

# NEEDHAM PLANNING BOARD MINUTES

August 15, 2023

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, August 15, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Ms. McKnight, 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 a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Mr. Block stated earlier today the Land Court decision regarding 1688 Central Avenue ruled in favor of the applicant. The judgement will annul the Planning Board decision. The Planning Board will discuss the decision with Special Counsel.

## **Request to release remaining Peer Review Funds: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham MA).**

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

VOTED: to release the remaining Peer Review Funds in the amount of \$531.66 with regard to 1688 Central Avenue.

## **Climate Action Plan Committee (CAPC) Planning Board appointment.**

Mr. Block noted Mr. Crocker would like to serve on the Committee. A motion was made to nominate Mr. Crocker for a duration to 6/30/24. Ms. McKnight noted in the 5/16/23 minutes she nominated someone to a position but ultimately it is to elect. Mr. Block stated it is an appointment. The amendment was accepted.

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

VOTED: to amend the motion and to appoint Mr. Crocker to the CAPC.

## **Design Review Board (DRB) appointment.**

Mr. Block noted Susan Opton has served for 16 months and needs to be reappointed. This will be a 3-year appointment. Ms. Opton is a Needham resident, owns a landscape architect business in town and is a strong contributor to the DRB.

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

VOTED: to appoint Susan Opton to the DRB for a 3-year term.

## **Discussion of Planning Board Goals & Priorities**

Mr. Block gave a summary. He revised the planning schedule based on the last meeting. Training subjects and modules are to be determined as well as a code of conduct for the Planning Board. This will start later this year and continue. This will probably be an annual thing and he hopes there will be a manual online. He reviewed the By-Law changes proposed for action at the May 2024 Town Meeting. There is support for zoning to support public subsidized housing at the Linden Chambers site; parking standards for commercial uses in districts will be updated; changes will be proposed to update customary home occupation definitions, to allow solar canopies and solar roofs; we will have community meetings and draft language for Diversity, Equity and Inclusion. For the October 2024 Town Meeting there will be the MBTA Communities law compliance proposed zoning amendments, with proposed expanding of the minimum requirement for affordable

housing for the MBTA areas. Once the MBTA rezoning is complete, the affordability percentage will be proposed for the other districts in Town at the May 2025 Town Meeting.

Mr. Alpert noted Zoning By-law Section 6.12 (Affordable Housing) should be applied to all districts and asked why the delay. Ms. Newman stated, strategically, the MBTA Communities law compliance will be complicated zoning. She is concerned with confusion. The idea was to focus on MBTA area zoning and the changes there, so the conversation is confined to what needs to be done for the MBTA Communities law. Then, when the MBTA area rezoning is successful in the Fall, uniform affordable housing requirements will be extended to the other districts.

Ms. Newman noted the parking By-Law is based on work by Stantec but needs to be developed further. Mr. Alpert asked what the customary home occupation issue is. Ms. Newman noted there are definitions in the By-Law such as tailor. The occupations are so old it needs to be updated. Mr. Crocker stated people can do what they want in their homes. To him the issue would be external and what it creates on the property and people coming to the property. Ms. Newman stated a framework needs to be created to define what the uses are and the number of people who can be in the house that are not associated with living in the house. The Zoning By-Law is talking about uses that are not relevant anymore. The uses need to be defined and then legalized such as music/piano teacher, photographer and consultants. Ms. McKnight gave the example of her daughter who is a Certified Financial Planner and works out of her house. She has an administrative assistant and has clients come to the house. Those are the types of issues.

Ms. Newman read the current definition. There should not be more than one person employed there. The uses need to be updated and defined. Mr. Alpert noted this is different from professional offices like doctors and lawyers. Mr. Crocker noted it gets into storage and signage. There is a parking issue but beyond that he is not sure he cares. Mr. Block wants to think through how many people are employed. Mr. Alpert stated a lawyer can have an office in his house but not a law firm in a residential house. Mr. Block noted they need to look at all occupations and be reasonable with what the standard is. There needs to be a balance. With respect to the parking By-Law, he hopes the process is simple enough they do not have to do a broader Request for Proposal for a completely new study. He hopes to have the funds, and the ability, for Stantec to review the standards and make a recommendation of what the standards should be for the different uses in different districts.

Mr. Block noted the Board will have a discussion regarding parking standards, and if the rationale is reasonable, vote accordingly. If it is more complicated it may need to be pushed beyond May 2024. He hopes to engage Stantec in September, get a report in October and have something to the Board by December if sufficient. Some people do not seem to accept the concept of multi-family houses near transportation with reduced parking. It may need to be handled with a 2-prong approach – one standard for MBTA Communities areas and one for other commercial areas. Some may say multi-family housing is a commercial use. Mr. Crocker noted he has 2 concerns. Some people want to allow a lot more parking and some people want to have some restrictions in there on parking spaces to force people to take more public transportation. He looks at what the external impact is on the neighborhoods around it.

Mr. Block stated the rationale Stantec would propose is based on real science. All the issues would be dealt with. He and Ms. Newman will keep in touch with Stantec and keep the Board updated. For October 2024, the focus will be on MBTA Communities Zoning By-Law changes for compliance. He has also flagged a By-Law change for the area from 888 Great Plain Avenue to Warren Street, which is 3 properties. Ms. Newman has reached out to the 888 GPA developer to see what he is proposing. This may be considered by the Board as spot zoning, but Mr. Block recognizes it may be an opportunity to extend mixed use development to Warren Street. This could coincide with the MBTA Communities effort next year. There may be a better opportunity to do it for May 2025, but the developer may decide to go forward sooner with a Citizen's Petition. If taken up, he would suggest at least 2 community meetings before a public hearing.

Mr. Alpert asked if the MBTA Communities law and Executive Office of Housing and Livable Communities (EOHLC) Guidelines allow for mixed uses in the MBTA Districts. Ms. McKnight stated it is possible to have an overlay, so the MBTA compliant zoning is the underlying zoning, then an overlay for mixed use. Under current Guidelines, however, Mixed-Use that includes multi-family housing cannot be counted if the zoning does not also allow a standalone multi-family. It could work with that site with an overlay.

Mr. Block noted in May 2025 he sees finalizing the revised standard for Section 6.12 for higher minimum percentages for affordable housing. Another potential is detached ADUs. He has not heard from anyone advocating for this, but it could be taken up proactively. Mr. Crocker would like to take time to study the You-Do-It area or the Hartney Greymont property versus studying detached ADU's. He wants to see what is happening in other towns with detached ADUs. Mr. Alpert feels Hartney Greymont should be part of the MBTA Communities study.

Ms. McKnight stated part of the reason for opposition to detached ADUs at the 2023 Annual Town Meeting was setbacks. She knows some changes that could be made, and the Board should go forward with it. Mr. Alpert stated there are 2 items for the May 2025 Town Meeting and one for the October 2025 Town Meeting. He thinks in May 2025 there will be 2 different members of the Planning Board. There is no way of knowing what those members would be thinking. Mr. Block stated other things may pop up also, but the planning schedule gets the Board into a better place. Mr. Crocker would like to move study of areas abutting the Charles River to May 2025. Mr. Block clarified that area is Highland Avenue to Central Avenue along the Charles River. He would like to review the use tables and dimensional regulations for those 2 districts (Mixed Use 128 and Highland Commercial 128) to determine if it is a function of market conditions or a function of the regulatory framework that re-development has not occurred under current zoning. He would not move on this if the regulatory framework is fine, but market conditions are not. They may look at reducing lot size. Mr. Alpert suggested renaming "Unlocking the Charles" by adding "Mixed Use 128/Highland Commercial 128." Ms. McKnight stated she was thinking of the subdivisions the Board approved where there might have been an opportunity to obtain an easement for access to the Charles River and chose not to. That is now a lost opportunity.

Mr. Alpert noted Joe Matthews' By-Law change suggestion. Mr. Block noted there is an email from Joe Matthews in the packet requesting the Board modify to include third floors, basements and attics in floor area to calculate ratio of floor area to lot area (FAR). He disagrees with Mr. Matthews comments. He does not feel the 2017 Large House study was focused on affordable homes. He feels the bulk and design of larger homes replacing smaller homes was the focus, and drainage. This is important substance, but he is not sure the source information is correct. He followed up with Mr. Matthews. Mr. Alpert thinks Mr. Matthews' issue was that in 2017 affordability was not the concern. Now a young couple cannot afford to buy in Needham if \$1.5 million is the new cost. Houses that could be less than \$1 million are being taken down. Mr. Matthews thinks the Board should focus on \$800,000 or \$900,000 houses. Mr. Block understands Mr. Matthews concern, but an objection he had was counting the area of basements and third floors that were built out and not counting the area if they were not built out. Also telling homeowners that just bought a house they cannot finish the basement. Multiple towns have FAR regulations, but they are all over the place. When the Planning Board is ready to consider this issue, there cannot be a distinction between finished and unfinished areas. Mr. Block stated lot coverage, setback and height are the most important issues.

Mr. Crocker stated FAR should include all inside space. The 2017 goal was not to produce what is happening now. All inside space should be counted as part of FAR. He feels this should be taken up sooner rather than later. The goal was to put some guidance on the size of houses and that did not happen. He feels the loophole needs to be closed. Mr. Alpert noted they need to reassess priorities of the single-family market, look at how many zoning articles there are and prioritize. Mr. Crocker noted the earliest to consider would be after the October Town Meeting next year with a potential for October 2025 Town Meeting. Mr. Block noted Mr. Matthews would want something sooner and may do a Citizen's Petition.

Mr. Crocker read the general purpose of the Large House Review Study Committee. Ms. McKnight stated she served on the Committee. The concern then was the character of the neighborhood. It was made clear it was not anticipated the changes proposed by the Large House Committee would reduce the number of teardowns. It was alleged this was a pro-architect committee, since the zoning changes proposed at the time focused on design. She thinks there is an energy in the community now to re-study this and she feels they are waiting too long. The goal is fewer teardowns, and that goal is different from the Large House Study Committee's goal. She would like to take advantage of the energy and study this for May 2025. Mr. Block will have a conversation with Mr. Matthews. He does not know what the HONE Committee will require. When the HONE study is predominantly completed in June 2024, he will see if a large house committee can start up then in September.

Mr. Alpert agrees with Mr. Matthews that large houses and affordability are a high priority, but the major timing problem is the MBTA law By-Law amendments. It is statutorily required and needs to be passed by October 2024. If taking all the staff time, it may prevent the Board from taking this up as quickly as Mr. Matthews would like. He agrees it should be

recognized as a priority and should be taken up as soon as possible. Mr. Block is willing to commit to striking up the large house committee as early as possible. Mr. Alpert commented if Mr. Matthews brings a Citizen's Petition the Board could comment they feel this needs study as there would be an issue of height, setback and lot area ratio. Without Planning Board support he does not feel it would pass.

Ms. Newman commented she is asking for a third planner for FY25. She is discussing if they could get supplemental funds for an additional planner now. Mr. Block said he has plans to speak with John Connolly of the Finance Committee. He needs to get together with Ms. Espada for Diversity, Equity and Inclusion in the By-Laws. That program needs to be devised with Ms. Espada. He noted the document reviewed tonight lays out the timeline for planning action. This will be a living, breathing document. He will reach out to Mr. Matthews to report what was discussed.

### **Minutes**

Mr. Block stated he needs more time to review the 6/20/23 minutes. Ms. McKnight agreed.

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

VOTED: to approve the minutes of 5/1/23.

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

VOTED: to approve the minutes of 5/3/23.

Ms. McKnight noted in the minutes of 5/16/23, change "nominate" to "elect" in the vote on page 1. On page 5, the Wingate discussion on solar panels, 2<sup>nd</sup> line, "Mr. Alpert requested a discussion with Town Counsel who said there is no mechanism." It should be "to see if there is a mechanism." In the next sentence it says, "the way to do it is to declare as part of the By-Law" but it should say "Mr. Alpert suggested the way to do it is to include solar review as part of the By-Law criteria for site plan review." This was agreed. The minutes as drafted note that Mr. Block said there is no definition of what solar ready is and Mr. Block responded back the applicant has agreed to do it. Ms. McKnight noted the 2<sup>nd</sup> paragraph from the bottom, Mr. Huber's position is they have to get approval. It was agreed to strike this sentence.

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

VOTED: to approve the minutes of 5/16/23 with red lined changes noted in the packet and with changes discussed this evening.

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

Ms. Newman reported they have conducted interviews with 2 firms for the HONE Advisory Group study. She anticipates an offer will be made next week and the first meeting will be the week of 9/7/23. The plan is to give the firm a copy of the Housing Plan. He would like the Planning Board to have a much higher level of engagement. He noted Amy Haelsen, Economic Development Manager who staffed the Council of Economic Advisors (CEA), moved to Director of Communication so the Manager of Economic Development position is vacant. The Town is searching for candidates. The CEA, which Mr. Block chairs, is focused on site selection, and he commented rezoning in the New England Business Center is done and successful. He noted there are still a number of single-story buildings along that district so there is an opportunity for further development.

Mr. Block stated he is trying to find a link for better engagement between small business and large business in town to better support businesses. He also noted he represents the Planning Board on the Single Parcel Historical Committee. They are looking at 3 Rosemary Street. This single parcel would be the first historic preservation district in Town. No action is anticipated by the Planning Board. Ms. McKnight stated she wants to be educated on what it means to be historical. Mr. Alpert stated Town Meeting would prefer that also.

Ms. Clee noted the proposed Planning Board schedule. It evolves but it is helpful to have something to work with. The Board will continue to meet the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday nights.

**Correspondence**

Mr. Block noted the following correspondence for the record: an email from Rob Petitt, dated 7/18/23, regarding the Needham Streetscape Project; an email from Tim Rafferty, dated 7/27/23, regarding Trader Joe's speed bumps; a notice of Public Hearing from Dover Board of Appeals and correspondence regarding downtown.

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

VOTED: to adjourn the meeting at 8:45 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk