

Town of Needham, Massachusetts
Housing Needham Advisory Group (HONE)
Minutes
April 4, 2024

Place: Charles River Room, 500 Dedham Ave., Needham, and Virtual via Zoom
Present: Heidi Frail, Michael Diener, Liz Kaponya, Kevin Keane, Josh Levy, Jeanne McKnight, Ronald Ruth
Absent: Natasha Espada, William Lovett
Staff: Alexandra Clee, Assistant Town Planner; Amy Haelsen, Director of Communications and Community Engagement; Katie King, Deputy Town Manager; Lee Newman, Director of Planning & Community Development
Remote
Guests: Eric Halvorsen, RKG Associates; Emily Innes, Innes Associates

Call to Order

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

Welcome and Meeting Goals, *Co-Chair, Heidi Frail and Natasha Espada*

H. Frail reviewed the meeting goals.

Approval of Minutes from HONE Meetings of February 15, 2024 and February 29, 2024

MOTION: J. McKnight moved and R. Ruth seconded to approve the meeting minutes of 02/15/24 and 2/29/24 with non-substantive edits.

Vote: M. Diener, **aye**; H. Frail, **aye**; L. Kaponya, **aye**; J. McKnight, **aye**; R. Ruth, **aye**. **Motion Carries: 5-0**

Review Feedback from Community Meeting

Members agreed that Community feedback was thoughtful and constructive. Residents in favor of the Neighborhood Housing Plan (NHP) were advocating for workforce housing. The issue of workforce housing could be better served with HONE recommendations to the Planning Board and not through compliance with MBTA Communities Law. HONE cannot solve the issue of workforce housing.

Residents who support the NHP believe it will provide affordable housing which it will not. This member supports the Base Compliance Plan given Needham land values.

A variety of home pricing could be of benefit to the local workforce as well as attracting employees to the area from out of state.

The goal of MBTA Communities Law is to increase housing in general in the MBTA service area with the hope it will bring prices down. To the extent reasonable, HONE wants to participate in that goal.

Members agreed the Base Compliance Plan will result in very little change. The NHP will result in a moderate but not aggressive change. Residents expressed concern for the lack of on-street and overnight parking in single family neighborhoods where there is presently no parking requirement. The Town should follow through to add pay-by-phone meters. It is the developer's interest to build something marketable; one parking space is the minimum. Parking Studies showed plenty of unused parking.

One resident said that 4 stories is too high in one area.

More strict regulations will not affect flooding where this has been a problem for 30 years. Any new building would have to be under the Stormwater Bylaw.

Brookline Oriental Rug was not included since it is a prior non-conforming use. HONE stayed away from rezoning areas not now zoned General or Single Residence.

Hartney Greymont

Lot frontage is less than 80 feet and undevelopable; a constraint already exists. This is a non-conforming lot and thus cannot be MBTA Communities Law as-of-right.

The Consultant suggested the Base Compliance model does not consider frontage. The State assumes that some parcels are non-conforming. They look at whether most parcels are non-conforming or whether you inadvertently or, on-purpose, used frontage to control the zoning knowing that it is outside the model.

MOTION: H. Frail moved and R. Ruth seconded to change the zoning for the Hartney Greymont parcel to be the same as the Chestnut St. East parcel rather than its current Chestnut St. West parcel which would make the overall heights 3 to 3.5 stories with commercial on the first floor.

Discussion: If there was hope of developing this parcel which is beautifully located across from the train station, J. McKnight stated she would vote against this, but because it will be very difficult to develop since there would have to be a finding that the reconstruction is not more detrimental than the existing construction, she will vote in favor; it being of lower height would make an easier argument.

Vote: Unanimous. **Motion Carries: 5-0**

100 West Street

Originally HONE put a Special Permit requirement on the fourth floor with a small increase in the FAR; however, the goal is for housing production. HONE has limited the ability to produce housing in the only area where there is interest to produce housing. Members discussed the Special Permit requirement versus allowing a 4th story by right. One member said there are Special Permit requests at almost every Planning Board meeting, which are rarely denied but with conditions.

The Base Compliance Plan proposes three stories with an FAR of 1.0. A Special Permit takes you to four stories with an FAR of 1.4 which is less than HONE is advocating for on Chestnut St. Members discussed changing setbacks to back up from residences to encourage building development.

A procedure for Site Plan approval influences HONE's direction for 100 West St. Town Counsel indicated it was fair game under MBTA Communities Law to have a Site Plan approval process which includes notice to abutters and possibly a hearing.

Meetings between Town Staff, Town Counsel and the Consultant indicate that after preliminary hearings, the State indicated we will have 6 months to decide on site plan approval.

The Consultant suggests the zoning text is still under discussion. You can have a Site Plan Review process. The Consultant will examine how Needham's hearing process is structured. The notice and hearing processes are tracked to the Special Permit process which is similar to other communities. This has been raised as a red flag with State reviews in other communities. The Consultant will review the zoning text. Needham will have a Site Plan Review process that includes some form of communication to residents.

Members tabled the discussion until all members were present.
At 7:44 pm, J. Levy joined the meeting.

Selection and Approval of Final Base Compliance Plan and Neighborhood Housing Plan

L. Newman reviewed the **Draft Dimensional Standards** including setbacks for both Plans from the Consultant's presentation, Needham MBTA Communities, HONE Meeting, April 4, 2024 available in the Meeting Packet at <https://www.needhamma.gov/Archive.aspx>

At 8:04 pm, K. Keane joined the meeting.

One member felt that pockets of small developments might preclude the possibility of larger developments. Another member suggested that based on capital and buying power, larger developers are more likely to increase diversity and the possibility of development.

To take advantage of the Special Permit on the existing Chestnut St. Overlay, you need a 15,000 square foot lot which is something we've already established. Having a 15,000 square foot lot doesn't prohibit small or large developers from moving forward. The goal is to spur housing development.

MOTION: H. Frail moved and K. Keane seconded to leave the lot size at 10,000 square feet for the districts of Chestnut St. Business East, Chestnut St. Business West and Chestnut St. Garden St.

Vote: M. Diener, **aye**; H. Frail, **aye**; K Keane, **aye**; L. Kaponya, **aye**; J. Levy, **aye**; J. McKnight, **aye**; R. Ruth, **aye**. **Motion Carries: 7-0**

100 West Street

Members reopened the discussion of whether to impose a Special Permit requirement for the fourth floor.

Without a Special Permit for the fourth story, the buildings are at three stories. With Special Permit, there may be 4 stories with an increased FAR of 1.0 to 1.4. The purpose of this project is for multifamily housing. This is the perfect place to increase development. There was public consensus to do so.

In talking with Planning Board members, Special Permits do not prevent multifamily housing from being built but allow for public feedback. Under existing zoning, you could have commercial there.

If we allow three stories by right, we can count all the housing that can be built up to three stories. Allowing a fourth story by Special Permit would not prevent development of a four story multifamily building on that lot. That district could come before the Planning Board who would have the discretion to deny it under the Special Permit, but it is still unlikely to be denied.

What may be an obstacle to developers is an opportunity for the Town to weigh in.
Members decided there will be no change.

Plan Distinctions

J. Levy noted that areas in the Base Compliance Plan were excluded in the NHP, which might confuse some residents. Some residents believe that the Base Compliance Plan creates some housing and the NHP

creates more housing as shown in the Consultant numbers. Residents understand the NHP plan is larger than the Base Compliance Plan. We need to make the distinctions clear at Town Meeting.

Another member expressed that using the Base Compliance Plan to comply with MBTA Communities Law uses existing zoning and does not spur housing development.

Parcels removed from the Base Compliance Plan were areas that residents would not want developed such as St. Joseph's Church. Additionally, HONE won't include Webster Green in NHP because it is already zoned Apt. A-1. HONE took it out because it would look like the NHP was developing more housing than proposed.

If we had reduced heights across Town to make the numbers more palatable but kept height in areas that were developed, then we assert that our Plan would likely produce nothing. HONE decided to protect areas that were more likely to be developed like Chestnut St. We may have ended up differently with all districts represented but none developable.

MOTION: H. Frail moved and K. Keane seconded for the HONE Committee to approve and recommend to move the final Base Compliance Plan forward as presented at the Community Meeting with the setback changes made at this meeting and that the Planning Board may choose to adjust.

Vote: Unanimous. Motion carries: 7-0

MOTION: H. Frail moved and J. McKnight seconded that the HONE Committee approve and recommend the NHP as presented at the final Community Meeting with the changes made this evening to the Hartney Greymont area which takes it to a Chestnut St. East profile and including the setbacks discussed this evening, with the understanding that though the Committee recommends both plans, this action is appropriate for discussion and is not a recommendation of every member.

Vote: Unanimous. **Motion carries: 7-0**

Presentation of Zoning Article Framework, *Emily Innes, Innes Associates; Lee Newman, Director of Planning and Community Development*

E. Innes shared the **Zoning Format** from the Consultant presentation in the **Meeting Packet**.

- Article 1 Base Compliance Plan, Multifamily Overlay District
- Article 2 Neighborhood Housing Plan, Additional Density
- Article 2 modifies Article 1. If Article 1 passes, great. If Article 2 is passed, it modifies and supersedes Article 1. If Article 1 does not pass, Article 2 will not pass either.

Additional changes: Amend **Section 2.1 Classes of Districts** to add the **Multi-Family Overlay District**.

Article 1 creates 3.17 **Multi-Family Overlay District**. She reviewed 11 sections to the Zoning Format.

3.17.1 Purpose of District

3.17.2 Scope of Authority

3.17.3 Definitions

3.17.4 Use Regulations

3.17.5 Dimensional Regulations

3.17.6 Off-street Parking

3.17.7 Other Development Standards

3.17.8 Affordable Housing

3.17.9 Site Plan Review

3.17.10 Design Guidelines

3.17.11 Severability

A third Article with the Map changes has yet to be written - one Map Article for each of the two Plans.

Site Plan Review

One member hopes we can reference what is either in the current zoning or to be written into the zoning for Site Plan Review because this cannot be more strict than is applied to any other use.

K. King stated that Town Counsel has said that we cannot use what is currently written in our existing Zoning Bylaw for Site Plan Review because it is not specific enough. By putting specificity in the Site Plan Review for this, it is not a higher level of requirement, and, it may be lower because vagueness could be much more strict. We are working toward specificity.

Severability

One member questioned the section of Severability; for example, HONE had looked at parking holistically as a package. If the off-street parking section was challenged, we could have zoning in place that conflicts with the State requirements for MBTA Communities.

The Consultant is concerned with the lack of State guidance regarding Design Guidelines and Development Standards whether too specific or not specific enough. We don't want all of the zoning to be rejected because they don't like the Design Guidelines or one particular section.

The Town must submit the Compliance Model, Map, Zoning, and Zoning Bylaw to the State. Challenges to off-street parking or dimensional standards impact the Compliance Model and require discussion rather than rejection. This ensures compliance with the model and zoning affecting the overall application process. This has implication for compliance in the model as well as zoning.

K. King stated that the Executive Office of Housing and Livable Communities (EOHLC) is reviewing zoning compliance with MBTA Communities Law 3A. The Attorney General's (AG) office reviews the zoning for State constitutionality. If a component is removed, the severability section allows the remaining zoning to be valid. However, compliance with EOHLC may be lost and a zoning amendment would be needed to ensure compliance.

R. Ruth stated that the primary reason to have the severability section is that if in the future, a judge finds some component to be not compliant with law (that is completely unforeseen at this time), it doesn't remove the entire section. The rest of the section can still stand without a piece that is removed.

Severability is currently in our bylaw.

Members confirmed with the Consultant that if the AG's office were to reject the Base Compliance Plan, Article 2, NHP, does not stand alone but modifies Article 1, Base Compliance Plan.

The rationale for not having Article 2, NHP be a 100% replacement of Article 1, Base Compliance Plan is that you've got to print all of Article 1 and all of Article 2 with the additional changes between the two. There is a lot of paper and reading for voters and a lot of opportunities for the text to be changed inadvertently from Article 1 to Article 2. Consultants propose it is cleaner to put in Article 2 the modifications to Article 1. The more paper you place in front of Town Meeting members, the more opportunity there is for confusion. It's more clear if they only see the changes.

ACTION: R. Ruth recommended Consultants run this idea by the Town Meeting Moderator.

Article 2

The Consultant went through the **Draft Purpose**. Article 2 modifies both Use and Dimensional Regulations.

ACTION: Members will send suggested text edits to Consultant, E. Innes.
The Consultant will send HONE members a clean copy of the revised Zoning draft.

Staff would like to add a HONE meeting when the Zoning Bylaw language is ready, in advance of the 4/25 meeting.

Review List of Items to be Referred to the Planning Board for Further Study

See the Meeting Packet at: <https://www.needhamma.gov/Archive.aspx> for HONE Recommendations to the Planning Board. Members discussed each recommendation.

Next Steps

HONE Meeting - 4/18, 7:00 pm

Adjourn

MOTION: J. McKnight moved and H. Frail seconded to adjourn the meeting at 9:31 pm.

Vote: Unanimous. **Motion Carries: 7-0**

Informational - The Meeting Packet is available at: <https://www.needhamma.gov/Archive.aspx>

Watch HONE meetings: <https://www.youtube.com/user/TownofNeedhamMA>

Maps can be found at <https://www.ma.gov/mbta>

To learn more and subscribe to updates on the multi-family zoning initiative in Needham, please **visit the project page on the Town's website**.

Respectfully submitted,

Dale Michaud
Recording Secretary