

Town of Needham, Massachusetts
Housing Needham (HONE) Advisory Group
Meeting Minutes
February 29, 2024

Place: Charles River Room, 500 Dedham Ave, Needham and Virtual Meeting via Zoom
Present: Co-Chair, Heidi Frail; Co-Chair, Natasha Espada; Michael Diener, Kevin Keane, Liz Kaponya, Joshua Levy, William Lovett, Jeanne McKnight, Ronald Ruth
Absent: None
Staff: Lee Newman, Director of Planning & Community Development; Amy Haelsen, Director of Communications & Community Engagement
Guests: Eric Halvorsen, RKG Associates; Christopher Heep, Town Counsel

At 7:00 pm, H. Frail called the meeting to order. The meeting is being video recorded.

I. Welcome and Meeting Goals, Heidi Frail and Natasha Espada, Co-Chairs

Members reviewed the agenda and purpose of the meeting.

II. Overview of Site Plan Review and Special Permit Regulatory Framework, Christopher Heep, Town Counsel

Attorney Heep noted that he had been asked to offer a brief discussion of the key features, and notable differences, between special permits and site plan approvals. This is important to the work of HONE, because site plan approval is a type of review that can be applied under MBTA zoning, and special permit review is not.

Attorney Heep noted that special permits are a type of permit that is specifically provided for and regulated in Massachusetts General Law Chapter 40A. The key feature of a special permit is that the reviewing board has the discretion to allow the use or to deny it.

In contrast, site plan approvals are not mentioned or regulated in Chapter 40A; as a regulatory tool it was developed by local zoning bylaws all over Massachusetts. Site plan review is a type of review applied to uses that are allowed by right on a particular property. Because of this, site plan review involves reasonable regulation of the use, and never the outright denial of that use.

There are two exceptions to this general rule: When a plan shows a problem so intractable that it cannot be addressed through conditions, and when an applicant fails to provide information required by the bylaw. The first scenario is exceedingly rare and unlikely to be encountered in practice.

Site plan approvals can include conditions. Typical conditions may include modifying lighting, adding fencing, requiring drainage plans to demonstrate compliance with stormwater standards, moving around parking spaces within the site; and moving around other structural elements on the site plan. Conditions can be used to shape a project, provided they cannot go so far as to interfere with or effectively prohibit the allowed use.

There are some bylaws (like Needham's) that combine site plan and special permit review into one process. In this case, the review is effectively that of a special permit. This approach is acceptable generally, but not in the case of MBTA zoning. When reviewing a project under MBTA zoning, only true site plan review can be applied.

The tenor of the MBTA Communities Law is as of right. Be careful to make this purely a Site Plan Review which would not intertwine it with the Special Permit process.

A member suggested that the Planning Board may want to clarify all Site Plan Reviews if the Town's current review is ambiguous. Members discussed the advisory nature of the Design Review Board, which is not binding on the applicant. Design guidelines exist for Needham Center and Chestnut Street, but not for the other districts proposed for rezoning. The Design Review Board has been asked for their recommendations.

Members discussed the appeals process. HONE could draft the bylaw to allow an appeal to go to the Zoning Board of Appeals or write it to provide for an appeal goes directly to the court.

Town Counsel noted he has not seen anything prohibiting the Town from notifying abutters or holding a public hearing under site plan review. Counsel noted a rule under Chapter 40B and MBTA Communities zoning that prohibits imposing requirements on multifamily housing that are not required of other uses. That may go toward application requirements more so than dimensional requirements.

The public was reminded virtually that the meeting is open to the public but not for public comment. **Please feel free to email HONE at planning@needhamma.gov.**

Members clarified the Quantum vote. There was an amendment to the Zoning Act few years ago. If you are zoning to make it easier to build housing, a majority vote rather than a two-thirds vote is required. Counsel agreed. It gets complicated with the non-residential portion of mixed-use projects don't get the benefit of the majority vote. We'll have to think about that.

III. Presentation, Selection and Approval of Final Base Scenario, *Eric Halvorsen, RKG Associates*

The Consultant presented Housing Needham (HONE) Town Visioning for Multi-Family Housing available at: <https://www.needhamma.gov/Archive.aspx>

The Consultant discussed parking requirements for mixed-use offset with EOHLC staff (Executive Office of Housing and Livable Communities.). New language was unclear about what the Town could or couldn't require for parking. EOHLC clarified that parking requirements apply to mixed use and not standalone scenarios. The Town could require parking ratios for residential portion but could not be required for commercial parking. To include an "offset" in our MBTA Communities proposal, HONE would have to change the parking requirements for commercial uses in Needham Center.

Members discussed the need to add more housing units to the Base Scenario.

If a new use is proposed for a building in Needham Center that is 100% commercial, we can have our usual parking applied. It's only in the situation of the commercial portion of the Center Business mixed use where you cannot have a parking requirement for the commercial portion.

The Consultant reviewed edited maps which indicate the Town is 81 units short on housing units for compliance. Options include using the Offset which is complicated. Or bring in the A-1 District on Greendale Ave. near St. Sebastian's at Charles Court that already exists, which gets us 141 units. This is walkable to Hersey Station but beyond 0.5 mi from the station.

Other options include changing Chestnut Street Business from 18 to 24 maximum dwelling units per acre. Or change the FAR in the Industrial district from 0.5 to 0.6.

MOTION: N. Espada moved to approve Apt. A-1 District, Charles Court pending acreage numbers verified between Staff and Consultants.
SECONDED: R. Ruth
VOTE: M. Diener, aye; N. Espada, aye; H. Frail, aye; K. Keane, aye; L. Kaponya, aye; J. Levy, aye; W. Lovett, aye; J. McKnight, aye; R. Ruth, aye.
MOTION CARRIES: 9-0

Members reviewed the FAR for the Hillside Ave Business District. The total unit count for the Base Scenario will be 1,844 plus 24 which equals 1,868 housing units.

MOTION: N. Espada moved to approve leaving the FAR at 0.7 for Hillside Ave. Business District and not decreasing it to 0.5 as voted previously.
SECONDED: R. Ruth
VOTE: M. Diener, aye; N. Espada, aye; H. Frail, aye; K. Keane, aye; L. Kaponya, aye; J. Levy, aye; W. Lovett, aye; J. McKnight, aye; R. Ruth, aye.
MOTION CARRIES: 9-0

Existing Zoning Modeled Capacity

There was a discussion about how to calculate the number of existing housing units on these parcels today. The consultant also discussed the Propensity for Change model which assesses parcels within MBTA Districts using a Financial Feasibility model. This model estimates the number of units that could be turned over based on the value differential between today and the future, providing insight into the number of units that are likely to be redeveloped and where.

IV. Presentation, Selection and Approval of Final Add-on Scenario for MBTA Communities Compliance, Eric Halvorsen, RKG Associates

Bonus Scenario Map also referred to as Neighborhood Housing Bonus Map

The Consultant reviewed the Bonus Scenario map which calculated to 4,170 units based on zoning parameters discussed at a density of 37 dwelling units per acre. Areas driving the most units are the Apt. A-1 District, Chestnut St. West, Chestnut St. East, Business District, Industrial District, and Center Business Cruller.

Members discussed the high number of units which if added to the right places result in the least impact to residents. Residents voiced that the Town should comply with MBTA Communities Act which the Base Scenario addresses; other residents indicate the Town should substantially exceed it which is addressed with the Bonus Scenario. Both will be presented at Town Meeting.

Members discussed not including the Steven Palmer School but including the St. Joseph's School on the south side of May St.; add it to Apartment A-1 District. Members discussed rezoning churches and schools in the unlikely and undesirable event that the businesses will someday dissolve although school land is excluded and not countable per state guidelines. The church is in the Apartment A-1 District.

The Base Scenario meets compliance; the Bonus Scenario exceeds compliance.

Members discussed modifying the unit density in Apartment A-1 District to make it more palatable. Would taking out a district be better than adjusting dimensional requirements? Keep zoning that enables housing production but on a smaller total number of acres. Preserve the good work done to date. Protect places where there could be housing production.

Members suggested there are two separate Articles. Bonus Scenario and Base Scenario will both go to the State for review and approval. Attain equity for housing across all MBTA districts including Hersey Station. Need to have Charles Court in both plans.

Needham Housing Coalition suggested adjustments to the map to decrease the number of units. Think about how much of the Center we want to retain for a mixed-use profile. Do we really want to include Needham Bank and the Comella's block, or should that be removed and preserved for mixed use development for the core? We currently allow 3 stories west of Maple St. in the other portion of the Center Business District. Do you really want 4 stories at the outer edge there?

Some members did not agree. If you're going to produce housing, do it near the trains and businesses. Bring more people to the downtown area.

There was a discussion about rezoning churches. One member suggested to remove areas of the Center Business district and revisit them more comprehensively in the future; the Planning Board could review this. Leave Comella's block off.

The Consultant modeled Business District (Sudbury Farms) changes to FAR and changes to dwelling units per acre.

Members suggested getting the housing unit number under 4,000 would be more palatable.

At 9:12 pm, J. McKnight recused herself from the meeting for the reason of conflict of interest.

One member expressed concern for dimensions for the Industrial zone on Hillside Ave. If you build 4 stories, there will be a shading effect on the hill. There are 3 and 3.5 stories there now. Consultants modeled the dwelling units per acre from 36 to 24.

MOTION: N. Espada moved to lower the unit height on Hillside Ave. Industrial from 4 stories to 3 stories.

SECONDED: K. Keane

VOTE: M. Diener, nay; N. Espada, aye; H. Frail, aye; K. Keane, aye; L. Kaponya, aye; J. Levy, aye; W. Lovett, aye; R. Ruth, aye.

MOTION CARRIES: 7-1

After modeling dwelling units per acre, the above motion is amended to make Hillside Ave. Industrial the same as Hillside Ave. Business reducing the total amount of units by 175.

MOTION: N. Espada moved to lower the unit height on Hillside Ave. Industrial from 4 stories to 3 stories, leave FAR at 1.0, and modify dwelling units per acre from 36 to 24.

SECONDED: K. Keane

VOTE: M. Diener, aye; N. Espada, aye; H. Frail, aye; K. Keane, aye; L. Kaponya, aye; J. Levy, aye; W. Lovett, aye; R. Ruth, aye. J. McKnight recused.

MOTION CARRIES: 8-0

Members reviewed correspondence sent to planning@needhamma.gov which favored Scenarios A and C but had little support for Scenario B, and concerns to inform areas where units could be reduced to under 4,000. HONE will receive community feedback on 3/28 to adjust unit numbers.

Members agreed not to reduce buildability. Members asked Consultants to model the effect of removing all church parcels.

Members discussed communication from Housing Needham Coalition that the Comella's block should not be zoned for standalone multi-family housing. Members discussed contiguity.

MOTION: J. McKnight moved to remove the Comella's block between the railroad right of way and Nehoiden St. on the north side which includes Comella's Restaurant, Needham Bank and Dedham Savings Bank with the condition to keep it zoned as it is presently which allows mixed use but not standalone multi-family.

J. McKnight took back the motion moved above.

MOTION: J. McKnight moved to delete the Needham Center Business District.
SECOND: L. Kaponya
VOTE: No vote was taken.
MOTION CARRIES: 0-0

Produce housing for people will come to live, work and support retail. Residents expressed preference to leave the downtown area as commercial enforced by current zoning. After MBTA Communities Law compliance, further study can be done.

To ensure first floor commercial, leave the downtown out of MBTA Communities Law compliance. Needham Center also has a lot of Town parking lots. Removing this district removes 264 units. Members discussed removing Avery School and Webster Green from the Base Scenario. These are already fully developed. Hamilton Highlands nets 200 units.

Members discussed strategies to achieve a palpable number of units to pass at Town Meeting.

- Removing the churches takes away 286 units.
- Removing the Center Business District takes away 264 units.
- Removing A-1 Avery School plus Hamilton Highland takes away 205 units.
- If we remove them all, we would net 3,410 units.
- Removing the Center Business District and the churches nets 3,610.
- Removing only Avery School and Hamilton Highlands nets 3,960.

MOTION: N. Espada moved to remove the churches from the MBTA Communities.
SECOND: K. Keane
VOTE: No vote was taken.
MOTION CARRIES: 0-0

The following motion would change the number of units from 4,300 to 3,400 units. Members discussed why Hamilton Highlands in Apt. A-1 is different from Rosemary Ridge. It is the furthest district away from the MBTA. We increased the unit count in the A-1 district; it is a step down to residential neighborhoods. It makes sense to leave it out.

MOTION: H. Frail moved to remove the churches, the pink Center Business District on the map, Hamilton Highlands and Avery School.
SECOND: K. Keane
VOTE: Unanimously approved
MOTION CARRIES: 9-0

The Consultant ran the model which contained a parameter table leaving all setbacks to be determined. The Town will apply the underlying setbacks in those districts.

V. Next Steps

The Consultant outlined next steps:

3/7 meeting - look at build-outs, impact analysis	3/28 Public meeting - setbacks are not decided
Early April meeting to discuss addressing setbacks	

The Consultant described expectations for the March 7 meeting:

Final Scenarios decided 2/29, Base and Bonus	Fiscal Impact Analysis-Base Scenario Propensity for Change
Create a table: existing # of units, what zoning allows, what Base and Bonus Scenarios would allow	Fiscal Impact Analysis-Bonus Scenario Propensity for Change
Present Propensity for Change, Base & Bonus	Show 12.5% Inclusionary Zoning
Deliver plan for 3/28 Community meeting	No Meeting Packet available before 3/28 meeting

MOTION: J. Levy moved to adjourn the meeting at 10:15 pm.

SECONDED: H. Frail

VOTE: Unanimously approved

MOTION CARRIES: 9-0

Respectfully submitted,

Dale Michaud
Recording Secretary

To subscribe to the multi-family zoning initiative in Needham, visit the project page on the **Town's website**. The Meeting Packet is available at <https://www.needhamma.gov/Archive.aspx>