

NEEDHAM PLANNING BOARD MINUTES

February 6, 2024

The Needham Planning Board meeting, held in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, February 6, 2024, at 7:00 p.m. with Messrs. Crocker and Alpert, Mmes. McKnight and Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

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

De Minimus Change: Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

Mr. Block noted this was discussed with the Board at a prior meeting and it was determined to be a de minimus change. He noted the following correspondence for the record: the application for site plan review; a letter, dated 1/24/24, from Attorney George Giunta Jr.; a copy of the "Plan of Land in Needham, Mass." dated 5/27/1997; a copy of the "Plan of Land in Needham, Mass." dated 6/15/2022; and memos from Assistant Public Health Director Tara Gurge dated 1/29/24; from Police Chief John Schlittler dated 2/1/24; and from Fire Chief Tom Conroy dated 2/1/24, all with no comments or issues. Mr. Alpert feels it makes sense.

Mr. Block stated the packet is consistent with the previous discussion. Mr. Giunta Jr. noted, in 1997, an L shaped lot was carved off. The applicants kept a piece for themselves and sold off the L shape. The Gentle Giant building was built and sold back to the applicants in 2007. An ANR plan carved off a piece to sell to Gentle Giant. The rest of the L is legally part of the shop property but this would be a change in the site and the Board needs to approve. It is accessory parking not required for the shop. The relief granted to the shop in 1997 is still the same. Mr. Alpert feels this is de minimus and agrees that this is adding parking to the same special permit that already exists. He feels this is a small matter.

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

VOTED: to accept the application as a de minimus change.

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

VOTED: to approve the requested relief.

Ms. Newman stated the Board will vote on the decision at the next meeting.

HONE Committee Project Update

Mr. Block introduced Assistant Town Manager Katie King, Co-Chair Heidi Frail and Attorney Ron Ruth. He noted Ms. Espada and Ms. McKnight are also members of the HONE Advisory Group. Ms. Frail reviewed the work done to facilitate the MBTA Communities Act. She noted the HONE Advisory Group had a couple of community meetings. The map of proposed zoning changes was broken into 2 separate articles for Town Meeting. The first Article is the Base Compliance map. The second Article would be an add-on map they hope would facilitate housing production. There have been many discussions about various items people feel should be rezoned but fall outside HONE's charge. The HONE Advisory Group is keeping a list of these items and hopes the Planning Board will take them up.

Ms. Frail stated one item is to rezone around Hersey Station. The Town's zoning needs to allow for the potential building of 1,780 multi-family housing units with no disability or age restrictions. The Committee would like the Planning Board to

rezone the Hersey area at a later date. The MBTA lot, being state-owned, is not compliant and the golf course is not compliant. There is only one-half acre of land in the Hersey area in which commercial currently sits. Ms. Espada noted there needs to be a minimum of 5 acres to be compliant. To get the 5 acres a substantial amount of land now zoned for single-family residential would need to be included. Ms. Frail stated the Advisory Group chose not to rezone any single family lots but are discussing whether to include some areas now zoned General Residence. Mr. Alpert commented that they are making a policy decision not to rezone residential districts if possible. Ms. Frail stated they do not have to move into any single-family zones to create zoning that is compliant with the MBTA Communities Act. Hersey would be a one off.

Ms. Espada stated the schedule is very tight. There were 595 comments from the community. People want equity but Hersey does not make sense. There is also interest in a full, more ambitious rezoning Option C. Some want merely compliant rezoning, and some want the add on. There have been 2 community meetings and there will be a third meeting. There has to be compliance by 12/31/24. The next community meeting is March 28. She reviewed the upcoming schedule with the Design Review Board (DRB), the Select Board and the Advisory Group. The proposed Article gets sent to the state on May 1 and the state reviews it from May through July. July to September the Planning Board would finalize the zoning article with public hearings. Then in October 2024 Town Meeting votes. Mr. Block asked when the last possible opportunity would be for residents' input. Ms. Frail stated March 28, but written feedback is always welcome.

Ms. Newman stated hearings would begin in September with 2 potential September dates. Assistant Town Manager Katie King described what the MBTA Communities Act is. She noted the Planning Board and Select Board started HONE to lead community engagement, then advise the Planning Board and Select Board. She reviewed HONE's charge. Parking minimums and maximums were built into the proposed zoning changes. She noted work started long before HONE with the Housing Plan Working Group. She had secured \$70,000 in a grant to procure consultants and sent out postcards to all residents before the first community engagement workshop on 11/9/23. About 300 people participated and there was a lot of good feedback. There is interest in adding more height and density than zoning currently allows. A survey was issued to get feedback on scenario preference, boundaries and unit capacity. There were nearly 600 survey responses. At the third community workshop on March 28 the form of the zoning needs to be finalized.

Mr. Alpert feels going to the state with Proposal A seems it is meeting the requirement. If the state feels we comply, it passes, then Plan B expands on that a bit. He asked if Town Meeting passes this does the Town still comply? He likes the areas with retail on the first floor and apartments above but does the Town still comply with the guidelines? Mr. Block noted that if Plan A received state approval, then if Plan B is not approved it does not matter. Ms. King stated they will have more clarity and guidance once they know what the form is. Ms. Newman added, once the Zoning By-law Amendments are adopted, the state wants to make sure nothing can ever be done again that changes that or reduces the density. Both plans are going to the state so the state can see that the second plan does not undermine the first plan.

Ms. McKnight stated since 1980 St. Joseph's church has been zoned Apartment A-1. What if the state says it is a school and excludes the land so it does not count? Mr. Block noted, in the future, the Planning Board needs to do targeted rezoning of some part of Hersey in a way that the Commonwealth cannot pull it back. Attorney Ron Ruth stated once the state approves the proposed zoning as compliant, there is a string on it. It is all a system in process at our level and the state level. The state needs to get 177 communities into compliance, then figure out how it should proceed. Ms. Espada noted all comments are being incorporated into the 2 Articles.

Ms. Frail stated zoning for each neighborhood is being created on its own merits and what is best for that area. They are staying with base compliance then will build a second map that will add on and offer more inducements for housing. Mr. Block clarified that neither the form nor substance of the proposed rezoning has been finalized yet. Ms. King showed the map and zoning parameters that will be discussed at the third workshop. HONE has to finalize substance so staff can create the form with consultants to have the final report to the Select Board and Planning Board by 4/30/24 to send to the state on 5/1/24. The state has committed to a pre-review and to getting back to towns within 90 days. Ms. Frail encouraged individual feedback from members and would welcome feedback from the Finance Committee.

Mr. Alpert wants to have the Finance Committee on board. Changes cannot be made after 5/1 when it is sent to the Commonwealth, and it is not clear whether amendments can be made on the Town Meeting floor. He feels the Finance Committee members should be invited to attend the meeting on 4/30. Mr. Block stated the comments tonight helped him

with the distinction of the form and substance and the impact of subsequent zoning articles. Mr. Alpert stated he is comfortable HONE and the consultants will come up with something great. Mr. Crocker feels 3D modeling would be great to provide. Ms. Frail stated there will be drawings at the meetings.

Review of Solar Energy Systems Zoning Article for May 2024 Town Meeting.

Mr. Block noted on page 2 of the red lined copy, Article 1, paragraph 6.13.1 (b), it says on page 5 screening is up to 6 feet for ground mounted solar. He would think screening should be the height of what is being screened. Mr. Crocker feels there is no necessity for that. An 8- or 10-foot fence is extremely expensive. Six feet is a normal fence. There is no need to go any further. The angle of the fence will block some of the height. Mr. Block feels it is an inconsistent policy. What they are screening is not really screening. Mr. Alpert commented that the aesthetics need to be looked at. He would rather see a 6-foot fence than an 8-foot fence. Ms. Espada understands the concern, but it should be 6 feet.

Mr. Block noted in Section 6.13.1(c), it does not say which setback like in (b) which says "at the district-level setback." Should this be included in (c)? Ms. McKnight thought the intent was to be more generous. Mr. Alpert noted (c) 4 on page 5 says it. It is in (b) because it is an exception, but it is covered in (c) 4. All agreed. Mr. Block noted in 6.13.2 (4) there is a reference to building coverage. Mr. Alpert noted with a capital "B" and a capital "C" which are not defined anywhere. Mr. Block asked if building coverage should be lot coverage. Ms. Newman stated in Section 4.2 of the Zoning By-Law the phrase "lot coverage" is used. It should be "lot coverage." Mr. Crocker stated paragraph 5 says building coverage. Mr. Alpert noted 4.2 defines residential lot coverage. Mr. Block stated both should refer to lot coverage. He does not see a negative. He noted on page 4 building mounted canopies can go up to 15 feet in a district and just below is the same. Ms. Newman stated one is up to maximum height and one can go beyond the maximum height.

Mr. Block noted on page 5, Setbacks (5), it says any reach. Should the Board define what the "reach" is or is that self-explanatory? Ms. McKnight stated it has to be the setback and reach says that. Mr. Block suggested "any part" or "any extension." Ms. Espada uses "extension," but she understood "reach." All agreed to use "extension." Mr. Block noted on page 7, paragraph 8, regarding stormwater, should it say "meet" or "may exceed?" Mr. Alpert stated they have to comply with the By-Law. Mr. Block stated Town Counsel Chris Heep was particular about defining screening. It was defined in one section and not in another. Ms. Newman stated Mr. Heep is satisfied with this.

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

VOTED: to forward to the Select Board for inclusion on the Warrant for scheduling a hearing that amends the By-Law for Solar Energy Systems with the 2 changes discussed tonight – the word "lot" and the word "extension."

Review of Planning Board Annual Report

Mr. Block noted any suggested changes should be forwarded to the Planning Director. The Board needs to review the planning calendar and the Parking By-Law.

Minutes

Mr. Block noted the minutes of 10/3/23. Page 3, "big money comes from local taxes" should be "federal low-income housing tax credit program." Another source should be "DHCD" not "HCD" and "the units are \$85,000 per unit from Executive Housing" should be deleted. On page 3, it was unclear regarding the common space was 2 buildings and now one building with 1,000 square feet. Mr. Crocker noted it was referring to the existing common space is 2 buildings and there will be less common space. Mr. Block stated it should say "Mr. Crocker questioned the adequacy of the common space as proposed." Mr. Block noted on page 5 "Mr. Alpert noted the sense of the Board is they do not want to limit to elderly and disabled..." Mr. Alpert stated that is a correct quote from him. Mr. Block noted on page 7, Wellesley has had a Tree By-Law, "someone should reach out to them." "Them" should be changed to "Wellesley." All agreed.

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

VOTED: to approve the minutes of 10/3/23 as amended.

Mr. Block noted the minutes of 10/17/23. On the bottom on page 1, the open meeting law complaint, “Mr. Block stated it was not a separate agenda item.” It is unclear and he feels they should just strike it. All agreed. On page 2, 117 Kendrick Street, paragraph 3, after “asked for an estimate of the number of cars” add “that might be backed up behind the delivery truck.” All agreed. The sentence “Mr. Sullivan contemplates projects could have design review...” should be struck. On page 3, strike “the DRB noted...” and say, “Mr. Block noted...” and remove “courtesy” after “They raised several issues.” “He would like to see the trash ...” should be “the Health Department would like to see the trash...” On page 5, John Diaz comments – add will “not” be seen. On page 7, under HONE, “Ms. Newman stated the revised went out...” Ms. Espada noted it was “modeling.” Last paragraph, “Mr. Block asked if the existing is based on by right or special permit.” Ms. Newman noted in some it is allowed by special permit. Mr. Block stated to strike it. Mr. Crocker noted on page 6, second paragraph, “It was noted historically....” Add “that historically.”

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

VOTED: to approve the minutes of 10/17/23 as amended.

Ms. McKnight noted the minutes of 11/7/23. In the first paragraph, Mr. Block suggested deleting Mr. Alpert was late. In the paragraph regarding the public hearing for 629-661 Highland Avenue it says GPI reviewed the updated traffic study with conclusion. Add “its” before “conclusions.” On page 2, it says people can wait 20 minutes to get onto Putnam. It should say “Highland.” Strike the sentence regarding permit parking could be put in back. Ms. McKnight noted on page 4, Mr. Chen stated 40 feet and 80 feet, and one property is 36 feet at the narrowest point. She is not sure what he is talking about. Mr. Crocker noted he might be talking about the setback of distance from the lot line. Mr. Block said to strike that sentence. Ms. McKnight stated on page 5, Mr. Alpert stated he does not think it matters what Town Meeting. Mr. Alpert clarified it does not matter who presented it. Ms. McKnight suggested it “does not matter to Town Meeting who the sponsor is.” This was agreed. In the third paragraph regarding setbacks, “better if it...” should be changed to “better if the required setback was...” It was agreed to strike the sentence “Phase 2 is closer.” Under the Board of Appeals, 1688 Central Avenue, Mr. Block thinks it is a building permit “application” and for the appeal add “of the building permit decision.”

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

VOTED: to accept the minutes of 11/7/23 as amended.

Mr. Block noted the minutes of 11/17/23. He noted on page 2, second paragraph under zoning strategies, “net meeting” should be “net metering.” In the fourth paragraph, Mr. Crocker noted it does not change. It is saying it is logical to change to 2,500 but it does not need to. Add “does not need to change.” Mr. Block noted in the next paragraph, add “including” before “regulating the look.” On page 4, TMA should be defined. Ms. Clee stated it is actually the Route 128 Business Counsel Transportation Management Association. In the last paragraph, it should say that Ms. Newman should call Mr. Goldman and let him know “about signage.”

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

VOTED: to accept the minutes of 11/17/23 as amended.

Ms. McKnight noted the minutes of 11/28/23. On the first page, Mr. Block quoted Mr. Crocker as saying he is ok moving forward. Who is he? Mr. Crocker stated it was himself. It was noted an “and” should be put after the sentence “, Mr. Crocker is ok moving forward without those. On page 4, it says “Mr. Block would recommend against advertising as allowing it.” Mr. Block stated he said that. It was agreed to add “by right” at the end. Ms. Espada feels it should be by special permit in both districts -- residential and non-residential.

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

VOTED: to accept the minutes of 11/28/23 with the changes discussed tonight.

Report from Planning Director and Board members.

Ms. Newman sent a letter of support for NHA's HOME-ARP funding application for redevelopment of the Linden Street property. The City of Newton has applied for \$750,000 in federal funds. She feels Needham's participation in the group may pay off. She noted the public hearing for the Housing Authority zoning will be 2/27/23 and the solar zoning hearing is on 3/5/23. She noted there is a petition article circulating regarding the large house issue. She has not received it yet, but it would change the definition of FAR to exclude the area in basements and attic spaces. It will have to be advertised for a hearing once the petition comes in.

The Board discussed the schedule. Ms. Newman noted the solar article needs to be in on 3/20. There is a hearing 3/5 and she will need time to make any changes before the Board looks at it again. She is not sure how many changes there will be, but she needs time. She asked if a meeting could be added. If there are not that many changes the meeting could be canceled. It was decided the Board will meet, via Zoom, on 3/15 at noon. Mr. Alpert would like Mr. Frail to be at the 3/5 meeting to say he is good with the language. Mr. Block noted a letter, dated 2/1/24, from Ms. Newman to the WestMetro HOME Consortium and a notice of hearing from the Town of Wellesley Planning Board for a meeting on 2/5/24.

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

VOTED: to adjourn the meeting at 9:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk