020 ACS Estimates).

*** Figures based on interest rate of 4.0%, 30-year term, annual property tax rate of \$13.03 per thousand, insurance costs of \$6 per thousand for single and two-family homes and \$4 per thousand for condo units, and private mortgage insurance (PMI) estimated at 0.3125% of loan amount for 95% financing, and estimated monthly condo fees of \$300. Figures do not include underwriting for PMI in calculations with a 20% down payment and for the 80% AMI level at 95% financing that would assume that the purchaser qualified for the ONE Mortgage Program, MassHousing, or other government mortgage offerings for example. Assumptions also include the purchaser spending no more than 30% of income on housing costs.

Because median income levels are so high in Needham, at \$174,707 based on 2020 census estimates, the amount that can be borrowed and ultimately the purchase price are relatively high as well. For example,

⁵⁶ Two-family homes are allowed in Needham's General Residence District.

a median income household may likely be able to afford a single-family home for \$808,000 and a \$776,500 condo based on 80% financing.

Table 36 also looks at what renters can afford at five different income levels. For example, a two-person household (average household size of renters in Needham was 1.69 persons according to 2020 census estimates) earning at the 50% of area median income limit, or \$53,700 annually, could afford an estimated monthly rental of about \$1,168, assuming they were paying no more than 30% of their income on housing including utility bills that average \$175 per month.⁵⁷ An unsubsidized rental this low is virtually impossible to find in Needham where the lowest rental advertised in November 2021 was \$1,550 for a very small one-bedroom apartment in an older multi-family development.

As noted above, rentals also include relatively high upfront cash requirements, often including first and last months' rent plus a security deposit. This means that any household looking to rent in the private housing market must have a considerable amount of cash available, which has an impact on affordability.

It is also important to note that the figures included in Table 36 are for those earning at the 80% AMI limit and are not the same as the purchase prices that are calculated under the state Local Initiative Program (LIP) formula. The state-approved purchase prices for initial occupancy are established at the 70% AMI level with some other slightly different assumptions.

Table 37 examines affordability from another angle, going from specific housing costs to income. Taking median price levels for single-family homes and condominium units into account, the incomes that would be required to afford these prices are calculated, also showing the differences between 95% and 80% financing. For example, using the median single-family home price of \$1.29 million in 2021, a household would have to earn approximately \$328,600 if they were able to access 95% financing and \$278,900 with 80% financing, well above the median household income of \$174,707 and even the median income for homeowners of \$203,690.

The median condominium unit price was \$885,000 in 2021, which required an estimated income of \$231,500 with 5% down and \$197,440 with the 20% down payment.

In regard to rentals, using the prices listed in November 2021, a one-bedroom unit renting for \$1,800 would require an income of \$78,000, assuming \$150 per month in utility bills and housing expenses of no more than 30% of the household's income. This is relatively close to the HUD income limit of \$80,850 for a two-person household earning at the 80% of area median income limit. A relatively low-priced listing for a two-bedroom unit of about \$2,500 would require an income of about \$107,000 based on \$175 in average monthly utilities costs.

In comparison, someone earning the 2022 minimum wage of \$14.25 per hour for 40 hours per week every week during the year would still only earn a gross income of \$29,754. Households with two persons earning the minimum wage would still fall far short of the income needed to afford these minimum advertised rents. While there are rents that fall below this level, particularly subsidized rents, market rents tend to be beyond the reach of those earning at 80% AMI much less lower wage earners.

⁵⁷ Based on utility allowances provided annually by the Needham Housing Authority.

Table 37: Affordability Analysis II
Income Required to Afford Median Prices and Minimum Market Rent

Type of Property	Median Price *	Estimated Mortgage		Income Required **	
		5% Down	20% Down	5% Down	20% Down
Homeownership					
Single-family	\$1,290,000	\$1,225,500	\$1,032,000	\$328,600	\$278,900
Condominium	\$885,000	\$840,750	\$708,000	\$231,500	\$197,440
	Estimated Market Monthly Rental ****	Estimated Monthly Utility Costs	Income Required		
Rental					
One-bedroom	\$1,800	\$150		\$78,000	
Two-bedroom	\$2,500	\$175		\$107,000	
Three-bedroom	\$2,800	\$200		\$120,000	

Source: Calculations provided by Town's Community Housing Specialist.

* From The Warren Group Town Stats data 2021 for median prices.

** Figures based on interest rate of 4.0%, 30-year term, annual property tax rate of \$13.03 per thousand, insurance costs of \$6 per thousand for single and two-family homes and \$4 per thousand for condo units, and private mortgage insurance (PMI) estimated at 0.3125% of loan amount for 95% financing, and estimated monthly condo fees of \$300. Figures do not include underwriting for PMI in calculations with a 20% down payment. Assumptions also include the purchaser spending no more than 30% of income on housing costs.

Through the combination of information in Tables 36 and 37, it is possible to compute the affordability gap, typically defined as the difference between what a median income household can afford and the median priced unit on the market. The affordability gap would then be \$482,000 as of the end of 2021 for single-family homes, the difference between \$808,000, based on what a median income household could afford (for an average household of three and 80% financing) and the median house price of \$1.29 million. This gap has increased considerably from \$211,500 as of April 2014. The upfront cash requirements for the down payment and closing costs in effect can add more than another \$265,000 to this affordability gap in the case of 80% financing. The gap widens to \$604,000 plus some upfront cash requirements for 95% financing.

When looking at the affordability gap for those with incomes at the HUD 80% of area median income limit, the gap is an estimated \$918,500, the difference between the median priced single-family home and what a three-person household earning at this income level can afford, or \$371,500 based on 95% financing. This gap has increased substantially from \$556,500 in 2014. In the case of 80% financing, the gap would decrease to \$869,500.

As to condominium units, the affordability gap is about \$229,000, the difference between the median priced condo of \$885,000 and what a median income earning household can afford or \$656,000 with 95% financing. The gap drops somewhat to \$108,500 based on 80% financing, assuming the purchaser can afford the upfront cash requirements of close to \$185,000. There was no affordability gap in 2014 as a household earning at the median income level could afford the median priced condo at the time.

For those with incomes at the 80% AMI limit, the condominium unit affordability gap increases to \$553,500, up from \$281,750 in 2014. This is based on 95% financing and assumes the purchaser would qualify for the state's ONE Mortgage Loan Program, a MassHousing mortgage, or other government

assisted financing. More rigorous underwriting criteria, including more stringent credit requirements, remain significant challenges in obtaining mortgage financing however.

In regard to rentals, because the median household income for Needham is so high, there is no affordability gap for households earning at the median income level who could likely afford a monthly rent of almost \$4,000. However, a household with income at the 80% AMI limit would encounter an affordability gap of about \$650 per month, the difference between an estimated median rent of \$2,500 and what such as household could afford of about \$1,846.

Housing Demand and Supply Analysis

Table 38 identifies how many single-family homes and condominium units exist in Needham that were potentially affordable within various income categories based on Town Assessor records. Only eight single-family homes, which includes a Habitat for Humanity house, were affordable to households earning at or below 80% AMI as were 147 condominiums that included 17 affordable condominiums as part of Chapter 40B developments. An additional five single-family homes and 92 condominiums would be potentially affordable to those with incomes in the 80% to 100% AMI range. This represents limited affordability in the housing stock. Moreover, assessments typically lag sales prices by a year or two and thus it is likely that there has been a further erosion of affordability in the housing inventory.

About 38% of the single-family units as well as condos were potentially affordable to those earning between 100% AMI and Needham's median household income level, largely because Needham's median household income level was so high in comparison to the area-wide income levels for the Boston region.

Table 38: Affordability Analysis III
Relative Affordability of Single-family and Condo Units in Needham, FY22

Price Range Single-family/ Condo*	Income Range	Single-family Homes Available in Price Range		Condominium Units Available in Price Range	
		Number	%	Number	%
Less than \$371,500/ Less than \$331,500	Less than 80% AMI	8	0.1	147	14.9
\$371,500-\$427,000/ \$331,500-\$390,000	80% to 100% AMI	5	0.6	92	9.3
\$427,001-\$766,000/ \$390,001-\$733,000	100% AMI to Needham's median household income	3,230	38.4	376	38.0
More than \$766,000/ more than \$733,000	More than Needham's median household income	5,170	61.4	373	37.8
Total		8,413	100.0	988	100.0

Source: Needham Assessor's Database for FY22. Figures based on a three-person household.

* Includes estimated condo fee of \$300 per month and figures are based on 80% financing with the exception of the less than 80% AMI category where households could possibly qualify for subsidized mortgage programs where 95%/97% financing is available.

Table 39 demonstrates a substantial need for more affordable homeownership opportunities in Needham for those earning at or below 80% AMI with even a deficit in units for those with incomes in the 80% to 100% AMI range. These calculations suggest that of the 1,060 owner households who were estimated to

have earned at or below 80% AMI in 2018 (latest report available), there were only eight single-family homes and 147 condominium units that would have been affordable to them based on Fiscal Year 2022 assessed values and other assumptions listed in Table 36, including spending no more than 30% of income on housing costs.

Table 39: Homeownership Need Analysis, Fiscal Year 2022

Income Group	Income Range*	Affordable Sales Prices Single-family/Condos**	# Owner Households ***	# Existing Units Single-family/Condos	Deficit -/ Surplus + Single-family + Condos
Less than 80% AMI	Less than \$90,950	Up to \$371,500/\$331,500	1,060	8/147	-905
80% to 100% AMI	\$90,950-\$108,720	\$371,501-\$427,000/\$331,501-\$390,000	375	5/92	-278
Total			1,435	13/239	-1,183

Source: Needham Assessor data for Fiscal Year 2022.

* For a household of three (3) as the average household size for owners (was 2.99 persons per the 2015-2019 ACS 5-Year Estimates) based on 2021 HUD income limits for the Boston area that includes Needham.

** See analysis in Table 36.

*** See Table 41.

It is likely that many of these lower income owner households are “cash poor but equity rich” in that their incomes might have been sufficient to buy a house or condominium unit in Needham a few decades ago, but a household with their current income could not afford a house or even a condo unit in Needham today. Moreover, their income might qualify them to purchase an affordable Chapter 40B unit but their financial assets, particularly the equity in their homes, would render them ineligible for such housing.

Table 40 compares numbers of renters within certain lower income ranges to the numbers of existing units that might be affordable to them, based largely on special tabulations of data summarized in Table 41 that identify households by type, tenure, income, and cost burdens. This information suggests that there is a shortage of 620 rental units for those with incomes at or below 80% of area median income. Since this data was reported in 2018, it is likely that some of this need was subsequently addressed by The Kendrick or Modera Needham Chapter 40B developments for those in the 50% to 80% AMI range but not for those with incomes below this range, which comprise the greatest need of 500 units. Given rising housing costs, it is likely that the deficits have grown or some of these households have had to relocate to other communities.

Table 40: Rental Unit Need Analysis

Income Group	Income Range*	Affordable Rent**	# Renter Households ***	# Existing Affordable Units ****	Deficit -/ Surplus +
Less than 30% AMI	\$25,900 and less	\$472.50 and less	450	205	-245
Between 30% and 50% AMI	\$25,901 to \$43,150	\$472.51 to \$903.75	405	150	-255
Between 50% and 80% AMI	\$43,151 to \$64,900	\$903.76 to \$1,447.50	175	55	-120
Total			1,030	410	-620

Source: .S. Department of Housing and Urban Development (HUD), SOCDs CHAS Data, American Community Survey, 2014-2018 5-Year Estimate (latest figures available based on HUD special table data).

* For a household of two (as the average household size for renters was 1.74 per 2015-2019 5-Year ACS Estimates) and based on 2018 HUD income limits for the Boston area that includes Needham.

** Data based on the household spending no more than 30% of income on rent as well as an average monthly utility allowance of \$175 per month.

*** Data from Table 41.

**** Data from Table 41 for those without cost burdens.

The MAPC projections also provide estimates on future housing demand with an estimated net demand of 1,339 housing units between 2010 and 2030, further suggesting that this demand will come primarily from those who were under age 54 in 2010. MAPC figures for the period of 2010 to 2020 indicate that much of the demand will be from those under age 35, split relatively evenly between single-family ownership and multi-family rental options, both at about 500 units each. A large demand of about 1,500 single-family units was estimated for those in the 35 to 54 age range. On the other end of the age range, those age 55 to 64 will demand a small amount of multi-family rental or ownership units while vacating about 500 units of single-family units based on outmigration, mortality, or decreased preference for that housing type. Those 75 years of age or older are expected to vacate about 1,300 units, most in single-family homes, for the same reasons.

Cost Burdens

An important measure of housing affordability or housing need is the number of residents who are living beyond their means based on their housing costs, whether for ownership or rental. Such information is helpful in assessing how many households are encountering housing affordability problems or cost burdens, defined as spending more than 30% of household income on housing, or severe cost burdens based on spending more than 50% of income on housing costs.

Based on 2020 estimates from the Census Bureau's American Community Survey, there were 1,974 homeowners, or 21.7% of all homeowners in Needham, spending more than 30% of their income on housing and thus experiencing cost burdens. Of these, 664 households or 7.2% were spending at least half of their income on housing and thus incurring severe cost burdens. In regard to renters, 731 renters or 43.7% were spending more than 30% of their income on housing including 479 or 28.6% with severe cost burdens.

This data suggests that 2,643 households or 24.5% of all Needham households were living in housing that was by common definition beyond their means and unaffordable including 1,143 or 10.6% who were spending more than half their incomes on housing costs. These cost burdens are lower than Norfolk County with 32.8% of households spending more than 30% of their income on housing costs but a bit higher than the 10% level for those with severe cost burdens.

The Department of Housing and Urban Development (HUD) provides data on how many households were spending too much of their income on housing costs, or were experiencing cost burdens, through its State of the Cities Data System's Comprehensive Housing Affordability Strategy (CHAS) report. This information is summarized in Table 41 and distributes households by tenure, income, and household type, also showing how many were spending between 30% and 50% of their income on housing, and how many were spending more than half of their income on housing. For example, the first cell indicates that there were 260 elderly renter households (62 years of age or older) with incomes at or below 30% of area median income estimated by the Census Bureau's American Community Survey with 30 spending between 30% and 50% of their income on housing and another 105 spending more than half of their income on housing for a total of 135 with cost burdens.

Of the total estimated 10,765 households in Needham, 1,425 or 13.2% were spending between 30% and 50% of their income on housing with another 1,163 or 10.8% spending more than 50%. This analysis suggests that 2,588 or 24% of all households were spending too much on their housing, the same level that was identified in the 2019 census estimates. This level is down from 26% in 2015 and 27.7% in 2011.

Of the 1,810 reported renter households, 620 or 34.2% were experiencing cost burdens compared to 708 or 7.9% of owners. Consequently, renters were proportionately experiencing greater cost burdens although the total number of cost-burdened owners was a bit higher.

There were 1,030 renter households and 1,060 owner households with incomes at or below 80% AMI, which included 57% of all renter households and 11.8% of owner households.⁵⁸

Table 41: Type of Households by Income Category and Cost Burdens, 2018*

Type of Household By Tenure	Household Incomes <30% AMI/# with cost burdens *	Household Income > 30% to < 50% AMI/ # with cost burdens *	Household Income > 50% to < 80% AMI/# with cost burdens *	Household Income > 80% and < 100% AMI /# with cost burdens *	Household Income > 100% AMI/ # with cost burdens *	Total
Elderly Renters	260/30-105	250/35-150	60/20-0	175/25-35	150/30-15	895/140-305
Small Family Renters	45/0-0	100/0-10	70/70-0	30/0-0	270/0-0	515/70-10
Large Family Renters	0/0-0	10/10-0	0/0-0	0/0-0	15/0-0	25/10-0
Other Renters	145/0-110	45/30-20	45/30-0	0/0-0	140/0-15	375/60-145
Total Renters	450/30-215	405/75-180	175/120-0	205/25-35	575/30-30	1,810/280-460
Elderly Owners	285/15-260	160/125-14	270/30-45	215/50-35	1,785/175-40	2,715/395-394
Small Family Owners	20/0-20	20/0-20	225/50-80	160/30-65	4,630/635-55	5,055/715-240
Large Family Owners	0/0-0	20/0-20	15/0-0	0/0-0	855/35-0	890/35-20
Other Owners	25/0-25	20/0-4	0/0-0	0/0-0	250/0-20	295/0-49
Total Owners	330/15-305	220/125-58	510/80-125	375/80-100	7,520/845-115	8,955/1,145-703
Total	780/45-520	625/200-238	685/200-125	580/105-135	8,095/875-145	10,765/1,425-1,163

Source: U.S. Department of Housing and Urban Development (HUD), SOCHS CHAS Data, American Community Survey, 2014-2018 5-Year Estimate (latest figures available based on HUD special table data).

*First number is total number of households in each category/second is the number of households paying between 30% and 50% of their income on housing – and third number includes those that are paying more than half of their income on housing expenses (with severe cost burdens). Elderly households involve heads 62 years of age or older. Small families have four or fewer family members while larger families include five or more members. The “Other” category, for both renters and owners, includes non-elderly and non-family households, basically single individuals.

Other key findings from this data include the following:

Total Households

- Of the 2,090 total households earning at or below 80% of area median income (AMI), 1,328 or 63.5% were experiencing cost burdens including 883 or 42.2% with severe cost burdens as they

⁵⁸ HUD uses Median Family Income (MFI) in this report which is the equivalent of Area Median Income (AMI).

were spending more than half of their income on housing costs. This is down from 1,489 households or 71% and 1,059 and 51% with cost burdens versus severe cost burdens, respectively in 2015.

- Of the 780 households with incomes below 30% AMI, 565 or 72.4% were overspending with 520 or 66.7% spending more than half of their income on housing costs. While the number of households in this income category decreased from 929 households in 2015, the proportion of those with cost burdens increased from 61% and 54%, respectively, with cost burdens and severe cost burdens. Many households in this income range without cost burdens were likely living in subsidized units.
- There were also high cost burdens among those with incomes between 30% and 50% AMI including 438 or 70.1% with cost burdens, and of these 238 or 38.1% with severe cost burdens.
- While still high, cost burdens decreased somewhat for those in the 50% to 80% AMI range declining to 47.4% and 18.2%, respectively for those spending more than 30% of their income on housing compared to spending more than half their income.
- Even those with incomes above 80% AMI were overspending including 980 households spending between 30% and 50% of their income on housing and another 280 spending more than half of their income. This is down from 1,465 or 17% of those in this income range who were spending too much on their housing in 2015, and a further decline from 1,710 and 20% in 2011.

Renter Households

- **Of the 1,810 reported renter households in Needham, 740 or 40.9% were cost burdened that included 460 or 25.4% with severe cost burdens. This is somewhat higher than the 37.8% and 22.0% with cost burdens versus severe cost burdens identified in 2015.**
- **There was an increase in the number and percentage of renter households with incomes at or below 80% AMI between 2015 and 2018, from 939 to 1,030 households or from 52.9% to 56.9% of all renter households. The level of cost burdens also increased from 59.1% to 60.2% during this period including an increase in severe cost burdens from 37.8% to 38.4%. These figures are higher than those for 2011 when 36.6% in this income range had severe cost burdens.**
- There were 450 renter households with incomes at or below 30% AMI, referred to as extremely low-income households by HUD. Of these, 245 or 54% were experiencing cost burdens, 215 or 48% with severe cost burdens which is up from 41% and 40% with severe cost burdens in 2015 and 2011, respectively.
- Of the 580 renter households earning between 30% and 80% AMI (up from 465 in 2015), 285 or about half were overspending including 180 or 31% of households with incomes in the 30% to 50% AMI range that had severe cost burdens. None of the households in the 50% to 80% AMI income category were reported to have had severe cost burdens. The level of cost burdens is down, however, from 2015 that included 325 or 70% of renter households in the 30% to 80% AMI range which were overspending including 160 or 34% with severe cost burdens, up from 54% and 30% in 2011, respectively.
- It can largely be assumed that many if not most of the 410 renter households earning below the 80% AMI level and without cost burdens were living in subsidized housing given the high costs of rentals in Needham.
- The highest number and proportion of renters included those 62 years of age or older, representing 895 households or about half of all renters. Families involved about 30% of all renter households with non-family, non-elderly households at 21%, down from almost 30% in 2015.
- About 60% of the 570 elderly renter households with incomes at or below 80% AMI were overspending on their housing, including 255 or about 45% with severe cost burdens. Those

remaining 230 seniors earning below 80% AMI and not overspending were likely living in Needham's subsidized housing reserved for seniors (265 units) or other subsidized or 40B developments. These figures also suggest increased cost burdens from 2011 data when only one-third of the 495 seniors in this income range were experiencing cost burdens, 29% with severe cost burdens.

- A total of 80 or 37% of the 215 small families (2 to 4 household members) who earned within 80% AMI were paying too much for their housing. It is likely that those without cost burdens were living in affordable housing. Additionally, the number of small family renter households has grown from 100 in 2015 and 109 in 2011, which may be a result of the opportunities offered as part of the larger Chapter 40B developments.
- The data identifies only 25 large families (5 or more members) that were renting in Needham, 10 with cost burdens. The number of such households is down from 45 in 2015 and 65 in 2011, all of which were experiencing severe cost burdens. This reduction of large family renters likely reflects some erosion of relatively affordable larger units for rent in the private market over time including the teardown of two-family homes with rentals units and reconstruction of much larger condominiums that are owned, not rented out.
- There were also 235 non-elderly, non-family households (largely single individuals) with incomes at or below 80% AMI, of which 190 or 81% were overspending on their housing, including 130 or 55% with severe cost burdens. This is up from 31% and 35% with severe cost burdens in 2011 and 2015, respectively.

Owner Households

- **Of the 8,955 owner households in Needham, 1,148 or 12.8% were overspending on their housing, including 703 or 7.8% with severe cost burdens. This is down from 2,084 households or 24% with cost burdens in 2015 including 764 or 8.7% encountering severe cost burdens. More recent levels are also down a bit from 2011 when 26.7% were overspending and 10% had severe cost burdens.**
- Small families comprised the majority of homeowners at 56.4% with large families at about 10%. Seniors at age 62 or over represented a 30.3% of local owners with non-family non-elderly owners at only 3.3% of all homeowners.
- Of the 1,060 owner households with incomes at or below 80% AMI, 708 or two-thirds had cost burdens with 488 or 46% experiencing severe cost burdens. There were more owner households in this income range in 2015, at 1,154 households, but the percentage of those with cost burdens was lower with 64% spending too much and 44% with severe cost burdens. Levels of cost burdens were also equivalent or up somewhat from 2011 when 68% had cost burdens and 55% were experiencing severe cost burdens.
- *Almost all owners with incomes at or below 30% AMI were overspending including 92.4% with severe cost burdens. This suggests that the Town continue to explore options to reduce housing costs for these extremely low-income owner households, most of whom are older adults. Efforts such as the Small Repair Grant Program and additional tax deferrals could provide much needed assistance. ADUs may become another source of income for these households with zoning changes.*
- There were 715 elderly owners earning at or below 80% AMI, down from 750 in 2015 but up somewhat from 710 in 2011. By 2018, 489 or 68.4% had cost burdens including 319 or 44.6% with severe cost burdens. This is higher than the cost burdens in 2015 with 420 households or 56% were overspending, including 275 or 37% with severe cost burdens. In comparison, the 2011 levels of those with cost burdens was somewhat lower at 63% but higher in the case of severe

cost burdens at 50%. *These high levels of cost burdens point to a situation where long-term senior residents who are retired and living on fixed incomes are experiencing challenges affording the high housing costs in Needham, including rising energy, insurance costs and property taxes. Many of these owners are likely empty nesters living in single-family homes that cost too much for them to maintain and with more space than they require at this stage of their lives.*

- Of the 265 small family households with incomes at or below 80% AMI, 170 or 64.2% were experiencing cost burdens including 120 or 45.3% with severe cost burdens. The level of cost burdens is down somewhat from 2015 when almost 90% were spending too much, including 66% with severe cost burdens. The number of households in this income range was lower in 2011, at 225 households, but the percentage with cost burdens was at 73% with a higher proportion of those with severe cost burdens at 69%.
- There were only 35 large family owner households with incomes at or below 80% AMI, of which 20 or 57% had severe cost burdens, all earning between 30% and 50% AMI. This represents a slight increase from 14 large-family owner households in 2011, 10 having severe cost burdens and earning less than 30% AMI.
- There were also 45 non-elderly, non-family owner households with incomes at or below 80% AMI of which 29 or 64.4% had cost burdens, all with severe cost burdens. While the total number of households were higher in 2015, with 80 such households, cost burdens were lower with 44% spending too much for their housing and one-quarter pending more than half of their income on housing costs in 2015. The 2011 data also shows 80 households in this category with a bit lower cost burdens including 61.2% with severe cost burdens.

6. Subsidized Housing Inventory (SHI)

Of the 11,891 year-round housing units in Needham,⁵⁹ 1,410 or 11.86% are included in the Subsidized Housing Inventory (SHI) maintained by the Commonwealth of Massachusetts, up from 841 or 7.6% in 2015 and 425 units or 3.9% in January 2006.⁶⁰

Through outreach efforts, it was conveyed that the affordable units listed on the SHI, while up to 11.86%, are based on Chapter 40B rules that allow the inclusion of market-rate rental units in projects along with the dedicated affordable units. Consequently, the current SHI count of truly affordable housing units is really 6.24% of Needham housing units.

State law through Chapter 40B has decreed that if a municipality has less than 10% of its year-round housing stock set-aside for low- and moderate-income residents, it is not meeting the local and regional need for affordable housing. Not meeting this affordability standard makes the locality vulnerable to an override of local zoning if a developer wants to build housing through the comprehensive permit process.⁶¹ Consequently, by surpassing the 10% affordable housing threshold, Needham will no longer be required to process Chapter 40B comprehensive permit applications that it determines are inappropriate and do not address local

⁵⁹ Computed by subtracting seasonal units (zero based on 2020 census estimates) from total units of 11,891. The figure was 11,047 based on 2010 census figures with 11,122 total units minus 75 seasonal or occasional units.

⁶⁰ Includes 668 market rental units or 47% as part of 40B projects. New rentals helped diversify the housing stock.

⁶¹ Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households – defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income – by

housing needs. This means that Needham has much more control over future development. Maintaining this 10% plus level of SHI units is a baseline priority for the Town.

Table 42 summarizes those units that are included in the Subsidized Housing Inventory (SHI) and thus meet all of the state requirements of affordability including 656 market units that are part of Chapter 40B rental developments.

Table 42: Needham's Subsidized Housing Inventory (SHI), October 12, 2021

Project Name	# SHI Units	Project Type/ Subsidizing Agency	Use of a 40B Comp Permit	Affordability Expiration Date
Cook's Bridge (Captain Robert Cook Drive and Seabeds Way)*	76	Rental/HUD	No	Perpetuity
High Rock Estates*	80	Rental/HUD	No	Perpetuity
138-158 Linden Street*	32	Rental/DHCD	No	Perpetuity
168-188 Linden Street*	40	Rental/DHCD	No	Perpetuity
15-42 Chambers Street*	80	Rental/DHCD	No	Perpetuity
Matthews House/ 1415 Great Plain Ave. */**	8	Rental/DHCD	No	Perpetuity
Highland Ave./Charles River ARC. **	6	Rental/HUD and EOHHS	No	2038
Marked Tree Corp. **	4	Rental/HUD and EOHHS	No	2038
Nehoiden Glen	61	Rental/MassHousing	Yes	Perpetuity
Webster Street II/929 Webster **	4	Rental/HUD	No	2037
Webster Street II/299 Webster **	6	Rental/HUD	No	2037
West Street Apartments **	6	Rental/HUD	No	2043
Junction Place	2	Ownership/DHCD and FHLBB	Yes	Perpetuity
Garden Street	2	Ownership/FHLBB	Yes	Perpetuity
High Cliff Estates	3	Ownership/FHLBB	Yes	Perpetuity
Chestnut Hollow	6	Rental/DHCD and HUD	No	2021
Suites at Needham	2	Ownership/MassHousing	Yes	Perpetuity
Charles River Landing	350	Rental/DHCD	Yes	Perpetuity
DDS Group Homes **	84****	Special Needs Rental/DDS	No	NA
Craftsman Village	2	Ownership/MassHousing	Yes	Perpetuity
Greendale Village	4	Ownership/MassHousing	Yes	Perpetuity
The Residences at Wingate	2	Rental/DHCD	No	Perpetuity
Webster Street Green	2	Ownership/MassHousing	Yes	Perpetuity
Needham Place/50 Dedham Ave.	1	Rental/DHCD	No	Perpetuity
The Kendrick/2 nd Avenue Residences	390	Rental/DHCD	Yes	Perpetuity
Wingate Phase II	5	Rental/DHCD	No	Perpetuity
Greendale Mews/Modera Needham	136	Rental/MassHousing	Yes	Perpetuity
1180 Great Plain Avenue	16	Rental/MHP	Yes	Perpetuity

permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

TOTAL***	1,410	12.76% of year-round housing units		
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Source: Massachusetts Department of Housing and Community Development

* Needham Housing Authority units

** Special needs units

*** Includes 262 market units at Charles River Landing, 292 market units at The Kendrick, and 102 market units at Greendale Mews/Modera Needham for a total of 656 market units. The number of actual affordable rental units in these projects is 220. Under Chapter 40B, the state incentivized communities to produce multi-family rental housing by allowing all rental units, including market rate ones, to qualify for inclusion in the SHI.

**** Down from 89 units in 2018

The Needham Housing Authority (NHA) owns 316 SHI units in the following developments:

- *High Rock Estates*
 Converted from state Chapter 200 state funding to Section 9 Federal subsidy
 Single-family housing for families
 80 units (43 three-bedroom units and 37 two-bedroom units)
 The Needham Housing Authority redeveloped this property by replacing 20 single-family units with 20 two-family structures with a net gain of 20 units. Ten of these units were redeveloped into 20 condominiums with a separate Homeowners Association but also receiving some NHA support in maintaining and managing the units. The remaining ten are rentals managed by NHA.

 The NHA also sponsored the conversion of 10 single-family units at its High Rock development into duplexes, creating 20 condos which it continues to be involved in supporting through ongoing monitoring work and maintenance.
- *Linden-Chambers*
 State Chapter 667 funding, mixed elderly-disabled housing
 152 one-bedroom units
- *Matthews House*
 State Chapter 689 funding for special needs housing
 8-bed group home
- *Captain Robert Cook Drive*
 Federally-financed
 Single-family housing for families
 30 units (5 two-bedroom units, 20 three-bedroom units and 5 four-bedroom units)
- *Seabeds Way*
 Federally-financed
 Mixed elderly, disabled singles housing
 46 one-bedroom units

The Housing Authority focuses on “deeply” affordable housing for those with incomes at or below 50% AMI and no tenant pays more than 30% of annual income for rent. Waitlists are very long. For example, NHA has 559 applicants on its wait list for the family units including 359 applicants for two-bedroom units, 167 for three-bedrooms, and 33 for four-bedroom units. Waits for these units extend to three to five years. In regard to the NHA’s elderly/disabled units, there were 227 on the waitlist with waits of approximately six months to a year.

In addition to the Housing Authority's Matthews House, Needham has five other special needs housing facilities that altogether total 26 additional affordable housing units (including the Highland Avenue ARC project, Marked Tree Road, 299 and 929 Webster Street, and West Street Apartments) as well as 84 units in group homes for state Department of Developmental Services (DDS) clients scattered throughout town. These group home units include five units as part of a group home for developmentally disabled adults on South Street that was supported with HOME Program and CPA funding.⁶²

Needham also has 15 other projects that are a part of its SHI that include an additional 312 actual affordable units (total of 968 units that can be counted in the SHI) that have been produced by private, for profit or non-profit developers including:

- *Nehoiden Glen*
1035 Central Avenue
Comprehensive Permit granted in 1976 and amendments were issued through June 2011.
Total Rental Units: 61 Affordable Units: 61
This development is for very low-income older adults and is managed by Wingate.
- *Chestnut Hollow*
141 Chestnut Street
Variance granted in October 2000 by the Board of Appeals
Special Permit granted in December 2000 by the Planning Board
Total Rental Units: 28 Affordable Units: 6
Chestnut Hollow involved a major renovation of an existing non-conforming building, formerly the Hamilton House Nursing Home, for conversion into apartments for seniors. The development was processed through a Special Permit and variances. There are 12 two-bedroom units, 15 one-bedroom units, and one (1) studio unit.
- *Junction Place Townhouses*
32 Junction Place
Comprehensive Permit granted in October 2001
Total Condominium Units: 5 Affordable Units: 2
Junction Place is a condominium project comprised of five (5) attached townhouse units, approved by the Town in October 2001 through a comprehensive permit. The property contains approximately 11,200 square feet of land, previously occupied by a small vacant two-story office building, a garage and parking area on the edge of a commercial district and across the road from a train station. All five (5) of the townhouses were sold at below market prices to eligible families through a lottery system. Two (2) of the homes were sold for \$165,000 to families earning up to 80% of the area median income with the remaining three (3) initially sold for \$310,000 to families earning up to 150% of the area median income.
- *Garden Street/Browne-Whitney*
207-217 Garden Street
Comprehensive Permit granted March 2002

⁶² The Town allocated \$280,000 in HOME Program funding and \$220,000 in CPA funds to support development financing.

Total Condominium Units: 6 Affordable Units: 2

The Garden Street project, also known as Browne-Whitney, is a condominium development with six (6) total three-bedroom units, two (2) of which are affordable. The Town approved the project in March of 2002, and was subject to an appeal filed by an abutter to the property that was subsequently settled. The property contains approximately 27,132 square feet of land. Although within a single-family district, the property is located directly across the street from a business zone and only a short walk to the center of Needham and public transportation. The two (2) affordable units sold for \$160,000 with the market rate units were priced between \$525,000 and \$759,000.

- *High Cliff Estates*

209-233 St. Mary Street

Comprehensive Permit granted April 2002

Total Condominium Units: 12 Affordable Units: 3

The High Cliff Estates project is a townhouse condominium development with 12 total three-bedroom condominium units in four (4) buildings and with three (3) of the condominiums sold as affordable, selling between \$105,000 and \$137,500. The market rate units sold for \$447,000 to \$582,300.

- *Suites at Needham*

797 and 805 Highland Avenue

Comprehensive Permit granted in 2006

Total Condominium Units: 8 Affordable Units: 2

The development includes eight (8) townhouses, two (2) of which are affordable. The project is located on Highland Avenue, only a short walk to an MBTA commuter rail station.

- *Charles River Landing*

300 Second Avenue

Comprehensive Permit granted in 2007

Total Rental Units: 350 Affordable Units: 88 (all units count as part of the SHI)

The Town of Needham entered into an agreement with the developer, Cabot, Cabot & Forbes, to build 350 rental units through a “friendly” Chapter 40B process as part of the state’s Local Initiative Program (LIP). The project is located at the outer edge of the New England Business Center, adjacent to a residential neighborhood and overlooking the Charles River. The parcel contains 7.9 acres and promotes a number of smart growth principles as it is served by existing infrastructure; is located in proximity to Town services, transportation and employment; promotes higher density housing; and includes affordable housing. About two-thirds of the units have one-bedrooms, the remainder with two-bedrooms.

- *Craftsman Village*

17-27 High Street

Comprehensive Permit granted initially in 2006 and amended for new developer in 2009

Total Condominium Units: 6 Affordable Units: 2

The initial developer filed the comprehensive permit application in 2003 and proposed building twelve three-bedroom condominium units, three (3) to be affordable, on an about 27,000 square foot lot within walking distance to public transportation. The ZBA approved six (6) units but the developer was unwilling to go below eight (8) and appealed the decision to the state’s Housing Appeal Committee. The project finally moved forward with a new developer, Craftsman Village

LLC, with a total of six (6) units including two (2) affordable ones. The market units sold for \$609,000.

- *The Residences at Wingate/Phase I*
235 Gould Street
Special Permit Approval in 2011
Total Independent Living Rental Units: 12 Affordable Units: 2
Pursuant to a zoning change to create an Elder Services Zoning District, approved by Town Meeting in 2010, and Special Permit approval of the Planning Board in 2011, the developer built a senior housing facility on Gould Street next to its Nursing Home at 589 Highland Avenue. The building includes 91 total units – 12 Independent Living Apartment units, 42 Assisted Living units, and 37 Assisted Living units specializing in Alzheimer's and other memory loss related conditions. The project also includes two (2) affordable units, one (1) that was initially reserved for those who lived or worked in Needham.
- *Needham Place (previously known as Dedham Avenue)*
50 Dedham Avenue
Special Permit Approval in 2012
Total Rental Units: 10 Affordable Units: 1
Through the rezoning of Needham Center through a Center Business Overlay District approved by Town Meeting in 2009, as well as Special Permit approval by the Planning Board in 2012, the developer, MMM Property LLC (Brookline Development Corp.), built a new three plus one story mixed-use building on Dedham Avenue near Great Plain Avenue. The property contains ten (10) rental units, including one (1) affordable unit, as well as two (2) first-floor retail units.
- *Greendale Village*
900 Greendale Avenue
Comprehensive Permit granted in 2013
Total Condominium Units: 20 Affordable Units: 4
The Greendale Village development includes 20 new townhomes, four (4) of which are affordable to those earning at or below 50% of area median income. The lottery was held on July 8, 2014. The 2 two-bedroom affordable units sold for \$112,600 and the 2 three-bedrooms sold for \$121,400. The market units ranged in price from \$759,000 to \$940,000.
- *Webster Street Green*
28 Webster Street
Comprehensive Permit initially granted in 2005 and amended in 2013
Total Condominium Units: 10 Affordable Units: 2
The developer, Webster Street Green LLC, was issued a comprehensive permit in November 2005, which was appealed, amended, and extended through the state's Housing Appeals Committee (HAC). The affordable units were targeted to those earning at or below 50% AMI and sold for \$121,300 and \$136,800 while the market units sold in the \$689,000 to \$769,000 range.
- *One Wingate Way/ Wingate Phase II*
235 Gould Street
Special Permit Approval in 2014
Total Independent Living Rental Units: 52 Affordable Units: 5

Another 52 Independent Living Units were built next to the existing Phase I Residences at Wingate senior living development. Given that the project is part of the Town's Elder Services District, at least 10% of the units must be affordable. The project received Special Permit approval by the Planning Board on October 20, 2014 (amendment of Phase I approval in 2011).

- *The Kendrick (previously known as 2nd Avenue Residences)*
275 Second Avenue
Comprehensive Permit granted in 2015
Total Rental Units: 390 Affordable Units: 98 (all units count as part of the SHI)
The Town of Needham provided its support for the 2nd Second Avenue Residences development as part of the Local Initiative Program (LIP) Project Eligibility Application that was submitted to DHCD by the developer, A Street Residential LLC, on April 15, 2015. The ZBA subsequently approved the comprehensive permit on October 20, 2015.
- *Modera Needham (previously known as Greendale Mews)*
700 Greendale Avenue
Comprehensive Permit granted in 2013 for 108 units and approved 136 units in 2015
Total Rental Units: 136 Affordable Units: 34 (all units count as part of the SHI)
The developer, Mill Creek Residential Trust LLC, proposed 300 and then 268 rental units on the six-acre site through a comprehensive permit application on April 13, 2013, and the ZBA approved 108 on December 19, 2013. The parties subsequently agreed to a total of 136 units, which the ZBA formally approved on October 20, 2015.
- *1180 Great Plain Avenue*
Comprehensive Permit granted in December 2019. An abutter appealed the decision which was resolved in 2022. Units were removed from the SHI but will be restored when building permits are issued.
Total Rental Units: 16 Affordable Units: 4 (all units count as part of the SHI)
The developer, Petruzzello Properties LLC

The Town also sponsored a Habitat for Humanity project on a parcel owned by the Town of Needham. The Town issued a Request for Proposals to secure a developer to build an affordable home on the site. Habitat for Humanity was the winning respondent and built a single-family house on the lot for a first-time homebuyer. This house is not eligible for inclusion on the SHI because the deed rider was not approved by the state

The Needham Housing Authority also administers *rental subsidies* and is currently assigned 120 Section 8 Housing Choice Vouchers. While these rental subsidies are not eligible for inclusion in the SHI, they nevertheless provide important support for qualifying households renting units in the private housing market, filling the gap between an established market rent – the Fair Market Rent (FMR) – and a portion of the household's income. Preference is granted to applicants who reside or are employed in Needham. Applicants must also have incomes at or below 50% of area median income based on HUD area income limits (see Table II-1), but 75% of an agency's vouchers are to go to applicants whose incomes do not exceed 30% of area median income. The characteristics of these voucher holders is as follows from HUD's Resident Characteristics Report (https://www.hud.gov/program_offices/public_indian_housing/systems/pic/50058/rcr):

- 57% vouchers are for one-person households, 18% for two-person households, and 16% for three-person households.
- 33% of voucher holders have had their voucher for over 20 years, 28% for 10 to 20 years, and 12% for 5 to 10 years.
- Average monthly household portion of rent is \$501.
- 47% of households are elderly, 23% of households are non-elderly people with disabilities, 33% are non-elderly and not disabled.
- 80% of households are White, 18% Black, 2% Asian; 90% are non-Hispanic/Latinx.

Appendix 2

Housing and Zoning Analysis⁶³

The Town of Needham has approximately 11,800 total housing units with a median single-family house price of \$1.3 million in September 2021 (\$862,500 for condominiums), up from \$1,065,000 (+22.1%) and \$805,000 (+7.1%), respectively, as of the end of 2019. Housing prices are not only high and rising, but further evidence of tightening market conditions is reflected in vacancy rates at about 1% and little or no affordability remaining in the private unsubsidized housing stock. These conditions have been exacerbated by substantial teardown activity, involving the demolition of more modest homes with much larger and expensive ones, further driving up housing prices and eroding housing affordability. The loss of income that many have suffered as a result of Covid-19 is exerting further pressures on existing residents, many who are struggling to afford to remain in their homes and community.

Under MGL Chapter 40B, if less than 10% of a municipality's housing stock is affordable, developers can override local zoning if the project includes deed-restricted affordable units and meets other state requirements.⁶⁴ Despite intensifying market pressures, Needham has made considerable progress in promoting greater housing diversity over the years with 1,410 state-approved affordable units included on the Subsidized Housing Inventory (SHI), representing 12.76% of its housing stock.⁶⁵ An additional nine affordable units will be included in the SHI as a result of rezoning requirements for the Carter Mill development that will bring the total number of SHI units to 1,419 and a 12.8% level of affordability. Consequently, Needham is well beyond the 10% state affordability threshold under MGL Chapter 40B. Nevertheless, the Town recognizes that there still remains a pressing need for greater housing diversity and affordability in the community.

This report reviews the progress that has been made in the past to address housing needs and examines challenges to further advance local community housing goals.

I. Housing Production Accomplishments

The affordable units that are part of Needham's *Subsidized Housing Inventory, that now exceeds the 10% affordability goal under Chapter 40B*, include the following:

Rental Housing

- The Needham Housing Authority owns and manages 316 units of subsidized housing including 198 one-bedroom units for seniors and disabled individuals of any age and 110 units for families

⁶³ Prepared in early 2021 by the Planning and Community Development Department prior to this planning effort.

⁶⁴ Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households – defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income – by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

⁶⁵ To be counted as affordable under Chapter 40B, housing must be dedicated to long-term occupancy of income-eligible households (those earning at or below 80% of area median income) through resale or rental restrictions. Units must also be affirmatively marketed and subsidized or approved through a subsidizing agency. All units in Chapter 40B rental developments count as part of the Subsidized Housing Inventory as opposed to only the actual affordable units in homeownership projects.

and veterans. The Authority also maintains two staffed apartments that serve eight individuals with special needs.

- Another 67 affordable units of age-restricted housing were developed by private sponsors.
- Charles River Landing, with 350 units including 88 affordable units, was developed under the state's Local Initiative Program (LIP), sometimes referred to as the "friendly 40B" process as the municipality supports the project in the early stages of development.⁶⁶
- Another LIP process was used for 390 rental units with 98 affordable ones as part of The Kendrick development.
- The Modera Needham project, also a Chapter 40B development, produced 136 rental units on Greendale Avenue that includes 34 affordable units.
- An additional 16 units were added to the Town's SHI as part of a Chapter 40B rental development at 1180 Great Plain Avenue. Four of these units are expected to be affordable. An abutter appealed the ZBA decision in December 2019, and the project is still awaiting the resolution of litigation.
- An affordable unit was developed under the Needham Center Overlay District that requires 10% of units built within the area be affordable. This unit is part of a mixed-use development that includes nine market units and two commercial businesses.
- A total of seven affordable units were also created under local zoning as part of an Elder Services Overlay District. These units were part of two phases in developing housing for those 55 years of age or older.
- The Town has a total of 84 units in group homes for persons with developmental disabilities and another 26 units in facilities for persons with special needs that were sponsored by non-profit organizations.
- It should be noted that 2019 census estimates indicate that out of a total 1,754 rental units, 830 had rents of less than \$1,500 which would have been affordable to those households earning less than \$68,000, assuming tenants were not spending more than 30% of their income on housing costs, the traditional threshold of affordability, and have utility bills that average \$200 a month. The census estimates identify another 367 units with rents in the \$1,500 to \$2,000 range that would have been affordable to those with incomes between \$68,000 and \$88,000 based on the same assumptions. Many of these rentals are subsidized as the Town has 737 rentals on its Subsidized Housing Inventory (SHI) that are rented at affordable levels prescribed by the state. Additionally, the census estimates indicate that 99 renter households did not pay rent.
- The Town succeeded in having a market unit converted to an affordable one at the Hamilton Highlands development (formerly Webster Green). This occurred when the owners were making considerable capital improvements, including expanding the number of units, causing rent levels to climb above what some long-term tenants could afford. The affordable unit is not eligible for inclusion on the SHI, however, because it is reserved for existing qualifying tenants.

Homeownership Units

- Needham has a total of 17 affordable homeownership units that were permitted under Chapter 40B and are scattered in seven separate developments.
- The Needham Housing Authority converted 20 single-family homes that were rentals to 40 duplex units, half of which were sold as part of the High Rock Estates condominium development.
- The Town also conveyed a municipally owned lot on Bancroft Street to Habitat for Humanity which built an affordable single-family home.

⁶⁶ Chapter 40B guidelines allow all units in a 40B rental development to be counted as part of the SHI.

A detailed report on these SHI units is included as Appendix 1.

The Town has also focused on ensuring that SHI units are preserved as affordable and remain part of the SHI for as long a period of time as possible. To this end, the Town created a Community Housing Specialist position, that, in addition to other job responsibilities, conducts annual monitoring of a number of affordable housing units, including some older 40B ownership units and more recent units that were required to be affordable through inclusionary zoning. The Housing Specialist is also in contact with the monitoring agents for other affordable units to ensure continued compliance with all monitoring and affordability requirements.

While not counted as part of the Town's Subsidized Housing Inventory, the Needham Housing Authority administers 120 Section 8 vouchers, which are federally funded through the U.S Department of Housing and Urban Development (HUD). These rental vouchers are provided to qualifying households renting units in the private housing market, filling the gap between an established market rent – the Fair Market Rent (FMR) – and a portion of the household's income. Based on the high cost of housing in Needham, the Housing Authority has been able to apply up to 110% of the FMR levels for its maximum rent. Applicants must also have incomes within 50% of area median income, \$60,400 for a family of three based on 2021 HUD income levels. Additionally, 75% of the vouchers must be used by households with incomes at or below 30% AMI.

The Town has also launched a number of ***special housing programs*** to help residents afford to remain in the community including:

- The *Small Repair Grant Program* provides limited financial assistance to income-eligible senior and disabled households to help make health and safety improvements to their homes. Grants of up to \$5,000 are provided on an unsecured basis; there is no repayment required unless the grant recipient does not comply with the Grant Agreement or sells or transfers the home within one year. At least one member of the household must be 60 years of age or older or have a disability. All participants must have incomes of no more than 80% of Area Median Income. The Program is administered by the Needham Affordable Housing Trust.
- The *Emergency Rental Assistance Program* was approved by Special Town Meeting in October 2020 to provide financial assistance to help renters who lost income due to Covid-19 remain in their homes. With an allocation of \$120,000 of Community Preservation funding and another \$50,000 from the Massachusetts Covid-19 Relief Fund, secured for Needham by the Foundation for MetroWest, the Program covered 50% of rent up to \$1,500 per month for up to six months. To qualify, applicants must reside in a private rental unit, including affordable Chapter 40B units, and have incomes no more than 80% of Area Median Income (AMI). The Town selected the regional non-profit organization, Metro West Collaborative Development, to administer the program.
- The *Safety at Home Program*, through the Needham Center for the Heights, helps Needham residents age 60 and older continue to live independently in their homes by providing a free home assessment of safety issues, connections to local resources, and free home goods to improve safety.

- The Town adopted zoning to allow *Accessory Dwelling Units (ADUs)* to be created for occupancy by family members or caregivers to enable qualifying homeowners to age in place.

II. Planning and Regulatory Accomplishments

The Town has enacted the following zoning provisions over the years to better promote housing diversity and affordability:

- Almost half of the Town's land area is zoned for 10,000 square foot (or just under ¼ of an acre) lots, an allowable lot size relatively rare in the Route 128 suburbs where lots sizes are considerably higher.
- Two-family dwellings are allowed by-right in limited areas of town (the General Residence District).
- Apartments or multi-family units are allowed by Special Permit on the second floor of buildings in the Town's commercial areas, as well as the half story above the second floor in the Needham Center Overlay District. Zoning was also amended to promote underground parking in the Center Overlay District by exempting the floor area of the parking garage in the calculations for determining the maximum floor area ratio, allowing more square footage to be dedicated to housing. Zoning also allowed building height up to 3+1 with three stories of residential above first floor commercial space in the Town Center.
- Mixed residential/business use has been accommodated to some degree in other areas besides the Town Center, including Avery Square, the Hillside Avenue Business District, the Garden Street District, and Lower Chestnut Street area.
- Boarding houses (SROs) are allowed by Special Permit in the Central Business District and industrial districts.
- The Town's Apartment Districts, although limited and primarily built out, allow multi-family development by-right without the need for a Special Permit, requiring only Site Plan Approval, and thus involve a much faster and less onerous permitting process.
- Several forms of residential development flexibility are provided: Flexible Development (Section 4.2.4 of the Zoning Bylaw), Planned Residential Development (4.2.5), Residential Compound (4.2.6), and Dimensional Reductions (4.2.7) to encourage "smarter" development that promotes the clustering of units while preserving some open space and other natural features of the property.
- The Town's Subdivision Regulations are straightforward, without any unusually demanding provisions.
- The Town has not imposed barriers such as growth timing, phasing controls, or punitive health or wetlands restrictions as has been done elsewhere.
- The Town's split tax classification results in a residential tax rate that is about half that paid by businesses. The Town also offers tax exemption, work-off, and deferral programs to qualifying owners.
- Building, sewer, and other development fees have in the past been waived for some affordable developments with non-profit sponsors.
- Town officials make good-faith efforts to work with applicants to facilitate timely progress through the regulatory system, rather than using it as a "hurdle."

More recent planning and regulatory changes to better promote affordable housing have included:

- ***Overlay Districts***

Notable among zoning changes has been the introduction of Overlay Districts that promote smart growth development, affordable housing, mixed-use development, and other urban amenities in several commercial areas of town including Needham Center, the Lower Chestnut and Garden Street areas, and Mixed Use Overlay District (MUOD) in the Highland Avenue/Route 128 area. Needham also established an Elder Services District off of Gould Street to serve the community's increasingly aging population. Most of these Districts require the integration of affordable housing equivalent to one unit for properties of less than ten units and 10% of all units for those with ten or more units. The more recent MUOD, Highland Avenue/128 and Neighborhood Business District/128 zoning increased the affordability requirement to 12.5%.

- ***Project-based Rezoning***

Needham has demonstrated a willingness to rezone property to accommodate affordability efforts. For example, the Needham Housing Authority's High Rock Estates development precipitated zoning changes to allow the conversion of small single-family bungalows to duplex units, some of which were redeveloped as affordable rentals and others as condominiums. More recently, the Town approved new zoning for The Residences at Carter Mill that involved the redevelopment of the Avery Crossing assisted living units with 72 Independent Apartments (nine of which will be affordable), 55 Assisted Living Apartments, and 28 Memory Care Apartments.

- ***Neighborhood Business District Changes***

Zoning was changed in the Neighborhood Business District to allow mixed-uses in districts where a portion of the area is located within 150 feet of the boundary of Route 128. Provisions also require that 12.5% of the units created be affordable with the added option of allowing payment in-lieu of units to be paid into the Needham Affordable Housing Trust in support of other affordable housing initiatives.⁶⁷

- ***Local 40B Guidelines***

The Town adopted Local Chapter 40B Guidelines in 2012 to advise the Zoning Board of Appeals and other Town boards and departments with a role in the development review process on local housing priorities and the review process for comprehensive permits. Now that the Town has surpassed the 10% affordability goal under Chapter 40B and is no longer susceptible to 40B projects it deems do not address local needs and priorities, the Town is revisiting the Guidelines and discussing changes to better reflect current Town preferences for locations, income targets, design, density, etc. for new affordable housing development.

- ***Needham Affordable Housing Trust***

Town Meeting approved the Needham Affordable Housing Trust at its 2017 Annual Meeting to provide for the preservation and creation of affordable housing for low- and moderate-income residents.

⁶⁷ The cash payment would be equal to the most current Total Development Costs for the MA Department of Housing and Community Development's Qualified Allocation Plan as part of its Low Income Housing Tax Credit Program for the areas described as within Metro Boston/Suburban Area. These figures are also adjusted for the type of project and number of units. No fees have been collected to date.

The state enacted the Municipal Affordable Housing Trust Fund Act on June 7, 2005,⁶⁸ which simplified the process of establishing housing funds that are dedicated to subsidizing affordable housing. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed by the Select Board. In the case of Needham, members of the Housing Trust include the Select Board, the Town Manager, and an appointed at-large member.

Since the Housing Trust's establishment, it has met twice a year to discuss a wide range of housing issues and has sponsored the Small Repair Grant Program and advocated for the Emergency Rental Assistance Program. Funding in the Housing Trust remains limited to date, largely capitalized by monitoring and resale fees. The monitoring fees are paid annually by the property owners and by the seller when affordable homeownership units turn over. The Housing Trust is entrusted with ensuring compliance with state affordability requirements.

- ***Accessory Dwelling Units (ADUs)***

The 2019 Special Town Meeting approved the bylaw to permit the creation of accessory dwelling units (ADUs) by Special Permit of the Board of Appeals. The bylaw limits the units to single-family homes that are occupied "by the Owner; Family members related to the Owner by blood, adoption or marriage (spouse, parent, sibling, child, or a spouse of such persons); and Caregivers of Family members who look after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance, subject to specified standards and procedures."⁶⁹ The bylaw also defined the ADU as "an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot, and constructed to maintain the appearance and essential character of the single-family dwelling."⁷⁰

Other provisions limited the ADU to no more than 850 square feet with one bedroom, located in a primary structure and not an accessory structure, and with exterior entrances and access ways that do not detract from the single-family appearance of the dwelling, among other conditions. While the bylaw limited occupancy to family members or caregivers, it does promote greater housing diversity in the community by allowing small apartments in existing dwellings, enables extended family members to live together, and also provides opportunities for live-in support for people with disabilities. A total of eight ADUs have been permitted as of March 2022.

III. Housing Challenges

The challenges to producing affordable housing in the Boston region have been repeatedly identified in published reports over the years with strikingly consistent observations. While sharp reductions in state and federal funds for housing have contributed to the problem, the region's mismatch between demand and supply is widely seen as the result of both state and local actions that constrain land availability, create

⁶⁸ MGL Chapter 44, Section 55C.

⁶⁹ Section 3.15 of the Needham Zoning By-law.

⁷⁰ Ibid.

regulatory impediments, and add to the costs of construction. Needham's location as an inner suburb of Boston with good highway and commuter rail access as well as recognized schools have boosted the demand for housing and thus driven up prices.

Particularly challenging are the following housing production constraints:

- ***Limited Developable Property***

As an older established community, Needham has less land available for development than many other communities in the region, and the remaining property has become increasingly valuable and difficult to develop.

New development will rely primarily on redevelopment opportunities, particularly those in areas where some greater density and access to public transit are possible. It will be important for the Town to continue to guide future development to these appropriate locations, promoting higher densities in some areas while minimizing the effects on the natural environment and preserving open space corridors and recreational opportunities in others.

- ***High Level of Teardown Activity***

Driven by the high value of land in Needham, the demolition of older, smaller, and less expensive houses has become the principal source of lots for the construction of new single-family homes thus "recycling" land rather than consuming vacant land. These "teardowns" of relatively small dwellings have typically been replaced by substantially larger ones, leaving the number of dwelling units unchanged but increasing their value significantly. This demolition/replacement activity has eliminated many of the smaller more affordable private market units that were developed years ago as starter housing and has been the driving force pushing sales prices over \$1 million.

- ***Regulatory Barriers***

While significant progress has been made to reforming zoning, there still remains room for regulatory improvements to better direct development to appropriate locations based on "smart growth" principles and adequate incentives for incorporating public benefits, including affordable housing. As previously mentioned, there is a near-absence of developable vacant land that is zoned to permit multi-family housing, even two-family dwellings. Actual development of multi-family housing now generally occurs through redevelopment of already developed sites, rezoning by Town Meeting, or, in the past, a Chapter 40B override of applicable zoning. The Overlay Districts mentioned above have reduced these barriers somewhat in certain areas.

- ***Limited Availability of Subsidies***

Financial resources to support the production and preservation of affordable housing as well as rental assistance have suffered budget cuts over the years making funding more limited and extremely competitive. Communities are finding it increasingly challenging to obtain necessary funding for programs and development projects and must be strategic in leveraging limited local resources. Because of substantial and growing affordability gaps, affordable housing initiatives are likely to require layers of public and private investment.

Needham approved the Community Preservation Act (CPA) in November 2004, which has been a very important resource for supporting affordable housing efforts. Over the years the Town has committed about \$1.6 million of its CPA funds on housing initiatives including:

- \$120,000 in recent funding to support an Emergency Rental Assistance Program
- \$860,500 for four grants to the Needham Housing Authority, three for the High Rock Estates project and another for a feasibility study for redeveloping NHA property.
- Another \$150,000 grant to NHA for development consulting services which enabled NHA to bring on the services of the Cambridge Housing Authority to help it determine how best to refinance much needed property improvements.
- \$370,000 for the Charles River Center (formerly the Charles River ARC) for four grants including three grants for existing group homes and another for a new group residence for five people with significant physical and cognitive disabilities.
- \$25,000 for a housing consultant to prepare Chapter 40B guidelines and additional funding towards a portion of the part-time Housing Specialist position over three years.

Most of the CPA reserve funds have been set-aside to support a future NHA project to redevelop existing public housing. It should be noted that while a minimum of 10% of the Town's annual CPA funding must be reserved for community housing, communities can dedicate a higher percentage of CPA funds for housing. The balance in the CPA Community Housing reserve as of December 31, 2020 is \$2,459,763

The Town also joined the Metro West HOME Consortium in 2008, which has enabled it to secure HOME Program funding to address local affordable housing needs. Funding has fluctuated over the years from an allocation of \$57,521 in fiscal year 2009, to \$67,387 by 2011, down to \$36,149 in 2013, and then as low as \$27,455 and \$27,750 in 2020 and 2021, respectively. The Town has spent \$280,000 in HOME funds for the Charles River Center's group residence at 1285 South Street in addition to annual operating/administrative funds.

- ***Community Perceptions***

Residents in most communities are concerned about the impacts that any new development will have on local services and the quality of life. Some residents may have negative impressions of affordable housing in general or question whether it is even needed in the community. Local opposition to new affordable developments has become more the norm than the exception.

On the other hand, national events like the Black Lives Matter movement and the recent COVID-19 pandemic have been catalytic in promoting greater community interest and discussion regarding housing issues, including the need for more affordable housing in the community.

- ***Infrastructure Constraints***

As a general matter, the Town's infrastructure is likely sufficient to accommodate proposed incremental growth related to affordable housing development. An exception is potential public education costs, particularly if school enrollments warrant construction of additional facilities. A high percentage of the Town's tax levy already is used directly or indirectly for school operations and services, existing schools are at or over capacity, and land for new facilities is at a premium.

There are a number of areas of town that are not served by Town sewer services, most in the outskirts near the Wellesley and Dover lines and comprising not more than 10% of all Needham's properties. Most of these areas are part of the Town's water protection zone. There are also several pockets where gravity issues constrain the extension of such services. A number of environmental concerns have arisen in these areas as some septic systems have failed and needed replacement to protect local water sources. The Town is aggressively encouraging the extension and connection to municipal sewer lines where possible.

Zoning Analysis Spreadsheet

Description of the File

This file lists all non-single-family zones in Needham as of Jan 2021, and the restrictions and conditions associated with building multi-family housing and mixed-use developments (i.e., developments that include multi-family housing with other uses such as retail stores or commercial offices).

This file lists where Affordable Housing is required as a percentage of multi-family housing units in a building or development and highlights districts where multi-family or mixed-use housing is allowed or allowable by special permit with no Affordable Housing requirement. This file also serves as an overview of existing (non-Needham Housing Authority) multi-family housing more generally in Needham. In this file, Needham is divided into three zoning maps running from North to South.

Glossary of Terms Used in the Zoning Analysis Spreadsheet

Inclusionary zoning

Refers to municipal zoning bylaws and ordinances that require a given share of new construction to be affordable by households below a certain income (usually 80% of median income of the metropolitan area), referred to as Affordable Housing.

The term Inclusionary Zoning indicates that these bylaws and ordinances seek to provide Affordable Housing Units that the market would otherwise not produce under current zoning in the absence of Inclusionary Zoning provisions.

Overlay District

An Overlay District is a type of land use zoning district that "lies" on top of the underlying zoning district. An Overlay District could cover more than one underlying zoning district; also, there could be more than one Overlay District covering a single underlying zoning district.

Acronyms Used

CCRC: Continuing Care Retirement Community

FAR: Floor area ratio (ratio of floor area to lot area)

AHU: Affordable Housing Unit

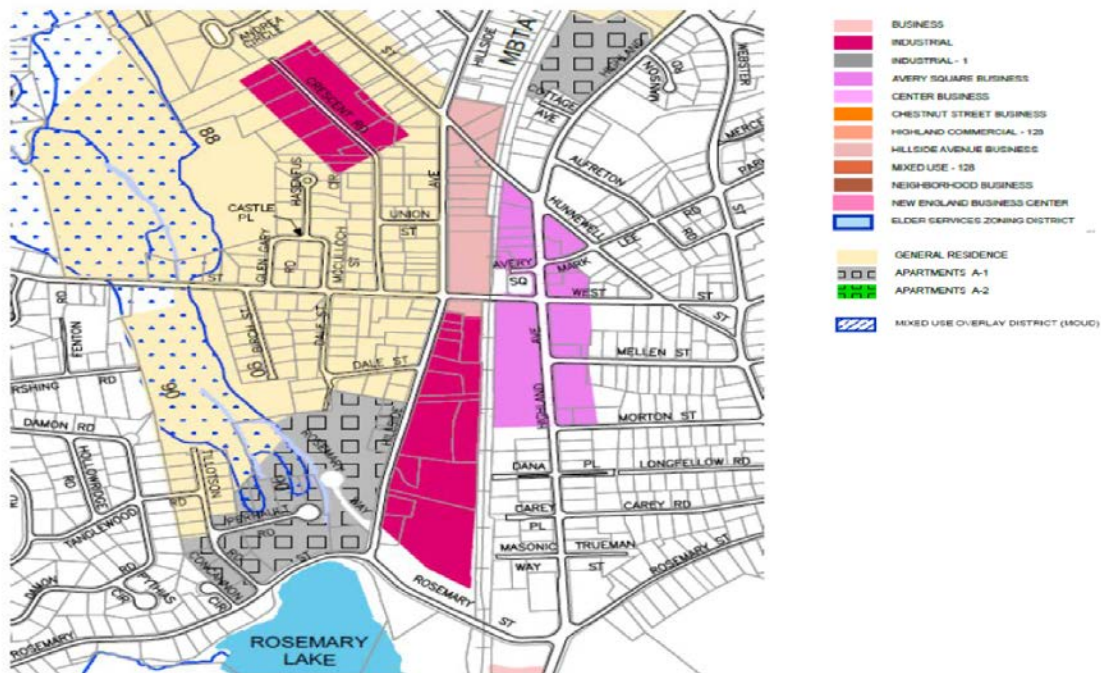
DU: Dwelling Unit

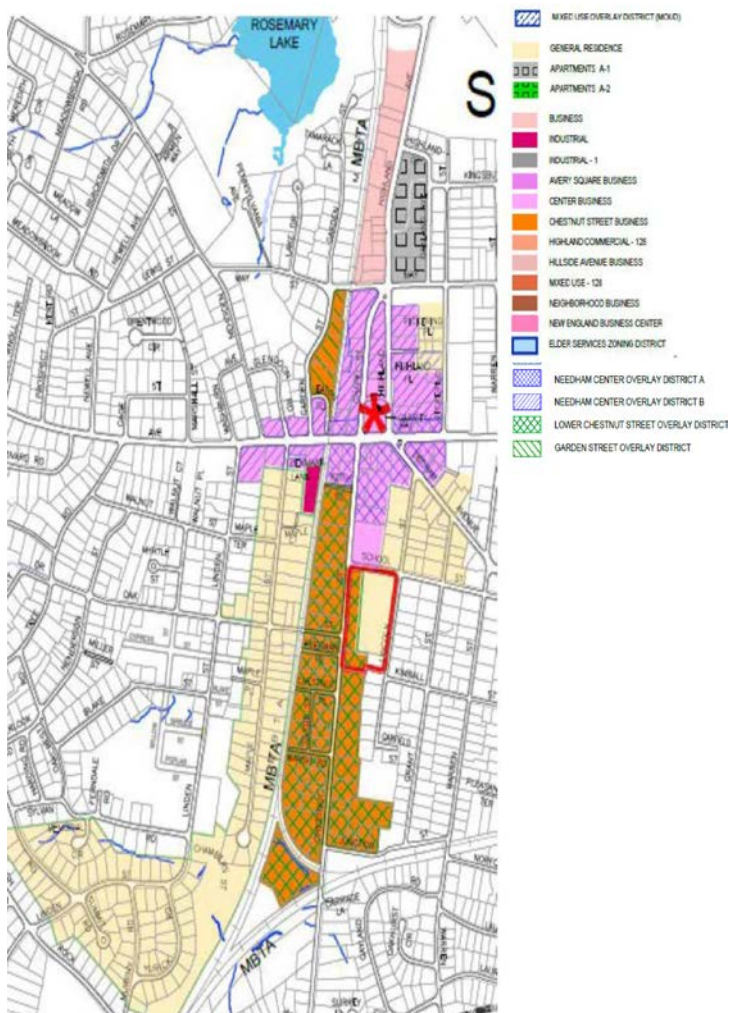
MUOD: Mixed Use Overlay District

MAP #	ZONING DISTRICT	IS MULTI-FAMILY ALLOWED	IS MIXED-USE BUILDING ALLOWED (Restrictions specified)	LOCATION LIMITATIONS w/in BUILDING	DIMENSIONAL LIMITATIONS	AFFORDABILITY REQUIREMENT	EXISTING DEVELOPMENT(S)
1	Industrial - 1	N					
1	Industrial	N					
1	Highland Commercial - 128	N (but see MUOD on W-side)					
1	Mixed Use - 128	N (but see MUOD)					
1	Mixed Use Overlay District (MUOD)	SP (4-250 DU'S; 40-70% 1BR)	SP 4-250 DU'S; 40-70% 1BR	for M-U, DU's only on upper stories	84' height (54' w/in 350' of river); FAR 3.0	12 1/2% AHU	none
1	Neighborhood Business - 128	N	SP	only on upper floor(s) above NR use	35' height; 2 1/2 stories; FAR 0.5	6+ units/12 1/2% (or \$\$ to AH Trust)	none
1	New England Business Center	N					
1	Elder Services	Y		must be within a CCRC & 55+ age	40' height; 3 stories; FAR 1.0	10 units/1 AHU; 11+ units/10% AHU	Wingate



MAP #	ZONING DISTRICT	IS MULTI-FAMILY ALLOWED	IS MIXED-USE BUILDING ALLOWED (Restrictions specified)	LOCATION LIMITATIONS w/in BUILDING	DIMENSIONAL LIMITATIONS	AFFORDABILITY REQUIREMENT	EXISTING DEVELOPMENT(S)
2	Apartments A-1	Y			40' height; 3 stories; FAR 0.5; 18 DU/acre	none	Webster Green, Rosemary Ridge, Rosemary Lake Apts (Charlesgate East off map)
off map	Apartments A-2	Y			40' height; 3 stories; FAR 0.3; 8 DU/acre	none	North Hill (off map)
2	Avery Square Business	SP			35' height; 2 1/2 stories; FAR 0.7; 18 DU/acre	none	2 examples on Highland Avenue in Heights
2	Avery Square Overlay	N	SP	in building w Assisted Living/Memory Units; 55+	44' height; 4 stories w 4th story set back	10+ units/12 1/2	Carters (to be renovated & enlarged)
2	Hillside Avenue Business	SP			35' height; 2 1/2 stories; FAR 0.7	none	Townhouses @ corner of Hillside & Hunnewell, apartment building on Hillside/Hunnewell





MAP #	ZONING DISTRICT	MULTI-FAMILY	MIXED-USE BUILDING	LOCATION LIMITATIONS w/in BUILDING	DIMENSIONAL LIMITATIONS	AFFORDABILITY REQUIREMENT	DEVELOPMENT(S)
1, 2, 3	General Residence	N (Y for 2-family only)				none	many 2-families
1, 2, 3	Industrial	N					
1	Industrial - 1	N					
1	Highway Commercial 1	sp (4.240 DU's; 40-70%-1BR)	SP if M-F Mixed-USE	None	56' Height (70' by SP; 35/42' w/in 200' off Highland/ Gould	6+units/12 1/2% AHU	None
1	Highland Commercial - 128	N (but see MUOD on W-side)					
1	Mixed Use - 128	N (but see MUOD)					
1	Mixed Use Overlay District (MUOD)	SP (4-250 DU'S; 40-70% 1BR)	SP 4-250 DU'S; 40-70% 1BR	for M-U, DU's only on upper stories	84' height (54' w/in 350' of river); FAR 3.0	12 1/2% AHU	none
1	Neighborhood Business - 128	N	SP	only on upper floor(s) above NR use	35' height; 2 1/2 stories; FAR 0.5	6+ units/12 1/2%AHU (or \$\$ to AH Trust)	none
1	New England Business Center	N					
1	Elder Services	Y		must be within a CCRC & 55+ age	40' height; 3 stories; FAR 1.0	10 units/1 AHU; 11+ units/10% AHU	Wingate
2	Apartments A-1	Y			40' height; 3 stories; FAR 0.5; 18 DU/acre	none	Webster Green, Rosemary Ridge, Rosemary Lake Apts, The Highlands, North Hill
off map	Apartments A-2	Y			40' height; 3 stories; FAR 0.3; 8 DU/acre	none	
2	Avery Square Business	SP			35' height; 2 1/2 stories; FAR 0.7; 18 DU/acre	none	2 examples on Highland Avenue in Heights
2	Avery Square Overlay	N	SP	in building w Assisted Living/Memory Units; 55+	44' height; 4 stories w 4th story set back	10+ units/12 1/2% AHU	Carters (to be rebuilt)
2	Hillside Avenue Business	SP			35' height; 2 1/2 stories; FAR 0.7	none	Townhouses @ corner of Hillside & Hunnewell, apartment building on
3	Business	N					
3	Center Business	N	SP	only on 2nd story and 3rd 1/2 story	35' height; 2 1/2 stories; FAR 0.7; 18 DU/acre	none	Corner of GPA & Maple St. across from
3	Needham Center Overlay A	N	Y 1-5 DU's; SP 6+ DU's	for 1-5 upper floor(s); 6+ upper or side/rear	by SP, 48' height & 4 stories & 2.0 or 3.0 FAR	6-10 units/1 AHU; 11+ units/10% AHU	Dedham Ave across from UU Church
3	Needham Center Overlay B	N	Y 1-5 DU's; SP 6+ DU's	for 1-5 upper floor(s); 6+ upper or side/rear	by SP, 37' height & 3 stories & 2.0 or 3.0 FAR	6-10 units/1 AHU; 11+ units/10% AHU	none
3	Garden Street Overlay	N	Y 1-5 DU's; SP 6+ DU's	for M-U, 1-5 upper floor(s); 6+ upper or side/rear	by SP, 37' height & 3 stories & FAR 1.0 - MF & 1.2 - M-U	6-10 units/1 AHU; 11+ units/10% AHU	none
3	Chestnut St. Business	N	SP	only on 2nd story and 3rd 1/2 story	35' height; 2 1/2 stories; FAR 0.7	none	Oak Street @ RR X
3	Lower Chestnut St. Overlay	N	Y 1-5 DU's; SP 6+ DU's	for 1-5 upper floor(s); 6+ upper or side/rear	by SP, 48' height & 4 stories & 1/5 or 2.0 FAR	6-10 units/1 AHU; 11+ units/10% AHU	none

Appendix 3

Glossary of Housing Terms

Accessory Dwelling Units (ADUs)

An Accessory Dwelling Unit (ADU) refers to a habitable living unit added to, created within, or detached from a primary single-family dwelling, which together constitute a single interest in real estate. These units are often commonly referred to as accessory or in-law apartments.

Affordable Housing

In general, affordable housing is available to low- or moderate-income households with incomes at or below 80% of area median income (AMI) at a cost of no more than 30% of household income. Affordable housing includes subsidized housing units that are regulated, means-tested, and eligible for inclusion in the Subsidized Housing Inventory (SHI). There are also units that may be moderately-priced and do not qualify for the SHI that are available on the open market and referred to as Market Affordable Housing.

Area Median Income (AMI)

The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as “MFI” or median family income.

As-of-right or By-right Development

As-of-right or by-right development involves a use that is permitted in a zoning district and is therefore not subject to special review and approval by a local government.

Chapter 40B

The state’s comprehensive permit law, enacted in 1969, established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

Chapter 40R/40S

State legislation that provides cash incentives to municipalities that adopt smart growth overlay districts that also increase housing production, including affordable housing (see Appendix 4 for details).

Chapter 44B

The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds’ fees.

Cluster Development

A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for other uses, most typically open space preservation. Some provisions allow density bonuses for certain conditions of development, including affordable housing.

Comprehensive Permit

Expedited permitting process for developers building affordable housing under Chapter 40B “anti-snob zoning” law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers (see Appendix 3 for details).

Conservation Development

A project that conserves open space, protects site features and provides flexibility in the siting of structures, services and infrastructure.

Department of Housing and Community Development (DHCD)

DHCD is the state’s lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

Density

With respect to housing, density means the number of units per any defined area of land. The greater the density, the greater the potential economies of scale and typically reduced individual units costs.

Design Guidelines

A set of discretionary standards, including design and performance criteria, developed as a public policy to guide the planning and land development.

Easements

The right to use property for specific purposes or to gain access to another property.

Energy Star

A voluntary labeling program of the US Environmental Protection Agency (EPA) and the US Department of Energy that identifies energy efficient products.

Enhanced Single Room Occupancy (ESRO)

A single person room with a private bath and/or kitchen rather than shared facilities.

Expedited Permitting

The state’s Chapter 43D Program allows a community to gain state incentives for projects meeting certain criteria and permitted within a 180-day regulatory process.

Fair Housing Act

Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits

discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

Form-based Zoning

Zoning regulations that define desired building and site characteristics but do not strictly regulate the uses.

Green Building

A term used to describe buildings that have been designed or retrofitted to reduce energy consumption.

Inclusionary Zoning

Inclusionary zoning is a zoning ordinance or bylaw that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

Infill Development

Infill development is the practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Such development promotes compact development, which in turn allows undeveloped land to remain open and green.

Jobs/Housing Balance

A measure of the harmony between available jobs and housing in a specific area.

LEED

Leadership in Energy and Environmental Design (LEED) is a voluntary standard for developing high performance, sustainable buildings that significantly reduce energy consumption. There are various standards, including silver, gold and platinum, which are awarded to particular properties through a certification process.

Local Initiative Program (LIP)

LIP is a state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income (see Appendix 4 for more details).

MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)

MassHousing is a quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

Metropolitan Statistical Area (MSA)

The term, MSA, is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

Mixed-Income Housing Development

Mixed-income development includes housing for various income levels.

Mixed-Use Development

Mixed-use projects combine different types of development such as residential, commercial, office, industrial and institutional into one project.

Multi-family Housing

Multi-family housing or development could be considered structure with more than a single unit although generally refers to those with three or more units.

Overlay Zoning

A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

Planned Development

A district or project designed to provide an alternative to the conventional suburban development standards that promote a number of important public policy benefits, often including a variety of housing, including affordable housing, and creative site design alternatives.

Public Housing Agency (PHA)

A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 rental assistance.

Regional Non-profit Housing Organizations

Regional non-profit housing organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with DHCD. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8 vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities.

Regional Planning Agencies (RPAs)

These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Metropolitan Area Planning Council (MAPC) serves as Needham's Regional Planning Agency.

Request for Proposals (RFP)

A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

Section 8 Housing Choice Voucher Program

Refers to the major federal (HUD) program providing rental assistance to low-income households to help them pay for housing. Participating tenants generally pay 30% of their income for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

Single Room Occupancy (SRO)

A single room occupancy (more commonly SRO, sometimes called single resident occupancy) is a multiple tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and /or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths. Although many are former hotels, SROs are primarily rented as permanent residences.

Smart Growth

The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

Operating or Project Based Subsidy

Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times, multiple subsidies from various funding sources are required, often referred to as the “layering” of subsidies, to make a project feasible. In the state’s Local Initiative Program (LIP), DHCD’s technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, “internal subsidies” refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to “cross subsidize” the affordable ones.

Subsidized Housing Inventory (SHI)

This is the official list of units, by municipality, that count toward a community’s 10% goal as prescribed by Chapter 40B comprehensive permit law.

Sustainability

Development that includes a balanced set of integrated principles such as social equity, environmental respect, and economic viability, which preserves a high quality of life for current occupants and future generations.

Transfer of Development Rights (TDR)

A program that coordinates the relocation of development from environmentally sensitive areas that should be preserved as open space to areas that can accommodate higher densities.

Transit Oriented Development (TOD)

Development that occurs within walking distance of public transportation, usually bus or trains, to reduce the reliance on the automobile and typically accommodate mixed uses and higher densities.

U.S. Department of Housing and Urban Development (HUD)

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

Appendix 4

Summary of Housing Regulations and Resources

I. Summary of Key Housing Regulations

A. Local Initiative Program (LIP) Guidelines

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include ensuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called “friendly” 40B’s, and Local Action Units (LAUs), units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

Income and Assets

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

Allowable Sales Prices and Rents⁷¹

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and

⁷¹ DHCD has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/dhcd.

interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees⁷², private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.

- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

Allowable Financing and Costs

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the City Council/Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner’s equity in the project. Owner’s equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer’s obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third-party mortgages are allowed for homeownership units.

Marketing and Outreach (refer to state Affirmative Fair Housing Marketing Plan guidelines dated June 25, 2008.)

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of 70% of the units may be local preference units for those who have a connection to the community as defined under state guidelines (Section C: Local Preference section of the Affirmative Fair Housing Marketing Plan Guidelines (dated June 25, 2008)).

⁷² DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

Regulatory Requirements

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on “households” = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

1 bedroom – 700 square feet/1 bath
2 bedrooms – 900 square feet/1 bath
3 bedrooms – 1,200 square feet/ 1 ½ baths
4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, and the local housing partnership, trust or other designated local housing entity. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an Affirmative Fair Housing Marketing Plan that must be approved by DHCD.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is as follows:

1. Application process
 - Developer meets with Town
 - Developer and Town agree to proposal
 - Town chief elected officer submits application to DHCD with developer’s input
2. DHCD review involves the consideration of:
 - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
 - Number and type of units,
 - Pricing of units to be affordable to households earning no more than 70% of area median income,
 - Affirmative marketing plan,
 - Financing, and
 - Site visit.
3. DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.
4. Zoning Board of Appeals holds hearing
 - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
 - Developer forms a limited dividend corporation that limits profits.
 - The developer and Town sign a regulatory agreement.
5. Marketing
 - An Affirmative Fair Housing Marketing Plan must provide outreach to area minority communities to notify them about availability of the unit(s).
 - Local preference is limited to a maximum of 70% of the affordable units.
 - Marketing materials must be available/application process open for a period of at least 60 days.
 - Lottery must be held.
6. DHCD approval must include
 - Marketing plan, lottery application, and lottery explanatory materials
 - Regulatory agreement (DHCD is a signatory)
 - Deed rider (Use standard LIP document)
 - Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser’s closing attorney.

As mentioned above, in addition to being used for “friendly” 40B projects, LIP can be used for counting those affordable units as part of a Town’s Subsidized Housing Inventory that are created as a result of

some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD's web site.

The contact person at DHCD is Rieko Hayashi of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: rieko.hayashi@state.ma.us).

B. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for "comprehensive permits" submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a "subsidized" development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. Now new homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met⁷³:

- The community has met the statutory minimum by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community's land area includes affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community's land area.
- The community has made "recent progress" adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.

⁷³ Section 56.03 of the new Chapter 40B regulations.

- The community has a one- or two-year exemption under Housing Production.
- The application is for a “large project” that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A “related application” for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA’s decision to the state’s Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.⁷⁴ Recently approved regulations add a new requirement that ZBA’s provide early written notice (within 15 days of the opening of the local hearing) to the application and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and DHCD in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA’s position). Either the ZBA or application can appeal DHCD’s decision by filing an interlocutory appeal with the Housing appeals Committee (HAC) within 20 days of receiving DHCD’s decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these “appeal-proof” grounds.

Chapter 40B also addresses when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*
Units receiving Plan Approval under 40R now count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy*
Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued within 18 months.
- *Large Phased Projects*
If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is

⁷⁴ Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.

- *Projects with Expired Use Restrictions*
Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting*
Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Municipalities may be allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined within the parameters of fair housing laws and Section III.C of the Comprehensive Permit Guidelines including residents, employees of the Town of Needham (including the school district) or employees of businesses located in the town. If the municipality wishes to implement a local selection preference, it must do the following:

- Demonstrate in a required Affirmative Fair Housing Marketing Plan the need for the local preference (waiting lists for subsidized developments who may be likely to apply for the project for example).
- Justify the extent of the local preference (the percentage of units to be set-aside for local preference) through documented local need in the context of the size of the community, the size of the project and regional need. The percentage cannot exceed 70% of the total affordable units.
- Demonstrate that the local preference will not have a disparate impact on protected classes and would not be discriminatory.
- Provide the project developer with this documentation within three (3) months of final issuance of the comprehensive permit. Failure to comply with this requirement will be deemed to demonstrate that there is no need for local preference and such preference will not be approved as part of the Affirmative Fair Housing Marketing Plan or use restriction.
- Obtain approval from the subsidizing agency, such as DHCD in the case of Local Action Units (LAUs), for the local preference as part of the Affirmative Fair Housing Marketing Plan. This approval must be secured prior to including such language in any zoning mechanism. A comprehensive permit can only contain requirements or conditions relating to local preference to the extent permitted by applicable law and this Affirmative Fair Housing Marketing Plan policy.

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing

Partnership Fund. The subsidizing agency then forwards the application to the local City Council/Board of Selectmen for a 30-day comment period. The City Council/Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the City Council/Board of Selectmen for their endorsement of the project, and they can make a joint application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

A subsidizing agency must also consider the following items when determining site eligibility:

- Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.
- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant request otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical "peer review" fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals' consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and to recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principal in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

Chapter 40B regulations related to the hearing process include:

- The hearing must be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that their rules are consistent with Chapter 40B.
- Local boards cannot impose “unreasonable or unnecessary” time or cost burdens on an applicant and bans requiring an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lack minimum required qualifications.
- Specify and limit the circumstances under which ZBA’s can review pro formas.
- Zoning waivers are only required under “as of right” requirements, not from special permit requirements.
- Forbids ZBA’s from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.
- States that ZBA’s cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or requiring a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by-right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for ensuring that profit limitations are enforced, while leaving the definition of “reasonable return” to the subsidizing agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the DHCD guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality's year-round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing "standing" in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate "legal error" in the decision of the ZBA or HAC.

C. Chapter 40R/40S

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that "the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income".⁷⁵

The statute defines 40R as "a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions."⁷⁶ The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows "as-of-right" residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

⁷⁵ Edward Carman, Barry Bluestone, and Eleanor White for The Commonwealth Housing Task Force, "A Housing Strategy for Smart Growth and Economic Development: Executive Summary", October 30, 2003, p. 3.

⁷⁶ Massachusetts General Law, Chapter 40R, Section 11.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

Incentive Payments	
Incentive Units	Payments
Up to 20	\$10,000
21-100	\$75,000
101-200	\$200,000
210-500	\$350,000
501 or more	\$600,000

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”⁷⁷

The principal benefits of 40R include:

- Expands a community’s planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The City/Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The City/Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The City/Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The City/Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state also enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing.

⁷⁷ “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

D. MassWorks Infrastructure Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support economic development and job creation. The Program represents an administrative consolidation of six former grant programs:

- Public Works Economic Development (PWED)
- Community Development Action Grant (CDAG)
- Growth Districts Initiative (GDI) Grant Program
- Massachusetts Opportunity Relocation and Expansion Program (MORE)
- Small Town Rural Assistance Program (STRAP)
- Transit Oriented Development (TOD) Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support:

- Economic development and job creation and retention
- Housing development at density of at least 4 units to the acre (both market and affordable units)
- Transportation improvements to enhancing safety in small, rural communities

The MassWorks Infrastructure Program is administered by the Executive Office of Housing and Economic Development, in cooperation with the Department of Transportation and Executive Office for Administration & Finance.

II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Needham are described below.

A. Technical Assistance

1. Community Planning Grant Program

The state has introduced the Community Planning Grant Program that offers grant funding for a variety of activities related to land use including development. Activities may include the development of a Master Plan, Housing Production Plan, zoning review and updates, Urban Renewal Plans, Downtown Plans, Parking Management Plans, Feasibility Studies, or other Strategic Plans. Grants will likely be in the \$25,000 to \$75,000 range. Communities apply for this funding through the Community One Stop for Growth Application.

2. Peer-to-Peer Technical Assistance

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance.

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen or letter from the Town Administrator supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

3. *MHP Intensive Community Support Team*

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information.

4. *MHP Chapter 40B Technical Assistance Program*

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development "uneconomic".
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

B. Housing Development

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even

Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

1. HOME Program

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

Because Needham is not an entitlement community, meaning that it is not automatically entitled to receive HOME funding based on HUD's funding formula, the Town has joined a consortium of other smaller towns and cities, the West Metro HOME Consortium, to receive funding by a federal formula on an annual basis.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the Soft Second Program.

The WestMetro HOME Consortium recently received about \$5.4 million in funding from the American Rescue Plan Act (ARPA) to support the housing needs of those who are homeless or at risk of homelessness. The Consortium has brought in a consultant to prepare a plan for using this funding.

2. Community Development Block Grant Program (CDBG)

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

There are other programs funded through the Community Development Block Grant Small Cities Program for both homeownership and rental projects. A number of the special initiatives are directed to communities with high “statistical community-wide needs,” however, the **Community Development Fund II** is targeted to communities with lower needs scores that have not received CDBG funds in recent years. This may be the best source of CDBG funding for Needham. Funding is also awarded competitively through an annual Notice of Funding Availability. DHCD also has a **Reserve Fund** for CDBG-eligible projects that did not receive funding from other CDBG funded programs or for innovative projects.

3. *Housing Stabilization Fund (HSF)*

The state’s Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

4. *Low Income Housing Tax Credit Program*

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the

rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

5. *Affordable Housing Trust Fund*

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

6. *Housing Innovations Fund (HIF)*

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

7. *Federal Home Loan Bank Board's Affordable Housing Program (AHP)*

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

8. *MHP Permanent Rental Financing Program*

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

9. *OneSource Program*

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

10. *Section 8 Housing Choice Voucher Program and Massachusetts Rental Voucher Program*

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent. In addition to the federal Section 8 Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program (MRVP) as well as three smaller programs directed to those with special needs and veterans. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

11. *Massachusetts Preservation Projects Fund*

The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program that supports the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be municipality or non-profit organization. Funds can be available for pre-development including feasibility studies, historic structure reports and certain

archaeological investigations of up to \$30,000. Funding can also be used for construction activities including stabilization, protection, rehabilitation, and restoration or the acquisition of a state-registered property that are imminently threatened with inappropriate alteration or destruction. Funding for development and acquisition projects range from \$7,500 to \$100,000. Work completed prior to the grant award, routine maintenance items, mechanical system upgrades, renovation of non-historic spaces, moving an historic building, construction of additions or architectural/engineering fees are not eligible for funding or use as the matching share. A unique feature of the program allows applicants to request up to 75% of construction costs if there is a commitment to establish a historic property maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund. A round of funding was recently held, but future rounds are not authorized at this time.

12. *District Improvement Financing Program (DIF)*

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

13. *Urban Center Housing Tax Increment Financing Zone (UCH-TIF)*

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the "increment") of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

14. *Community Based Housing Program*

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit's Total Development Costs up to a maximum of \$750,000 per project.

15. *Compact Neighborhoods Program*

DHCD recently announced "Compact Neighborhoods" that provides additional incentives to municipalities that adopt zoning districts for working families of all incomes as well as smart growth development. Similar to 40R, the program requires new zoning that must:

- Allow a minimum number of "future zoned units" in the Compact Neighborhood, which is generally 1% of the year-round housing in the community;

- Allow one or more densities as-of-right in the zone of at least eight (8) units per acre on developable land for multi-family housing and at least four (4) units per acre for single-family use;
- Provide not less than 10% of units be affordable within projects of more than 12 units; and
- Not impose any restrictions to age or other occupancy limitations within the Compact Neighborhood zone although projects within the zone may be targeted to the elderly, persons with disabilities, etc.

Financial assistance through the Priority Development Fund is available to communities that are adopting Compact Neighborhoods zoning, giving priority to the creation of mixed-use development beyond the bounds of a single project. The state also promotes projects that meet the definition of smart growth under 40R, encourage housing that is priced to meet the needs of households across a broad range of incomes and needs.

The process for implementing a Compact Neighborhoods Zone includes:

- Identify an “as-of-right” base or overlay district (the Compact Neighborhood);
- Request and receive a Letter of Eligibility from DHCD; and
- Adopt the Compact Neighborhood Zoning.

16. DHCD Project-Based Homeownership Program

DHCD funds a Project-Based Homeownership Program with two (2) funding categories:

- *Areas of Opportunity*
Funds are being awarded for new construction of family housing projects for first-time homebuyers in neighborhoods or communities that provide access to opportunities that include but are not limited to jobs, transportation, education, and public amenities. The minimum project size is ten (10 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$300,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to the amount of the DHCD subsidy request.
- *Gateway Cities*
A limited amount of funding will be made available to Gateway Cities or other smaller communities with well-defined Neighborhood Redevelopment Plans for the acquisition and rehabilitation or new construction of single-family or duplex units or triple-deckers (rehab only). The development of single sites is preferred but scattered-site projects are permissible. The minimum project size is six (6 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$250,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to one-half the amount of the DHCD subsidy request.

Sponsors/developers must have hard letters of interest from construction lenders and mortgage loan originators, follow prescribed design/scope guidelines, submit sound market data at the time of pre-application, and have zoning approvals in place. Interested sponsors/developers must submit a pre-application for funding and following its review, DHCD review will invite certain sponsor/developers to submit full applications.

17. National Housing Trust Fund (NHTF)

The state has allocated \$3.4 million in Housing Trust Funds and 100 Massachusetts Rental Vouchers to help create supportive housing for vulnerable populations including homeless families and individuals, unaccompanied homeless youth, frail seniors with service needs, and individuals in recovery from substance abuse. This program is intended to provide supplemental support to the federal National Housing Trust Fund, a newly authorized affordable housing program.

18. Community Scale Housing Initiatives (CSHI)

The state has introduced a new program to address the need for smaller scale affordable housing projects that are sized to fit well within the host community. The new initiative will provide funding for these projects based on the following eligibility criteria:

- Community must have a population not to exceed 200,000
- Program sponsors can be both non-profit and for-profit entities with a demonstrated ability to undertake the project
- The proposed project must include at least five rental units but no more than 20 rental units
- Project must involve new construction or adaptive reuse
- A minimum of 20% of the units must be affordable but it is anticipated that most proposed projects will have a minimum of 50% affordable units
- The host community must provide a financial commitment in support of the project
- The CSHI subsidy may not exceed \$200,000 per unit unless the developer intends to seek DHCD project-based rental assistance in which case the subsidy may not exceed \$150,000 per CSHI unit
- The total development cost per unit may not exceed \$350,000
- Projects will receive no more than is necessary to make the project feasible
- Projects must be financially feasible without state or federal low income housing tax credits
- Projects are expected to close and proceed to construction within 12 months of the date of the award letter

The 40 River Street project was awarded funding under this program.

19. Starter Home Program

State legislation was recently enacted to implement a Starter Home Program as part of the Governor's Economic Development Bill. This was accomplished by modifying the existing Smart Growth Zoning and Housing Production law of Chapter 40R to include \$25 million in new funding over five years for cities and towns that create new starter home zoning districts. The new districts will be a minimum of three acres, restrict primary dwelling size to 1,850 square feet of heated living area, require that 50% of the primary dwelling units contain three bedrooms, allow a minimum of four units per acre by-right, and provide 20% affordability up to 100% AMI.

20. Workforce Housing Fund

The state is investing in a Workforce Housing Fund to provide rental housing for those households earning 61% to 120% AMI. In his announcement, Governor Baker said, "Making more affordable housing options available to working Massachusetts families deterred by rising rent expenses is essential to economic growth and development in communities throughout the Commonwealth. These working middle-income families are the foundation of our economy and talented workforce, and the creation of this \$100 million fund by MassHousing will advance opportunities for them to thrive and prosper."

The Workforce Housing Initiative was created to do the following:

- Target individuals and families with incomes of 61% to 120% of Area Median Income (AMI)
- Provide up to \$100,000 of subsidy per workforce housing unit to create 1,000 new units of workforce housing statewide
- Leverage strategic opportunities to use state-owned land
- Complement, does not replace, traditional MassHousing development financing
- Ensure workforce housing units are deed restricted as affordable for at least 30 years

Eligible projects include:

- Preference is for new units; existing projects where unrestricted units become restricted will be considered
- Workforce housing units are intended for working age household and may not be not be elderly restricted or occupied by full-time students
- 20% of units at the development must be affordable for households earning at or below 80% of AMI

21. *Housing Choice Initiative*

The state has stated its commitment to producing 135,000 new housing units statewide by 2025 or by about 17,000 units per year, an ambitious task. To help accomplish this, it has created the Housing Choice Initiative that has three basic components that includes Capital Grant Funding. Communities that qualify for designation under this Initiative can receive exclusive admission to new Housing Choice Capital Grants as well as priority access to existing grant and capital funding programs such as MassWorks, Complete Streets, MassDOT projects, and LAND and PARC grants.

To obtain this designation, the community must submit an application that documents the increase in the total year-round housing stock from the 2010 census and the cumulative net increase in year-round units of at least 5% or 500+ units in the last five years or 3% and 300+ units when best practices have been applied to promote housing (e.g., zoning for multi-family housing, Chapter 40R, ADUs, cluster zoning, etc.). Designation lasts for two years.

C. Homebuyer Financing and Counseling

1. *ONE Mortgage Program*

The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, administers the ONE Mortgage Program which replaced the highly successful Soft Second Loan Program that operated between 1991 and 2013 and helped over 17,000 families purchase their first home. The ONE Mortgage Program is a new simplified version of the Soft Second Program providing low, fixed-rate financing and a state-backed reserve that relieves homebuyers from the costs associated with private mortgage insurance. Additionally, some participating lenders and communities offer grants to support closing costs and down payments and slightly reduced interest rates on the first mortgage.

2. *Homebuyer Counseling*

There are a number of programs, including the Soft Second Loan Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects, that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance

and requirements. The organization that offers these workshops in closest proximity to Needham is Metro West Collaborative Development.

3. *Self-Help Housing.*

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

D. Home Improvement Financing

1. *MassHousing Home Improvement Loan Program (HLP)*

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

2. *Get the Lead Out Program*

MassHousing's Get the Lead Out Program has been offering financing for lead paint removal on excellent terms. Based on uncertain future legislative appropriations, some changes in program requirements were made to insure that eligible homeowners with lead poisoned children would have funding available for a longer period. All income eligible families who are under court order to delead or who have a child under case management with the Commonwealth's Lead Paint Prevention Program, will continue to receive 0% deferred loans. Owners wanting to delead their homes for preventive purposes must qualify for an amortizing loan with a 3% interest rate if earning within 80% of area median income, 5% interest if earning over 80% AMI and up to the program maximum. Applicants must contact a local rehabilitation agency to apply for the loan.

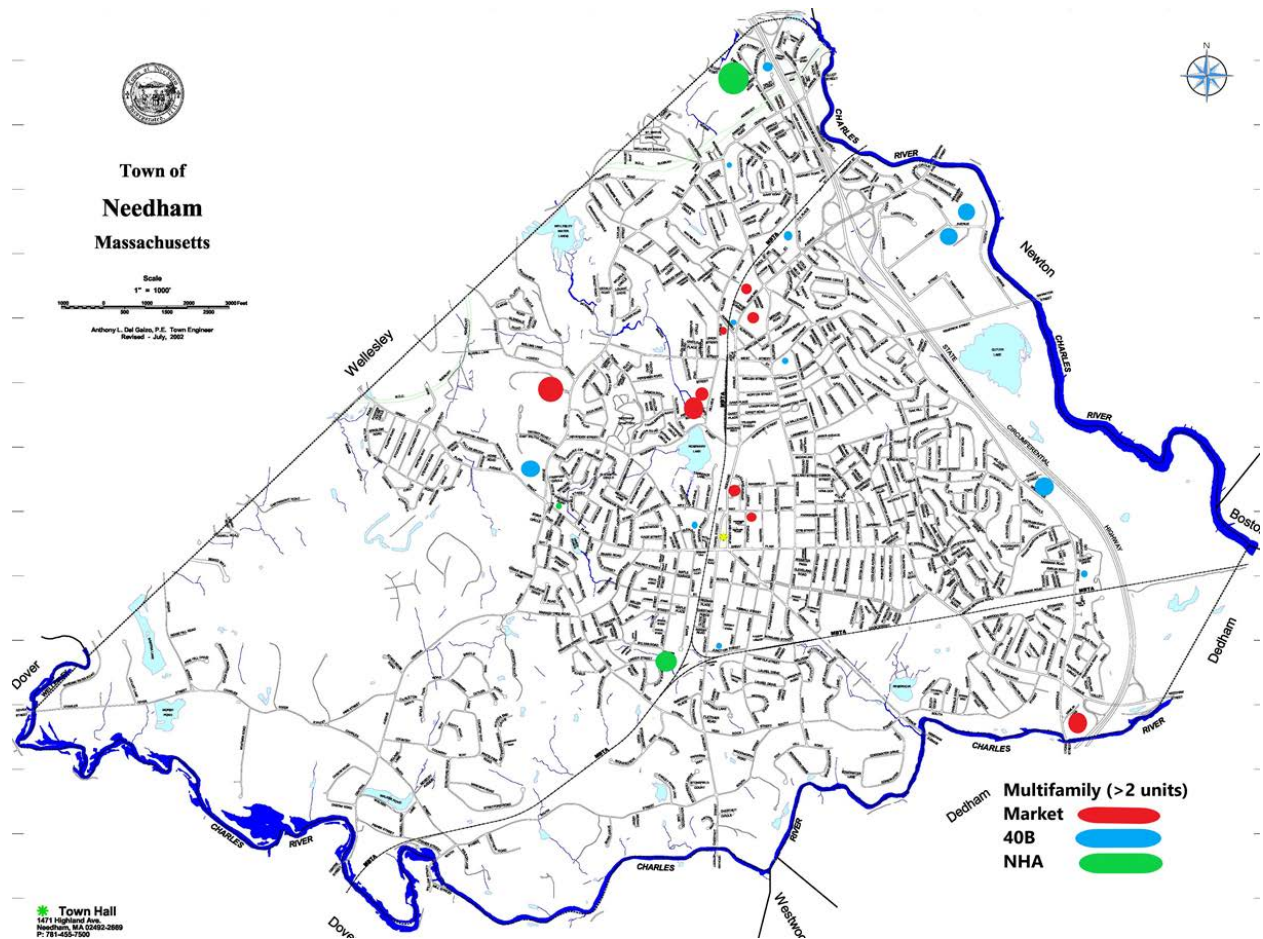
3. *Septic Repair Program*

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

4. *Home Modification Loan Program*

This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. The South Middlesex Opportunity Council (SMOC) administers these funds for the state.

Appendix 5 Map of Multi-family Housing Development



Appendix 6

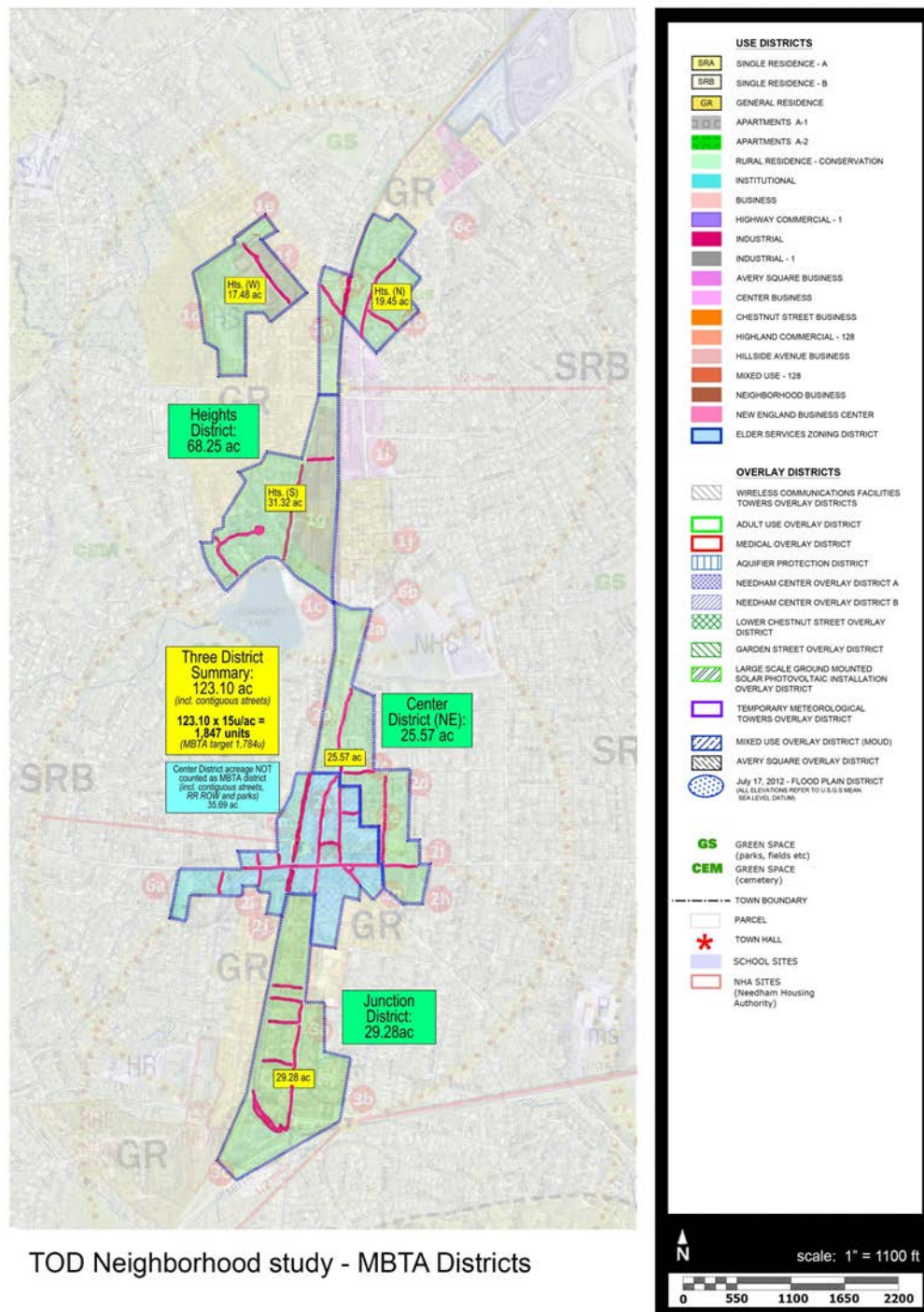
Implementation Roadmap: Summary of Housing Strategies

NEEDHAM HOUSING PLAN: Implementation Roadmap - Summary of Recommended Strategies						
Draft date 11-7-2022						
Initiative	HPWG/Subgroup	Lead Entity	Town Meeting	Level of Complexity	Prerequisites/Resources Needed	Timeframe
IV.A Zoning Strategies						
1a	Zoning	PB	Yes	High	Zoning amendments Zoning Map amendments Staff capacity/Consultant Public education	Near term
Comply with MBTA Communities Guidelines under new state law G.L.c. 40A and 3A (MBTA Communities Law) by creating zoning districts within 1/2 mile of transit stations with by right permitting. Districts must include a 25 acre minimum contiguous site area, total minimum land area of 50 acres with minimum average density of 15 units per acre, and minimum multi-family unit count related to the Town's (11,890) total housing units; 15% commuter rail (11,784 units). Needham's total minimum land area is likely to be closer to 120 acres with an average minimum density of 15 units/acre, and Needham's minimum contiguous site area would then be 50% of 120 acres, or 60 acres.						
1b	Zoning	SB PB ZBA	Yes	High	Zoning amendments Bldg Comm Public education	Near term
Support and participate in the Select Board's parking study. Consider adjusting required parking ratios for mixed-use and multi-family projects within overlay districts (and apartment developments) that are within 1/2 mile of transit stations.						
1c	Zoning	PB	Yes	High	Zoning amendments Zoning Map amendments Staff capacity Public education	Near term
Rezone per maps (see Appendix 7) regarding targeted zoning districts, or parts of zoning districts, within 1/2 mile of transit, including Industrial, Business and Hillside Business to allow multi-family dwellings by right with dimensional regulations same as Apartment A-1 (18 units/acre). Extend A-1 zoning to nearby SB areas even if not readily developable (e.g., a church site).						
2	Zoning	PB	Yes	Medium	Zoning amendments Zoning Map amendments Bldg Comm Public education	Near term
Adopt town-wide inclusionary zoning. Consider options for strengthening Needham's inclusionary zoning bylaw, requiring all new housing or mixed-use developments of 6 or more units to provide 12.5% affordable units (some now have 10% or no requirement and limits beyond 10% will require DHCD review and approval in regard to the MBTA Communities Guidelines). Consider implementing a proportionate affordable housing fee payment to the AHIT for projects with fewer than 6 units.						
3	Zoning	PB ZBA	Yes	Medium	Zoning amendments Zoning Map amendments? Bldg Comm Public education	Near term
Boarden requirements for ADUs to remove family member/caretaker restrictions and allow occupancy of ADUs as rental property with at least 6-month minimum lease, keeping 850 sq.ft./1-bedroom limits for ADUs. Consider allowing attached ADUs by right and detached ADUs by special permit, including review by the Design Review Board.						
4	Zoning	SB PB CAPC	Yes	High	Zoning amendments Zoning Map amendments Building code adoption Staff capacity/Consultant Public education	Near term
Promote greater energy efficiencies in housing through work with the recently-appointed Climate Action Plan Committee to prepare a Climate Action Plan for the town to meet or exceed the State's climate mitigation and resilience goals. Evaluation and adoption of Net Zero and new stretch building codes are coming in 2023 and are a critical part of Needham addressing GHG reduction strategies through energy and efficiency contributions in our building process. This work will include town-wide actions that will effect all municipal, commercial and residential buildings. Considerations may include easing zoning and streamlining permitting requirements to incentivize energy-efficient and environmentally sustainable housing development town-wide.						
5	Zoning	PB	Yes	High	Zoning amendments	Medium term
Consider options for promoting development in appropriate locations such as Needham's Center Business, Chestnut Street Business, Lower Chestnut Street Overlay, Avery Square Business and Avery Square Overlay districts by adjusting dimensional and parking limits and adding modest density increases to make them more economically viable for development with potential inclusion in MBTA Communities districts. Also consider such zoning changes to improve development opportunities for mixed-use and multi-family housing along major corridors (Chestnut, Highland, Great Plain) and incorporate density bonuses for increased affordability or more moderate-income units. Consider incentives for consolidating parcels to promote larger developable sites for mixed-use and multi-family projects as well as options for incentivizing higher-density, smaller unit, multi-family housing choices as part of zoning reforms in other districts (not related to MBTA Communities Law requirements). Planning Board should establish a working group to study these potential strategies.						
6	Zoning and Development / Preservation	PB Con Com Hist Com	Yes	High	New by-laws for Demolition Delay & Tree Removal Zoning amendments for refining dimensional controls Bldg Comm	Medium term
Consider options to better control teardown activity including amending the dimensional thresholds for coverage, FAR and setbacks and the feasibility of Needham implementing a Tree Removal by-law and revisiting the Town's demolition delay and Historic District concepts requirements. Planning Board should establish a working group to study these potential strategies.						

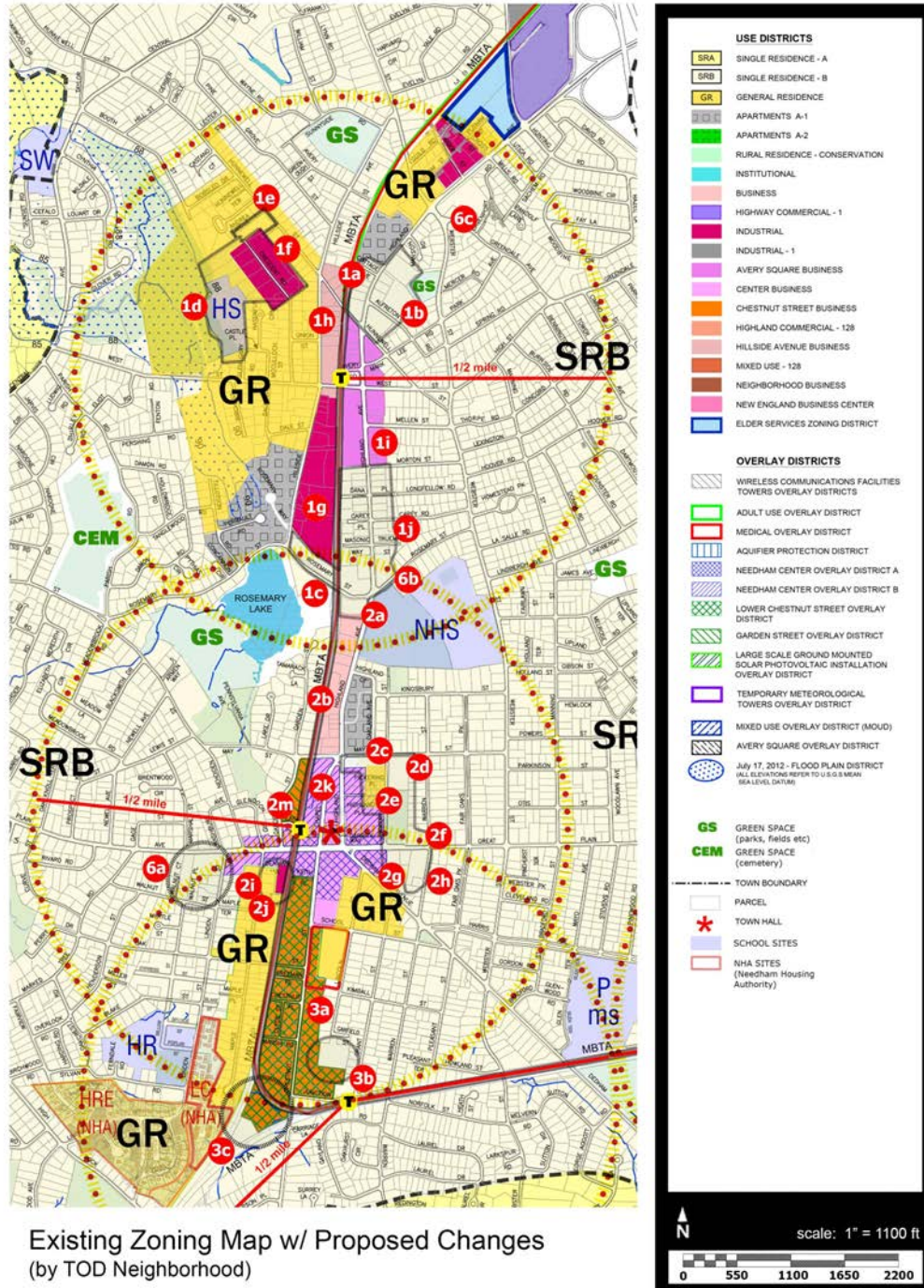
Initiative	HPWG/Subgroup	Lead Entity	Town Meeting	Level of Complexity	Prerequisites/Resources Needed	Timeframe
IV.A Further Study/Zoning Opportunities						
a	Further Study/Zoning	PB	Yes	High	Zoning amendments Zoning Map amendments Public education	Longer term
b	Further Study/Zoning	SB PB	Yes	High	Planning Real property disposition process Rezoning	Longer term
c	Further Study/Zoning	PB	Yes	High	Zoning amendments Zoning Map amendments Public education Likely support with financing	Longer Term
IV.B Housing Development and Preservation Strategies						
1	Support the NHA Preservation and Redevelopment Initiative (PRI) to upgrade ALL public housing conditions starting with the PRI effort which is underway. Consider opportunities with NHA properties where modernization / renovation projects produce more efficient, higher density buildings that might yield buildable lot areas for additional deeply affordable, or more diverse income affordable housing, possibly through a NHA / developer partnership agreement. Create a working group of Town and NHA representatives to support these efforts.	SB CPC NHA	Yes	High	Public education Advocacy Funding Potential rezoning	Near term
2	Continue local programs that address health and safety issues such as those offered by the Small Repair Grant Program and potential reintroduction of the Council on Aging's Safety at Home Program.	AHT COA	Yes	Medium	Public education Funding	Near term
3	Strategically invest and leverage local resources including advocacy for at least a 22% commitment of Community Preservation Act (CPA) funds for the creation and retention of affordable housing in Needham. Invest ARPA, CPA, and other funds in capital improvements at properties owned by the Needham Housing Authority (NHA) and other potential projects that address priority housing needs.	SB CPC	No unless funding involved	Medium	Public education Funding	Medium term
4	Promote housing for special needs populations by integrating handicapped accessibility and supportive services into new development. Review and encourage a variety of housing models that can meet the needs of Needham's adults with disabilities and seniors including assisted living units with services for seniors. Explore opportunities for housing models or zoning changes in Needham's Special Education Parents Advisory Council (SEPAC) recommendations. Consider using CPA funds to create new/renovated housing for people with disabilities.	SB PB COA	No	Medium	Public education Funding	Medium term
5	Renovate/replace the Stephen Palmer Building/Site by assigning a working group or Select Board special study to examine the potential for the Stephen Palmer property to maximize its reuse for affordable or moderate rate housing when the lease has expired, making sure to respond to the needs of existing tenants.	SB	Yes if to adopt recommendations	High	The hiring of consultants Funding Coordination of Town Departments Public education	Medium term
6	Prepare an inventory of potential public and privately-owned development opportunities. Revisit the inventory of Town-owned property and identify those parcels (former schools, public use etc.) that could potentially still be used to build more housing (including those that might need regulatory / zoning changes or LIP to make housing possible), and identify partners who might be interested in developing them. Also identify privately owned sites / buildings suitable for multi-family housing, potentially as Apartment A.1 zoning with its designated dimensional requirements or the Local Initiative Program (LIP) under Chapter 40B.	SB PB	No	Medium	Coordination of Town Departments	Near term
7	Consider waiving application fees for affordable housing projects.	SB ZBA PB	No	Low	Involvement of Building Department, Planning Dept. and Assessing to determine feasibility	Medium term

Initiative	HPWG/Sub group	Lead Entity	Town Meeting	Level of Complexity	Prerequisites/Resources Needed	Timeframe	
IV.B Further Study/Development and Preservation							
a	Make enhanced homebuyer assistance available, e.g., local funding to increase affordability of MHP ONE Mortgage loans or other state mortgage programs.	SB CPC	Yes	Medium	Funding and administrative support	Longer term	
b	Support state legislation or consider a Home Rule petition for transfer tax or impact fees on high-value home sales to fund the Affordable Housing Trust Fund and help promote project feasibility. (Note state legislation has been proposed.)	SB	Yes	Medium		Longer term	
c	Consider further property tax reductions or deferrals for qualifying individuals with high cost burdens.	SB COA	Yes	Medium	Public education Calculations regarding projected tax losses	Longer term	
IV.C Capacity Building Strategies							
1	Continue to provide community outreach and education on housing.	Capacity Building	Sponsoring entities of housing initiatives	No	Low	Public education	Near term
2	Monitor targeted housing goals and Subsidized Housing Inventory (SHI).	Capacity Building	AHI	No	Low	Public education	Near term
3	Identify impacts of housing proposals on Town resources that may result from housing initiatives. Includes update of School Master Plan to study impact of recent housing developments and impacts of proposed rezoning initiatives. Consider need for school building renovations or additions.	Capacity Building Capacity Building	SB SD/SC Town Mgr Town Engineer DPW	No	Medium	Funding for studies/planning	Near term
4	Boost local and regional support and collaboration for housing including revisiting the roles, responsibilities, and membership of the Affordable Housing Trust via a visit to the implementation of this Housing Plan. Consider a potential Planning Board/Planning Department role in guiding housing vision and Plan implementation.	Capacity Building	SB SD/SC Town Mgr Town Engineer DPW	No	Low	Public education Convening of special meetings Municipal Engagement Initiative funding	Medium term
IV.C Further Study/Capacity Building							
a	Conduct a racial impact study to determine whether Needham's existing residential zoning has a disproportionate impact on Black, Indigenous and People of Color (BIPOC) and other groups protected under the Federal Fair Housing Act (FFHA).	Further Study/Capacity Building	SB NUARI	Yes for funding	High	Funding Racial impact assessment tool Political leadership	Medium term
b	Explore potential reductions in local preference B10 in affordable housing lotteries. Current local preference is 70% for Needham residents and people working in Needham as well as those with children attending local schools.	Further Study/Capacity Building	SB AHI PB NUARI	No	Low	Public education	Medium term

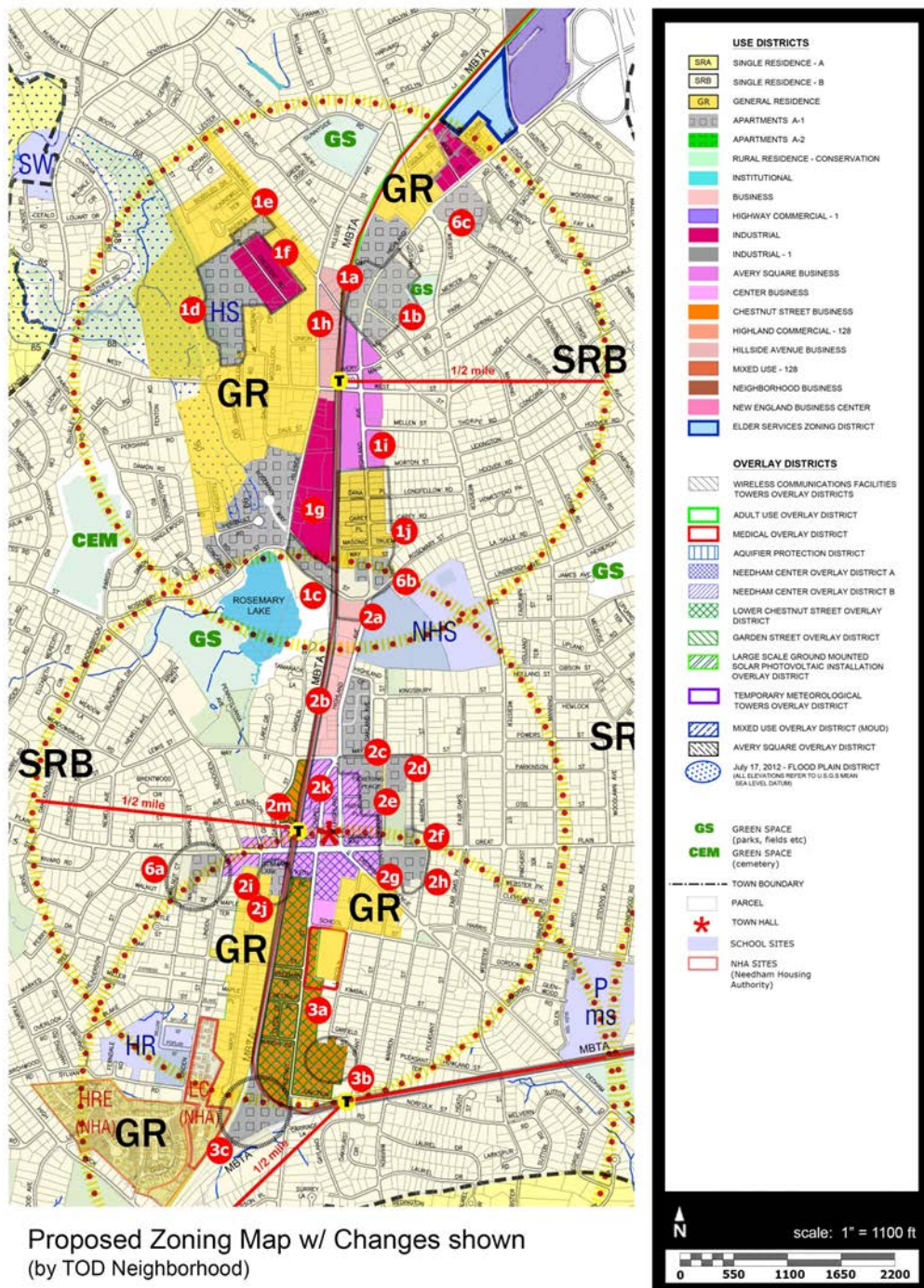
Appendix 7 MBTA Communities Guidelines Maps



TOD Neighborhood study - MBTA Districts



Existing Zoning Map w/ Proposed Changes
(by TOD Neighborhood)



NEEDHAM PLANNING BOARD MINUTES

September 7, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and Virtual using Zoom, was called to order by Adam Block, Chairman, on Wednesday, September 7, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

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

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2022-02: 557 Highland Avenue, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham, MA). regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses (see legal notice and application for more details). Please note: this hearing has been continued from the June 7, 2022 and July 7, 2022 meetings of the Planning Board.

Robert Schlager, Principal at Bulfinch Company, noted this is a redevelopment of 557 Highland Avenue. He stated there have been 2 public meetings and around 10 community meetings. The plans have been revised for the site boundary, Gould Street improvements and additional calculation as to zoning requirements based on the changes. There are updated architect comments and transportation updates. The Peer Reviewer comments have been incorporated. Updated materials have been submitted. He briefly reviewed the updates and noted they had received valuable input. He noted the Highland Innovation Center does not have tenants yet. There will be extensive rezoning? redevelopment? of the site.

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Eric Weyant, of Stantec Architecture and Engineering P.C., walked through the site plan changes. The site boundary has been adjusted. He showed the existing property lines used for 50 foot and 200-foot setbacks. The line has been moved and new 50 foot and 200-foot setbacks have been set. The road will be widened for 600 feet in length from TV Place to the Gould and Highland intersection. He noted 12,000 square feet have been taken from the project site for the widened roadway. The site plan basically looks the same. A small notch has been taken out of the garage for the new setback and the amenity spaces are the same. Included on the edge of the site is a multi-modal path for safer passage. The south building has been pushed back approximately 20 feet, the north building has been pushed back approximately 30 feet and there is also a 3-story bump out to address for massing. The building goes from 5 stories to 3 stories. The project has been reduced by 16,000 square feet for a total of 490,000 square feet. He noted the loading dock has been moved and access has been moved around to the side. There is an easier way to navigate through the site. There is a lot of variety for massing massing, and he feels the composition is better.

Sean Manning, of VHB, gave traffic updates. He noted there will be 2-way access for cyclists and walkers on the sidewalk. There are signal improvements proposed at Central and Gould and not just roadway improvements. He feels this is a comprehensive solution. Mr. Block asked if there are were any unresolved traffic issues. Rebecca Brown, the GPI Peer Reviewer, stated there are no issues based on the most recent submission. She has completed the review and has no additional comments. She would like to clarify some TDB – TDM (Transportation Demand Management?) measures and the Transportation Monitoring Program. The final plan set should depict the proposed signal equipment along Highland and Gould and that it be an adaptive signal consistent with the MA Department of Transportation (DOT) corridor.

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Mr. Crocker commented the south building along Highland Avenue seems different with regards to the volume of the building. Mr. Weyant noted the massing was moved a bit in the last presentation with a break in the materiality. Mr. Crocker asked if any comments regarding the massing at the last meeting were taken into consideration or traffic concerns for the other side of Highland Avenue or concerns that traffic would cut through. Ms. Brown stated the applicant had proposed a traffic signal at the Central and Gould intersection that should help alleviate even the current traffic issue. There would not be much of a benefit for cut throughs anymore. The applicant is also proposing signage that would say local

traffic only on Noanett Road. Mr. Crocker stated he was referring to the other (southerly) side of Highland Avenue, Sachem Road, Hunting and Utica and the concerns regarding the size of the garage and massing. Mr. Schlager noted Sachem and Hunting will have several improvements including a dedicated direct access lane to 128.

Mr. Manning ran through a list of improvements. He noted, with the Kendrick Street interchange opening, the local traffic has gone way down. There will be radar embedded speed limit signs and enforcement. He suspects most traffic on Sachem Road is people from the center of town going to Hunting and not wanting to go to the light. Mr. Schlager stated the applicant would study, analyze and monitor that. He noted the garage is tucked in toward the east and not the west corner. It is only 3½ stories above grade as the site slopes down almost 30 feet. That will make the garage look smaller. It is also well designed with banners on the garage and some ornamental iron. People will only see 3½ stories of the garage. Mr. Crocker stated, originally, the project considered the possibility of housing. Going to a large floor area ratio (FAR) was conceived with housing in mind. Housing is not in this project but the FAR is still large. He is having some concern there. He stated they did a great job presenting to the neighborhoods. He noted the applicant is looking for a waiver ~~variance~~ for the parking issue. He does not expect a comment, but he is concerned with it.

Ms. Espada stated she appreciates the changes that were made. She asked that the pedestrian access across the site be explained. There are no crosswalks within the site. Mr. Weyant noted there are a number of crosswalks along Gould Street and a number of crosswalks within the site that are all pavers. There are a series of 6 or 7 and they are all raised. Ms. Espada asked about TV Place and was informed there are 2 crosswalks across TV Place. Ms. Espada noted the triangular parcel of land at the corner of TV Place and Gould Street and asked if the sidewalk connects that. Mr. Weyant noted the walkway is located right there along with an extension of the bike lane. Mr. Schlager stated he will continue to work with the Town on that piece of land. Ms. Espada commented the applicants have done a great job within the site moving people around and it would be good if that piece could be connected. She asked what the materials were of the penthouse on top. Mr. Weyant stated it would be opaque metal panels in dove gray. The height is limited to 15 feet. Ms. Espada asked if there was a way to make it a screen or something lighter to make the building feel lighter. Mr. Weyant will see about that but is not sure how it would work.

Ms. Espada noted more brick has been added to the building to the right but there is still a lot of glass on the façade. She asked if the brick could extend to where the cut out is on Gould Street. Mr. Weyant will look at it. Ms. Espada asked if the MA DOT required a glare study and was informed they do not but it will be glare resistant glass. Ms. Espada asked about acoustics for all units. Mr. Schlager stated Sentac is the sound consultant. They have done before-studies and will do after-studies. The report has been shared with the Town.

Ms. McKnight commented the reduction in the size of the building of 16,000 square feet is related to the need to move the buildings back. She asked if the 16,000 square foot reduction in size was only on the 2 office/lab buildings or did it include the garage. The response was that it was just the office/lab buildings.

Ms. McKnight noted the applicant said there was no change across the south building's Highland Avenue façade. She cannot tell if the plans reflect the new setback from Highland Avenue due to the state highway takings. She asked if the building is set back 50 feet from the new 20-foot setback. Mr. Schlager stated Feldman Surveying did the new study. Mr. Manning noted MA DOT approved the design. Mr. Schlager stated the MA DOT CAD File was given to Feldman. It was verified and all the numbers purport to the towns numbers as verified by the Town Engineer. Ms. McKnight, recalling ~~noted~~ the rezoning process, noted that- ~~it~~ it is important to the public that the 50-foot setback from Highland Avenue is preserved. No driveways are allowed in the setback, yet- ~~the~~ the Fire Department requires emergency access all around the site. This plan does not show what would finally be worked out with regard to that emergency access way. Presently it is from TV Place but there is no way for a vehicle to turn around and go back. It was mentioned the Town wants to keep a curb cut on Highland Avenue. Are there any comments on that process to resolve those issues? She wants a landscaped 50-foot buffer and recognizes the need for the access way.

Mr. Schlager stated permeable pavers are being discussed with the Town. There were a number of options presented and there are pros and cons with all. The pathway will be built to H20 standard, which is the Fire Department standard. This is how the Fire Chief wanted it designed so trucks could come in from TV Place or Highland Avenue. They spent a lot of time with the Fire Chief and Town Engineer. The project will meet all requirements and designs. Ms. McKnight asked if the Highland and Gould Street access would be different for fire trucks than for other vehicles. Mr. Block noted a revised

letter from Building Commissioner David Roche, dated 8/31/22, with 3 plan modifications. The questions have been answered. There will be 10-foot-wide permeable pavement with 5 feet of permeable pavers on both sides.

Mr. Block opened the hearing for public comment. Ben Daniels, of 5 Sachem Road, stated Bulfinch was disrespectful and rude not to come in person and meet with the neighbors. The Planning Board said all should be there in person. This project keeps getting bigger and bigger with not a lot of consideration for the neighbors' comments. This has been built up to special permit guidelines. It is too big and too much. The applicant is trying to change the rules after. People care about giant commercial structures in their neighborhoods. Doug Fox, of Marked Tree Road, asked the Planning Board to do what ~~it they~~ said at Town Meeting, claiming that- Mr. Alpert said a 1.35 FAR is the maximum it could be. The Select Board gave examples of development across 128 that were below maximum FAR. He asked the Board to drive a hard bargain. This is a massive building. The Board needs to focus on the size. He wants the Board to start with a 0.7 FAR as it would be less impactful. He asked why the applicant got an 80% bump in FAR. He is not sure why office space and lab space are being built. There is a glut right now. He asked the Board to do what ~~it they~~ said and make it way smaller.

Nicole Nasson, of 620 Highland Avenue, is right where the state is putting the bike lane. They are destroying her front yard and now there will be a giant building across the street. There is a lot of cut through traffic with 50+ kids. Her boys are 6 and 9. It is not safe. She asked the Board to reconsider the size of the building and what it is doing to the neighborhood. Joni Schokett, of Evelyn Road, stated the members are elected by people to do what the people want. The ~~peopley~~ have said for over a year it is too big. She did not know the FAR did not include the parking garage. With the garage it is well over a 2.0 FAR. She understands something will be built but this is too big. They have told the elected officials it is too big. There will be air and sound pollution and it will be like being near a city. They live in quiet neighborhoods. The residents have told and begged and are asking the Board to listen to the people who elected them and bring it back down to a 0.7 FAR.

David Ruska, of 21 Rosemary Street, is concerned with widening on the streets. He feels, as a society, transportation has been mismanaged over the last 20 years. Often improvements are not better. He asked if the Board members would consult experts if there are questions. He is thrilled to see Bulfinch leading this project. They were very responsive when he lived in Newton. He feels bike and pedestrian transportation should be the focus and not automobiles.

Sophia, of Elder Road, stated this is too big and wrong. She lives with her mother-in-law who is 100% disabled. She has to drive her every day to daycare. This project affects the entire area she drives in. The Board should listen to the people. This affects everybody.

Patrick Hick, of Noanett Road, lives next door to this. His concern is with the problems they already have on Noanett. He asked how many people will be in these buildings on a daily basis. Mr. Manning stated they do not know the tenants yet but there could be 1,000 to 1,200 people per day. Mr. Hick stated all those people have to eat lunch and will be coming and going unless there is food in the building. There will be sewage and disposal for 1,000 extra people. Sewage from that area flows down Noanett Road, has backed up and flooded people's basements. What are the plans for sewage mitigation? Mr. Schlager noted there will be several hundred thousand gallons of water stored on site. They are installing only sanitary sewers from the property to under Route 128. He was not aware of any issues on Noanett but would be happy to have Engineering look at it, report back and address any problems. Mr. Hick stated stuff from Gould runs down Noanett. He asked to what extent this will impact surrounding businesses and how they would grow.

Mr. Schlager stated there will be 10,000 square feet of retail and it will have outdoor seating. There have been no discussions with food service suppliers or restaurants on Gould Street. The project will not have large-scale restaurants on site. There may be family-style restaurants from 6:00 a.m. to 8:00 p.m. He hopes the impact will be positive on the surrounding businesses. Mr. Hicks would like to see more information on the effect on surrounding businesses.

Jill Kahn, of Brookline Street, is concerned for the abutters in the Heights and in her neighborhood. This is too large. She has been a Town Meeting member for 25 years in Precinct I. People feel this should not be approved by the Planning Board. She voted in favor of this at Town Meeting when the FAR was 0.75. The FAR has grown since Town Meeting approved it. She feels it will be detrimental to the town. Down the street in Newton will be 800 residential units and retail where Marshall's was. This area is getting overbuilt. Five people will have to make a decision. This will affect generations to

come. The parking garage is massive. She asked why a 9-story garage for 1,000 people. People are not going back into offices. She feels this should be downsized and stick to the 0.75 FAR Town Meeting voted for.

Amelia Egan, of 13 Utica Road, stated the north building is too massive. There are a lot of changes on the Gould Street side but no consideration for the residents of Needham Heights. What consideration has been given for light pollution? Mr. Schlager stated Needham has By-Laws they will comply with. There will be dark sky lighting and it must be contained on the property. He does not believe there will be any negative effects. He would be willing to meet to go through any concerns. Ms. McKnight clarified it is the south building along Highland Avenue. She asked if that is the building Ms. Egan referred to and was informed it was. Ms. Egan does not feel the Heights side has been taken into account.

Maureen DeMaio, of Central Avenue, has lived here for 33 years. She does not know one person who supports this project. She asked her neighbors who support her in opposition to stand. Steve Sussman, of 30 Davenport Road, does not think this is a beautiful gateway. It is too massive and so un-Needham. People are using cut-throughs at Sachem, Mills and Utica to avoid the light and traffic at Gould/Highland/Hunting. This will cause more cars and every street in Needham will be affected by this development. Public transportation and biking will not happen. The building is nice, but the size is grotesque. He gives the applicant credit for reducing it, but it was only a 3% reduction. With regards to taxes, other projects are being built. The taxes are always going up and they never go down or stay the same. He asked who benefits from this as it is not the neighbors or the residents. He suggests the Planning Board watch the movie "Local Hero." This is a movie that he feels is relevant to their cause.

Bob Dangle, of Hewitt Circle, stated the applicant did a great job designing this. He wants to make sure the Planning Board is listening to their concerns. No one in the room feels this is a good idea. It is very far above the FAR of 0.7 brought to Town meeting and it got through somehow. The Planning Board, at some point, needs to listen to the people affected by it. Real families are being affected. Jason Stone, of Hewitt Circle, agreed with Mr. Dangle. He is concerned with Noanett Road. He wants to know what is going to happen at the highlight, so it does not become worse than it already is. Emily Peck, of 12 Mills Road, has been before the Board 3 times. She does not feel her concerns have been heard. She is concerned Bulfinch is not at the meeting in person. The size and scale are major concerns. She stated the Planning Board members, as elected officials, are not hearing them. The project is too big. The Planning Board suggested at the last meeting all should be here in person. The abutters are all here, but Bulfinch is not. Natalie, of 21 Utica Road, has a 3- and 5-year-old. Her family has been here over 30 years. The scale of the project is too big. A 1.25 FAR is out of scale. The number of cars going into her street concerns her. There will be increased pollution which will cause asthma. She feels the Board should abide by what Town Meeting approved with an FAR of 0.7. Mr. Block noted people said Town Meeting approved a 0.7 FAR by an 82-18 vote, but he emphasized that- highlight the vote allowed a number of uses at this site and dimensional regulations of 0.7 FAR by right and 1.35 FAR by special permit. Town Meeting approved both by right and by special permit.

Ben Daniels noted the FAR does not include the garage. Mr. Block confirmed the garage was not included in the FAR in this district. Mr. Daniels stated no one has talked about Highland Avenue much. It is still too narrow and will make the whole area worse. What discussions have been had with the state to take some Bulfinch land to make a dedicated right onto Gould? Has there been any thought of an entrance/exit ramp into the site to keep traffic off Gould Street? Ms. McKnight clarified the state did widen Highland Avenue in 2020. She has seen the taking plans. There was a lot of discussion then and all were satisfied with it. Amy Stone, of Hewitt Circle, stated the residents would like a different entrance to this facility rather than Gould Street. She asked if there was any thought to this. She likes that Bulfinch is responsive, but she does not feel the Planning Board is listening. They are not representing the people's needs. A gentleman stated when Town Meeting approved, by 82%, that was under the threat of an Amazon warehouse. The Planning Board at that time said it would be much less than a 1.35 FAR. He wants the Board to stand by that.

Ms. Espada noted that for 50,000 square foot building requires 1,678 parking spaces but only 1,390 spaces have been proposed. She asked if the applicant found there is less need for parking with covid. She asked if there is mitigation planned for cutting through streets. Mr. Manning stated parking is a fluid dynamic with covid as a factor now. Parking need would be high as it is on 128 but they have a desire to link the area to transit. They hope 10-12% will walk, bike or use public transit. A lot of people work from home but over time leases will be adjusted for people working from home. He feels a 1-300 count accounts for remote and a percentage of transit not clear They want kids to be safe. Most of the issues are

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pre-existing conditions. By virtue of making ~~fixes~~fixes, it should help tremendously. He is willing to work with all to make them safe.

Mr. Block noted the following correspondence for the record: 2 emails from Rebecca Brown, of GPI, dated 8/18/22 and 8/30/22; 2 emails from Building Commissioner David Roche, dated 8/23/22 and 8/31/22; a memo from Fire Chief Thomas Conroy, dated 8/31/22; an email from Stacy Mulroy, Director of Park and Recreation, dated 8/31/22; a letter from Town Engineer Thomas Ryder, dated 9/1/22; an email from Elizabeth Mercer, dated 7/7/22; an email from David Mindlin, dated 7/7/22; an email from Joan Feeney, dated 7/6/22 and an email from Teresa Combs, dated 7/5/22.

Mr. Alpert stated he ~~is was~~ not ready to close the hearing. He would like to continue to the next meeting. He commented the Planning Board does listen to all comments. The Board takes what the people say very seriously. The Board allows all to speak and the ~~members~~members hear them. The members have read all emails that have been sent. He needs time to digest what was heard tonight and to review the plans again. He is not sure it could be done if the hearing is closed. Mr. Alpert thanked all for coming and speaking.

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

VOTED: to continue the hearing to 10/3/22 at 7:05 p.m.

The Board took a 5-minute recess.

7:15 p.m. – Article 1: Amend Zoning By-Law – Schedule of Use Regulations Brew Pub and Microbrewery. Please note: this hearing will not begin at 7:15 p.m., but will begin at the close of the hearing immediately prior to this one.

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

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

Mr. Block gave the background. He noted they are proposing to allow microbreweries and brew pubs only by special permit in certain districts. He read the definitions of brew pubs and microbreweries. A brew pub is a restaurant that produces its own beer with restrictions. A Microbrewery is a facility for producing and packaging ales of no more than 15,000 gallons per year. He discussed which districts the uses are to be allowed by special permit only. He noted the following correspondence for the record: a letter from Attorney George Giunta Jr., dated 9/7/22, with comments; an email from Mark Regan, dated 7/22/22, in support and a note from Thomas Harkins with comments.

Mr. Alpert noted part of the Industrial District on the south side of Highland Avenue between Hillside and Rosemary is being excluded and the Panera Bread plaza. Mr. Block commented that protects Riverside and Highland Terrace. Ms. Newman noted there is also a small Industrial area at Denmark Lane that is being excluded.

Mr. Crocker stated they need to take care of where restaurants are allowed and need to look at what is being creating there. The members need to take special care of what may happen at Town meeting. He is in favor of ~~this~~this, but the Board needs to be careful. He is concerned it will be slammed at Town Meeting if it is not right. They seem to be taking away the rights of something that is already there. He was told an odor comes out of brew pubs in Dedham. That was just a comment made to him. He is concerned.

Ms. Espada stated she ~~had~~has no comments but needs clarity on Attorney Giunta Jr's letter. Mr. Block would like Town Counsel Christopher Heep to write a letter to the Planning Board to clarify. Mr. Alpert stated someone came forward and argued that brew pubs are already allowed, but ~~and~~ the Building Inspector ~~responded~~made an argument that brew pubs were not allowed, since ~~– He~~ disagreed a brew pub was manufacturing. Mr. Block stated this is being done to create clarity. By the Building Inspectors' interpretation, the production of beer is not allowed. He would like a letter from the Building Inspector. Ms. McKnight asked for clarification of what zone the area referred to as industrial east of 128 is. Mr. Alpert stated it was off Reservoir Street.

Mr. Block opened the meeting for public comment. Teresa Combs, of 7 Utica Road, stated she would not like this at the Muzi site. Mr. Block noted some uses are allowed at the site. The By-Law would allow the ~~use~~use, but Mr. Schlager (Bulfinch Company Principal) stated he would not include it. Ms. Combs would like it excluded from that area and ~~the former 3 Squares restaurant area~~. She asked where food trucks would go? She is worried with so much construction going on including the Children's Hospital satellite office. Mr. Alpert stated, at 3 Squares, the By-Law would include a brew pub~~t~~ but not a microbrewery. Food trucks would be allowed with microbreweries/pubs. The Board could consider removing it ~~from the article~~ before ~~submitting it to~~ Town Meeting.

Louis Wolfson, of 29 Cimino Road, does not believe Attorney Giunta Jr. is against brew pubs or microbreweries. He is just pointing out the By-Law affects being able to have them. ~~[He Mr. Wolfson?]~~ is in favor of both. He is concerned with the distinction between all the different breweries such as craft breweries, nano and farm. All should be considered. On Crescent Road, industrial is allowed by special permit. He could have a restaurant and liquor. This should be included. A microbrewery does not necessarily serve food. It may not be consumers going up and down Crescent Road. The Board needs to look at this on a broad basis. They are excluding one area in favor of others. He wants a fair due process. He stated he would like Attorney Giunta Jr's letter to be public. Mr. Block stated it has been added to the packet on the website.

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Emily Peck, of 12 Mills Road, originally opposed brew pubs and microbreweries at the 3 Squares area. It exposed ~~a~~ residential ~~area~~ to drunk drivers and the crowds they attract. Thomas Harkins agrees with Mr. Wolfson. It is too restrictive. A little more flexibility should be allowed. The Board needs to get this together before October. Mr. Alpert stated a nano brewery fits in the definition of a microbrewery. A woman from Evelyn Road is opposed because of where it is, not what it is. It will be bringing traffic each night. She has been told you can smell the odor from the brew houses in Dedham. These could be put behind Staples or the Industrial Park but keep them away from neighborhoods. It would be more clogging of Highland Avenue. She has lived here for 44 years, and it is impossible to get around town now.

Kristine Didick, of Hunting Road, is in full support of brew pubs anywhere in Town the Board wants it. It will enhance the town and we need vibrancy in town. Maggie Abbruzese, of 30 Bridle Trail Road, asks to clarify if all will be by special permit. What is the criteria for granting or denying? Mr. Block stated it is driven in part by the site plan special permit and the use. Ms. Abbruzese asked if these will all be major projects. Mr. Alpert noted a major project is 10,000 square feet or 25 parking spaces. He feels these will fit within major project. They would need a special permit ~~for the~~ use, which can be denied as long as ~~the denial~~ is not arbitrary. Ms. Newman noted there is a whole section in the By-Law with criteria for ~~granting of a special permit for specified~~ uses. Mr. Alpert stated if there is a detrimental impact that cannot be mitigated it would be denied by the Planning Board. Ms. Abbruzese asked, historically, if any special permit use has ever been denied. Ms. Newman noted not many. A fitness center proposal on Chestnut Street was denied as different members had different perspectives. One member had parking issues.

Ms. McKnight, for clarity, read part of the By-Law. She stated the Building Commissioner will make sure ~~the proposal complies with zoning~~, but the Planning Board will carefully review and conditions will be set in the decision. Henry Mass, of Waltham Mighty Squirrel Brewery, stated he grew up in Needham and knows it well. He noted when he got a special permit ~~for the Waltham site~~, he was asked to control odor and he has done that. He does 17,000 barrels and is in the top 2% of breweries. He has mitigated the smell entirely. He would welcome anyone to come to Waltham to see his operation. It is multi-generational and family friendly. He is happy to provide photos and materials. He is classified as a microbrewery. Mr. Block stated he has attended a number of breweries in the state including Mighty Squirrel. He discussed his observations. Naveen Pawar, co-owner of Mighty Squirrel, stated a microbrewery makes less than 15,000 barrels and almost 80% are less than 10,000 square feet. Their building is 17,000 square feet. They put in an exhaust system that neutralizes the odor. 98% of breweries make less than 15,000 barrels. The majority of their customers are families and parties for kids. It is very family friendly.

Ken Gantz, of 26 Holmes Street, spoke before on this. He feels the community could benefit more on what constitutes brew pubs and microbreweries. They are looking at Planning Board members to educate themselves. He thanked Mighty Squirrel for being there and clarifying a lot. He stated the right question is how often a use has been put before the Board and conditions have been put into place as part of a special permit. Mr. Block stated always. Valerie Daly offered support for this idea and requested everyone keep their minds open. This sounds wonderful and positive to add to Needham. There are a lot of concerns about the areas ~~in which the uses would be allowable~~. People she has spoken to would like one at Bulfinch to walk to in the Heights. Mr. Block asked what the next steps are. Mr. Alpert noted there will be another meeting to

discuss what the Board wants to send to the Select Board for inclusion in Town Meeting. They will vote the recommendation at the next meeting. Ms. Newman noted there will be final language changes at the 9/20/22 meeting and recommendations so it can go on the warrant in its final form.

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

VOTED: to close the hearing subject to receipt of comments from the Building Inspector and Town Counsel.

Decision – Amendment to Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham MA, Petitioner (Property located at 1063 Great Plain Avenue, Needham, MA). Regarding proposal to convert the existing bank building mezzanine space into 1,325 SF for executive offices, as well as demolish the existing drive-thru free-standing automatic teller machine (ATM) and to construct a 321 SF drive-up teller building with an ATM.

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

VOTED: to grant (1) the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2021-04, issued to Needham Bank, 1063 Great Plain Avenue, Needham, MA, dated June 12, 2012, amended August 6, 2013, April 15, 2014, October 7, 2014 and December 15, 2015; (2) the requested Special Permit under Section 3.2.2 of the By-Law to allow for a drive-up teller building with a drive-up ATM in the Chestnut Street Business Zoning District as an accessory use allowed incidental to a lawful principal use; (3) the requested Special Permit under Section 3.2.2 of the By-Law for off-street parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land in which the principal use is located, within a zoning district in which the principal use is permitted; and (4) the requested Special Permit under Sections 5.1.1.5 and 5.1.1.6 of the By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law, subject to and with the benefit of the following Plan modifications, conditions and limitations.

Mr. Alpert noted the 5th line down the word “Permit” needs to be added after “Special.”

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

VOTED: to approve the decision as drafted with one typo as presented to us dated today.

Board of Appeals – September 15, 2022

150 Gould Street – Bakers’ Best, Inc.

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

VOTED: “No comment.”

377 Chestnut Street – Plan B Retail Design and Project Management, LLC.

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

VOTED: “No comment.”

Minutes

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

VOTED: to approve the minutes of 6/21/22 as redlined.

Ms. Newman noted the minutes of 10/19/21. A complaint was filed with the [State Board what state board?] that the Planning Board had been operated in violation of the open meeting law for 16 minutes. There was discussion by some members of the Board before opening the meeting. The State Board requested the Planning Board restate the discussion in the minutes that had been done and acknowledge business should not be conducted prior to the meeting especially on ~~z~~Zoom. Ms. Newman has restated that discussion, so the minutes have been amended to reflect that discussion. Mr. Alpert stated the additional comments to the 10/19/21 minutes accurately reflect what was said. Mr. Block stated this demonstrates the benefit of public participation. The Board will act more diligently to ensure there are no violations of the open meeting laws. They have taken corrective action with integrity.

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

VOTED: to approve the revised minutes of 10/19/21.

Report from Planning Director and Board members.

Ms. Newman gave an update of the Housing Plan Working Group. There is a meeting tomorrow and Ms. McKnight will present the MBTA guidelines. The working group has finalized the subgroup recommendations on the policy. The draft housing plan will be available for the meeting on 9/29/22. The draft will be presented to the Select Board on 10/11/22 and a community workshop will be held on 10/13/22 to present the draft. Ms. McKnight stated Ms. Newman gave it was a good report and she ~~has~~ nothing to add. She noted a lot of work is being done to understand the MBTA guidelines.

Correspondence

There is no correspondence.

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

VOTED: to adjourn the meeting at 10:54 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk