NEEDHAM PLANNING BOARD
Tuesday January 21, 2025
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 Hearing:

   7:00 p.m. Amendment to Major Project Site Plan Special Permit No. 1997-08: EP 63 Kendrick Realty, LLC, c/o Edgewater Properties, LLC, 14 Mica Lane, Suite 202, Wellesley, MA, 02481, Petitioner. (Property located at 63 Kendrick Street, f/k/a 155 Fourth Avenue, Needham, Massachusetts). Regarding request to make certain revisions to the site and building.

2. Transfer of Permit: Major Project Site Plan Special Permit No. 2008-01: Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard, 2 Thoroughbred Lane, Sherborn, Massachusetts 01770, to Frozen Custard Greater Boston One LLC, Petitioner. (Property located at 934 Great Plain Avenue, Needham, Massachusetts).

3. Discussion and Vote to submit an action plan for interim compliance to the Executive Office of Housing and Livable Communities, which shall consist of the Base Compliance Plan.

4. Discussion and Vote to submit to the Select Board the set of zoning amendments known as the Base Compliance Plan to initiate the process of amending the zoning by-laws in accordance with M.G.L. c. 40A §5.

5. Attorney Christopher Heep – discussion of state draft regulations on Accessory Dwelling Units.

6. Discussion and Vote to appoint Bill Paulsen to the Large House Review Committee Pursuant to M.G.L. c.268A, §19(b).

7. Board of Appeals – January 29, 2025.

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.)

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

Legal Notice
Town of Needham
Planning Board Public Hearing

63 Kendrick Street, f/k/a 155 Fourth Avenue in New England Business Center Zoning District – EP 63 Kendrick Realty, LLC, c/o Edgewater Properties, LLC, 14 Mica Lane, Suite 202, Wellesley, MA, 02481 applied for a Major Project Site Plan Special Permit Amendment under Zoning By-Law Section 7.4 and Section 4.2 of Major Project Site Plan Special Permit No. 1997-08, to allow the Petitioner to modify and alter the Building and the site, and for a Special Permit for the change, extension and alteration of a pre-exiting, non-conforming use or building under Zoning By-Law Section 1.4.6 and for a Special Permit to waive the requirements of Section 4.8.1 concerning the setback of surface parking from the intersection of the exterior street lines of a corner lot up to a maximum percentage of 25% and any other applicable sections of the By-Law for the proposed building and site modifications. Hearing: Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Tuesday, January 21, 2025 at 7:00 p.m.

Meeting Zoom link https://us02web.zoom.us/j/88046725264

Info: planning@needhamma.gov or (781) 455-7550

The application may be viewed at this link:
https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID= .

Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (http://masspublicnotices.org/).

Boston Globe, January 7, 2025.
Hometown Weekly, January 9, 2025 & January 16, 2025.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland
TELEPHONE (617) 840-3570 FAX (781) 465-6059

December 12, 2024

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

Re: Application for Further Site Plan Review and Zoning Relief
EP 63 Kendrick Realty, LLC
63 Kendrick Street, Needham, MA

Dear Lee,

Please be advised that I represent EP 63 Kendrick Realty, LLC (hereinafter, the "Applicant") owner of the property currently known and numbered 63 Kendrick Street, f/k/a 155 Fourth Avenue (the "Premises"). In connection therewith, submitted herewith, in electronic and hard copy format please find the following:

1. Completed Site Plan Review Application with Exhibit A and Addendum A;

2. Authorization letter of EP 63 Kendrick Realty, LLC;

3. Site Plan Review plan set, consisting of the following sheets:
   a. Sheet A.000 - Cover Sheet
   b. Sheet V.101 - Locus Plan, dated 11/20/24;
   c. Sheet V.102 - Existing Conditions, dated 11/20/24;
   d. Sheet V.103 - Plot Plan, dated 11/20/24;
   e. Sheet C1.10 - Site Plan, dated 11/20/24;
   f. Sheet C1.20 - Grading, Drainage & Utility Plan, dated 11/20/24;
   g. Sheet L1.0 – Site Preparation Plan, dated 11/20/24;
   h. Sheet L2.0 – Landscape Plan, dated 11/20/24;
   i. Sheet L3.0 – Planting Plan, dated 11/20/24;
   j. Sheet L.3.1 – Planting Plan Enlargements, dated 11/20/24;
   k. Sheet L4.0 – Planting Palette Images, dated 11/20/24;
   l. Sheet L4.1 – Site Improvement Details, dated 11/20/24;
   m. Sheet L4.2 - Site Improvement Details, dated 11/20/24;
   n. Sheet Ex.101 – Existing First Floor Plan, dated 11/20/24;
   o. Sheet Ex.102 – Existing Second Floor Plan, dated 11/20/24;
   p. Sheet Ex.103 – Existing Roof Plan, dated 11/20/24;
   q. Sheet Ex.200 – Existing Elevations, dated 11/20/24;
   r. Sheet Ex.300 – Existing Building Photos, dated 11/20/24;
   s. Sheet Ex.301 – Existing Building Photos, dated 11/20/24;

t. Sheet A.101 – Proposed First Floor Plan, dated 11/20/24;
u. Sheet A. 102 – Proposed Second Floor Plan, dated 11/20/24;
v. Sheet A.103 – Proposed Roof Plan, dated 11/20/24;
w. Sheet A.200 – Proposed Exterior Elevations, dated 11/20/24;
x. Sheet A.201 – Signage Details, dated 11/20/24;
y. Sheet A.300 – Materials, dated 11/20/24;
z. Sheet L-1 - Photometrics, dated 11/19/24; and

4. Check no. 000002 in the amount of $9,877.60 for the applicable filing fee.

The Premises is identified as Parcel 6 on Town of Needham Assessor's Map No. 300. It is located in the New England Business Center Zoning District (the "NEBC") at the corner of Kendrick Street and Fourth Avenue, and contains approximately 261,361 square feet of area, with approximately 372.99 feet of frontage on Kendrick Street and approximately 739.89 of frontage on Fourth Avenue. The Premises is currently fully developed, and is occupied by an existing commercial building (the "Building"), permitted and constructed pursuant to Site Plan Special Permit Decision, Application #97-8, filed with the Town Clerk on August 8, 1997, filed with the Norfolk County Registry District of the Land Court as Document No. 771815, as affected by Site Plan Special Permit Amendment Decision, dated March 17, 1998, filed with said Registry District as Document No. 822218 and Amendment No. 2, dated December 19, 2006.

The existing Building, which contains approximately 105,900 square feet of floor area, consists of a one story portion and a smaller two story portion, as well as an open courtyard area in the approximate middle of the structure. The Building is served by two separate parking areas; a smaller area in the front of the building, accessed from Kendrick Street, and a larger area in the rear of the building, accessed from Fourth Avenue. The balance of the site is occupied by landscaping and walkways.

The existing Building is set back from Kendrick Street a distance of 70.9 feet and from Fourth Avenue a distance of 34.9 feet, at the closest points. It is set back from the boundary line on the northwest side a distance of 290.6 feet and from the southwest side, a distance of 19.6 feet. At the time the Building was permitted and constructed, there was no applicable side yard setback.[1] However, the By-Law was subsequently amended to include a minimum side yard setback requirement of 20 feet. As a result, the southwest side of the building is now lawful, pre-existing, non-confirming as to the subsequently adopted side yard setback requirement.

The Applicant desires to modify and alter the Building and the site, as follows. First, the Applicant is proposing two small additions, one in the front of the Building and one in the rear. These will create new and improved entryways. Second, the existing loading area, in the northeast corner of the Building will be reconfigured. Third, a new loading area will be added to the northwest corner of the Building. Fourth, the open courtyard area, in the middle of the structure, will be enclosed to make new, interior, first floor space. Fifth, a portion of the existing second floor space will be removed and left open to the floor below. Sixth, the entire exterior of the Building will renovated and given an updated aesthetic treatment. Seventh, the two parking areas and the landscaping will be altered and updated.

[1] Whereas the Premises is located on a corner, it has two fronts and two sides, and no applicable rear yard.

As discussed in detail below, following completion of the proposed alterations, the Building will comply with all applicable dimensional and density requirements, with the sole exception of the existing setback non-conformity along the southwest side, which is not being changed or altered in any material way. Furthermore, the parking areas and exterior landscaping will also comply with applicable requirements, except to the extent that they too do not comply with subsequently enacted requirements.

Analysis

I. Use

The Building has been used primarily for office purposes since it was first permitted and constructed in or about 1997. The current intention and proposal is for such use to generally continue, although it is contemplated that such use may include aspects of light manufacturing and assembly. Pursuant to Section 3.2.4.1(c) of the Zoning By-Law, professional, business, and administrative offices are all allowed by right, and pursuant to Section 3.2.4.1(h), light non-nuisance manufacturing, including but not limited to the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, are also permitted as of right. Therefore, the contemplated use of the Premises will comply with the By-Law and will not require any special permit or other zoning relief.

II. Dimensional and Density Requirements – Section 4.8

A. Lot Area and Frontage

As mentioned above, the Premises contains approximately 261,361 square feet of area, with approximately 372.99 feet of frontage on Kendrick Street and approximately 739.89 of frontage on Fourth Avenue. Pursuant to Section 4.8 of the By-Law, lots in the NEBC District are required to contain a minimum of 40,000 square feet of area and to consist of a minimum of 100 feet of frontage. Therefore, the Premises exceeds both the minimum frontage and the minimum area requirements and is in compliance with the By-Law.

B. Building Related Dimensional and Density Requirements

Pursuant to Section 4.8 of the By-Law, the maximum floor area ratio ("FAR") applicable to the Premises is 1.0 and the maximum lot coverage is 65%. Following completion of the proposed alterations, the FAR of the Building will be .374 and the lot coverage will be 32.6%.[2] Therefore, the Premises will more than comply with the applicable FAR and lot coverage requirements.

Pursuant to Section 4.8 of the By-Law, a minimum front yard setback of 15 feet is required. Whereas the Building, as modified and altered, will be set back 70.9 feet from Kendrick Street and 39.8 feet from Fourth Avenue at its closest points, it will comply with such requirement.

[2] The FAR of the existing Building is .405 and the lot coverage is 29.9%. Because the result of the proposed alterations will be a net reduction in floor area, FAR is reduced. However, there is a small increase in impervious surface across the site, resulting in a slight increase in lot coverage.

Pursuant to Section 4.8 of the By-Law, a minimum side yard setback of 20 feet is required. Whereas the Building, as modified and altered, will be set back 278.7 feet from the sideline on the northwesterly side, it will comply with such requirement relative to that side. However, as discussed above, the southwesterly side of the existing Building is set back only 19.6 feet from the boundary line; less than the applicable requirement. No alteration is being made to this setback, and the Building will not be expanded any closer to this lot line. However, whereas the Building is non-conforming in this regard, a special permit pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-conforming building is required.

Pursuant to Section 4.8 of the By-Law, the maximum height applicable to the Premises is 72 feet. The Building height is currently 29.6 feet and this will not be changed or altered as a result of the proposed modifications to the Building. Therefore, the Building will continue to comply with such requirement.

III. Supplemental Dimensional Regulations – Section 4.8.1

Pursuant to Section 4.8.1 (1), surface parking lots may not be located within 50 feet of the intersection of the exterior street lines of a corner lot. Whereas the existing surface parking lot in the front of the Building, on the Kendrick Street side is less than 50 feet from the intersection of Kendrick Street and Fourth Avenue, the existing lot does not comply with such requirement. However, this requirement did not exist in 1997 when the Building and associated site improvements were permitted and constructed. Therefore, this parking lot is a lawful pre-existing, non-confirming use and/or structure. While the distance between the lot and the intersection is not being reduced, the interior of the lot is being reconfigured. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-conforming use and/or structure is required, and / or a special permit pursuant to Section 4.8.3 waiving the aforesaid requirement up to a maximum percentage of 25%.[3]

Pursuant to Section 4.8.1 (2), all surface parking shall be located to the side or rear of the principal building and a landscaped buffer area of not less than 20 feet is required along the street frontage. Whereas the existing parking lot on the Kendrick Street side of the Building is located in the front of the Building, same does not comply with such requirement. However, this requirement did not exist in 1997 when the Building and associated site improvements were permitted and constructed. Therefore, the location of the Kendrick Street parking area in the front of the Building constitutes a lawful pre-existing, non-confirming use and/or structure. And while this parking area is not being expanded the interior is being altered and reconfigured. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-conforming use and/or structure is required.

Pursuant to Section 4.8.1(4), a minimum of 25% of the total lot area must be landscaped open space. The total amount of existing landscaped open space is currently 19.8%, and in connection with the proposed alterations, this will be increased slightly, to 19.9%. Whereas this landscaped open space requirement did not exist when the Building and associated site improvements were permitted and constructed in 1997, the current non-conformity is lawful, pre-existing. And while

[3] As applied to this requirement, such waiver would equate to a reduction of 12.5 feet, reducing the applicable distance from 50 feet to 37.5 feet.

the proposed alterations will reduce the amount of the non-conformity, the Premises will still not comply with the requirement. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-conforming use and/or structure is required.

Pursuant to Section 4.8.1(5), the Building must have a public entrance facing one or more of the streets on which the building fronts. Whereas the Building at present and following completion of the proposed alterations will have a public entrance on the Kendrick Street side, the Building will comply with this requirement.

Pursuant to Section 4.8.1(6), the Building cannot have an uninterrupted facade length greater than 300 feet. Whereas the longest uninterrupted façade length of the Building following the proposed alterations and modifications will be 279 feet, along the southwest side, the Building will comply with this requirement.

IV. Parking

A. Demand

Pursuant to Section 5.1.2 of the By-Law, total parking demand for the Premises, based on its contemplated use for office purposes will be 327 spaces, calculated as follows: 97,886 square feet of area @ 1 space / 300 square feet: 97,886 ÷ 300 = 326.29 = 327 (rounded up).

There are currently a total of 353 parking spaces provided on site. However, in connection with the proposed alterations, 23 spaces will be removed. As a result, the total number of spaces will be reduced to 330. Whereas this is still greater than the number of spaces required, the Premises, as modified and altered, will comply with the applicable off-street parking demand requirements.

B. Design

As affected by the proposed modification and alterations, and with the exception of the non-confirming aspects of the Kendrick parking area discussed above, both the front parking area and the rear parking will comply with all applicable design requirements as set forth at Section 5.1.3 of the By-Law and no waiver will be required.

V. Site Plan Analysis

(a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air.

The Applicant asserts that the continued use of the Premises for office purposes does not constitute a “seriously detrimental use” within the terms of the By-Law. The Premises is bounded on two sides by streets and on the remaining two sides by fully developed commercial properties. Therefore, the Applicant asserts that no additional sound and sight buffers are required, and that views, light and air are not materially affected and certainly not in any negative way.

(b) Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

The Applicant is of the opinion that it has provided for safe and convenient vehicular and pedestrian movement within the site and on adjacent streets in connection with the redesign of the parking areas. The site is fully developed and the existing driveway openings that serve the two parking areas are not being relocated or modified in any material way. The Applicant is of the opinion that same are of adequate width and situated in appropriate locations.

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.

The site is currently fully developed with parking located in two separate areas: one in the front of the Building and one in the rear. The location and general function of the existing parking areas is not being altered or changed in any material way. While the number of spaces is being reduced, so too is the amount of required parking, with more parking being provided than required. The Building is readily accessible from both parking areas, and updated and expanded loading areas are being provided. Therefore, based on the contemplated use of the Building and the proposed reconfiguration of the interior of the existing parking areas, the Applicant is of the opinion that the arrangement of parking and loading spaces is adequate.

(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

As part of the proposed alterations to the loading area in the northeast corner of the Building a dumpster and a trash compactor will be installed. These are anticipated to be sufficient to serve the contemplated use of the Building for office purposes. Therefore, the Applicant asserts that the methods of waste disposal are adequate for the Premises and its proposed use.

(e) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law.

The Premises is situated in a highly developed commercial office and industrial park and is bounded on two sides by fully developed commercial properties. The other two sides are bounded by streets, one of which (Kendrick Street), is a major thoroughfare. While there is substantial woodland area to the northeast of the Premises, across Fourth Avenue, the site is currently fully developed and the proposed alterations will not materially alter the relationship of the Building or site to that area in any material way. As a result, the proposed alterations are not anticipated to have any significant negative effect on any community assets or any adjacent landscape, buildings and structures.

(f) Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets.

The site is currently fully developed and no significant or material enlargement or alteration is proposed that is reasonably likely to cause or create any impact to the Town's resources. The Premises has been used and occupied for several years for substantially the same purpose as currently contemplated. As a result, the proposed alterations are not anticipated to substantially or materially increase or alter the need for any Town resources

VI. Conclusion

Based on the foregoing, the Applicant asserts that the proposed alterations to the existing Building and the site, and their continued use for office purposes is both proper and appropriate. The contemplated use of the Premises is allowed by right and is consistent with the uses currently existing and permitted within the zoning district. The proposed alterations to the Building and the site are not reasonably likely to materially alter or affect the function or impact of the Premises in any meaningful way. Provided the requested special permits are granted, the Building, as modified and altered will comply with applicable density and dimensional requirements or remain lawfully pre-existing, non-conforming.

Please schedule this matter for the next available hearing of the Board. In the meantime, if you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

George Giunta, Jr.

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	63 Kendrick Street, Needham, MA 02492
Name of Applicant	EP 63 Kendrick Realty, LLC
Applicant's Address	C/O Edgewater Properties, LLC 14 Mica Lane, Suite 202, Wellesley, MA 02481
Phone Number	781-552-4558 (Mitchell A. Kassler)

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

Property Owner's Name	Same as Above
Property Owner's Address	Same as Above
Telephone Number	Same as Above

Characteristics of Property: Lot Area 261,361 SF Present Use Office
Map # 300 Parcel # 6 Zoning District: New England Business Center (NEBC)

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

See Exhibit A for description and Addendum A for list of relief requested.

EP 63 Kendrick Realty, LLC, by its attorney,

Signature of Applicant (or representative) _____ George Giunta, Jr., Esq.
Address if not applicant: 281 Chestnut Street, Needham, MA 02492
Telephone # 617-840-3570
Owner's permission if other than applicant See authorization letter provided herewith

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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 _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____
NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

EXHIBIT A
TO
APPLICATION FOR SITE PLAN REVIEW
of
EP 63 Kendrick Realty, LLC
63 Kendrick Street
Needham, Massachusetts

Description of Project

The project consists of the renovation and alteration of the existing building and associated site improvements at the property known and numbered 63 Kendrick Street, Needham, MA including, but not limited to the following:

1. Construction of new addition and new landscaping and hardscape at the front of the building to create a new entryway;
2. Construction of new addition at the rear of the building to create new entryway;
3. Reconfiguration and modification of existing loading area in the northeast corner of the building;
4. Installation of new loading area in the northwest corner of the building;
5. Infill of the existing open courtyard area and inclusion of such area as part of useable first floor space;
6. Removal of a portion of the existing second floor space, leaving such area open to the floor below;
7. Renovation and alteration of the fit and finish of the exterior of the building to upgrade and improve its appearance;
8. Reconfiguration within the existing front parking area;
9. Reconfiguration of the rear parking area; and
10. Changes and upgrades to site landscaping.

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
of
EP 63 Kendrick Realty, LLC
63 Kendrick Street
Needham, Massachusetts

List of Relief Requested

The following relief is or may be required, and is hereby requested:

1. Special Permit pursuant to Section 7.4 of the Zoning By-Law for further Major Project Site Plan Review;

2. Waiver, pursuant to Section 7.4.4 of the Zoning By-Law for the submission of any information not provided in these materials or otherwise submitted herewith;

3. Special Permit pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-confirming use or building;

4. Special Permit pursuant to Section 4.8.3, waiving the requirements of Section 4.8.1 concerning setback of surface parking from the intersection of the exterior street lines of a corner lot up to a maximum percentage of 25%; and

5. Any and all additional relief required or necessary for the proposed renovation and alteration of the existing commercial building and associated parking and landscaping areas at the property known and numbered 63 Kendrick Street, as detailed in the plans and materials submitted herewith.

Notwithstanding any of the above or anything in these materials to the contrary, the Applicant reserves and requests the right to revise the interior layout of the building, without the need for further review, provided, in all cases, that the building footprint is not increased or expanded and that the total parking demand, calculated in accordance with the Zoning By-Law, shall not be increased.

EP 63 Kendrick Realty LLC
C/O Edgewater Properties, LLC
14 Mica Lane, Suite 202
Wellesley, MA 02481

November 25, 2024

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

Re: 63 Kendrick Street, Needham, MA
Application for Further Site Plan Review and Zoning Relief

Dear Mrs. Newman,

Please accept this letter as confirmation that EP 63 Kendrick Realty LLC, owner of the property known and numbered 63 Kendrick Street, Needham, MA, f/k/a 155 Fourth Avenue (the "Premises"), has authorized its attorney George Giunta, Jr., Esquire, to make application for further site plan review, special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the contemplated renovation and alteration of the Premises and the existing building situated thereon. 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 and Application for Design Review Board Review.

Sincerely,

EP 63 KENDRICK REALTY LLC

By: Edgewater Properties, LLC,
its Manager

By: _____
Mitchell A. Kassler, Manager

11/20/2024

63 KENDRICK STREET

63 Kendrick Street
Needham, MA

SITE PLAN REVIEW

LIST OF DRAWINGS

GENERAL
A.000 COVER SHEET

SITE SURVEY
V.101 LOCUS PLAN
V.102 EXISTING CONDITIONS
V.103 PLOT PLAN

CIVIL
C1.10 SITE PLAN
C1.20 GRADING, DRAINAGE & UTILITY PLAN

LANDSCAPE
L1.0 SITE PREPARATION PLAN
L2.0 LANDSCAPE PLAN
L3.0 PLANTING PLAN
L3.1 PLANTING PLAN ENLARGEMENTS
L4.0 PLANTING PALETTE IMAGES
L4.1 SITE IMPROVEMENT DETAILS
L4.2 SITE IMPROVEMENT DETAILS

EXISTING
EX.101 EXISTING FIRST FLOOR PLAN
EX.102 EXISTING SECOND FLOOR PLAN
EX.103 EXISTING ROOF PLAN
EX.200 EXISTING ELEVATIONS
EX.300 EXISTING BUILDING PHOTOS
EX.301 EXISTING BUILDING PHOTOS

ARCHITECTURAL
A.101 PROPOSED FIRST FLOOR PLAN
A.102 PROPOSED SECOND FLOOR PLAN
A.103 PROPOSED ROOF PLAN
A.200 PROPOSED EXTERIOR ELEVATIONS
A.201 SIGNAGE DETAILS
A.300 MATERIALS

LIGHTING
L-1 PHOTOMETRICS

Project Directory

ARCHITECT
STA Design, Inc
308 Congress Street, 5th Floor
Boston, MA 02210
617.426.1501
sta-design.com

DEVELOPER
Edgewater Properties, LLC
14 Mica Lane, Suite 202
Wellesley, MA 02481
781.552.4558
edgewaterproperties.net

LANDSCAPE ARCHITECT
Gregory Lombardi Design Incorporated
221 Boston Road
North Billerica, MA 01862
617.492.2808
lombardidesign.com

CIVIL ENGINEER
Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346
508.967.0673
sde-ldec.com

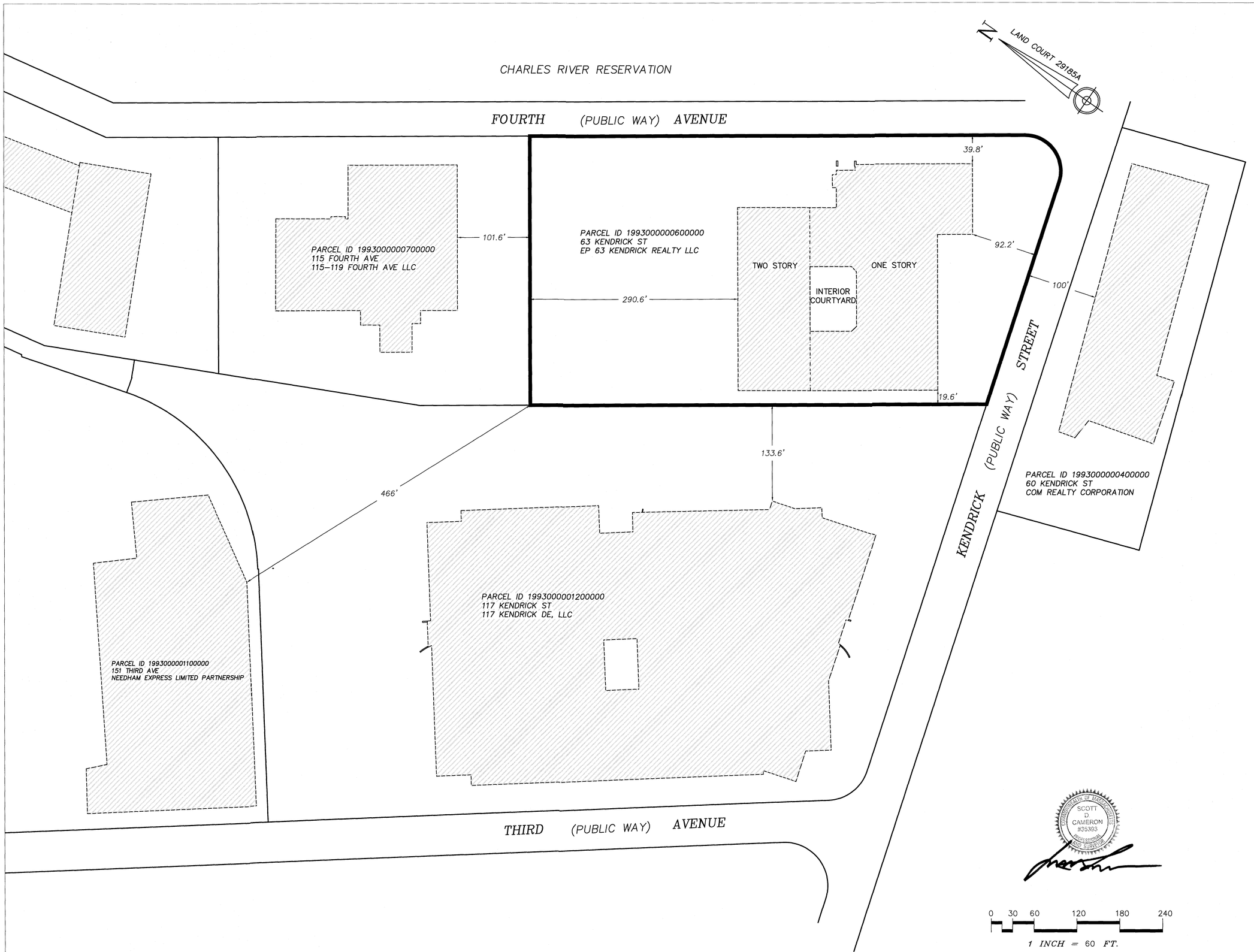
SITE SURVEYOR
R.E. Cameron & Associates, Inc
681 Washington Street
Norwood, MA 02062
781.769.1777
recameron.com

SYSTEMS ENGINEER
Engineered Systems, Inc
304 Cambridge Road, Suite 510
Woburn, MA 01801
781.569.6523
esiboston.com

STRUCTURAL ENGINEER
Bouchard Engineering, PLLC
561 Windsor Avenue, A402
Somerville, MA 02143
617.201.6160
bouchard-eng.com

63 KENDRICK STREET 24.050

11/19/2024 3:40:22 PM



EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

R.E. Cameron & Associates, Inc.
Land Surveyors ~ Civil Engineers
681 Washington Street, Norwood, MA 02062
Tel.(781) 769-1777 Fax (781) 769-8644

STADESIGN

308 Congress Street, 5th Floor
Boston, MA 02210
617.426.1501
www.sta-design.com

COMMONWEALTH OF MASSACHUSETTS
SCOTT D CAMERON #35393
REGISTERED PROFESSIONAL LAND SURVEYOR

NOT FOR CONSTRUCTION

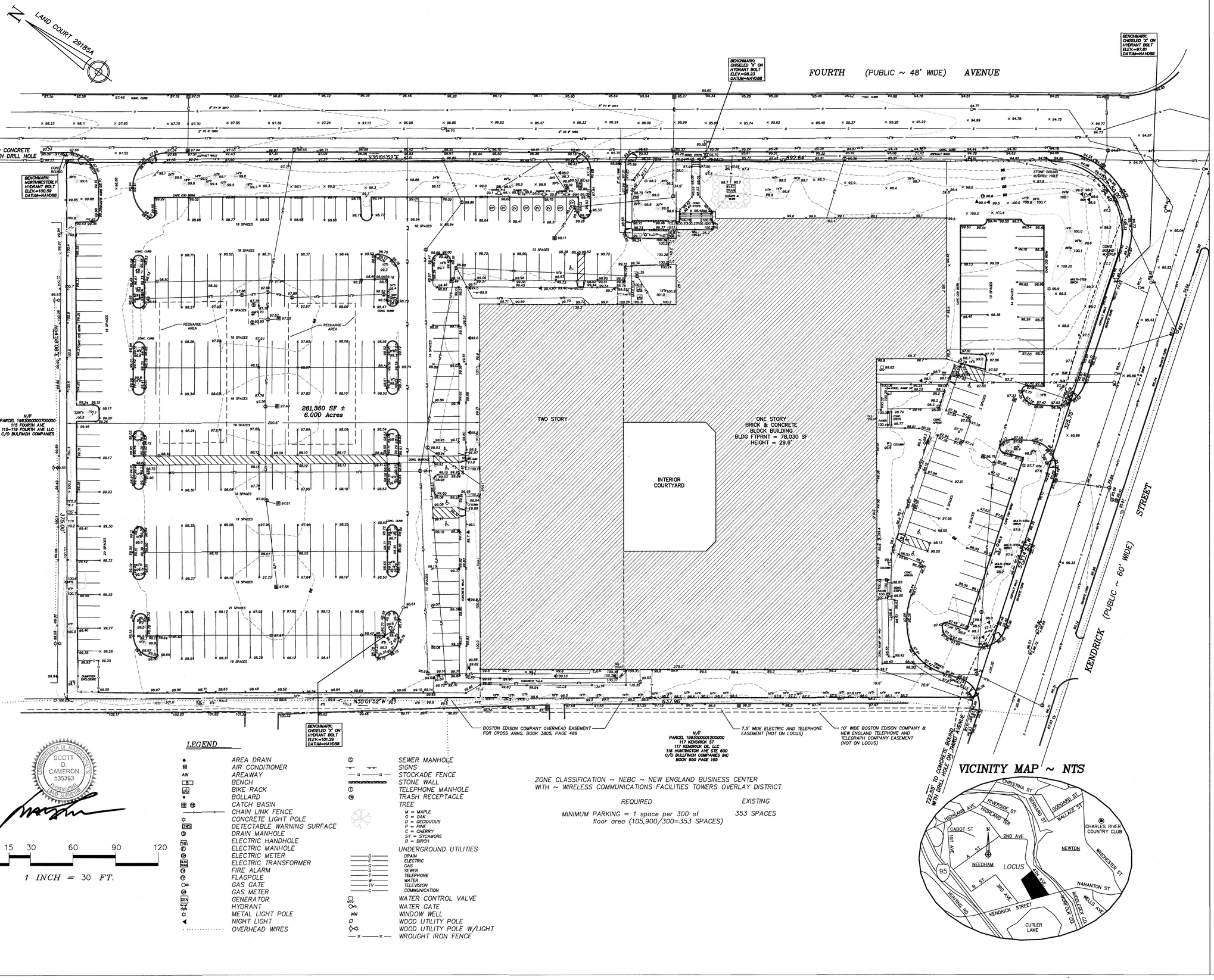
SITE PLAN REVIEW

No.	Description	Date

Scale	1" = 60'
Project Number	4587LOC
Date	11/20/24
Drawn by	SLS
Checked by	SDC

V.101

LOCUS PLAN



SCOTT D. CAMERON #35393 REGISTERED LAND SURVEYOR COMMONWEALTH OF MASSACHUSETTS

0 15 30 60 90 120

1 INCH = 30 FT.

LEGEND

- AREA DRAIN
- AIR CONDITIONER
- AW AREAWAY
- BENCH
- BIKE RACK
- BOLLARD
- CATCH BASIN
- CHAIN LINK FENCE
- CONCRETE LIGHT POLE
- DWS DETECTABLE WARNING SURFACE
- DRAIN MANHOLE
- ELECTRIC HANDHOLE
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- FIRE ALARM
- FLAGPOLE
- GAS GATE
- GAS METER
- GEN GENERATOR
- HYDRANT
- METAL LIGHT POLE
- NIGHT LIGHT
- OVERHEAD WIRES
- SEWER MANHOLE
- SIGNS
- STOCKADE FENCE
- STONE WALL
- TELEPHONE MANHOLE
- TRASH RECEPTACLE
- TREE
  - M = MAPLE
  - O = OAK
  - D = DECIDUOUS
  - P = PINE
  - C = CHERRY
  - SY = SYCAMORE
  - B = BIRCH
- UNDERGROUND UTILITIES
  - D DRAIN
  - E ELECTRIC
  - G GAS
  - S SEWER
  - T TELEPHONE
  - W WATER
  - TV TELEVISION
  - C COMMUNICATION
- WV WATER CONTROL VALVE
- WG WATER GATE
- WW WINDOW WELL
- WOOD UTILITY POLE
- WOOD UTILITY POLE W/LIGHT
- WROUGHT IRON FENCE

ZONE CLASSIFICATION ~ NEBC ~ NEW ENGLAND BUSINESS CENTER WITH ~ WIRELESS COMMUNICATIONS FACILITIES TOWERS OVERLAY DISTRICT

	REQUIRED	EXISTING
MINIMUM PARKING = 1 space per 300 sf floor area (105,900/300=353 SPACES)		353 SPACES

VICINITY MAP ~ NTS

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

R.E. Cameron & Associates, Inc.
Land Surveyors ~ Civil Engineers
681 Washington Street, Norwood, MA. 02062
Tel.(781) 769-1777 Fax (781) 769-8644

STADESIGN

308 Congress Street, 5th Floor
Boston, MA 02210
617.426.1501
www.sta-design.com

NOT FOR CONSTRUCTION

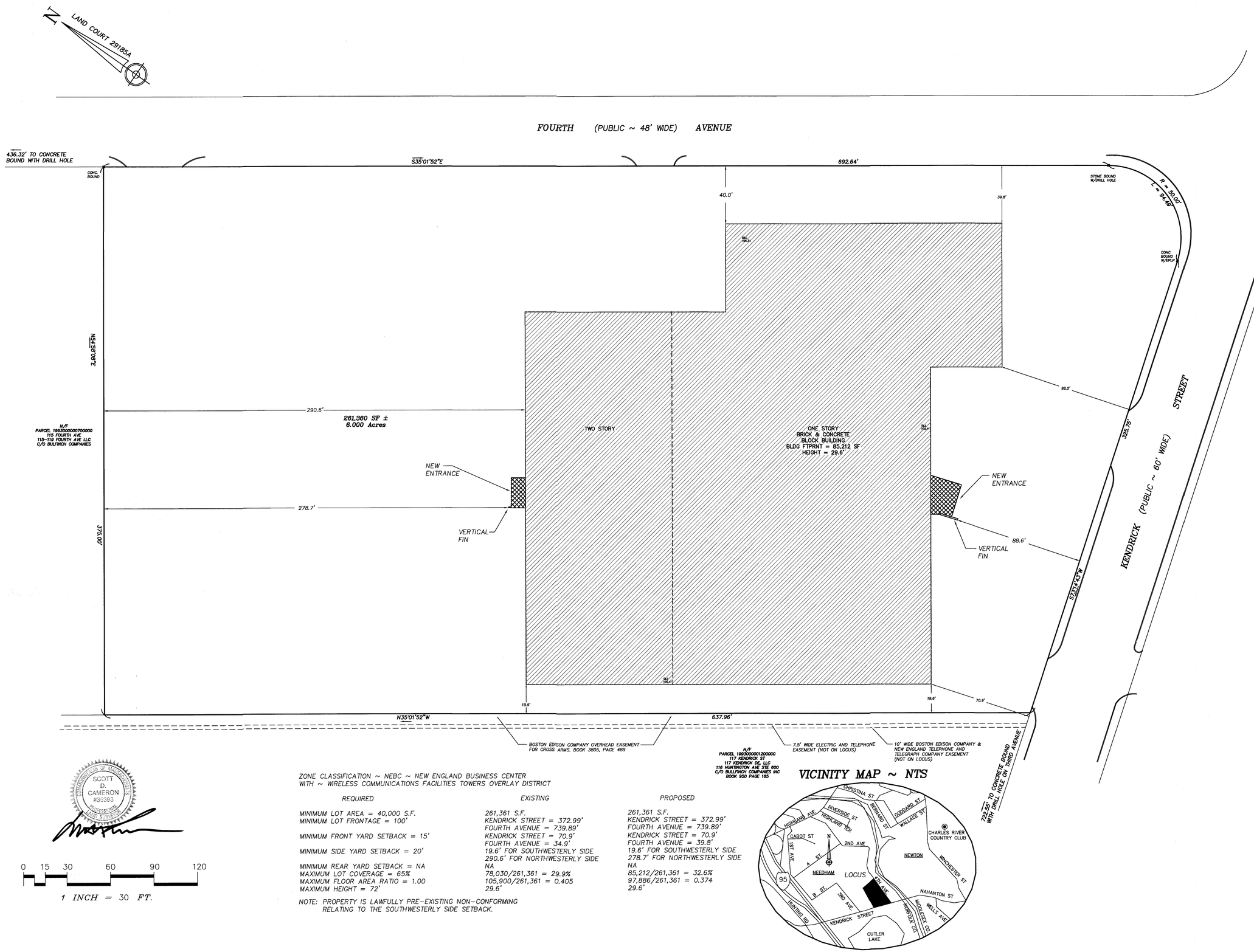
SITE PLAN REVIEW

No.	Description	Date

Scale	1" = 30'
Project Number	4587EC
Date	11/20/24
Drawn by	SLS
Checked by	SDC

V.102

EXISTING CONDITIONS



SCOTT D. CAMERON #53383 REGISTERED PROFESSIONAL LAND SURVEYOR
COMMONWEALTH OF MASSACHUSETTS

0 15 30 60 90 120

1 INCH = 30 FT.

ZONE CLASSIFICATION ~ NEBC ~ NEW ENGLAND BUSINESS CENTER
WITH ~ WIRELESS COMMUNICATIONS FACILITIES TOWERS OVERLAY DISTRICT

	REQUIRED	EXISTING	PROPOSED
	MINIMUM LOT AREA = 40,000 S.F.	261,361 S.F.	261,361 S.F.
	MINIMUM LOT FRONTAGE = 100'	KENDRICK STREET = 372.99' FOURTH AVENUE = 739.89'	KENDRICK STREET = 372.99' FOURTH AVENUE = 739.89'
	MINIMUM FRONT YARD SETBACK = 15'	KENDRICK STREET = 70.9' FOURTH AVENUE = 34.9'	KENDRICK STREET = 70.9' FOURTH AVENUE = 39.8'
	MINIMUM SIDE YARD SETBACK = 20'	19.6' FOR SOUTHWESTERLY SIDE 290.6' FOR NORTHWESTERLY SIDE	19.6' FOR SOUTHWESTERLY SIDE 278.7' FOR NORTHWESTERLY SIDE
	MINIMUM REAR YARD SETBACK = NA	NA	NA
	MAXIMUM LOT COVERAGE = 65%	78,030/261,361 = 29.9%	85,212/261,361 = 32.6%
	MAXIMUM FLOOR AREA RATIO = 1.00	105,900/261,361 = 0.405	97,886/261,361 = 0.374
	MAXIMUM HEIGHT = 72'	29.6'	29.6'

NOTE: PROPERTY IS LAWFULLY PRE-EXISTING NON-CONFORMING RELATING TO THE SOUTHWESTERLY SIDE SETBACK.

VICINITY MAP ~ NTS

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

R.E. Cameron & Associates, Inc.
Land Surveyors ~ Civil Engineers
681 Washington Street, Norwood, MA. 02062
Tel.(781) 769-1777 Fax (781) 769-8844

STADESIGN

308 Congress Street, 5th Floor
Boston, MA 02210
617.426.1501
www.sta-design.com

NOT FOR CONSTRUCTION

SITE PLAN REVIEW

No.	Description	Date

Scale	1" = 30'
Project Number	4587PP
Date	11/20/24
Drawn by	SLS
Checked by	SDC

V.103

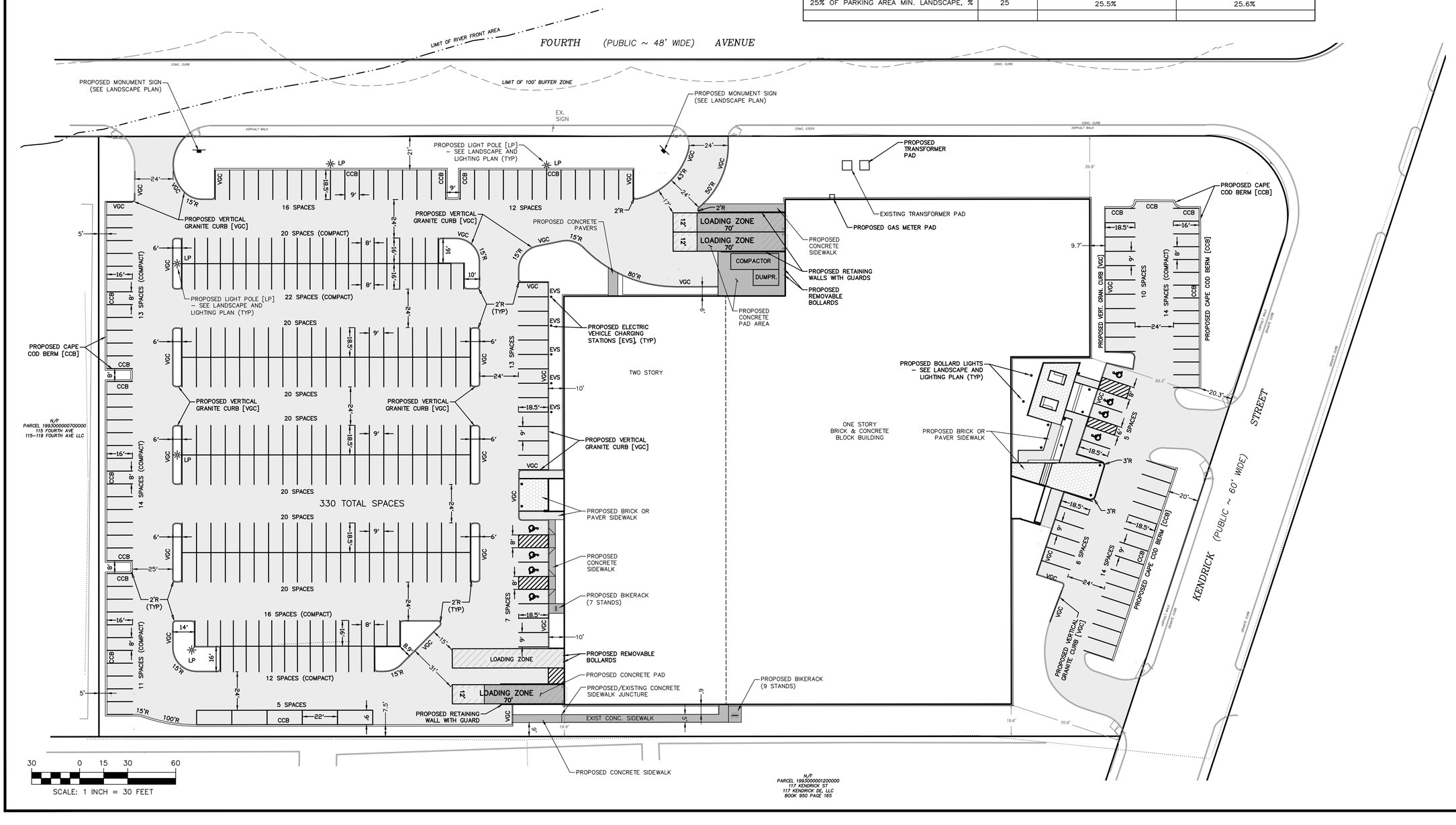
PLOT PLAN

GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY R. E. CAMERON AND ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO NAVD88 DATUM.
3. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
4. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

PARKING REQUIREMENTS		
ITEM	REQUIRED	PROVIDED
OFFICE: 1 SPACE / 300 SF	326	
97,886 (F.A.R.) / 300		
REGULAR SPACES (9' X 18.5')		189
COMPACT SPACES (8' X 16') * 50% MAXIMUM ALLOWED OF TOTAL PARKING SPACES PROVIDED		123
HANDICAP SPACES (9' X 18.5')		8
ELECTRIC VEHICLE SPACES (9' X 18.5')		10
TOTAL PARKING SPACES PROVIDED =		330
LOADING BAYS:	1	4
BIKE RACK: 1 STAND / 20 PARKING SPACES	16	16

ZONED: NEW ENGLAND BUSINESS CENTER (NEBC)			
ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA, SF	40,000	261,361	261,361
FRONTAGE, FT	100	KENDRICK STREET = 372.99 FOURTH AVENUE = 739.89	KENDRICK STREET = 372.99 FOURTH AVENUE = 739.89
FRONT SETBACK, FT	15	KENDRICK STREET = 70.9 FOURTH AVENUE = 34.9	KENDRICK STREET = 70.9 FOURTH AVENUE = 39.8
SIDE SETBACK, FT	20	19.6 FOR SOUTHWESTERLY SIDE 290.6 FOR NORTHWESTERLY SIDE	19.6 FOR SOUTHWESTERLY SIDE 278.7 FOR NORTHWESTERLY SIDE
REAR SETBACK, FT	N/A	N/A	N/A
BLDG HEIGHT, FT	72	29.6	29.6
MAX. LOT COVERAGE, %	65	78,030/261,361 = 29.9%	85,212/261,361 = 32.6%
MAX. FLOOR AREA RATIO (F.A.R.)	1.00	105,900/261,361 = 0.405	97,886/261,361 = 0.374
MIN. OPEN SPACE, %	25	19.8	19.9
PARKING AREA, SF	–	148,666	119,623
PARKING LANDSCAPE AREA, % AS PERCENTAGE (%) OF PARKING AREA	10	19,578 13.2%	21,610 18.1%
PARKING INTERIOR LANDSCAPE AREA, SF 25% OF PARKING AREA MIN. LANDSCAPE, %	25	4,998 25.5%	5,529 25.6%



EDGEWATER PROPERTIES

COMMONWEALTH OF MASSACHUSETTS DANIEL C. MULLOY CIVIL No. 41757 REGISTERED PROFESSIONAL ENGINEER

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

STADESIGN
308 Congress Street, 5th Floor
Boston, MA 02210
617.426.1501
www.sta-design.com

NOT FOR CONSTRUCTION

Scale	1" = 30'
Project Number	24055
Date	NOVEMBER 20, 2024
Drawn by	RT
Checked by	DCM

C 1.10

SITE PLAN

GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY R. E. CAMERON AND ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO NAVD88 DATUM.
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COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
REGISTERED PROFESSIONAL ENGINEER

BENCHMARK
NORTHWESTERLY HYDRANT BOLT
EL.=100.59 (NAVD 88)

BENCHMARK
CHISELED "X" ON HYDRANT BOLT
EL.=98.23 (NAVD 88)

FOURTH (PUBLIC ~ 48' WIDE) AVENUE

LIMIT OF RIVER FRONT AREA

LIMIT OF 100' BUFFER ZONE

S35°01'52"E 692.64'

N/F
PARCEL 199300000700000
115 FOURTH AVE
115-119 FOURTH AVE LLC

261,360 SF ± 6.000 Acres

EXISTING STORMWATER TREATMENT TANK

RECHARGE AREA

TWO STORY

ONE STORY BRICK & CONCRETE BLOCK BUILDING

EXISTING UNDERGROUND PRIMARY SERVICE LATERAL TO REMAIN

PROPOSED TRANSFORMER PAD

EXISTING TRANSFORMER PAD

PROPOSED GAS METER PAD

PROPOSED TRENCH DRAIN (TD1)
RIM=96.30
10" INV OUT=94.50

PROPOSED RETAINING WALLS WITH GUARDS

10"SDR 35, S=1%MIN

EXISTING DMH
RIM=100.35
12"INV IN=93.9 EXISTING
6"INV IN=94.2 EXISTING
10" INV IN=94.2 PROPOSED
15"INV OUT=93.8 EXISTING

PROPOSED ELECTRIC VEHICLE CHARGING STATIONS [EVS], (TYP)

PROPOSED BOLLARD LIGHTS – SEE LANDSCAPE AND LIGHTING PLAN (TYP)

8"SDR 35, S=1%MIN

PROPOSED ROOF DRAIN STORAGE SYSTEM
BOT. OF STONES EL=93.00
BOT. OF CHAMBERS EL=93.50
(TWO(2) H20 ADS STORMTECH SC-740)

PROPOSED DMH
RIM=99.50
12"INV IN=93.70
8" INV IN=94.00
12"INV OUT=93.70

PROPOSED FIRE HYDRANT NEW LOCATION

EXISTING FIRE HYDRANT TO BE RELOCATED

PROPOSED TRENCH DRAIN (TD2)
RIM=96.30
8" INV OUT=94.50

APPROXIMATE LOCATION OF EXISTING RISER POLE TO REMAIN

BENCHMARK
CHISELED "X" ON HYDRANT BOLT
EL.=97.61 (NAVD 88)

KENDRICK (PUBLIC ~ 60' WIDE) STREET

N/F
PARCEL 199300001200000
117 KENDRICK ST
117 KENDRICK DE, LLC
BOOK 950 PAGE 165

SCALE: 1 INCH = 30 FEET

EDGEWATER PROPERTIES

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
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T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

STADESIGN
308 Congress Street, 5th Floor
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617.426.1501
www.sta-design.com

NOT FOR CONSTRUCTION

Scale	1" = 30'
Project Number	24055
Date	NOVEMBER 20, 2024
Drawn by	RT
Checked by	DCM

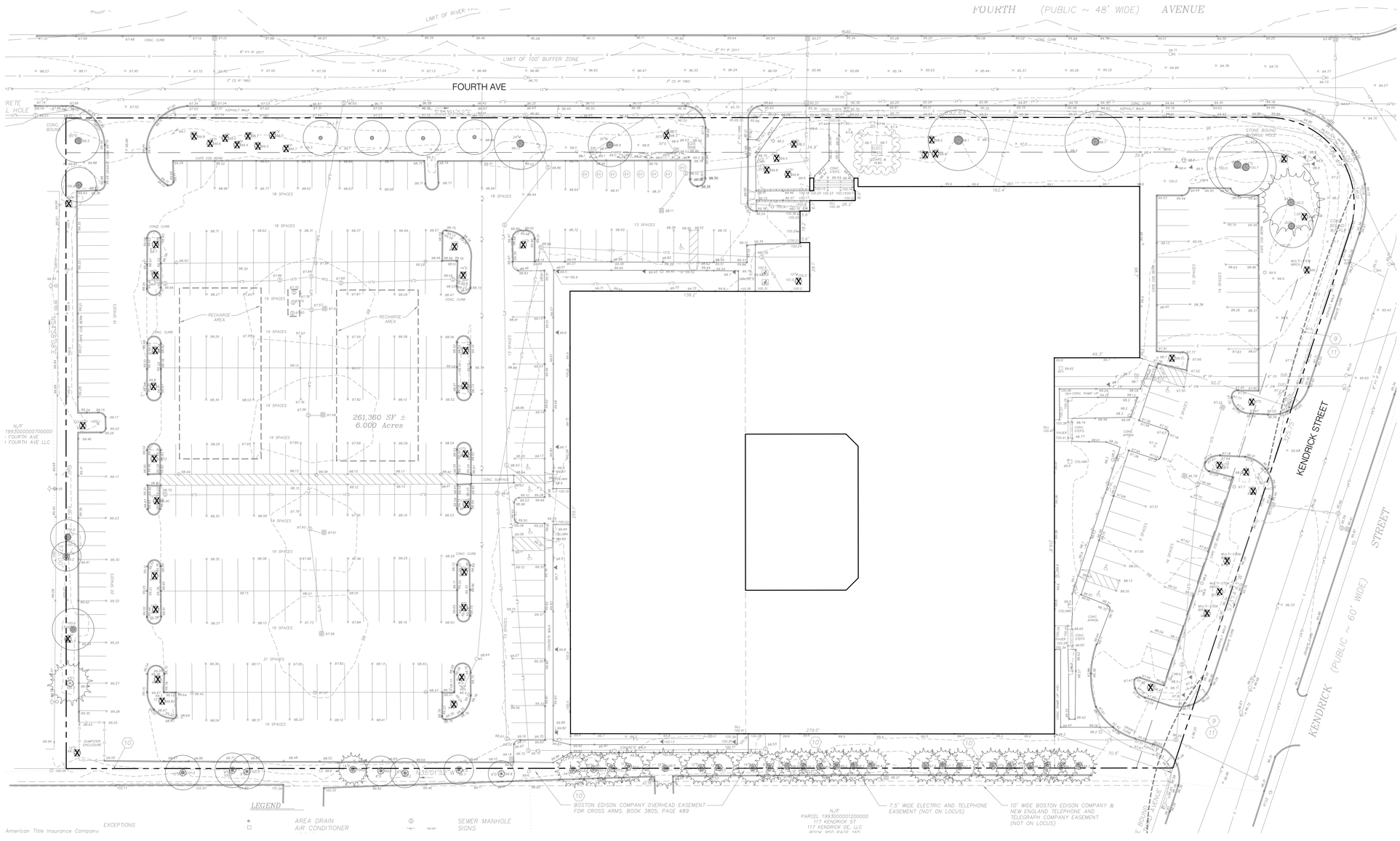
C 1.20

GRADING, DRAINAGE & UTILITY PLAN

LEGEND

- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO BE REMOVED
- EXISTING EVERGREEN TREE TO BE REMOVED

PROPOSED PROTECTED TREE COUNT: 50
PROPOSED REMOVED TREE COUNT: 54
PROPOSED PLANTED TREES: 56
(REFER TO PLANTING PLANS)



EDGEWATER PROPERTIES

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Needham, MA

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GREGORY LOMBARDI DESIGN, INC.
Landscape Architecture
221 Boston Road
North Billerica, Massachusetts 01862
Phone 617.492.2808

SITE PLAN REVIEW

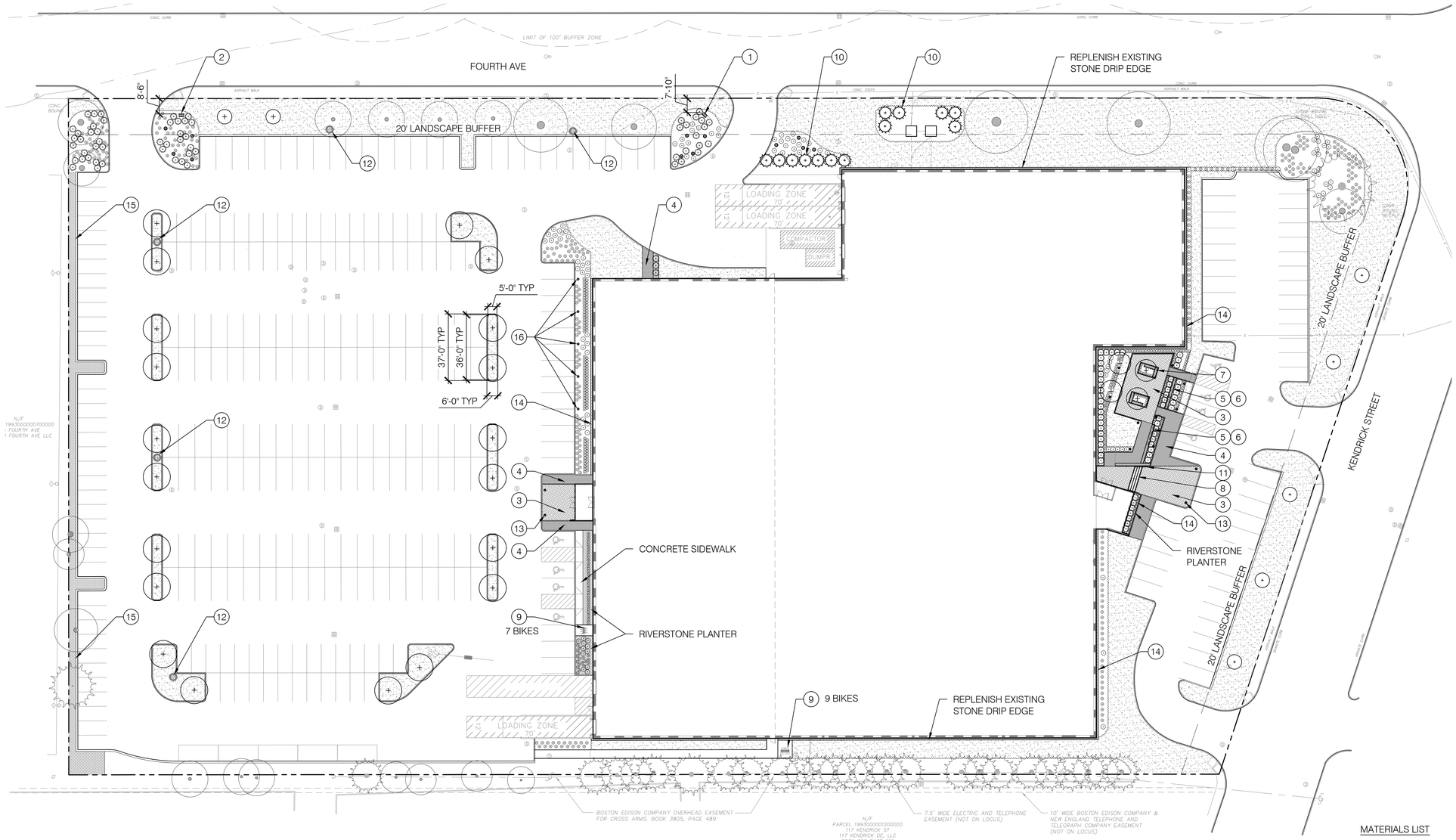
NOT FOR CONSTRUCTION

No.	Description	Date

Scale	1" = 30'
Project Number	24.050
Date	2024.11.20
Drawn by	VS/WT
Checked by	BM

L1.0

SITE PREPARATION PLAN



LEGEND

- PROPERTY LINE
- ZONING SETBACK
- BEDLINE
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- PROPOSED WALL
- LIGHT FIXTURES

MATERIALS LIST

1. MONUMENT SIGN - EAST LOADING ENTRY, SEE 1/L4.1
2. MONUMENT SIGN - REAR ENTRY, SEE 2/L4.1
3. CONCRETE HEX PAVER, SEE 3/L4.1
4. CONCRETE RECTANGULAR PAVER, SEE 4/L4.1
5. SITE WALL, SEE 5/L4.1
6. SITE WALL CAP, SEE 6/L4.1
7. GRANITE BENCH, SEE 7/L4.1
8. GRANITE STEPS, SEE 8/L4.1
9. BIKE RACK, SEE 9/L4.1
10. ARBORVITAE HEDGE, SEE 1/L4.2
11. HANDRAIL, SEE 2/L4.2
12. POLE LIGHT, SEE 3/L4.2
13. BOLLARD LIGHT, SEE 4/L4.2
14. RIVERSTONE, SEE 5/L4.2
15. PEASTONE, SEE 6/L4.2
16. EV CHARGING STATION, SEE 7/L4.2

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

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617.426.1501
www.sta-design.com

GREGORY LOMBARDI DESIGN, INC.
Landscape Architecture
221 Boston Road
North Billerica, Massachusetts 01862
Phone 617.492.2808

COMMONWEALTH OF MASSACHUSETTS · BRIAN D. LOMBARDI · No. 1264 · REGISTERED LANDSCAPE ARCHITECT

SITE PLAN REVIEW

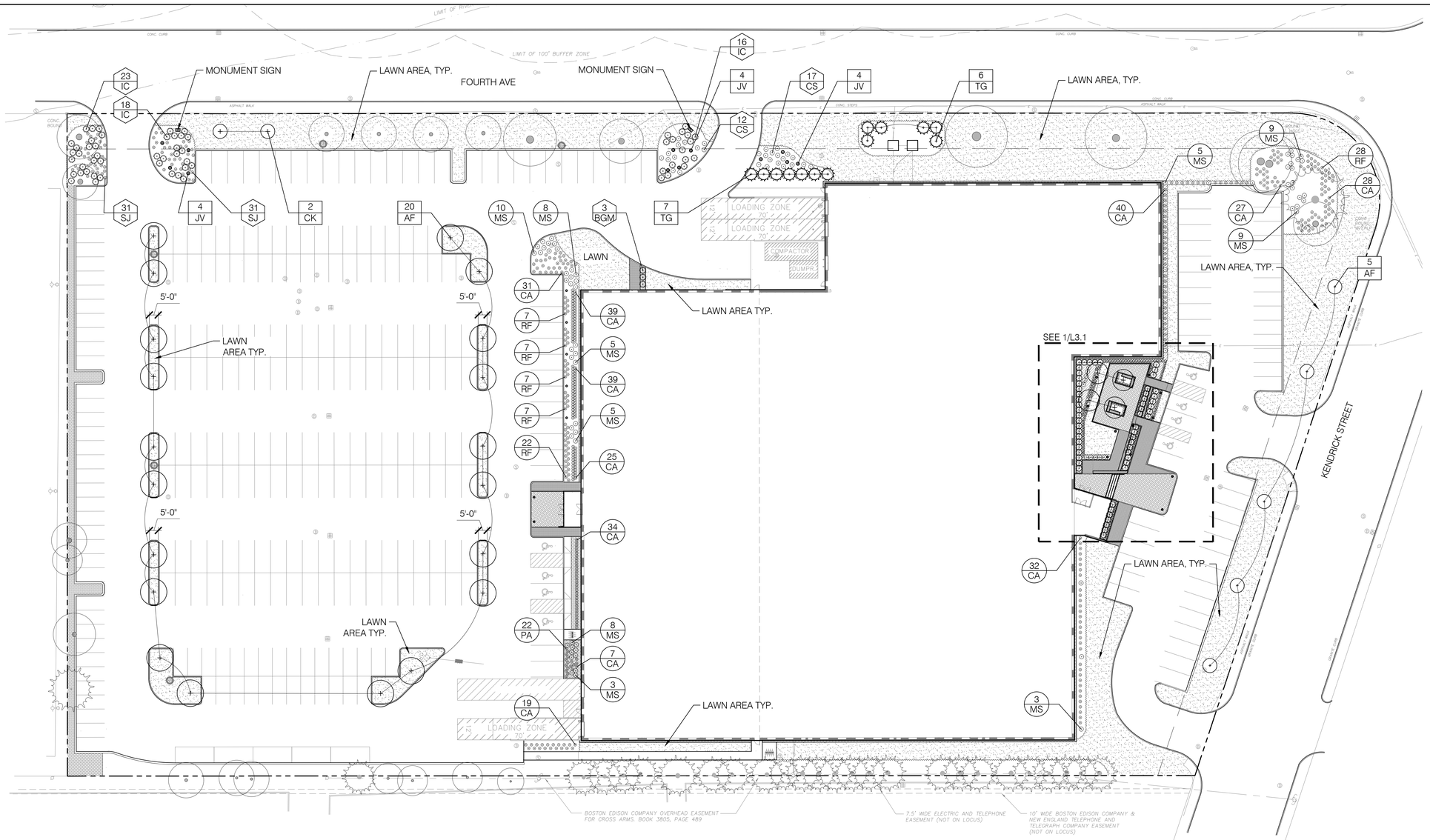
NOT FOR CONSTRUCTION

No.	Description	Date

Scale	**1" = 30'**
Project Number	**24.050**
Date	**2024.11.20**
Drawn by	**VS/WT**
Checked by	**BM**

L2.0

LANDSCAPE PLAN



ZONING TREE CALCULATION:

- 1 TREE PER 10 PARKING SPACES
- 330 TOTAL PARKING SPACES
- 33 TREES OF 2" CALIPER OR LARGER ARE REQUIRED
- TOTAL PROPOSED TREES OF 2" CALIPER OR LARGER: 56 TREES
- TOTAL EXISTING TREES OF 2" CALIPER OR LARGER TO REMAIN: 50 TREES
- 106 TOTAL TREES

COMPREHENSIVE LIST

TREES:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
29	AF	*Acer x freemani 'Armstrong'*	Armstrong Red Maple	3" CAL.	B&B	AS SHOWN
2	CK	*Cornus kousa*	Kousa Dogwood	2.5" CAL.	B&B	AS SHOWN
12	JV	*Juniperis virginiana 'Taylor'*	Taylor Juniper	8' HT.	B&B	AS SHOWN
13	TG	*Thuja 'Green Giant'*	Green Giant Arborvitae	10' HT	B&B	AS SHOWN
SHRUBS:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
38	BGM	*Buxus 'Green Mountain'*	Green Mountain Boxwood (Upright)	36" HT.	B&B	AS SHOWN
21	BGV	*Buxus 'Green Velvet'*	Green Velvet Boxwood (Globe)	24" HT.	B&B	AS SHOWN
29	CS	*Cornus sericea 'Arctic Fire'*	Red Twig Dogwood	24" HT.	B&B	AS SHOWN
57	IC	*Ilex crenata 'Steeds'*	Steeds Holly	36" HT.	B&B	AS SHOWN
85	SJ	*Spirea japonica 'Albiflora'*	Japanese White Spirea	24" HT.	B&B	AS SHOWN
PERENNIALS AND GRASSES:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
339	CA	*Calamagrostis x acutiflora 'Karl Foerster'*	Karl Foerster Feather Reed Grass	#3	POT	AS SHOWN
75	MS	*Miscanthus sinensis 'Adagio'*	Adagio Miscanthus	#5	POT	AS SHOWN
34	NF	*Nepeta x faassenii 'Novanepjun'*	Junior Walker Catmint	#3	POT	AS SHOWN
51	PA	*Pennisetum alopecuroides 'Hameln'*	Hameln Fountain Grass	#3	POT	AS SHOWN
124	RF	*Rudbeckia fulgida var. sullivantii 'Goldsturm'*	Goldsturm Black-Eyed Susan	#3	POT	AS SHOWN

LEGEND

- PROPERTY LINE
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- TREE TAG (quantity, species symbol)
- SHRUB TAG (quantity, species symbol)
- PERENNIAL TAG (quantity, species symbol)
- SOD

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

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221 Boston Road
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COMMONWEALTH OF MASSACHUSETTS · GREGORY D. LOMBARDI · No. 1264 · REGISTERED LANDSCAPE ARCHITECT

SITE PLAN REVIEW

NOT FOR CONSTRUCTION

No.	Description	Date

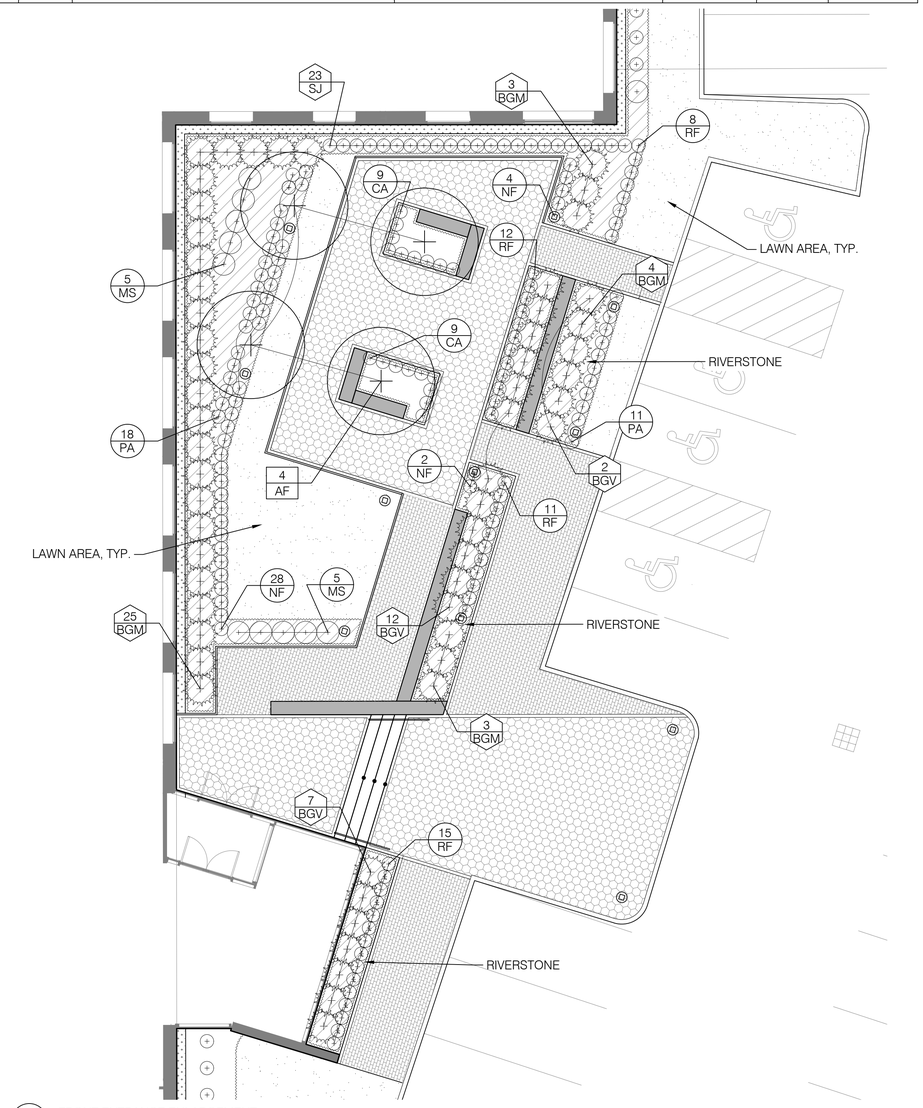
Scale	**1" = 30'**
Project Number	**24.050**
Date	**2024.11.20**
Drawn by	**VS/WT**
Checked by	**BM**

L3.0

PLANTING PLAN

COMPREHENSIVE LIST

TREES:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
29	AF	*Acer x freemani 'Armstrong'*	Armstrong Red Maple	3" CAL.	B&B	AS SHOWN
2	CK	*Cornus kousa*	Kousa Dogwood	2.5" CAL.	B&B	AS SHOWN
12	JV	*Juniperis virginiana 'Taylor'*	Taylor Juniper	8' HT.	B&B	AS SHOWN
13	TG	*Thuja 'Green Giant'*	Green Giant Arborvitae	10' HT	B&B	AS SHOWN
SHRUBS:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
38	BGM	*Buxus 'Green Mountain'*	Green Mountain Boxwood (Upright)	36" HT.	B&B	AS SHOWN
21	BGV	*Buxus 'Green Velvet'*	Green Velvet Boxwood (Globe)	24" HT.	B&B	AS SHOWN
29	CS	*Cornus sericea 'Arctic Fire'*	Red Twig Dogwood	24" HT.	B&B	AS SHOWN
57	IC	*Ilex crenata 'Steeds'*	Steeds Holly	36" HT.	B&B	AS SHOWN
85	SJ	*Spirea japonica 'Albiflora'*	Japanese White Spirea	24" HT.	B&B	AS SHOWN
PERENNIALS AND GRASSES:						
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING
339	CA	*Calamagrostis x acutiflora 'Karl Foerster'*	Karl Foerster Feather Reed Grass	#3	POT	AS SHOWN
75	MS	*Miscanthus sinensis 'Adagio'*	Adagio Miscanthus	#5	POT	AS SHOWN
34	NF	*Nepeta x faassenii 'Novanepjun'*	Junior Walker Catmint	#3	POT	AS SHOWN
51	PA	*Pennisetum alopecuroides 'Hameln'*	Hameln Fountain Grass	#3	POT	AS SHOWN
124	RF	*Rudbeckia fulgida var. sullivantii 'Goldsturm'*	Goldsturm Black-Eyed Susan	#3	POT	AS SHOWN



1 FRONT ENTRANCE ENLARGEMENT
SCALE: 1/8"=1'-0"

PLAN

LEGEND

- PROPERTY LINE
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- TREE TAG (quantity, species symbol)
- SHRUB TAG (quantity, species symbol)
- PERENNIAL TAG (quantity, species symbol)
- SOD

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

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Landscape Architecture
221 Boston Road
North Billerica, Massachusetts 01862
Phone 617.492.2808

SITE PLAN REVIEW

NOT FOR CONSTRUCTION

No.	Description	Date

Scale	**AS SHOWN**
Project Number	**24.050**
Date	**2024.11.20**
Drawn by	**VS/WT**
Checked by	**BM**

L3.1

PLANTING PLAN ENLARGEMENTS

Trees

Acer x freemani 'Armstrong'
Armstrong Red Maple

Cornus kousa
Kousa Dogwood

Juniperis virginiana 'Taylor'
Taylor Juniper

Thuja 'Green Giant'
Green Giant Arborvitae

Shrubs

Buxus 'Green Mountain'
Green Mountain Boxwood

Buxus 'Green Velvet'
Green Velvet Boxwood

Cornus sericea 'Arctic Fire'
Arctic Fire Red Twig Dogwood

Spirea japonica 'Albiflora'
Japanese White Spirea

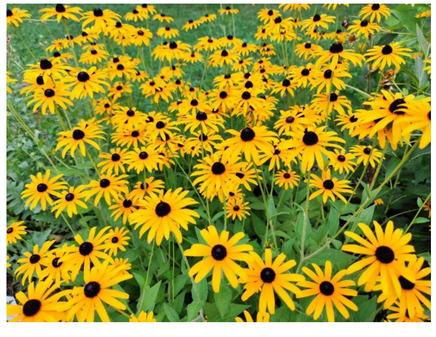
Perennials

Calamagrostis x acutiflora 'Karl Foerster'
Karl Foerster Feather Reed Grass

Miscanthus sinensis 'Adagio'
Adagio Miscanthus

Nepeta x faassenii 'Novanepjun'
Junior Walker Catmint

Pennisetum alopecuroides 'Hameln'
Hameln Fountain Grass



Rudbeckia fulgida 'Goldsturm'
Goldsturm Black-Eyed Susan

EDGEWATER PROPERTIES

63 Kendrick Street
Needham, MA

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Landscape Architecture
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North Billerica, Massachusetts 01862
Phone 617.492.2808

SITE PLAN REVIEW

NOT FOR CONSTRUCTION

No.	Description	Date

Scale	**AS SHOWN**
Project Number	**24.050**
Date	**2024.11.20**
Drawn by	**VS/WT**
Checked by	**BM**

L4.0

PLANTING
PALETTE
IMAGES

MATERIAL: METAL SIGNAGE ON CONCRETE BASE WITH CAP
SIGN SIZE: 4 SF
BASE TYPE: BOARD FORM CONCRETE BASE WITH CAP
NOTE: NO LIGHTING FOR SIGNAGE

Illustrative Sign Diagram
East Loading Entry

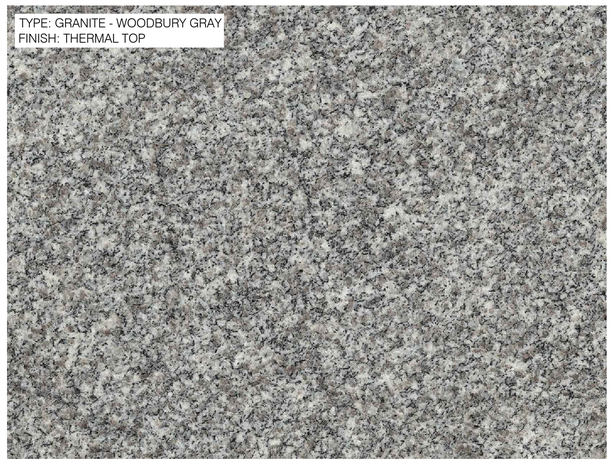
MATERIAL: METAL SIGNAGE ON CONCRETE BASE WITH CAP
SIGN SIZE: 4 SF
BASE TYPE: BOARD FORM CONCRETE BASE WITH CAP
NOTE: NO LIGHTING FOR SIGNAGE

Illustrative Sign Diagram
Rear Entry

1 MONUMENT SIGN - EAST LOADING ENTRY
SCALE: NTS — SECTION

2 MONUMENT SIGN - REAR ENTRY
SCALE: NTS — SECTION

3 CONCRETE HEX PAVER
SCALE: NTS — IMAGE



4 CONCRETE RECTANGULAR PAVER
SCALE: NTS — IMAGE

5 SITE WALL
SCALE: NTS — IMAGE

6 SITE WALL CAP
SCALE: NTS — IMAGE

SUPPLIER: DERO
TYPE: ROLLING RACK - 2
NOTE: RR3H (7 BIKES) AND RR4H (9 BIKES)
COLOR: BLACK

7 GRANITE BENCH
SCALE: NTS — IMAGE

8 GRANITE STEPS
SCALE: NTS — IMAGE

9 BIKE RACK
SCALE: NTS — IMAGE

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L4.1

SITE IMPROVEMENT DETAILS

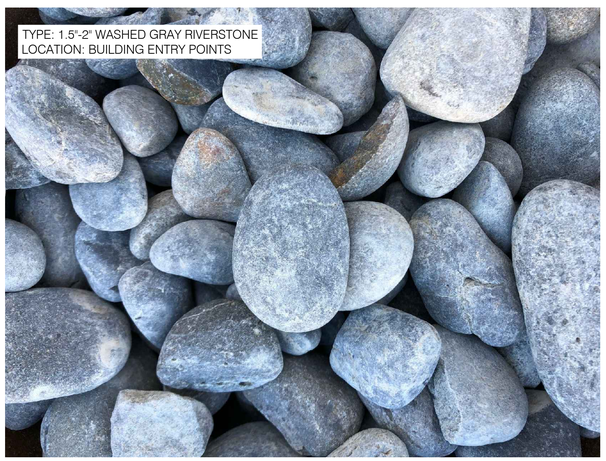
1 ARBORVITAE HEDGE - REFUSE AREA SCREENING
SCALE: NTS DETAIL

2 HANDRAIL
SCALE: NTS IMAGE

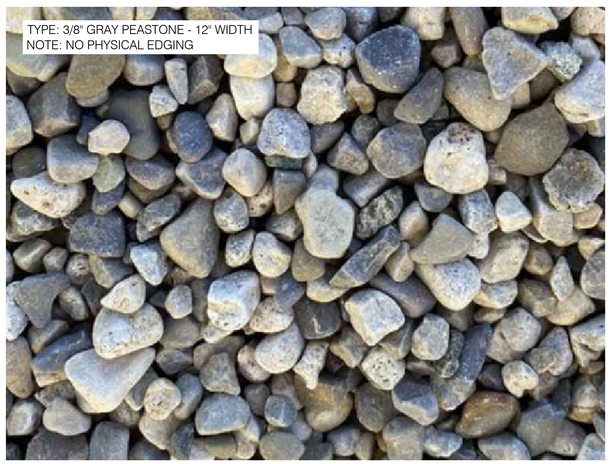
MANUFACTURER: VIPER
TYPE: VP-3-480L-470-3K7-4F
SIZE: 30' HEIGHT & 18' HEIGHT - SEE PHOTOMETRIC

3 POLE LIGHT
SCALE: NTS IMAGE

4 BOLLARD LIGHT
SCALE: NTS IMAGE



5 RIVERSTONE
SCALE: NTS IMAGE



6 PEASTONE
SCALE: NTS IMAGE

MANUFACTURER: LEVITON

7 EV CHARGING STATION
SCALE: NTS IMAGE

EDGEWATER PROPERTIES

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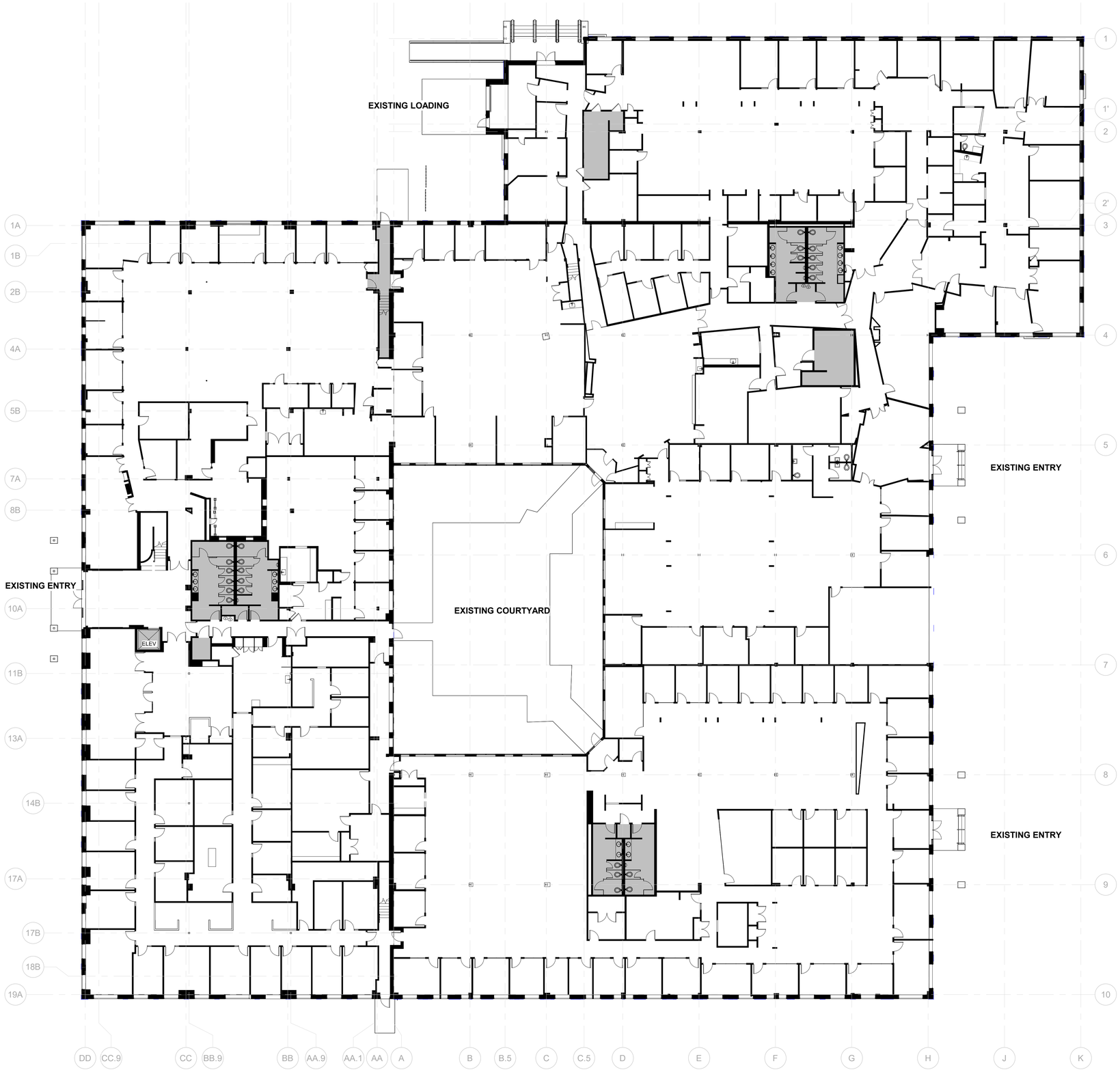
L4.2

SITE IMPROVEMENT DETAILS



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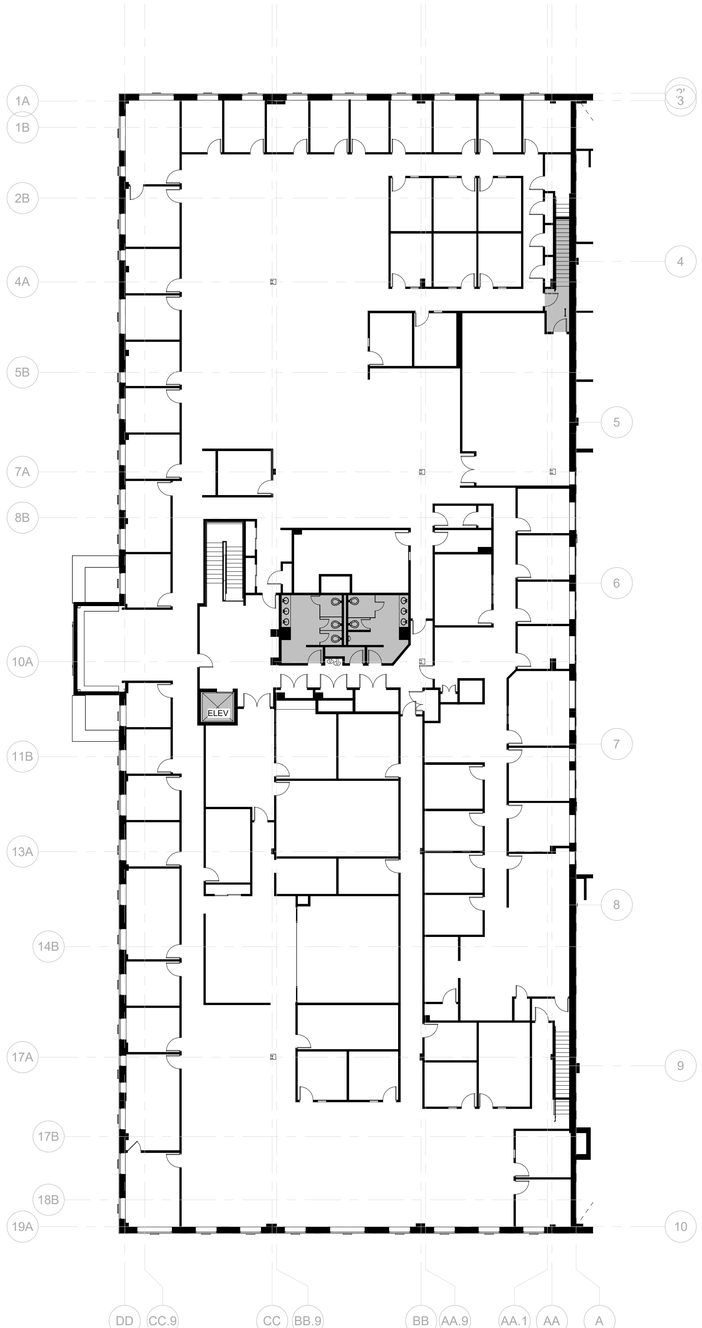
Drawn by	**BM**
Checked by	**DS**

EX.101

EXISTING FIRST FLOOR PLAN



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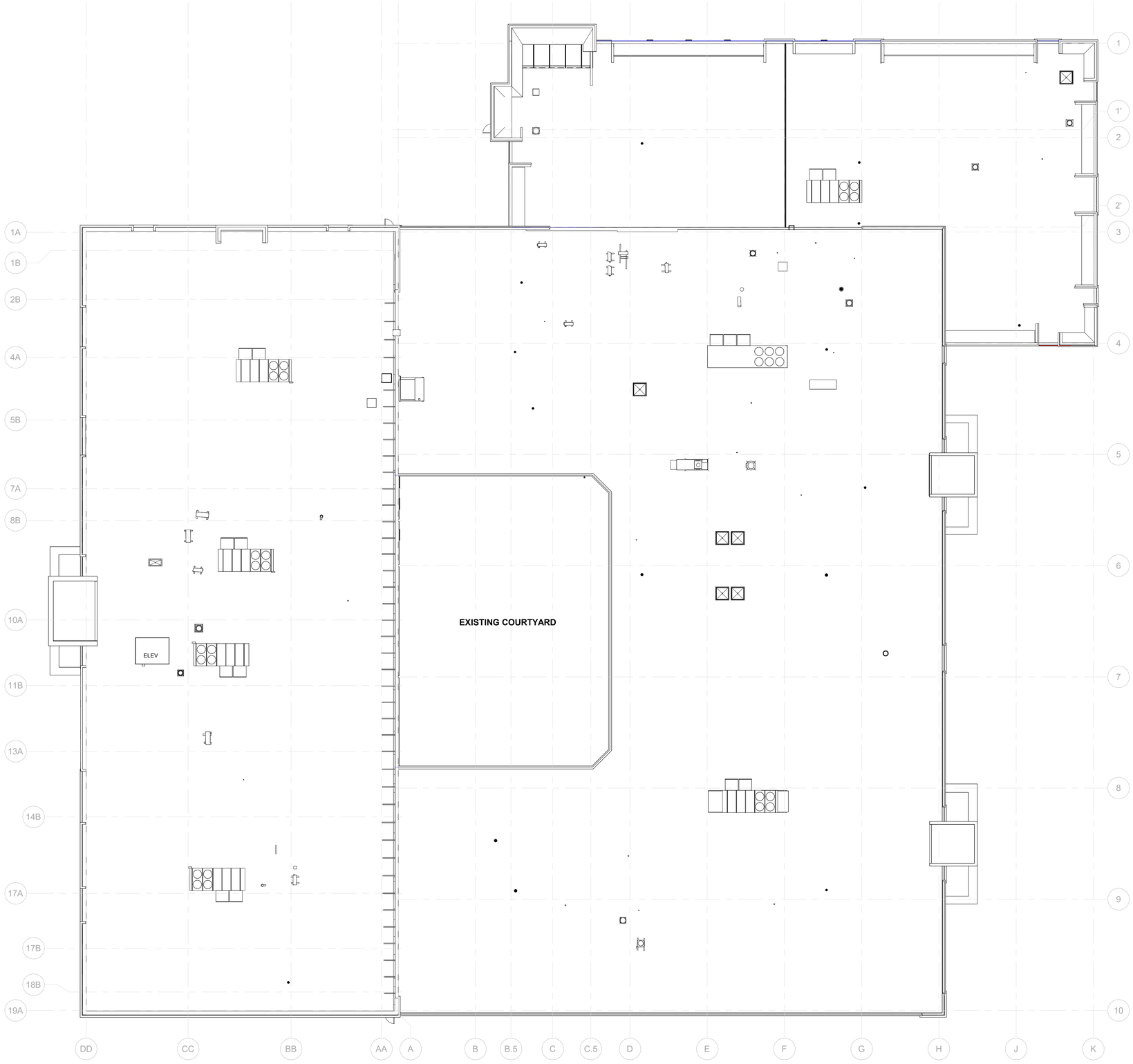
EX.102

EXISTING SECOND FLOOR PLAN



EDGEWATER PROPERTIES

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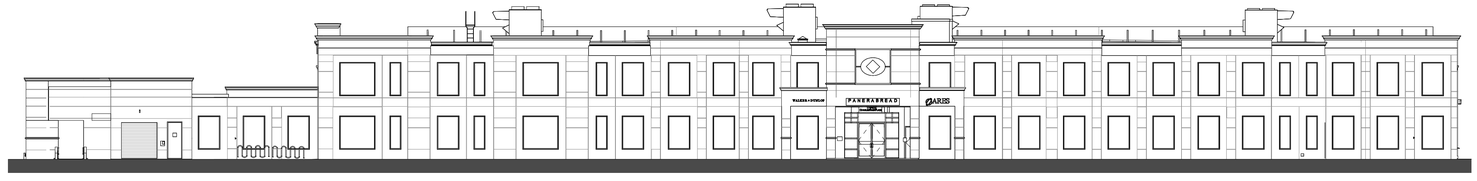
EX.103

EXISTING ROOF PLAN

4 **EXISTING SOUTHWEST ELEVATION.**
1/16" = 1'-0"

3 **EXISTING SOUTHEAST ELEVATION.**
1/16" = 1'-0"

2 **EXISTING NORTHEAST ELEVATION.**
1/16" = 1'-0"



1 **EXISTING NORTHWEST ELEVATION.**
1/16" = 1'-0"

EDGEWATER PROPERTIES

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Checked by	**DS**

EX.200

EXISTING ELEVATIONS

A: SOUTH ENTRY FROM KENDRICK STREET

B: EAST FACE OF THE BUILDING FROM 4TH AVENUE

C: EAST FACE OF THE BUILDING FROM 4TH AVENUE

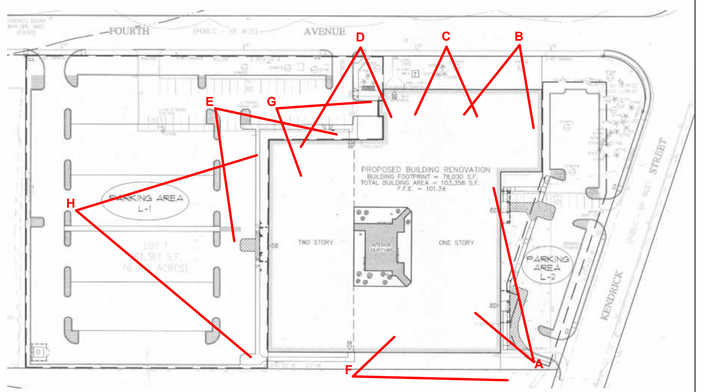
D: EAST FACE OF THE BUILDING FROM 4TH AVENUE

E: NORTH AND EAST FACE FROM REAR PARKING

F: WEST FACE OF THE BUILDING

G: EXISTING LOADING

H: NORTH FACE FROM REAR PARKING



KEY PLAN

EDGEWATER PROPERTIES

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EX.300

EXISTING BUILDING PHOTOS

A: EGRESS ON WEST FACE

B: NORTH FACE OF THE BUILDING FROM REAR PARKING

C: NORTH ENTRY FROM REAR PARKING

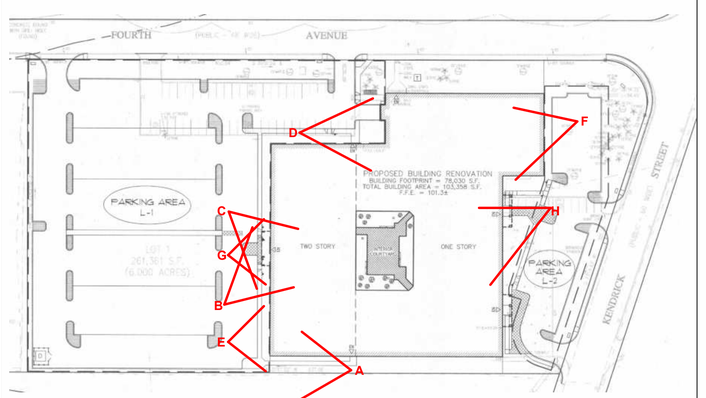
D: EXISTING LOADING

E: NORTH FACE OF THE BUILDING FROM REAR PARKING

F: SOUTH FACE FROM FRONT PARKING

G: NORTH ENTRY

H: SOUTH ENTRIES FROM FRONT PARKING



KEY PLAN

EDGEWATER PROPERTIES

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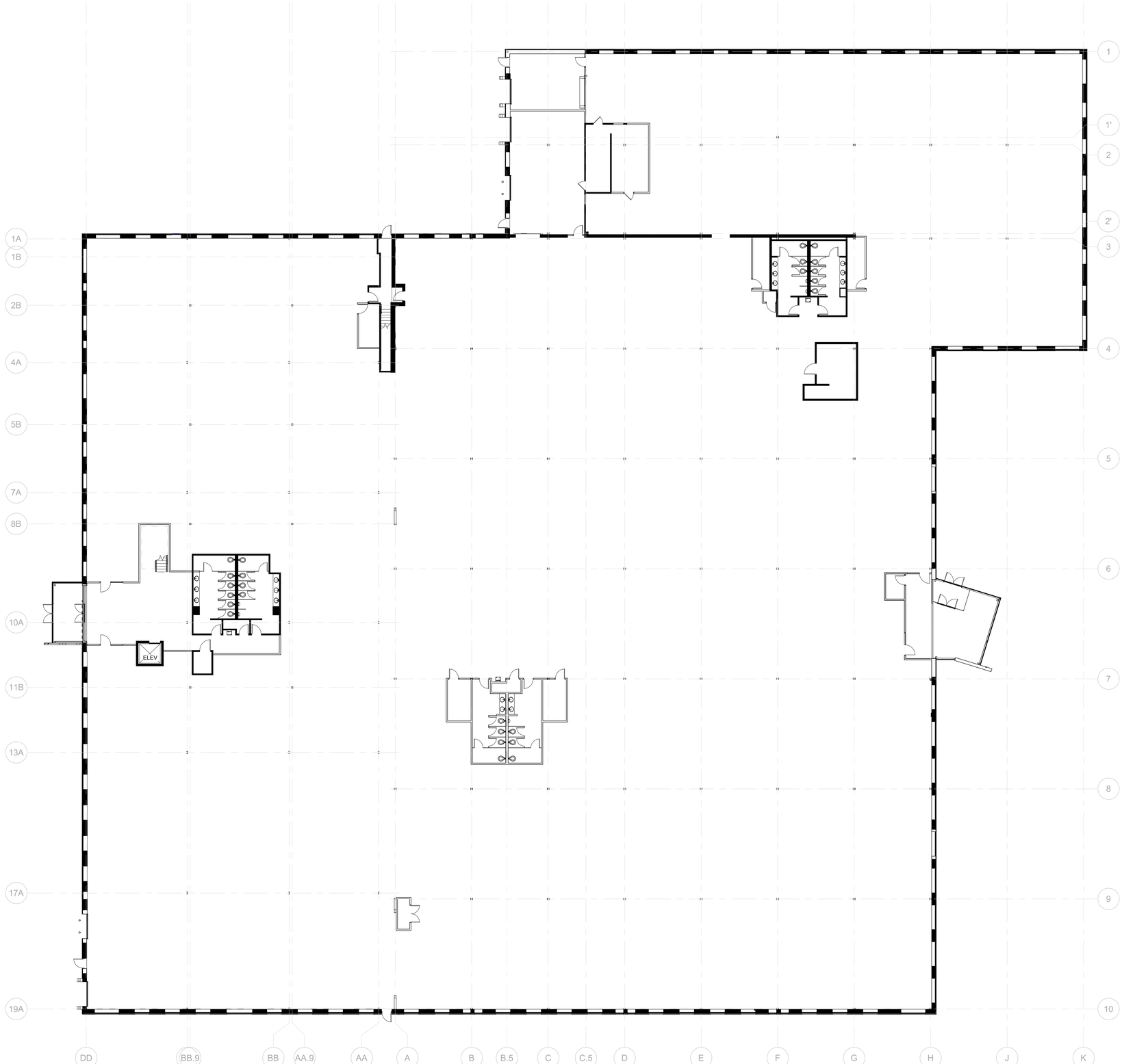
Checked by	DS

EX.301

EXISTING BUILDING PHOTOS



EDGEWATER PROPERTIES

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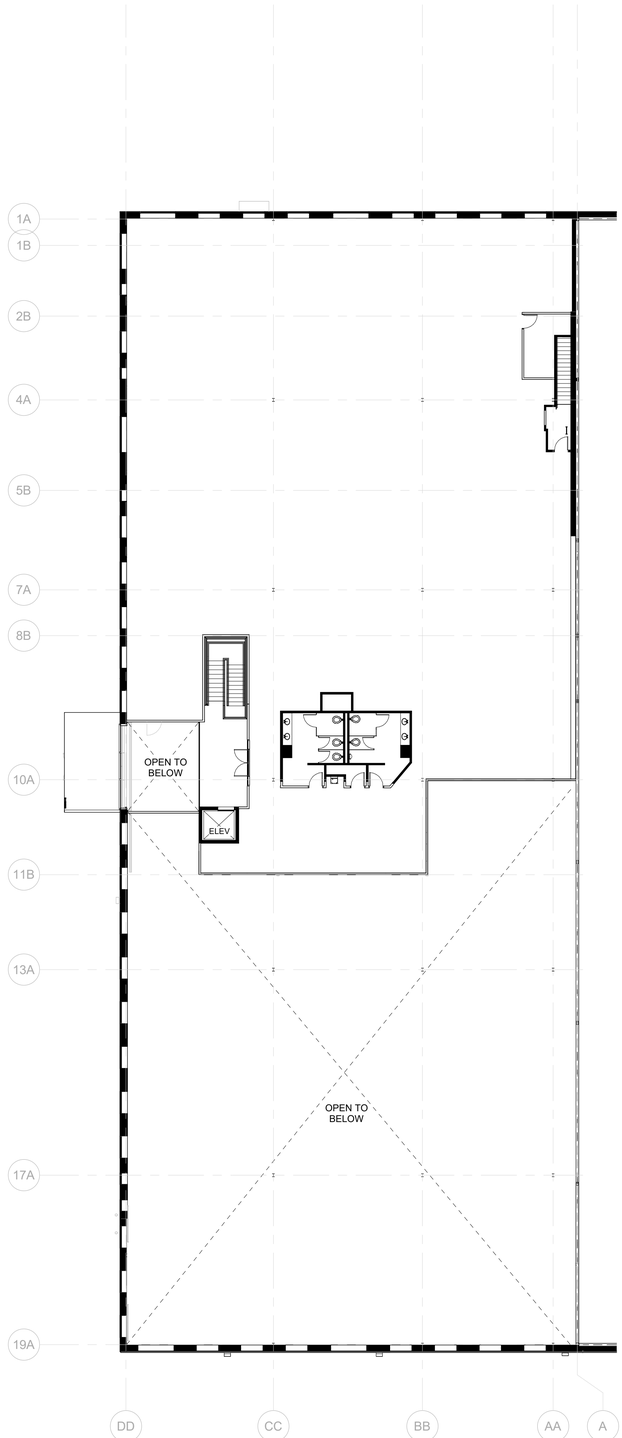
Drawn by	**BM / JBF / IK**
Checked by	**DS**

A.101

PROPOSED FIRST FLOOR PLAN



EDGEWATER PROPERTIES

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A.102

PROPOSED SECOND FLOOR PLAN

EDGEWATER PROPERTIES

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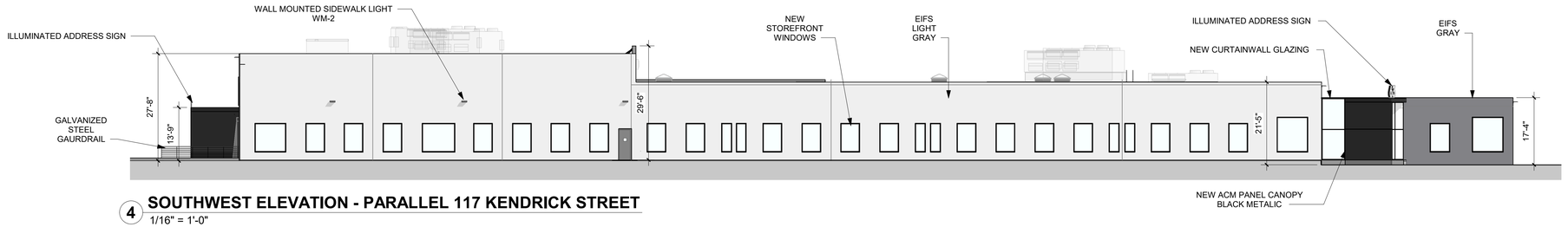
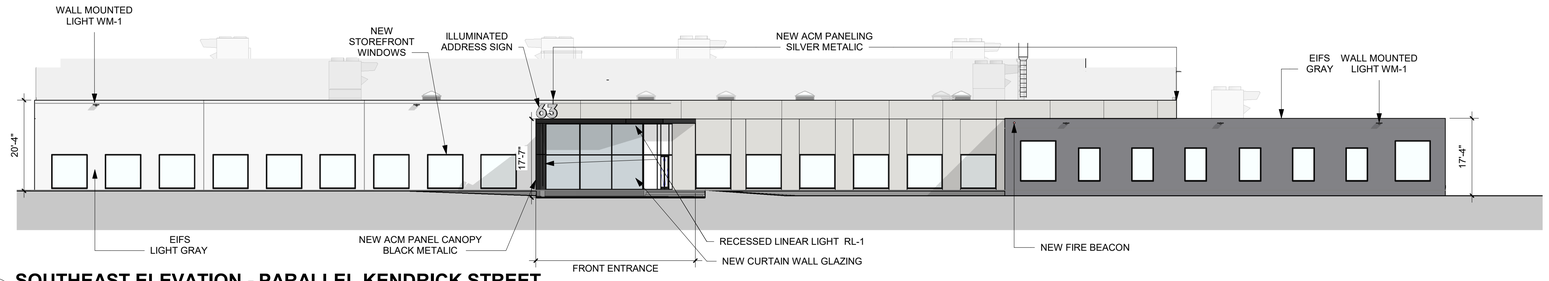
Checked by	**DS**

A.103

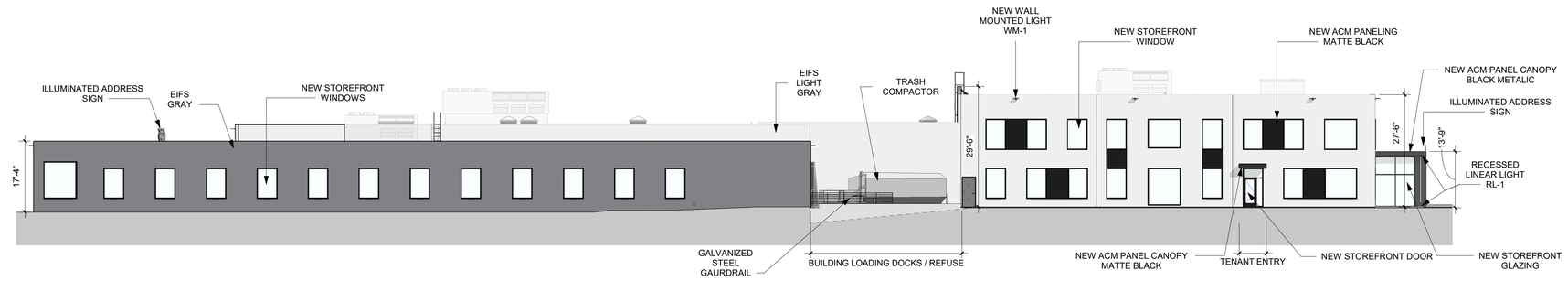
PROPOSED ROOF PLAN



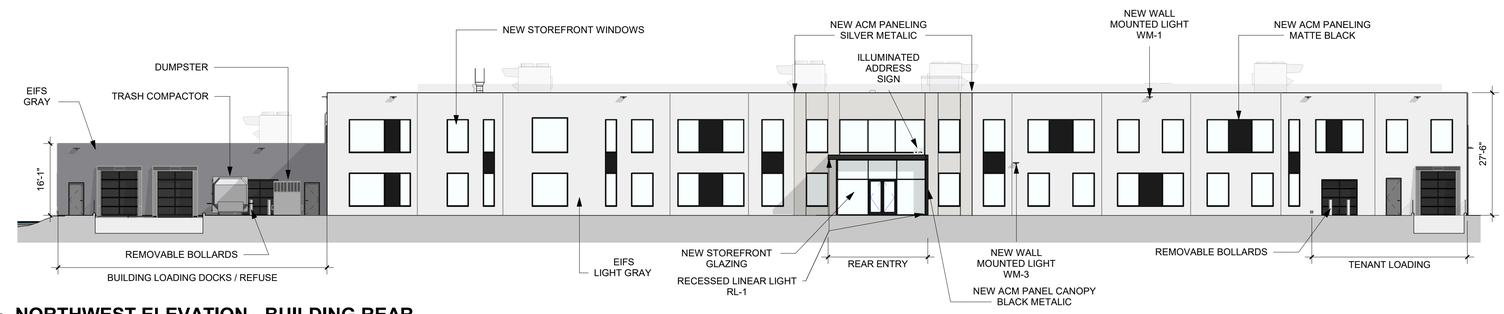
4 SOUTHWEST ELEVATION - PARALLEL 117 KENDRICK STREET
1/16" = 1'-0"



3 SOUTHEAST ELEVATION - PARALLEL KENDRICK STREET
1/16" = 1'-0"



2 NORTHEAST ELEVATION - PARALLEL 4TH AVE
1/16" = 1'-0"



1 NORTHWEST ELEVATION - BUILDING REAR
1/16" = 1'-0"

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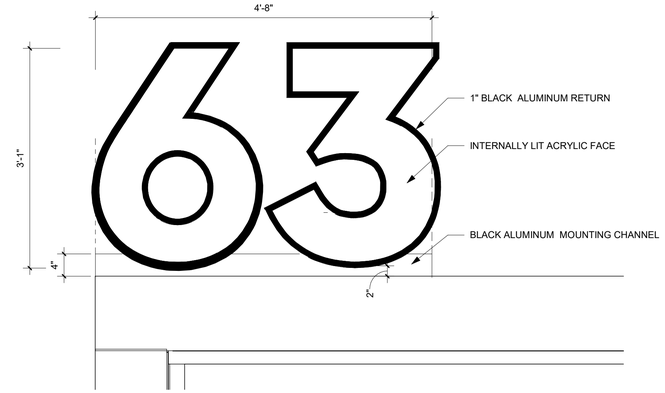
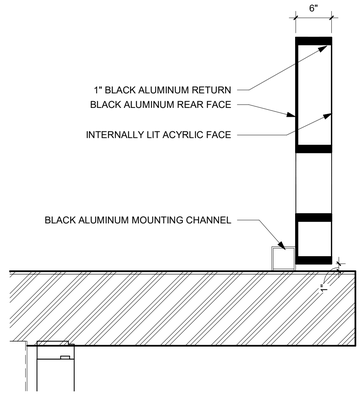
A.200

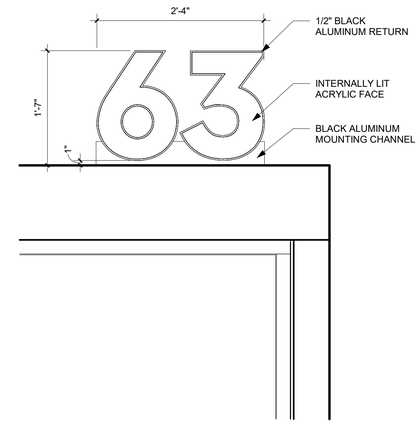
PROPOSED EXTERIOR ELEVATIONS



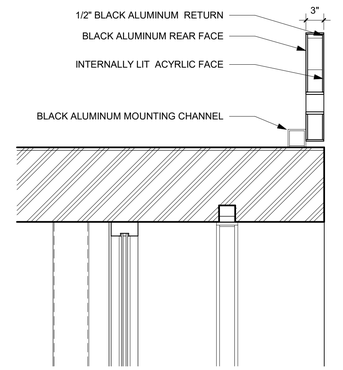
1 ADDRESS SIGN KENDRICK STREET
1" = 1'-0"



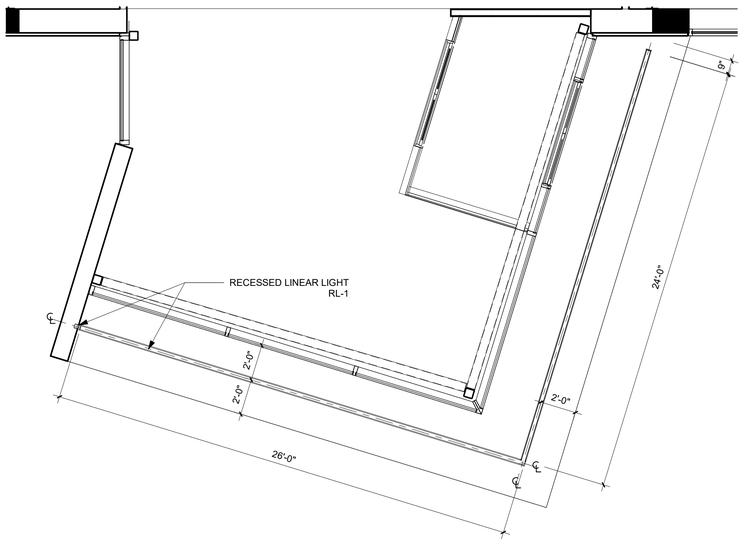
2 SECTION ADDRESS SIGN KENDRICK STREET
1" = 1'-0"



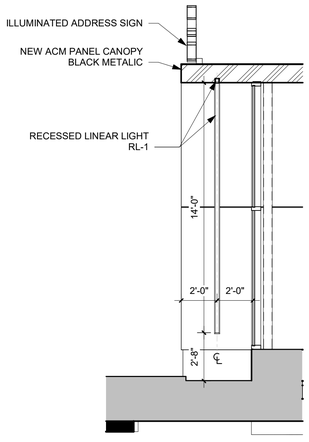
3 ADDRESS SIGN REAR ENTRY
1" = 1'-0"



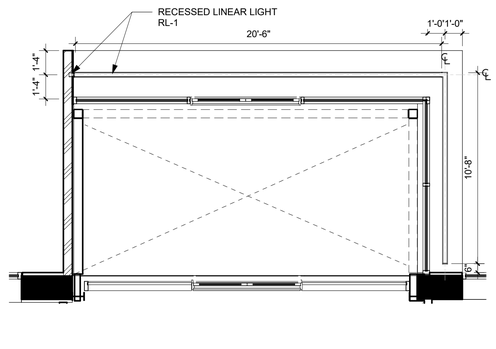
4 SECTION ADDRESS SIGN REAR ENTRY
1" = 1'-0"



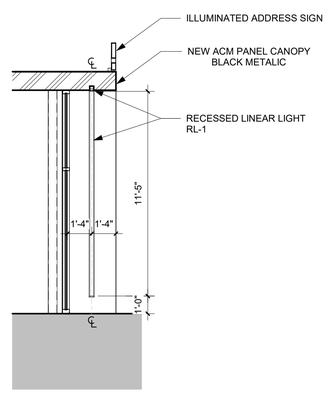
5 RL-1 KENDRICK STREET
1/4" = 1'-0"



6 ELEVATION RL-1 KENRICK STREET
1/4" = 1'-0"



7 RL-1 REAR ENTRY
1/4" = 1'-0"



8 ELEVATION RL-1 REAR ENTRY
1/4" = 1'-0"

EDGEWATER PROPERTIES

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SITE PLAN REVIEW

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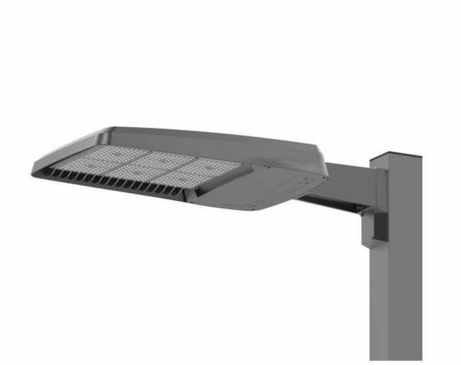
Checked by	**DS**

A.201
SIGNAGE DETAILS

BL-1
BOLLARD LIGHT
BEGA - BOLLARD SHIELDED

WM-1
WALL MOUNTED EXTERIOR
BEGA - WALL LUMINAIRE

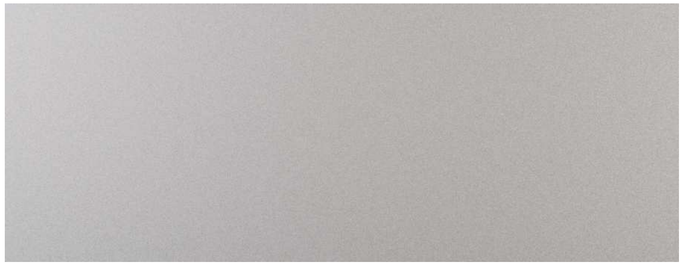


LP-1 & LP-2
POLE LIGHT

WM-2
WALL MOUNTED EXTERIOR

RL-1
RECESSED LINEAR
AXIS - EXTEND 2 RECESSED

WM-3
WALL MOUNTED EXTERIOR
BEGA - WALL LUMINAIRE

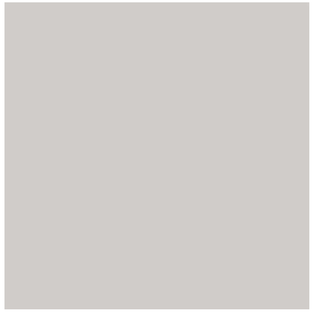


ACM PANEL - SILVER METALIC

ACM PANEL - MATTE BLACK

ACM PANEL - BLACK METALIC

GRAY EIFS



LIGHT GRAY EIFS

EDGEWATER PROPERTIES

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Boston, MA 02210
617.426.1501
www.sta-design.com

NOT FOR CONSTRUCTION

SITE PLAN REVIEW

No.	Description	Date

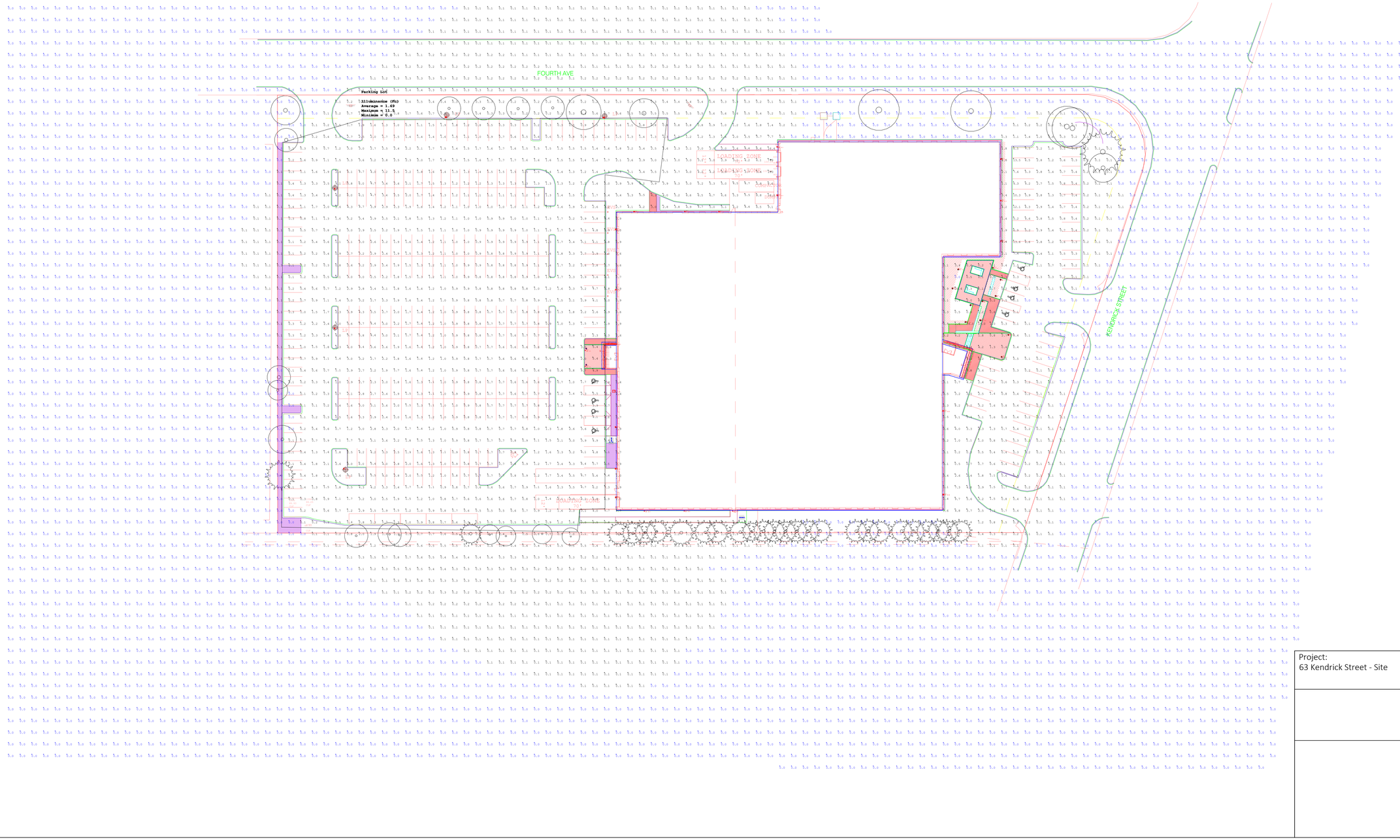
Scale	
Project Number	**24.050**
Date	**11/20/2024**
Drawn by	**BM / JBF / IK**
Checked by	**DS**

A.300

MATERIALS

Luminaire Schedule					
Qty	Label	Arr. Watts	Arrangement	LLF	Description
13	Ro-1	22.9	SINGLE	0.900	RSYZ_MEDA_IES
3	LP-1	455	SINGLE	0.900	VP-3-480L-670-3ST-4F
2	LP-2	190	SINGLE	0.900	VP-3-480L-390-3ST-4W-BC
89	Ro-1	11.4	SINGLE	0.225	RSYN-300-80-3S-SO-4
15	WM-1	106	SINGLE	0.900	66452_BMDA_IES
3	WM-2-72	20.5	SINGLE	0.900	VPWI-48L-2D-3ST-2
1	WM-3	26	SINGLE	0.900	24351K3_MEDA_IES

Calculation Summary						
Label	Units	Avg	Max	Min	Avg/Min	Max/Min
Site	Fc	0.39	58.0	0.0	N.A.	N.A.
Parking Lot	Fc	1.69	11.5	0.0	N.A.	N.A.



Project:
63 Kendrick Street - Site

Detail: Photometric Calculation
Date: 11/19/2024
Revision: 8
Scale: 1" = 40'-0"

Drawing Number:

L-1

Sheet 1 of 1

From: John Schlittler
To: Alexandra Clee
Subject: RE: Request for comment - 63 Kendrick Street
Date: Friday, January 17, 2025 9:55:53 AM

Police has no issues

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, January 17, 2025 9:47 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: RE: Request for comment - 63 Kendrick Street

Please send comments today if you are able. If not, please be sure to send them Tuesday. Thank you!!

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 72271

www.needhamma.gov

From: Alexandra Clee
Sent: Tuesday, January 14, 2025 11:56 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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Subject: Request for comment - 63 Kendrick Street

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The Planning Board has scheduled this matter for January 21, 2025. Please send your comments **as soon as possible** but **by Friday Jan. 17, 2025 if you are able**, at the latest (*sorry* for the delayed request; I was out of the office and this was missed).

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2. Application for Amendment, with Exhibit A and Addendum A.

3. Letter from Mitchell A. Kassler, Manager, Edgewater Properties, LLC, dated November 25, 2024.

4. Plan entitled 63 Kendrick Street, prepared by STA Design, Inc., 308 Congress Street, 5th Floor, Boston, MA 02210, R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood, MA, 02062,Site Design Engineering, LLC, 11 Cushman Street, Middleboro, MA 02346, Gregory Lombardi Design Incorporated, 221 Boston Road, North Billerica, MA 01862, Engineered Systems, Inc., 304 Cambridge Road, Suite 510, Woburn, MA 01801, Bouchard Engineering, PLLC, 561 Windsor Ave, A402, Somerville, MA 02143, consisting of 26 sheets: Shete 1, cover sheet, dated November 20, 2024; Sheet 2, Sheet V.101, entitled "Locus Plan," dated November 20, 2024; Sheet 3, Sheet V.102, entitled "Existing Conditions," dated November 20, 2024; Sheet 4, Sheet V.103, entitled "Plot Plan," dated November 20, 2024; Sheet 5, Sheet C1.10, entitled "Site Plan," dated November 20, 2024; Sheet 6, Sheet C1.20, entitled "Grading, Drainage & Utility Plan," dated November 20, 2024; Sheet 7, Sheet L1.0, entitled "Site Preparation Plan," dated November 20, 2024; Sheet 8, Sheet L2.0, entitled "Landscape Plan," dated November 20, 2024; Sheet 9, Sheet L3.0, entitled "Planting Plan," dated November 20, 2024; Sheet 10, Sheet L3.1, entitled "Planting Plan Enlargements," dated November 20, 2024; Sheet 11, Sheet L4.0, entitled "Planting Palette Images," dated November 20, 2024; Sheet 12, Sheet L4.1, entitled "Site Improvement Details," dated November 20, 2024; Sheet 13, Sheet L4.2, entitled "Site Improvement Details," dated November 20, 2024; Sheet 14, Sheet EX.101, entitled "Existing First Floor Plan," dated November 20, 2024; Sheet 15, Sheet EX.102, entitled "Existing Second Floor

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Thank you, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov/planning

From:	Tom Conroy
To:	Alexandra Clee; Joseph Prondak; Thomas Ryder; John Schlittler; Tara Gurge; Timothy McDonald; Carys Lustig
Cc:	Elisa Litchman; Lee Newman; Justin Savignano; Donald Anastasi; Jay Steeves; Ronnie Gavel
Subject:	Re: Request for comment - 63 Kendrick Street
Date:	Friday, January 17, 2025 12:18:22 PM

Approved by Fire dept.

Get Outlook for iOS

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, January 17, 2025 9:46:50 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
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Subject: RE: Request for comment - 63 Kendrick Street

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Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 72271
www.needhamma.gov

From: Alexandra Clee
Sent: Tuesday, January 14, 2025 11:56 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
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Thank you, alex.

Alexandra Clee

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

From: Tara Gurge
To: Alexandra Clee
Subject: FW: Request for comment - 63 Kendrick Street - Public Health comments
Date: Friday, January 17, 2025 12:45:56 PM

Hello Alex –

Here are the Public Health Divisions comments for the proposed Planning Board project up for discussion located at **#63 Kendrick St**. See below:

- Prior to any extensive renovations/demolitions that may occur on site as a result of this building interior renovation, the owner may need to apply for the Demolition review online (if Building requires), via our online permit application system. See direct link to this permit review application --https://needhamma.viewpointcloud.com/categories/1073/record-types/1006508. **PLEASE NOTE**: Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review prior to the issuance of the Demolition/Extensive renovation permits by the Building Department.

- On-going pest control must be conducted during the building interior and exterior renovations, if pest activity is observed, to prevent the risk of pests.

- Any newly proposed lighting to be installed around the parking lots/exterior of building, shall we angled appropriately as not to be allowed to migrate onto abutting neighboring properties. As long as any new or existing installed lights are directed downward and are not allowed to have bright light migrate into other neighboring properties, that will prevent the risk of causing any potential public health nuisance issues.

- If any retail/food establishments are proposed as part of this building renovation there would need to be an online Food Permit Plan Review application completed, along with proposed food establishment design plans, which will need to be submitted and reviewed and approved by the Public Health Division prior to start of construction. Here is the direct link to the online Food Establishment Plan Review permit application - https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516 .

- Please keep in mind, if a retail food establishment plan review is approved, sufficient space must be made available in the parking lot for both a solid waste (trash) dumpster and a separate recycling dumpster, along with waste oil/grease containment (if applicable.) These dumpsters must be placed in an easily accessible area outside of the new facility. An exterior grease interceptor may also need to be installed.

- If there are plans to design open biosafety laboratory spaces or for tenants to move in whose operations fall into a BSL1 orBSL2 designations, the Board of Health and Biosafety Committee should also be notified ahead of time and be involved with the planning process.

Please let us know if you have any follow-up questions or if you need any additional information from us on those requirements.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)

ASSISTANT PUBLIC HEALTH DIRECTOR

Needham Public Health Division

Health and Human Services Department

178 Rosemary Street

Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

Mobile- (781) 883-0127

Email - tgurge@needhamma.gov

Web- www.needhamma.gov/health

please consider the environment before printing this email

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, January 14, 2025 11:56 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
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Subject: Request for comment - 63 Kendrick Street

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Thank you, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov/planning

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 934-948 Great Plain Avenue
Name of Applicant Frozen Custard Greater Boston One LLC
Applicant's Address 382 South St, Needham, MA 02492
Phone Number 617-448-1142

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

Property Owner's Name 934-948 Great Plain Ave Nominee Trust
Property Owner's Address 907 Massachusetts Ave, Cambridge, MA 02139
Telephone Number 617-304-1820

Characteristics of Property: Lot Area 10867 Present Use Restaurant
Map #47 Parcel # 4 Zoning District SRB

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

Transfer of Special Permit from Frozen Custard New England II to Frozen Custard Greater Boston One LLC

Signature of Applicant (or representative) BCC
Address if not applicant _____
Telephone #
Owner's permission if other than applicant Shawn DeMarco Tr.

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 _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____
NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

William & Kimberly Zeoli
Frozen Custard Greater Boston One, LLC
382 South St
Needham, MA 02492

January 14, 2025

Alexandra Clee
Assistant Town Planner
Needham Planning Board
500 Dedham Avenue, Suite 118
Needham, MA 02492

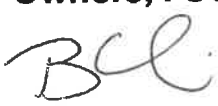
Frozen Custard Greater Boston, LLC has entered into an agreement to purchase the Abbott's Frozen Custard franchise location at 934 Great Plain Ave from Frozen Custard New England II and has been granted an assignment of the lease from First Cambridge Realty. It is our intention to continue operating the existing business as currently constituted.

We have reviewed the SITE PLAN SPECIAL PERMIT dated March 18, 2008 and will operate the business in accordance with all of the conditions contained wherein.

We are therefore requesting the Planning Board to consider our request to transfer the SPECIAL PERMIT from Frozen Custard New England II LLC to Frozen Custard Greater Boston One LLC at the next meeting.

Thank you for your consideration.

Bill Zeoli
Kimberly Zeoli
Owners, FCGBO LLC



TOWN OF NEEDHAM
MASSACHUSETTS

Room 20, Town Hall
Needham, MA 02492
781-455-7526

PLANNING DEPARTMENT

DECISION
SITE PLAN SPECIAL PERMIT

Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard
Application No. 2008-01
March 18, 2008

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard, 2 Thoroughbred Lane, Sherborn, Massachusetts 01770 (hereinafter referred to as the Peititioner) for property located at 934 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 4 containing 10,968 square feet.

This decision is in response to an application submitted to the Board on February 13, 2008, 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); (2) a Special Permit under Section 3.2.2 of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; (4) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (5) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Special Permit, would, if granted, permit the Petitioner to redevelop the premises located at 934 Great Plain Avenue formerly occupied by a real estate brokerage office into a facility for retail sales of ice cream, frozen yogurt and similar products for consumption on and off the premises. The Petitioner intends to operate an Abbotts Frozen Custard facility. Abbotts Frozen Custard was established in 1902 and is known for a unique and premium ice cream type product called "frozen custard". No tables or seats are proposed for the facility and the existing front window will be reconstructed into a service window.

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, Devra G. Bailin, on Tuesday, March 18, 2008 at 7:45 p.m. in the Needham Town Hall, Selectmen's Meeting Room, 1471 Highland Avenue, Needham, Massachusetts. Board members, Maurice P. Handel, Martin Jacobs, Jean McKnight, Devra G. Bailin and Bruce T. Eisenhut were present throughout the proceedings. The record of the proceedings and the submissions 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 Properly executed Application in support of Application for Site Plan Review under Section 7.4 of the By-law, for two Special Permits under Section 3.2.2 of the By-Law, for a Special Permit under Section 1.4.6 of the By-law, and for a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the parking requirements under Section 5.1.2 and Section 5.1.3, dated February 13, 2008.

Exhibit 2 Four letters from Roy A. Cramer, Esq. to Lee Newman, Planning Director, one dated February 7, 2008, one dated February 8, 2008, one dated February 21, 2008, and one dated March 31, 2008.

Exhibit 3 One letter from Roy A. Cramer, Esq., to Lee Newman, Planning Director, dated February 26, 2008, together with a sketch of the location of the two dumpsters presently located at the rear of the property and a photograph of said two dumpsters.

Exhibit 4 Town of Needham Assessors Map No. 47.

Exhibit 5 Set of Plans consisting of 2 Sheets entitled "Abbotts Frozen Custard Floor Plans dated February 5, 2008" prepared by Bargmann, Hendrie + Archetype Inc., 300A Street, Boston, Massachusetts 02210 (Sheet A101), and "Abbotts Frozen Custard Existing and Proposed Elevations and Section" dated February 5, 2008 prepared by Bargmann, Hendrie + Archetype Inc., 300A Street Boston, Massachusetts 02210 (Sheet A201).

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Exhibit 7 Two plans entitled, "Plan of Land owned by David Murdoch and David Simon, Needham, MA.", prepared by John E. Titus, Landscape Architect, dated September 23, 1923, revised October 15, 1924, recorded at Norfolk Registry of Deeds at Book 1665, Page 481, and b) Town of Needham Building Inspection Department Plot Plan, prepared by Cheney Engineering Co., Needham, Mass., dated September 20, 1963, approved September 23, 1963, Building Permit No. 5256.

Exhibit 8 A Plan consisting of 2 Sheets, stamped Approved by the Town of Needham Design Review Board on February 4, 2008.

Exhibit 9 Interdepartmental Communication (IDC) to the Board from Lt. John H. Kraemer, Needham Police Department, dated March 13, 2008; IDC to the Board from Robert H. Papetti, Needham Fire Department, dated March 4, 2008; IDC to the Board from Anthony Del Gaizo, Assistant Director, Department of Public Works, dated March 13, 2008; Email to the Board from Anthony Del Gaizo, Assistant Director, Department of Public Works, dated March 13, 2008; IDC to the Board from Daniel P. Walsh, Building Inspector, dated March 13, 2008; and IDC to the Board from Tara Gurge, Board of Health, March 13, 2008.

Exhibits 1, 2, 3, 4 and 6 are hereinafter referred to as the Plan.

FINDING AND CONCLUSIONS

1.1 The subject premises is located at 934 Great Plain Avenue, Needham, Massachusetts and is situated within the existing building known and numbered as 934-948 Great Plain Avenue and 26-34 Dedham Avenue. The said building is located on the property identified as Parcel 4 on the Town of Needham Assessor's Map No. 47, containing approximately 10,968 square feet and is located in the Center Business District.

1.2 The Petitioner proposes to lease approximately 582 square feet of first floor space and approximately 598 square feet of basement space. The basement space will be used only as a storage area. The building of which the premises are a part is a one-story structure located on the corner of Great Plain Avenue and Dedham Avenue. The other businesses presently located in the building are Dwight Management, Sweet Basil, UPS and Abode.

1.3 The Petitioner proposes to redevelop the premises from a real estate brokerage office (now vacant) to an Abbotts Frozen Custard facility which the Needham Zoning By-Law characterizes as "retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises. The primary use of the premises shall be a food retail operation for the sale of frozen custard, ice cream, frozen yogurt and other frozen custard novelty items. As a subordinate and accessory use to the primary use, accessory sales of cakes, pastry and other baked goods, hot and cold drinks, shall be permitted. The Petitioner anticipates that the vast majority of total sales will be attributable to frozen custard.

1.4 The Petitioner intends to reconstruct the existing front window into a service window, add signage and an awning, and to repaint the Great Plain Avenue elevation. No other exterior improvements to the façade of the building are anticipated. Two take-out stations will service the operation. No tables or seats are proposed for the facility. There will be a maximum of three employees on site at any given time. The proposed hours of operation are seven (7) days a week between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday.

1.5 The Petitioner appeared before the Design Review Board on February 4, 2008, and obtained approval for the project.

1.6 Presently there are two dumpster located at the rear of the property as further described in Exhibit 3. One of the dumpsters is utilized by Sweet Basil. The other dumpster previously used by UPS is proposed for use by Abbott's Frozen Custard. Both dumpsters are called "6 yard" dumpsters with dimensions of approximately 70"wide, 69" deep and 60" high. Both dumpsters are placed on a slight angle with respect to the building. The front dumpster (utilized by Sweet Basil) is approximately 1 foot from the building on one side and 3 feet from the building on the other side. The rear dumpster (to be utilized by Abbott's Frozen Custard) is approximately 3 feet from the building on one side and 5 feet from the building on the other side. Abbott's Frozen Custard is in the process of determining whether they can utilize a smaller dumpster since the amount of refuse is not that great.

1.7 The Petitioner has requested a special permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 and 5.1.3 of the Zoning By-Law. There is no parking on site. The parking requirement for the proposed operation is 23 spaces based on the following computation: (a) 582 square feet of retail space at 1 space per 300 square feet equals 1.94 space, (b) 598 square feet of storage space at 1 space per 850 square feet equals 0.70 spaces, (c) two take-out stations at 20 spaces (10 spaces for each station) for a total of 22.64 parking spaces; rounding up to the nearest number the parking requirement for the facility is 23. Petitioner has requested a waiver to reduce the number of on-site parking spaces for this facility from twenty-three spaces to zero spaces.

1.8 The Board finds that the front setback of the building of which the Premises are a part is approximately 3 feet, as shown on the plans referenced in Exhibit 7above and Needham Assessors Map No. 47 referenced in Exhibit 4 above.

1.9 Adjoining premises will be protected 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 is presently fully developed and only minor renovations are required. No change to the footprint of the building is proposed, and the building is part of a commercial strip along Great Plain Avenue and Highland Avenue that has been in existence for many years. Surface water drainage will continue to be collected in a system of catch basins and drains. The infrastructure of the building is already in existence. The proposed changes to the exterior elevations are limited.

1.10 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The site is presently fully developed and the Petitioner is only proposing minor modifications. There is no off-street parking available for the facility. However, the property is within walking distance to the Main Town of Needham Municipal Parking Lot and to the Dedham Avenue Town of Needham Municipal Parking Lot. There is also on-street parking available on Great Plain Avenue, Dedham Avenue, Highland Avenue, Chapel Street and Pickering Street. It is anticipated that a substantial portion of the patrons will be pedestrians who are already downtown, utilizing the retail shops or the area restaurants.

1.11 Adequate methods for disposal of waste will be provided. Refuse will be collected in one of the two dumpsters located at the rear of the property and refuse will be disposed of at least on a weekly basis. The dumpster (or a replacement dumpster at the same location) will be a so-called "6 yard" dumpster or less, and is the dumpster located furthest from the rear property line shown on Exhibit 3.

1.12 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area in compliance with other requirements of the By-Law will be met as the site is presently fully developed and the footprint of the building will not change. Since no change to the footprint of the building is proposed, the relationship of structures and open spaces to the natural landscape and existing buildings and other community assets will remain unchanged. No exterior improvements to the façade of the building are anticipated, other than signage and awning, reconstruction of the existing window to a service window, and repainting of the Great Plain Avenue elevation.

1.13 Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets will be met as there will be no adverse impact on the Town's resources. The site is fully developed and the Petitioner is only proposing minor modifications within an existing space.

1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. While there is no on-site parking associated with the facility, there are large municipal parking lots located within walking distance of the property and on-street spaces are in close proximity to the site. It is anticipated that, due to the proposed use, a large number of patrons will be pedestrians who are already shopping or working in Needham Center. It is also anticipated that a number of patrons will be drawn from existing restaurants in the Center Business District. There will be a

maximum of 3 employees at the facility at any given time. The proposed hours of operation are 11:00 a.m. to midnight, 7 days a week.

1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

1.16 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.

1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one non-residential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.

1.18 Under Sections 5.1.1.6 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.

1.19 Under Section 1.4.6 of the By-Law, a Special Permit may be granted for the alterations of a non-conforming structure, provided the Board finds that the alteration would not be substantially more detrimental to the neighborhood than the existing structure. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to not be substantially more detrimental to the neighborhood and to comply with all applicable By-Law requirements as modified or waived by this Decision.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) the requested Special Permit under Section 3.2.2 of the By-Law for the retail sale of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot;

(4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements); and (5) the requested Special Permit under Section 1.4.6 of the By-Law for alteration of non-conforming structure.

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 Inspector shall not issue any building permit nor shall he 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 Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

2.1 No Plan modifications are required.

CONDITIONS

3.0 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 3.17 hereof.

3.1 The primary use of the premises shall be of a food retail operation (frozen custard store) for the sale of frozen custard, ice cream, frozen yogurt and other frozen custard novelty items. As a subordinate and accessory use to the primary use, as described above, accessory sales of cakes, pastry, and other baked goods, hot and cold drinks shall be permitted. In no event shall the accessory eat-in/take-out component for the sale of cakes, pastry, and other baked goods, hot and cold drinks constitute in excess of forty (40) percent of the total business to be done. It is anticipated by the Petitioner that the vast majority of sales shall be from frozen custard.

3.2 The frozen custard store shall contain no seats, tables or chairs. It shall contain a service window. The Petitioner shall direct service window customers to form a line along the front of the building. If and when the line extends easterly past the easterly boundary line of the property on which the building is located, the Petitioner shall direct those additional customers to make their purchases inside the Premises.

3.3 The Petitioner may operate the ice cream store seven (7) days a week between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday. There shall be a maximum of three employees on site at any given time.

3.4 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be provision for disposal of refuse, which shall be removed on a timely basis.

3.5 That this Special Permit to operate the frozen custard store at 934 Great Plain Avenue is issued to Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard, 2 Thoroughbred Lane, Sherborn, Massachusetts 01770, lessee only, and may not be

transferred, set over, or assigned by Frozen Custard New England, LLC, to any other person or entity other than an affiliated entity in which Frozen Custard New England, LLC has a controlling interest of greater than 50 percent, 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.

3.6 That the frozen custard store shall be located and constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.

3.7 That the proposed frozen custard store shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, ikknterior partitions or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed "minor movement" to the Plan, as modified by this decision, shall require approval by the Board.

3.8 The Petitioner shall make a best effort attempt to donate a trash receptor to the Town for use in front of the subject premises. Said trash receptor shall be empted as needed, cleaned and maintained to meet Board of Health standards.

3.9 That all new utilities, including telephone and electrical service, shall be installed underground from the street line.

3.10 The Petitioner shall use the dumpster previously allocated to UPS and Abode for a maximum of one dumpster at the rear of the property. The size of the dumpster shall be no greater than the size of the dumpster presently existing on the site that previously served UPS and Abode (a "6 yard" dumpster). The dumpster shall include a locking mechanism for the cover, and shall be closed and locked when not in use. Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the frozen custard store operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health standards.

3.11 That all solid waste associated with this project shall be removed from the site by a private contractor. That deliveries and trash dumpster pick up shall occur only between the hours of 7:00 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 once a week.

3.12 That no building permit shall be issued in pursuance of the Special Permit and Site Plan Approval 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 Inspector.

b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit 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.

3.13 That no portion of the building or structure to be occupied by the Petitioner that is 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.

b. The required dumpster with covered locking mechanism shall have been installed.

c. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built plan for the frozen custard facility, in accordance with this decision and the approved Plan.

3.14 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.

3.15 The portion of 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.

3.16 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.

3.17 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

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

4.1 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 modified by this decision.

4.2 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.

4.3 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.

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 Site Plan Special Permit shall lapse on March 18, 2010 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 18, 2010. 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 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 18th day of March, 2008.

NEEDHAM PLANNING BOARD

By: _____
Devra G. Bailin

By: _____
Martin Jacobs

By: _____
Bruce T. Eisenhut

By: _____
Maurice P. Handel

By: _____
Jeanne McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 18th day of March, 2008, before me, the undersigned notary public, personally appeared Devra G. Bailin, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, 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.

_____
Notary Public
My Commission Expires: MY COMMISSION EXPIRES MAY 15, 2009

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the decision on Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard, Needham, Massachusetts, for property located at 934 Great Plain Avenue, Needham, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this decision have been dismissed.)

_____ _____

Date 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
Economic Development
Roy A. Cramer
Parties In Interest

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

TOWN OF NEEDHAM
MASSACHUSETTS
PLANNING BOARD
January 21, 2025

Major Project Special Permit No. 2008-01
934 Great Plain Avenue

Frozen Custard New England II
TRANSFER OF SPECIAL PERMIT
To Frozen Custard Greater Boston One, LLC

On January 21, 2025, the Planning Board held a meeting following a written request dated January 14, 2025, to transfer the permit from Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard to Frozen Custard Greater Boston One, LLC d/b/a Abbotts Frozen Custard. Bill and Kimberly Zeoli, of Frozen Custard Greater Boston One, LLC requested the transfer of Major Project Site Plan Special Permit No. 2008-01 originally issued to Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard on March 18, 2008 and filed with the Town Clerk on March 21, 2008. Pursuant to the authority reserved to the Planning Board under Section 3.5 of the March 18, 2008 Special Permit, the Planning Board waived public notice of the hearing.

Bill and Kimberly Zeoli, Frozen Custard Greater Boston One, LLC, stated that he intended to operate the same business under the same name. 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. 2008-01 issued to Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard on March 18, 2008 and filed with the Town Clerk on March 21, 2008. No changes are proposed on the site, 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 to Frozen Custard Greater Boston One, LLC, 382 South Street, Needham, MA, of Major Project Site Plan Special Permit No. 2008-01 issued to Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard on March 18, 2008 and filed with the Town Clerk on March 21, 2008, to use the premises at 934 Great Plain Avenue as a food retail operation (frozen custard store) for the sale of frozen custard, ice cream, frozen yogurt and other frozen custard novelty items, subject to the following conditions.

1. The Planning Board's Major Project Site Plan Special Permit Decision No 2008-01 issued to Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard on March 18, 2008 and filed with the Town Clerk on March 21, 2008, is incorporated herein by reference and all conditions therein imposed remain in full force and effect except as otherwise authorized herein.

2. The restaurant shall contain the floor plan and dimensions and shall be located on that portion of the locus as shown on: Plans consisting of 2 Sheets entitled "Abbotts Frozen Custard Floor Plans dated March 13, 2008" prepared by Bargmann, Hendrie + Archetype Inc., 300A Street, Boston, Massachusetts 02210 (Sheet A101), and "Abbotts Frozen Custard Existing and Proposed Elevations and Section" dated February 5, 2008 prepared by Bargmann, Hendrie + Archetype Inc., 300A Street Boston, Massachusetts 02210 (Sheet A201) (Exhibit 6 or the March 18, 2008 Decision), 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 transfer shall not take effect until the Petitioner has delivered written evidence of recording to the Planning Board.

Witness our hands this 21st day of January, 2025.

NEEDHAM PLANNING BOARD

_____
Natasha Espada, Chairperson

_____
Artie Crocker

_____
Paul S. Alpert

_____
Adam Block

_____
Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____2025

On this _____day of January, 2025, 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, and acknowledged the foregoing to be the free act and deed of said Board before me.

_____
Notary Public
My Commission Expires:

Copy sent to:

Petitioner - Certified Mail #	Board of Selectmen
Town Clerk	Fire Department
Building Inspector	Police Department
Director, PWD	Parties in Interest
Board of Health	Engineering
Conservation Commission	Frozen Custard Greater Boston One, LLC

Suggested Motions

Agenda item:

3. Discussion and Vote to submit an action plan for interim compliance to the Executive Office of Housing and Livable Communities, which shall consist of the Base Compliance Plan.

Suggested motion: Move that the Planning Board support the submission of an action plan for interim compliance to the Executive Office of Housing and Livable Communities, which shall consist of advancing the base compliance plan to Town Meeting in May, 2025.

Agenda Item:

4. Discussion and Vote to submit to the Select Board the set of zoning amendments known as the Base Compliance Plan to initiate the process of amending the zoning by-laws in accordance with M.G.L. c. 40A §5.

Suggested motion: Move that the Planning Board submit to the Select Board the set of proposed zoning amendments known as the Base Compliance Plan to initiate the process of amending the Zoning By-Laws in accordance with M.G.L. c.40A, §5, first paragraph.

Agenda Item:

6. Discussion and Vote to appoint Bill Paulsen to the Large House Review Committee Pursuant to M.G.L. c.268A, §19(b).

Suggested motion: Move that the Planning Board vote, as appointing official to the Large House Review Study Committee, that it has reviewed the M.G.L. c.268A, §19 disclosure of appointee Bill Paulson, and has determined that the financial interest identified therein is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.

760 CMR 72.00 MULTI-FAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES

72.01: Background and Purpose

G.L. c 40A, §3A provides: An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of G.L. c. 40A, § 3A is to encourage the production of Multi-family housing by requiring MBTA communities to adopt zoning districts where Multi-family housing is allowed As of right, and that meet other requirements set forth in the statute. 760 CMR 72.00 establishes rules, standards, and procedures to set forth how MBTA communities may achieve compliance with G.L. c. 40A, §3A. Pursuant to G.L. c. 40A, § 3A(c), the Executive Office of Housing and Livable Communities (EOHLC) is the regulatory agency for the program and is expressly authorized to issue guidelines, in consultation with the Executive Office of Economic Development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, to determine if an MBTA community is in compliance with G.L. c. 40A, § 3A. EOHLC is adopting these regulations pursuant to its authority under G.L. c. 6A, §16G ½ and pursuant to the Decision issued by the Supreme Judicial Court in Attorney General v. Town of Milton, et al. SJC-13580, slip op. (Jan. 8, 2025), holding that the guidelines issued by EOHLC on August 17, 2023 are unenforceable and must be promulgated in accordance with G.L. c. 30A, § 3.

72.02: Definitions

"Adjacent community" means an MBTA community that (i) has within its boundaries less than 100 acres of Developable station area, and (ii) is not an Adjacent small town.

"Adjacent small town" means an MBTA community that (i) has within its boundaries less than 100 acres of Developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

"Affordable unit" means a Multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on EOHLC's Subsidized Housing Inventory. Nothing in 760 CMR 72.00 changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by EOHLC.

"Age-restricted housing" means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

"As of right" means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

"Bus station" means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the Massachusetts Bay Transportation Authority Silver Line. Upon the request of an MBTA community, EOHLC, in consultation with the Massachusetts Bay Transportation Authority, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity Massachusetts Bay Transportation Authority bus line, and (ii) the area around such fixed infrastructure is highly suitable for Multi-family housing.

"Commuter rail community" means an MBTA community that (i) does not meet the criteria for a Rapid transit community, and (ii) has within its borders at least 100 acres of Developable station area associated with one or more Commuter rail stations.

"Commuter rail station" means any Massachusetts Bay Transportation Authority Commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations and any extensions to such lines under construction and scheduled to begin service before the end of 2025.

"Compliance model" means the model created by EOHLC to determine compliance with G.L. c. 40A, § 3A's reasonable size, gross density, and location requirements. The compliance model is described in further detail in the Compliance Methodology Model, which is a model prescribed by EOHLC.

"Determination of compliance" means a determination made by EOHLC as to whether an MBTA community has a Multi-family zoning district that complies with the requirements of G.L. c. 40A, § 3A. A Determination of compliance may be a determination of interim compliance or a determination of district compliance, as described in 760 CMR 72.09.

"Developable land" means land on which Multi-family housing can be permitted and constructed. For purposes of 760 CMR 72.00, Developable land consists of: (i) all privately-owned land except Lots or portions of Lots that meet the definition of Excluded land, and (ii) Developable public land.

"Developable public land" means any Publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by EOHLC; or (iii) has been designated by the public owner for disposition and redevelopment. Other Publicly-owned land may qualify as Developable public land if EOHLC determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to Multi-family housing, and will be converted to or made available for Multi-family housing within a reasonable period of time.

"Developable station area" means Developable land that is within 0.5 miles of a Transit station.

"EOED" means the Executive Office of Economic Development.

"EOHLC" means the Executive Office of Housing and Livable Communities.

"Excluded land" means land areas on which it is not possible or practical to construct Multi-family housing. For purposes of 760 CMR 72.00, Excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

(1) All Publicly-owned land, except for Lots or portions of Lots determined to be Developable public land.
(2) All rivers, streams, lakes, ponds and other surface waterbodies.
(3) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
(4) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
(5) All Public rights-of-way and Private rights-of-way.
(6) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
(7) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

"Ferry terminal" means the location where passengers embark and disembark from regular, year-round Massachusetts Bay Transportation Authority ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by Public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in G.L. c. 29, § 2EEEE; and (iii) the MassWorks infrastructure program established in G.L. c. 23A, § 63.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA Community Categories and Requirements” means the table of MBTA communities adopted and updated by EOHLC, identifying the community category assignment, minimum land area, minimum Multi-family unit capacity, Developable station area, and percentage of the Multi-family zoning district to be located in the Developable station area, applicable to MBTA communities.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in G.L. c. 161A, § 1; (ii) one of the 14 cities and towns as defined in G.L. c. 161A, § 1; (iii) other served communities as defined in G.L. c. 161A, § 1; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under G.L. c. 161A, § 6 or in accordance with any special law relative to the area constituting the authority.

“Mixed-use development” means development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

"Mixed-use development zoning district” means a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Multi-family housing” means a building with three or more Residential dwelling units or two or more buildings on the same Lot with more than one Residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of Multi-family housing units that can be developed As of right within a Multi-family zoning district, made in accordance with the requirements of 760 CMR 72.05(1)(b).

"Multi-family zoning district" means a zoning district, including a base district or an overlay district, in which Multi-family housing is allowed As of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

"One Stop Application" means the single application portal for the Community One Stop for Growth through which (i) EOED considers requests for funding from the MassWorks infrastructure program; (ii) EOHLC considers requests for funding from the Housing Choice Initiative, (iii) EOED, EOHLC and other state agencies consider requests for funding from other discretionary grant programs.

"Private rights-of-way" means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

"Publicly-owned land" means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

"Public rights-of-way" means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

"Rapid transit community" means an MBTA community that has within its borders at least 100 acres of Developable station area associated with one or more Subway stations, or Massachusetts Bay Transportation Authority Silver Line bus rapid transit stations.

"Residential dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Sensitive land" means Developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of Multi-family housing. It also includes locations where Multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; Department of Environmental Protection-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

"Site plan review" means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

"Subway station" means any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, or Blue Line, including but not limited to the Mattapan High Speed Line and any extensions to such lines.

"Transit station" means a Massachusetts Bay Transportation Authority Subway station, Commuter rail station, Ferry terminal or Bus station.

"Transit station area" means the land area within 0.5 miles of a Transit station.

72.03: General Principles of Compliance

(1) 760 CMR 72.00 describes how an MBTA community can comply with the requirements of G.L. c. 40A, § 3A. 760 CMR 72.00 specifically addresses:

(a) What it means to allow Multi-family housing "As of right."

(b) The metrics that determine if a Multi-family zoning district is "of reasonable size."

(c) How to determine if a Multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by G.L. c. 131, § 40 of and title 5 of the state environmental code.

(d) The meaning of G.L. c. 40A, § 3A's mandate that "such multi-family housing shall be without age restrictions and shall be suitable for families with children."

(e) The extent to which MBTA communities have flexibility to choose the location of a Multi-family zoning district.

(2) The following general principles have informed the more specific compliance criteria that follow:

(a) MBTA communities with Subway stations, Commuter rail stations and other Transit stations benefit from having these assets located within their boundaries and should provide opportunity for Multi-family housing development around these assets. MBTA communities with no Transit stations within their boundaries benefit from proximity to Transit stations in nearby communities.

(b) The Multi-family zoning districts required by G.L. c. 40A, § 3A should encourage the development of Multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to Sensitive land.

(c) "Reasonable size" is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a Multi-family zoning district that is "reasonable" in one city or town may not be reasonable in another city or town.

(d) When possible, Multi-family zoning districts should be in areas that have safe, accessible, and convenient access to Transit stations for pedestrians and bicyclists.

72.04: Allowing Multi-Family Housing "As of Right"

(1) To comply with G.L. c. 40A, § 3A, a Multi-family zoning district must allow Multi-family housing As of right, meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. EOHLC will determine whether zoning provisions allow for Multi-family housing as of right consistent with the following requirements.

(a) Site plan review. G.L. c. 40A does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized Site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when Site plan review is required for a use permitted As of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law. 760 CMR 72.00 similarly recognizes that Site plan review may be required for Multi-family housing projects that are allowed As of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed As of right and complies with applicable dimensional regulations.

(b) Affordability requirements. G.L. c. 40A, § 3A does not include any express requirement or authorization for an MBTA community to require Affordable units in a Multi-family housing project that is allowed As of right. It is a common practice in many cities and towns to require Affordable units in a Multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new Multi-family housing.

1. For purposes of making compliance determinations with G.L. c. 40A, § 3A, EOHLC will consider an affordability requirement to be consistent with As of right zoning as long as the zoning requires not more than ten percent of the units in a project to be Affordable units, and the cap on the income of families or individuals who are eligible to occupy the Affordable units is not less than eighty percent of area median income. Notwithstanding the foregoing, EOHLC may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

a. The affordability requirements applicable in the Multi-family zoning district are reviewed and approved by EOHLC as part of a smart growth district under G.L. c. 40R, or under another zoning incentive program administered by EOHLC; or

b. The affordability requirements applicable in the Multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a

qualified and independent third party acceptable to EOHLC, and using a methodology and format acceptable to EOHLC. The analysis must demonstrate that a reasonable variety of Multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed As of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

2. In no case will EOHLC approve alternative affordability requirements that require more than 20 percent of the units in a project to be Affordable units, except in a smart growth zoning district under G.L. c. 40R with a 25 percent affordability requirement approved and adopted prior to August 10, 2022 (the date of issuance by EOHLC of Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act which have been superseded by 760 CMR 72.00), including any such existing district that is expanded or amended to comply with G.L. c. 40A, § 3A and 760 CMR 72.00.

(c) Other requirements that do not apply uniformly in the Multi-family zoning district. Zoning will not be deemed compliant with G.L. c. 40A, § 3A's requirement that Multi-family housing be allowed As of right if the zoning imposes requirements on Multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with As of right use: (i) a requirement that Multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a Multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that Multi-family use must be combined with commercial or other uses on the same Lot or as part of a single project. Mixed use projects may be allowed As of right in a Multi-family zoning district, as long as Multi-family housing is separately allowed As of right.

72.05: Determining "Reasonable Size"

(1) In making determinations of "reasonable size," EOHLC will take into consideration both the land area of the Multi-family zoning district, and the Multi-family zoning district's Multi-family unit capacity.

(a) Minimum land area. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with G.L. c. 40A, § 3A, a Multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular Multi-family project. EOHLC will certify compliance with G.L. c. 40A, § 3A only if an MBTA community's Multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in the MBTA Community Categories and Requirements. The minimum land area for each MBTA community has been determined as follows:

1. In Rapid transit communities, Commuter rail communities, and Adjacent communities, the minimum land area of the Multi-family zoning district is 50 acres, or 1.5% of the

Developable land in an MBTA community, whichever is less. In certain cases, as set forth in the MBTA Community Categories and Requirements a smaller minimum land area applies.

2. In Adjacent small towns, there is no minimum land area. In these communities, the Multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum Multi-family unit capacity and the minimum Gross density requirements.

3. In all cases, at least half of the Multi-family zoning district land areas must comprise contiguous Lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the Multi-family unit capacity and Gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous Lots.

(b) Minimum Multi-family unit capacity. A reasonably sized Multi-family zoning district must also be able to accommodate a reasonable number of Multi-family housing units As of right. For purposes of determinations of compliance with G.L. c. 40A, § 3A, EOHLC will consider a reasonable Multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of Transit service in the community, as shown on Table 1:

Table 1.

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

1. To be deemed in compliance with G.L. c. 40A, § 3A, each MBTA community must have a Multi-family zoning district with a Multi-family unit capacity equal to or greater than the minimum unit capacity as determined by EOHLC in accordance with the MBTA Community Categories and Requirements. The minimum Multi-family unit capacity for each MBTA community has been determined as follows:

a. First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a Rapid transit community with 7,500 housing units is required to have a Multi-family zoning district with a Multi-family unit capacity of 7,500 x 0.25 = 1,875 Multi-family units. For purposes of 760 CMR 72.00, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.

b. Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by G.L. c. 40A, § 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on Multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a Multi-family unit capacity of at least 600 (40 x 15) units.

c. The minimum unit capacity applicable to each MBTA community is the greater of the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum Multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

Example: The minimum multi-family unit capacity for an Adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows:(i) first, by multiplying 1,000 x .1 = 100 units; (ii) second, by multiplying 50 x 15 = 750 units;(iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of 1,000 = 250 units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

(c) Unit Capacity in Mixed-Use Development Districts

1. In making determinations of whether an MBTA community has a Multi-family zoning district of "reasonable size" under this section, EOHLC shall also take into consideration the existence and impact of Mixed-use development zoning districts, subject to the requirements below.

2. EOHLC shall take these Mixed-use development districts into consideration as reducing the unit capacity needed for a Multi-family zoning district to be "reasonable" (in accordance with the MBTA Community Categories and Requirements) where:

a. the Mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;
b. there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;
c. Mixed-used development in the district is allowed As of right as that phrase has been interpreted by EOHLC (for example, in 760 CMR 72.04(1)(b) with respect to affordability requirements);
d. the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, Lot, or project must be for non-residential uses;
e. the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per Lot;
f. the requirement for non-residential uses allows a broad mix of non-residential uses As-of-right in keeping with the nature of the area; and

g. there are no minimum parking requirements associated with the non-residential uses allowed As of right.

2. An MBTA community asking to reduce the unit capacity requirement for its Multi-family zoning district(s) based on the unit capacity for one or more Mixed-use development districts shall submit to EOHLC, on a form to be provided by EOHLC, a request for a determination that the Mixed-use development district is in an eligible location meeting the requirements of 760 CMR 72.05(1)(c)2.a. This request must be submitted at least 90 days prior to the vote of the MBTA community's legislative body. An MBTA community also may submit a broader inquiry as to G.L. c. 40A, § 3A compliance in accordance with 760 CMR 72.09(5). EOHLC shall respond prior to the vote of the MBTA community's legislative body if the request is timely submitted.

3. In any community with both a Multi-family zoning district and a Mixed-use development district that meets these considerations, the unit capacity requirement for the Multi-family zoning district, as stated in the MBTA Community Categories and Requirements, shall be reduced by the lesser of:

a. the unit capacity of Residential dwelling units in the Mixed-use development district or subdistrict (as calculated by EOHLC using a methodology similar to that in 760 CMR 72.05(1)(d) which takes into account the impact of non-residential uses), or
b. twenty five percent of the unit capacity requirement as stated in the MBTA Community Categories and Requirements. This consideration shall not affect the minimum land area acreage or contiguity requirements for a Multi-family zoning district otherwise required by 760 CMR 72.00.

(d) Methodology for determining a Multi-family zoning district's multi-family unit capacity.

1. MBTA communities seeking a determination of compliance must use the EOHLC Compliance model to provide an estimate of the number of Multi-family housing units that can be developed As of right within the Multi-family zoning district. The Multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in the Compliance Methodology Model. This worksheet produces an estimate of a district's Multi-family unit capacity using inputs such as the amount of Developable land in the district, the dimensional requirements applicable to Lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to Multi-family uses.

2. Minimum unit capacity is a measure of whether a Multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in G.L. c. 40A, § 3A or 760 CMR 72.00 should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-

family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

3. If an MBTA community has two or more zoning districts in which Multi-family housing is allowed As of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum Multi-family unit capacity requirements, as long as each district independently complies with G.L. c. 40A, § 3A's other requirements and 760 CMR 72.00.

(e) Water and wastewater infrastructure within the multi-family zoning district

1. MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new Multi-family zoning district. Compliance with G.L. c. 40A, § 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future Multi-family housing production within the Multi-family zoning district. In most cases, Multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

2. The Multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the Multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

72.06: Minimum Gross Density

(1) G.L. c. 40A, § 3A expressly requires that a Multi-family zoning district—not just the individual lots of land within the district—must have a minimum Gross density of 15 units per acre, subject to any further limitations imposed by G.L. c. 131 and title 5 of the state environmental code established pursuant to G.L. c. 21A. G.L. c. 40A, § 1A defines "Gross density" as "a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses."

(2) District-wide Gross density.

(a) To meet the district-wide Gross density requirement, the dimensional restrictions and parking requirements for the Multi-family zoning district must allow for a Gross density of

15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre Multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 Multi-family housing units.

(b) For purposes of determining compliance with G.L. c. 40A, § 3A's Gross density requirement, the EOHLC Compliance model will not count in the denominator any excluded land located within the Multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum Gross density respects G.L. c. 40A, § 1A's definition of Gross density—"a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses"—while making it unnecessary to draw patchwork Multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

(3) Achieving district-wide gross density by sub-districts. Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with G.L. c. 40A, § 3A's Gross density requirement, an MBTA community may establish reasonable sub-districts within a Multi-family zoning district, with different density limits for each sub-district, provided that the Gross density for the district as a whole meets the statutory requirement of not less than 15 Multi-family units per acre. EOHLC will review sub-districts to ensure that the density allowed As of right in each sub-district is reasonable and not intended to frustrate the purpose of G.L. c. 40A, § 3A by allowing projects of a such high density that they are not likely to be constructed.

(4) Wetland and septic considerations relating to density. G.L. c. 40A, § 3A provides that a district of reasonable size shall have a minimum Gross density of 15 units per acre, "subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to G.L. c. 21A, § 13." This directive means that even though the zoning district must permit 15 units per acre As of right, Multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

72.07: Determining Suitability for Families with Children

G.L. c. 40A, § 3A states that a compliant Multi-family zoning district must allow Multi-family housing As of right, and that such multi-family housing shall be without age restrictions and shall be suitable for families with children. EOHLC will deem a Multi-family zoning district to comply with these requirements as long as the zoning does not require Multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to G.L. c. 40A, §3A or to determinations of compliance made pursuant to 760 CMR 72.00.

72.08: Location of Districts

(1) General rule for determining the applicability of G.L. c. 40A, § 3A's location requirement.

(a) A Multi-family zoning district shall "be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable." When an MBTA community has only a small amount of Transit station area within its boundaries, it may not be possible or practical to locate all of the Multi-family zoning district within 0.5 miles of a Transit station. Transit station area may not be a practical location for a Multi-family zoning district if it does not include Developable land where Multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with G.L. c. 40A, § 3A and 760 CMR 72.00, EOHLC will consider the statute's location requirement to be "applicable" to a particular MBTA community only if that community has within its borders at least 100 acres of Developable station area. A Multi-family zoning district shall be located within transit station areas depending on how much total developable station area is in that community, in accordance with Table 2:

Table 2.

Total Developable station area within the MBTA community (acres)	Portion of the Multi-family zoning district that must be within a transit station area
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

(b) The percentages specified in this table apply to both the minimum land area and the minimum Multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of Transit station area within its boundaries, a Multi-family zoning district will comply with G.L. c. 40A, § 3A's location requirement if at least 50 percent of the district's minimum land area is located within the Transit station area, and at least 50 percent of the district's minimum Multi-family unit capacity is located within the Transit station area.

(c) A community with Transit station areas associated with more than one Transit station may locate the Multi-family zoning district in any of the Transit station areas. For example, a Rapid transit community with Transit station area around a Subway station in one part of town, and Transit station area around a Commuter rail station in another part of town, may locate its Multi-family zoning district in either or both Transit station areas.

(d) MBTA communities with limited or no Transit station area. When an MBTA community has less than 100 acres of Developable station area within its boundaries, the MBTA community may locate the Multi-family zoning district anywhere within its boundaries. To encourage transit-oriented Multi-family housing consistent with the general intent of G.L. c. 40A, § 3A, MBTA communities are encouraged to consider locating the Multi-family zoning

district in an area with reasonable access to a Transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an "eligible location" as defined in G.L. c. 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new Multi-family housing.

(2) General guidance on district location applicable to all MBTA communities. When choosing the location of a new Multi-family zoning district, every MBTA community should consider how much of a proposed district is Sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct Multi-family housing. For example, an MBTA community should avoid including in a Multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

72.09: Determinations of Compliance

(1) G.L. c. 40A, §3A provides that any MBTA community that fails to comply with G.L. c. 40A, § 3A's requirements will be ineligible for funding from any of the Listed funding sources. EOHLC will make determinations of compliance with G.L. c. 40A, § 3A in accordance with 760 CMR 72.00 to inform state agency decisions on which MBTA communities are eligible to receive funding from the Listed funding sources. The following discretionary grant programs will take compliance with G.L. c. 40A, § 3A into consideration when making grant award recommendations:

(a) Community Planning Grants, EOHLC,
(b) Massachusetts Downtown Initiative, EOED,
(c) Urban Agenda, EOED,
(d) Rural and Small Town Development Fund, EOED,
(e) Brownfields Redevelopment Fund, MassDevelopment,
(f) Site Readiness Program, MassDevelopment,
(g) Underutilized Properties Program, MassDevelopment,
(h) Collaborative Workspace Program, MassDevelopment,
(i) Real Estate Services Technical Assistance, MassDevelopment,
(j) Commonwealth Places Programs, MassDevelopment,
(k) Land Use Planning Grants, EOEEA,
(l) Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and
(m) Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

(2) Determinations of compliance also may inform other funding decisions by EOED, EOHLC, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

(3) EOHLC will recognize both interim compliance, which means an MBTA community is taking active steps to enact a Multi-family zoning district that complies with G.L. c. 40A, § 3A, and District compliance is achieved when EOHLC determines that an MBTA community has a Multi-family zoning district that complies with G.L. c. 40A, § 3A and the requirements set forth

below. Table 3 includes deadlines, shown with an asterisk, established under prior guidelines that many municipalities have met, and prospective deadlines for certain categories of municipalities as shown without an asterisk.

Table 3.

Transit Category	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community	January 31, 2023*	December 31, 2023*
Commuter rail community	January 31, 2023*	December 31, 2024*
Adjacent community	January 31, 2023*	December 31, 2024*
Adjacent small town	January 31, 2023*	December 31, 2025
Rapid transit community that has not submitted a district compliance application to EOHLC as of December 31, 2023	February 13, 2025	July 14, 2025
Commuter rail community that has not submitted a district compliance application to EOHLC as of December 31, 2024	February 13, 2025	July 14, 2025
Adjacent community that has not submitted a district compliance application to EOHLC as of December 31, 2024	February 13, 2025	July 14, 2025

(4) Process to achieve interim compliance. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant Multi-family zoning district.

(a) Creation and submission of an action plan. An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by EOHLC. An MBTA community action plan must provide information about current zoning, past planning for Multi-family housing, if any, and potential locations for a Multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant Multi-family zoning district.

(b) EOHLC approval of an action plan. EOHLC will review each submitted action plan for consistency with 760 CMR 72.00, including but not limited to the timelines in Table 3. If EOHLC determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, EOHLC will issue a determination of interim

compliance. EOHLC may require modifications to a proposed action plan prior to approval.

(c) Implementation of the action plan. After EOHLC approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. EOHLC may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. EOHLC and EOED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.

(d) Deadlines for submitting action plans. An MBTA community that does not submit an action plan by the applicable deadline set forth in Table 3 may not receive a EOHLC determination of interim compliance in time to receive an award of funds from the listed funding sources. An MBTA community that does not achieve interim compliance in time for the Community One Stop for Growth Application deadline may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than the applicable deadline of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

(5) Assistance for communities implementing an action plan. MBTA communities are encouraged to communicate as needed with EOHLC staff throughout the process of implementing an action plan, and may inquire about whether a proposed Multi-family zoning district complies with G.L. c. 40A, § 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by EOHLC. If a request is submitted at least 90 days prior to the vote of the legislative body, EOHLC shall respond prior to the vote.

(6) Requests for determination of district compliance. An MBTA community must request a determination of district compliance from EOHLC by submitting an application form required by EOHLC and shall include, at a minimum, the following information:

(a) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
(b) An estimate of multi-family unit capacity using the compliance model.
(c) GIS shapefile for the multi-family zoning district.
(d) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

(7) After receipt of a request for determination of district compliance, EOHLC will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, EOHLC will provide the MBTA community a written determination stating one of the following:

(a) that the existing Multi-family zoning district complies with G.L. c. 40A, § 3A and 760 CMR 72.00;
(b) that the Multi-family zoning district has been determined to be conditionally compliant with G.L. c. 40A, §3A and 760 CMR 72.00, provided that the MBTA community meets the conditions expressed by EOHLC in its determination; or
(c) that the Multi-family zoning district fails to comply with G.L. c. 40A, § 3A and 760 CMR 72.00 and the steps that must be taken to achieve compliance.

(8) An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at EOHLC.

72.10: Ongoing Obligations; Rescission of a Determination of Compliance

(1) After receiving a determination of compliance, an MBTA community must notify EOHLC in writing of any zoning amendment or proposed zoning amendment that affects the compliant Multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of Multi-family housing in the Multi-family zoning district.

(2) EOHLC may rescind a determination of district compliance, or require changes to a Multi-family zoning district to remain in compliance, if EOHLC determines that:

(a) The MBTA community submitted inaccurate information in its application for a determination of compliance;
(b) The MBTA community failed to notify EOHLC of a zoning amendment that affects the Multi-family zoning district;
(c) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the Multi-family unit capacity in the Multi-family zoning district;
(d) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a Multi-family housing project that is allowed As of right in the Multi-family zoning district (or any Mixed-use zoning development district taken into account in determining the required Multi-family unit capacity in the Multi-family zoning district);
(e) The MBTA community takes other action that causes the Multi-family zoning district to no longer comply with G.L. c. 40A, § 3A; or
(f) An MBTA community with an approved Multi-family zoning district has changed transit category as a result of a newly opened or decommissioned Transit station, or the establishment of permanent, regular service at a Transit station where there was formerly intermittent or event-based service.

72.11: Changes to MBTA Service

(1) G.L. c. 40A, § 3A applies to the MBTA communities identified in G.L. c. 40A, § 1A and G.L. c. 161A, § 1. When MBTA service changes, the list of MBTA communities and/or the

transit category assignments of those MBTA communities in the MBTA Community Categories and Requirements may change as well.

(2) The community category assignments identified in the MBTA Community Categories and Requirements reflect certain MBTA service changes that are expected to result from the South Coast Rail and Green Line Extension projects. Affected MBTA communities are noted in the MBTA Community Categories and Requirements.

(3) Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in 760 CMR 72.00 or included in the MBTA Community Categories and Requirements. New MBTA communities will be addressed with revisions to the MBTA Community Categories and Requirements, and separate compliance timelines.

(4) Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for Multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

REGULATORY AUTHORITY

760 CMR 72.00: M.G.L. c. 23B, M.G.L. c. 40A, § 3A

From:	Lee Newman
To:	Alexandra Clee
Subject:	FW: Needham MBTA Communities status
Date:	Tuesday, January 21, 2025 1:29:30 PM

From: Kluchman, Chris (EOHLC) <Chris.Kluchman@mass.gov>
Sent: Tuesday, January 21, 2025 1:06 PM
To: Katie King <kking@needhamma.gov>; Kate Fitzpatrick <KFitzpatrick@needhamma.gov>; Christopher Heep <cheep@miyares-harrington.com>
Cc: Lee Newman <LNewman@needhamma.gov>; Carlucci, Nathan (EOHLC) <Nathan.Carlucci@mass.gov>; Mendoza, Nikko (EOHLC) <Nikko.Mendoza@mass.gov>; Paladino, Laura (EOHLC) <Laura.Paladino@mass.gov>
Subject: Needham MBTA Communities status

Dear Town Administrator Fitzpatrick,
I am writing to clarify the Town of Needham's compliance status with G.L. c. 40A, Section 3A, after residents voted to repeal a multifamily zoning district adopted at town meeting that would have complied with the law. EOHLC's emergency regulations, which became effective on January 14, 2025 as 760 CMR 72.00, provide additional time for communities that missed prior deadlines or did not have compliant zoning in effect by prior deadlines to come into compliance.

Under the regulation, commuter rail communities that don't currently have compliant zoning in effect, such as Needham due to the result of the referendum, have two new deadlines:

- To submit a new action plan by February 13, 2025, and
- To submit a district compliance application by July 14, 2025.

Needham can re-enter interim compliance with Section 3A by submitting an Action Plan by February 13, 2025 and having it approved by EOHLC. The community's action plan must show steps they plan to take to have compliant zoning by July 14, 2025, which must be approved by EOHLC. If approved, Needham will be in "interim compliance" until July 14, 2025.

EOHLC encourages the Town to submit an Action Plan as soon as possible. It can be found on the MBTA communities website, or by this direct link.

Please let me know if you have any questions about this determination or how to submit an Action Plan.
Sincerely,
Chris Kluchman

Chris Kluchman, FAICP (she/her)
Director, Livable Communities Division
Executive Office of Housing and Livable Communities (EOHLC), 100 Cambridge Street, Ste 300
Boston, MA 02114
chris.kluchman@mass.gov

ARTICLE 1: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT (BASE COMPLIANCE PLAN)

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. By amending Section 1.3, Definitions by adding the following terms:

   Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

   MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

   3.17 Multi-family Overlay District

   3.17.1 Purposes of District

   The purposes of the Multi-family Overlay District include, but are not limited to, the following:

   (a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
   (b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
   (c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

   Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

   3.17.2 Scope of Authority

   In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Overlay District, the terms of the Multi-family Overlay District shall apply.

   If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning bylaws applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

   3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

(a) A-1
(b) B
(c) ASB-MF
(d) CSB
(e) HAB
(f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building and that complies with the requirements of M.G.L. c.40A, §3A and the rules and requirements thereunder.

Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which parking spaces are accommodated on multiple stories; a parking space area that is underneath all or part of any story of a structure; or a parking space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking. and sanitation.

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board.

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

(a) Multi-family housing.

3.17.4.2 Accessory Uses

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

(a) Parking, including surface parking and structured parking on the same lot as the principal use.

(b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.1 Minimum Lot Area and Frontage, Subsection 4.4.4 Front Setback, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.2 Front and Side Setbacks.

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the	25	10	Minimum 10	20 feet for buildings with	20	25

front property line			Maximum 15 [e,]	frontage on Chestnut Street 10 feet for all other buildings		
Minimum Side and Rear Setback (feet)	20	10 [a, b]	10 [a, c]	20 (side) [a, b,d]	20 [a, b]	20 [a, b]

(a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.

(b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.

(c) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.

(d) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.

(e) Seventy percent (70%) of the main datum line of the front facade of the building shall be set back no more than 15 feet, except that periodic front setbacks greater than fifteen (15) feet are allowed if activated by courtyards, landscaping, drive aisles, amenity areas, or other similar site design features that enhance the streetscape. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board if less than seventy percent (70%) of the main datum line front facade of the building is set back 15 feet.

3.17.5.2 Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, Subsection 4.4.3 Height Limitation, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.4 Height Limitation.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**
Maximum Building Height (stories)	3.0	3.0	3.0 [c]	3.0	3.0	3.0

Maximum Building Height (ft) [a,b]	40	40	40 [c]	40	40	40

(a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, stair overruns, elevator overruns, mechanical equipment, roof parapets, architectural screening, or other ornamental features of buildings, which features (i) are in no way used for living purposes; (ii) do not occupy more than 25% of the gross floor area of the building and (iii) do not project more than 15 feet above the maximum allowable height.

(b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

(c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for a height of four stories and 50 feet, provided that the fourth story along Highland Avenue and West Street incorporates one or more of the following design elements: (i) a pitched roof having a maximum roof pitch of 45 degrees; (ii) a fourth story recessed from the face of the building by a minimum of 12 feet; and/or (iii) such other architectural design elements proposed by the Applicant and approved by the Planning Board during the Special Permit process.

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**
Floor Area Ratio (FAR)	0.50	N/A	1.3[b, c]	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre[a]	18	N/A	44[d]	18	N/A	N/A

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an FAR of up to 1.7.

(c) In the ASB-MF subdistrict, the following shall not be counted as floor area for purposes of determining the maximum floor area ratio: (i) interior portions of a building devoted to off-street parking; (ii) parking garages, structured parking or deck/rooftop parking that are screened from Highland Avenue as required by Section 3.17.6 inclusive of any waiver thereof and from West Street in a manner compatible with the architecture of the building. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board to exclude additional areas from floor area for purposes of determining the maximum floor area ratio.

(d) In the ASB-MF subdistrict, Multi-family housing may exceed the maximum of 44 dwelling units per acre by special permit.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.5.5 Use of Dwelling Units

Consistent with the Executive Office of Housing and Livable Communities' Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, and notwithstanding anything else contained in the Zoning By-Law to the contrary, Multi-family housing projects shall not be required to include units with age restrictions, and units shall not be subject to limit or restriction concerning size, the number or size of bedrooms, a cap on the number of occupants, or a minimum age of occupants.

3.17.6 Off-Street Parking

(a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.

(b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.

(c) In the ASB-MF subdistrict, the façade(s) of all parking garages, structured parking and deck/rooftop parking visible from Highland Avenue shall be designed to be generally indistinguishable from the façade(s) of the residential portion of the building(s), and shall allow no view of parked vehicles from Highland Avenue except where such view is intermittent and incidental to the operation of the parking area, such as a view afforded by the opening of an automated garage door.

(d) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.

(e) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.

(f) The minimum number of bicycle parking spaces shall be one space per dwelling unit.

(g) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

(a) Notwithstanding anything in the Zoning By-Law outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.

(b) Buildings shall be designed with due regard to their relationship to open spaces, existing buildings, and community assets in the area.

(c) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.

(d) The site shall be designed so that all collection and storage areas for residential refuse shall be internal to the building(s), or otherwise shall not be visible from any public way and appropriately screened from abutting properties, and adequate management and removal of refuse shall be provided for.

(e) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.

(f) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.

(g) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.

(h) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.

(i) There shall be adequate water, sewer, and utility service provided to serve the project.

(j) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.

(k) Pedestrian and vehicular movement within and outside the project site shall be protected, through selection of egress points, provision for adequate sight distances, and through reasonable mitigation measures for traffic attributable to the project.

(l) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8” trunk diameter or larger, and the volume of earth cut and fill.

(m) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.

(n) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies in writing to the Building Commissioner that the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

(o) Construction activity shall be consistent with Section 3.8 of the General By-Laws and any reasonable conditions on construction activity that are warranted at a particular site and included in the applicable site plan approval, including but not limited to hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, and erosion and to protect existing vegetation to be preserved on the site.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

(a) 4.3.2 Driveway Openings

(b) 4.3.3 Open Space

(c) 4.3.4 Building Location, with the substitution of "Multifamily Dwelling" for "apartment house."

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

(a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

Special Development Standards for the ASD-MF Subdistrict of the Multi-Family Overlay District:

(a) Multi-family housing in the ASD-MF subdistrict shall employ existing curb cuts on Highland Avenue and West Street to the extent feasible. Existing curb cuts may be improved, reconstructed and modified. Additional curb cuts may be added subject to site plan review.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Affordable Housing Development Standards

Affordable Units shall be:

(a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;

(b) Dispersed throughout the development;

(c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;

(d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

(e) Distributed proportionately among unit sizes; and

(f) Distributed proportionately across each phase of a phased development.

(g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3.17.9 Site Plan Review

3.17.9.1 Applicability

Site Plan Review, as provided for in this Section 3.17, is required for all Multi-family housing projects within the Multi-Family Overlay District. Notwithstanding any other provision contained in the Zoning By-Law, except as expressly provided for in this Section 3.17, Multi-family housing projects are not subject to site plan or special permit review pursuant to Section 7.

3.17.9.2 Submission Requirements

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

(a) Locus plan;

(b) Location of off-site structures within 100 feet of the property line;

(c) All existing and all proposed building(s) showing setback(s) from the property lines;

(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;

(e) Existing and proposed contour elevations in one-foot increments;

(f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;

(g) Driveways and access to site, including width of driveways and driveway openings;

(h) Facilities for vehicular and pedestrian movement;

(i) Drainage;

(j) Utilities;

(k) Landscaping including trees to be retained and removed;

(l) Lighting;

(m) Loading and unloading facilities;

(n) Provisions for refuse removal; and

(o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer and including, if applicable, recommended traffic mitigation measures based on the traffic attributable to a particular project.

3.17.9.3 Timeline

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide any written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be performed expeditiously and in general shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

(a) the Applicant has submitted the information as set forth in Subsection 3.17.9.2 Submission Requirements; and

(b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, the development standards contained in Subsection 3.17.7 Development Standards, and Subsection 3.17.8.2 Affordable Housing Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.8 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

3.17.11 Special Permits

In those specific occasions where this Section 3.17 authorizes relief in the form of a special permit only, applications shall be reviewed and decided by the Planning Board in accordance with Section 7.5.2.

4. By amending the first sentence of Section 7.6.1, Special Permit Granting Authority, to add Section 3.17 to the list of Sections for which the Planning Board is the Special Permit Granting Authority, so that this sentence reads as follows:

   The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.16, 3.17, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8 and 7.4 of this By-Law.

5. By amending the first paragraph of Section 7.7.2.2, Authority and Specific Powers, to add site plan reviews under Section 3.17 to the jurisdiction of the Design Review Board, so that this paragraph reads as follows:

The Design Review Board shall review requests for site plan review and approval submitted in accordance with Section 3.17 Multi-family Overlay District, Section 7.4 Site Plan Review and requests for special permits in accordance with Section 4.2.11 Planned Residential Development, Section 4.2.10 Flexible Development and Section 6.11 Retaining Walls and, for a minor project that only involves a change in the exterior facade of a building in the Center Business District, shall review and may approve such facade change.

6. By amending Section 7.7.3, Procedure, by inserting in the second paragraph, after the second sentence, a new sentence to read as follows:

   Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17.

   so that this paragraph reads as follows:

   Within twenty (20) days of receipt of a Design Review application, the Design Review Board shall hold a meeting, to which the applicant shall be invited, for the purpose of conducting a review of the proposed project or activity. Within fifteen (15) days of the meeting, a preliminary design review report shall be sent to both the applicant and to the Planning Board, when a special permit is required under Sections 7.4, 4.2.11 and 4.2.10. Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17. However, if the proposed project or activity involves only a building permit or sign permit from the Building Commissioner, or is a "Minor Project" under Site Plan Review (all as described in Subsection 7.7.2.2), no preliminary report is required and the written advisory report of the Design Review Board to the applicant and the Building Commissioner shall be a final report.

Or take any other action relative thereto.

ARTICLE 2: AMEND ZONING BY-LAW – MAP CHANGE FOR MULTI-FAMILY OVERLAY DISTRICT (BASE COMPLIANCE PLAN)

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

(a) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

(b) Place in the CSB Subdistrict of the Multi-family Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood

Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

(c) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

(d) Place in the CSB Subdistrict of the Multi-family Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100

(15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A to the point of beginning.

(e) Place in the B Subdistrict of the Multi-family Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

(f) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue: southerly by the westerly sideline of Oakland Avenue to the point of beginning.

(g) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini

Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less; northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

(h) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the intersection with the westerly sideline of M.B.T.A; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

(i) Place in the ASB-MF Subdistrict of the Multi-family Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

(j) Place in the HAB Subdistrict of the Multi-family Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

(k) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one

hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

(l) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

Timeline to Annual Town Meeting in the event that the October 21, 2024 Zoning is Repealed

1/21/2025	Planning Board vote to refer zoning to Select Board. Select Board and Planning Board vote on action plan submission.
1/28/2025	Special Select Board meeting to refer zoning to Planning Board (must be within 14 days of Date Planning Board vote).
1/30/2025	First Notice of Planning Board hearing published in a newspaper of general circulation in the town (must be at least 14 days prior to Date of Planning Board Hearing date). Notice of Planning Board Hearing posted in a conspicuous place in the Town Hall (must be at least 14 days prior to Planning Board Hearing date). Mail notice to Planning Board of abutting city and towns, EOHLC and MAPC (must be at any date reasonably prior to Planning Board Hearing date).
2/6/2025	Second Notice of Planning Board hearing is published in a newspaper of general circulation in the town (must be sometime during the week immediately following the week in which first published notice of Planning Board Hearing falls).
2/13/2025	Planning Board hearing (must be within 65 days of the date SB submits zoning to PB). Planning Board Report with Recommendations (written or oral, or none).
5/5/2025	Annual Town Meeting

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

71.01: Statement of Purpose

(1) *St. 2024, c. 150, s. 8* (the Act) amended M.G.L. c. 40A, s. 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life.

The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by the Act to promulgate 760 CMR 71.00 and accompanying guidelines that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of the Act.

(2) The Act and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. The Act establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district. The Act balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. The Act, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.

(3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, s. 3, para. 11, pursuant to *St. 2024, c. 150, s. 8*. This regulation may be further supplemented by guidelines issued by EOHLC.

71.02: Definitions

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on Short-term Rental; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Design Standards. Clear, measurable and objective provisions of Zoning, or regulations, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Ferry Terminal. The location where passengers embark and disembark from a ferry service.

Gross Floor Area. The sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law, as the case may be.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a building, or buildings.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Modular Dwelling Unit shall not include a manufactured home, such as those defined under M.G.L. c. 140, s. 32Q.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning restrictions and Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2), and as may be further provided for in EOHLC guidelines.

Protected Use ADU. An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulations and Unreasonable Regulations pursuant to M.G.L. c. 40A, s. 3, para. 11 and 760 CMR 71.00.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, s. 1.

Single-Family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-Family Residential Zoning District. Any Zoning District where Single-Family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-Family Residential Dwellings are allowed as of right, by special permit, variance, waiver, or other zoning relief or discretionary zoning approval.

Site Plan Review. A clear and objective process established by local ordinance or by-law by which a Municipal board or authority may review and impose reasonable terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, s. 9.

Subway Station. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, s. 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, s. 3 or M.G.L., c. 161B, s. 14.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Unreasonable Regulation. Zoning restrictions and Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3)(b) and as may be further provided for in EOHLC guidelines.

Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the use or occupancy of the Protected Use ADU to individuals or households at a specified income or age, or that imposes conditions that limit future use or occupancy of a Protected Use ADU based on income or age or, that imposes any similar use and occupancy restriction as may be further provided for in EOHLC guidelines.

Zoning. Ordinances and by-laws, adopted by Municipalities pursuant to M.G.L. c. 40A to regulate the use of land, buildings and structures, including base, underlying, and overlay zoning.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, are subject to use requirements that are generally uniform throughout the area.

71.03: Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-Family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.03(2) to 760 CMR 71.03(5), inclusive.

(2) Prohibited Regulation. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

(a) Owner-Occupancy Requirements. A requirement that either the Protected Use ADU or the Principal Dwelling be owner occupied.

(b) Minimum Parking Requirements. A requirement of, as applicable:

1. More than one additional on-street or off-street parking space for each Protected Use ADU on a Lot if all portions of such Lot are located outside a 0.5-mile radius of a Transit Station; or

2. Any additional on-street or off-street parking space for each Protected Use ADU on a Lot if any portion of such Lot is located within a 0.5-mile radius of a Transit Station.

(c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.

(d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.

(e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

(3) Unreasonable Regulation.

(a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate municipal interest sought to be achieved by local zoning;

2. Serves a legitimate municipal interest sought to be achieved by local zoning but its application to a Protected Use ADU does not rationally relate to the legitimate municipal interest; or

3. Serves a legitimate municipal interest sought to be achieved by local zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:

i. Result in complete nullification of the use or development of a Protected Use ADU;

ii. Impose excessive costs on the use or development of a Protected Use ADU without significant gain in advancing the municipality's legitimate interest; or

iii. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the municipality's legitimate interest.

(b) For the purposes of 760 CMR 71.03(3), the following restrictions and regulations shall be considered unreasonable when applicable to a Protected Use ADU:

1. Design Standards. Any Design Standard that (i) would not be applied to a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located or (ii) is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.

2. Dimensional Standards. Any requirement concerning dimensional setbacks, lot size, lot coverage, open space, and the bulk and height of structures that are more restrictive than

what is required for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than state requirements.
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to Title 5, 310 CMR 15.000 that is more restrictive than is required for a Single-Family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.
5. Site Plan Review. Any requirement under Site Plan Review concerning the Protected Use ADU that is more restrictive than those applied to the Principal Dwelling.
6. Impact Analysis and Studies. Any requirement under Zoning or Site Plan Review for any impact analysis, study, or report that is not required for the development of a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Massachusetts state building code.
8. Short-term Rentals. Any restrictions or prohibitions on Short-Term Rentals that are not consistent with M.G.L. c. 64G.

(c) Notwithstanding 760 CMR 71.03(b)1. and 760 CMR 71.03(b)2., a Municipality may establish Design Standards and dimensional standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District; provided, however, that such standards are not so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.

(d) EOHLC may clarify and provide examples of what constitutes Unreasonable Regulations through guidelines.

(4) Enforceability of Restrictions and Regulations on Pre-Existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.

(5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), Zoning shall require a Special Permit in a Single-Family Residential Zoning District for the use of land or structures for an ADU, or rental thereof, on a Lot on which a Protected Use ADU is already located.

71.04: Annual Updates

(1) Data Collection. To assist EOHLC in the administration of M.G.L c. 40A, s. 3, para 11, Municipalities shall collect and maintain, at a minimum, the following data related to their permitting of ADUs, in a format specified by EOHLC:

(a) The number of approved ADU permit applications, separately tabulated for attached and detached ADUs;
(b) The number of denied ADU permit applications;
(c) The number of occupancy permits issued for any ADU; and
(d) Other data or information as may be further provided for in EOHLC guidelines.

(2) Annual Report. To assist EOHLC in the administration of M.G.L c. 40A, s. 3, para 11, Municipalities shall annually submit a report to EOHLC not later than March 31 containing the data collected under 760 CMR 71.04(1) during the prior calendar year. Said report shall be filed on a form as prescribed by EOHLC and shall contain all data as required therein.

REGULATORY AUTHORITY

760 CMR 71.00: M.G.L. c. 40A, s.3, para. 11; St. 2024, c. 150, s. 8.

DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST AND DETERMINATION BY APPOINTING AUTHORITY AS REQUIRED BY G. L. c. 268A, § 19

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Bill Paulson
Title or Position:	Member – appointed to Committee seat designated to be occupied by a Real Estate Broker
Municipal Agency:	Needham Large House Review Study Committee
Agency Address:	Town Hall 1471 Highland Avenue Needham, MA 02492
Office Phone:	(781) 455-7500
Office E-mail:	n/a
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	In response to concerns expressed at the May 2024 Annual Town Meeting as to the impact new or expanded homes are having on the character of the surrounding residential neighborhood and specifically the action taken under Article 44 to refer the issue to the Planning Board for further study, the Planning Board is appointing the Large House Review Study Committee to develop recommendations on how best to ensure that new residential construction in the Single Residence B and General Residence Districts will complement existing buildings, settings and neighborhood character. The Committee will also explore how the updating and upgrading of structures in such neighborhoods can and should be done, while at the same time conserving the neighborhood's distinctive qualities as change occurs. The Planning Board is taking this action as directed by Town Meeting and with the support of the Select Board. The study area shall be all properties located in the Single Residence B and General Residence Districts, which are the residential zoning districts with the smallest lot size/dimensional requirements. The Large House Review Study Committee shall consider the impact new or expanded homes are having on the character of the neighborhoods within the studied zoning districts and shall develop recommendations consistent within the overall purpose for the Study Committee as noted above. The Large House Review Study Committee shall: 1. Review past reports, plans and maps prepared by town committees, town officials, state agencies and consultants including the previous Large House Study Committee. 2. Seek the input of neighborhood residents, builders, contractors, real estate agents, property owners and others as required. It is also expected that the Large House Review Study Committee will hold citizen information meetings to elicit general public comments and input. 3. Review and analyze the current Zoning By-Law and Planning Board Regulations and consideration of amendments to each. 4. Analyze the impact of recent planned and potential new housing constructed in the past 5 years in the Residence B and General Residence Districts. 5. Review and analyze alternative zoning dimensions, restrictions or limitations that may address neighborhood concerns. 6. Review the current FAR definition to determine whether it is too permissive and if so how it should be revised including whether the floor area designed for human occupancy on the third floor or basement level of a house should be included in the FAR calculation. 7. 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. 8. Generally, 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 House Review Study Committee. 9. Prepare Fiscal Impact Analysis to accompany recommendations of Committee. 10. Coordinate with current efforts around the Stormwater By-Law and Tree By-Law.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	As a Member of the Large House Review Study Committee, I expect to participate in all of its meetings, discussions, recommendations, votes, and other activities.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	_X_ I have a financial interest in the matter. ___ My immediate family member has a financial interest in the matter. ___ My business partner has a financial interest in the matter. ___ I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. ___ I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I am a practicing real estate broker. I historically have worked on residential listings in the Town of Needham and I expect this to remain true in the future. Some of the listings that I accept are new construction, and I expect this to remain true in the future as well. There may be a relationship between the permissible size of newly constructed residential dwellings and the commission that I may earn on the sale of such dwellings. A reduction in the permissible size of new residential dwellings in Town, which the Committee has been tasked with evaluating, could have a financial impact on my earnings on future listings.
Employee signature:	*/s/Bill Paulson*
Date:	January 16, 2025

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Town of Needham Planning Board
Title or Position:	n/a
Agency/Department:	n/a
Agency Address:	Needham Town Hall 1471 Highland Avenue Needham, MA 02492
Office Phone:	781-455-7500

Office E-mail	planning@needhamma.gov
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, the Planning Board has reviewed the particular matter and the financial interest identified above by a municipal employee, and has determined by vote taken at its January 21, 2025 meeting that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	Natasha Espada, Chair Needham Planning Board
Date:	January __, 2025
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

For PB Use Only

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
Wednesday, January 29, 2025 - 7:30PM

Charles River Room **Public Service Administration Building** **500 Dedham Avenue** **Needham, MA 02492**	**Also livestreamed on Zoom** **Meeting ID:820-9352-8479** **To join the meeting click this link:** https://us02web.zoom.us/j/82093528479

Minutes — Review and approve Minutes from December 19, 2024 meeting.

7:30 PM — **250 Highland Avenue** – **Rainbow Angel, Inc.** *(Continued from December 19, 2024)* applied for a Special Permit to allow the use for a dine-in restaurant with accessory take-out under Section 3.2.5.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a Taiwanese restaurant. The property is located in the Highland Commercial-128 (HC-128) zoning district.

7:30 PM — **51 Fremont Street - Rental City, Inc.** applied for a Special Permit to allow for equipment rental services with accessory retail use pursuant to Section 3.2.6.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of an equipment rental services with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district.

7:45 PM — **378 Manning Street –Nick Koslov and Megan Waldvogel** applied for an Appeal of a Building Inspector Decision (ABID) of Building Permit BC24-11078 issued to Arthur Elzon dated November 19, 2024, for the reconstruction of a two-family at 378 Manning Street. The ABID asserts that the Building Permit plans on file do not comply with the terms of Section 1.4.7.4 of the By-Law that the building as reconstructed have a footprint no greater in area than that of the original non-conforming building. The property is located in the Single-Residence B (SRB) District.

8:00 PM — **282 Warren Street** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren

Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

8:15PM **0 Colgate Road -**Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property *"appears to "front" on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law."* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

NEEDHAM PLANNING BOARD MINUTES

November 19, 2024

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 Natasha Espada, Chairman, on Tuesday, November 19, 2024, at 7:00 p.m. with Messrs. Crocker, Block, McCullen and Alpert, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She 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.

Update: MBTA Communities Act Zoning Referendum

Kate Fitzpatrick, Town Manager, noted Needham Residents for Thoughtful Zoning submitted signatures to evoke the referendum provision of the Town Charter. The referendum would overturn Articles 8 and 9 inclusive of the amendments of Articles 10 and 11. There are 20 days to file the petition. The Town Clerk is certifying the signatures. There are 3,764 signatures needed. The Select Board has 10 days from the Friday the petition was turned in to meet and call for a special election. The Select Board will meet on Monday, 11/25/24, if the petition is certified and, if necessary, will call for a special election the second week of January.

Town Counsel Christopher Heep noted under Section 13 of the Charter the election will happen 14 days later. State law, Chapter 54, Article 42C, states no question can go on the ballot with less than 35 days' notice to the Town Clerk. That has priority over local Acts and Charters. There needs to be a minimum of 35 days per state law. Section 13 of the Charter says the question on the ballot should take the same form as the Warrant. The referendum needs to go on as written but, due to the length of it, he will write a summary for the ballot. A yes vote will keep the zoning the same as adopted by the Town Meeting vote. A no vote will repeal the Town Meeting vote. Mr. Alpert asked if it was allowed to have a second question to keep the provisions of Articles 10 and 11. Mr. Heep stated there will be one up or down vote due to the way it was written. In terms of the vote, in order to repeal, the no votes must be 20% of the voters in Town and must outvote the yes votes. Ms. Fitzpatrick stated 20% is about 5,000 voters who would need to vote no.

Ms. Fitzpatrick noted if the vote is repealed the Planning Board would need to decide what to bring back and when, possibly late February or early March. Mr. Heep stated the zoning by Town Meeting that was negatively impacted cannot be brought back within 2 years. However, the Planning Board could vote to bring it back in some version in the ordinary course. The process would be to start from scratch, refer to Select Board, the Select Board would refer it back to the Planning Board and the Planning Board would hold another public hearing. Mr. McCullen asked if Town Meeting made a decision would the By-Laws allow for another referendum and it could go on and on. Mr. Alpert stated if a no note, it would be discussed and the Board0 would decide what to do.

Mr. Block asked if the town would be out of compliance as of January 1. Mr. Heep stated the zoning is not final until 20 days go by. The town would be out of compliance on 12/31/24. He would submit to the state and the Executive Office of Housing and Livable Communities (EOHLC) to let them know what they intend to do. Mr. Alpert asked if a loss of funding is automatic per the By-Law if the town is out of compliance or is it discretionary according to the funding Boards? Deputy Town Manager Katie King stated if the zoning is repealed they would be out of compliance. The window of time for funding decisions is key. She has a list in the packet of grant funding. The list is not exhaustive. Everything on the list she knows for sure is at risk. Towns find out as the grants are rewarded and compliance is taken into account when making the decisions. She noted there are 2 items most relevant that are at risk. The first is the Transportation Improvement Program (TIP). There is $20 million that has nothing to do with zoning. The application is due at the end of the year with a decision made in January, February or March.

Ms. King noted the second item is the Federal Community Project Funding. Congressman Jake Auchincloss has stated he would not put forth any funding for communities out of compliance. The Town recently received money from this grant.

The requests to the Congressman are due in March. This is ever evolving. The Legislature passed the Economic Development Bill last week. Three grant programs were put into the statute and 8 other grant programs were also added into the statute. There is also language included that grants are only awarded to communities deemed to be in compliance. There is a question if the Town's compliance status would affect the Housing Authority. Some of the grants the Town can apply for the Housing Authority can apply for also. They need to assume the Housing Authority's applications are at risk. The Bill is on the Governor's desk and it seems she will sign it in the next week. Mr. McCullen feels if the Town is at risk of losing funding, compliance should be pushed for. He asked if it could be done in late January, February or March? Ms. Fitzpatrick stated as soon as they know, a plan will be mapped out. Then the Planning Board can decide how to proceed. Mr. Alpert discussed the process the Board would need to follow. Mr. Heep reviewed the State Ethics Law. The Board as a Board is allowed to meet, to discuss, vote and communicate its' position through regular means. The Board as a Board cannot sign advocacy documents or engage in advocacy. Individual members in elected policy making positions can advocate and talk to people. They cannot use town resources to advocate and cannot speak for the Board. They should not use their public emails but should use their personal emails.

Mr. Alpert noted the town is applying for state funds for Pollard that may be at risk. Ms. King stated funds are being applied for but there is no indication the MSBA is taking compliance into consideration. A discussion ensued regarding the position of advocacy with what is appropriate and what is not.

Decision: Definitive Subdivision: 40 Highland Avenue, LLC, 435E Dedham Street, Newton, MA 02459, Petitioner (Property located at 40 Highland Avenue and 14-16 Riverside Street, Needham, MA). Regarding request to subdivide the Premises into three building lots, two of which will be used for residential purposes, having frontage on the new road, and the third of which will continue to be used for commercial purposes.

Ms. Newman noted there is a red lined draft decision in the packet. She and Mr. Alpert talked about one additional change. In paragraph 3 it says the "Lot owner" of the structure can have a customary home occupation. Mr. Alpert suggested it should not be linked to the owner but to the resident of the structure. It was agreed to change the language to "resident." George Giunta Jr., representative for the applicant, noted he had 2 substantive issues and one non-substantive issue. On page 5, paragraph 2 b), he would request that be removed. The applicant has agreed to supply landscaping on the southerly side. There was no discussion during the hearings of a requirement to add landscaping on that side and the abutter on that side did not say anything. The Board should not burden the property with a 100-year restriction. If the Board is inclined to enforce that, he feels 15 feet is way too much and it should be 5 feet. Ms. Newman stated there needs to be an easement documenting the landscaping so it is on record.

Mr. Block asked if a landscape restriction has always been included in subdivisions. Ms. Newman noted it was included on one side of South Street but not the other. Mr. Alpert asked what is the southerly property line and was informed the neighbors' property runs along the back of the property. Mr. Giunta Jr. noted it is residential and there are setbacks. He is not sure why there needs to be a landscape buffer. Building cannot be done within 14 feet of the property line. Mr. Crocker stated this was talked about during a meeting and a letter came in from a department requesting the buffer. There has to be something that is codified. Mr. Giunta Jr. stated there was discussion regarding landscaping but nothing about a permanent restriction. Mr. McCullen asked if the Board has done a 15-foot landscape order before. He would not support 15 feet. He feels that is too much. He would do 5 feet or 7½ feet but what was done before? He does not recall any public comment on this. Ms. Espada remembers someone came in saying there is a buffer now and they would like to keep it. Ms. Newman noted there is a buffer for an infiltration trench that is there.

Mr. Crocker noted it is all woods there now. He has no problem codifying it but he is not sure how big it should be. Mr. Giunta Jr. would advocate for 5 feet if necessary. Mr. Alpert is inclined for something between 5 and 10 feet. He feels 15 feet it too much. All agreed with 7½ feet. Mr. Giunta Jr. noted in paragraph 4, it states each and every owner. He feels Lot 101 should not be part of this and it should only be Lots 102 and 103. That was agreed. Mr. Giunta Jr. stated the Off-Street Drainage Bond is posted on all 3 lots. There is no work taking place on Lot 101 and it should not be subject to a bond. Mr. Block stated a provision is included in the event construction of the 2 lots results in ponding on Lot 101 and the developer is required to mitigate. Ms. Newman stated the Board of Health requires funds to cover any issues that may happen on any lots that may be impacted. The Board of Health has set their own procedure. Mr. Giunta Jr. noted the issue is on the back end trying to get the money released at the end. The bond is appropriate for 2 lots but not 3 lots. The Board members agreed there is no compelling reason to go against the Board of Health requirement.

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 and adopt the definitive subdivision decision for 40 Highland Avenue and 14-16 Riverside Street as presented to the Board in the packet and with the changes agreed to this evening.

Heather Lane Definitive Subdivision and Heather Lane Extension Definitive Subdivision/Residential Compound Special Permit Bond Reduction.

Ms. Newman noted the Town Engineer has recommended a reduction in the roadway improvement bond for Heather Lane. The Town is holding $109,000 -- $95,000 for roadside improvements and $14,000 for Off-Street Drainage Surety for Lots 1, 3, 5 and 6. The Town Engineer is recommending a reduction of $80,000 to $15,000.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:
VOTED: to reduce the surety for roadway improvements in the Heather Lane Definitive Subdivision by $80,000 and retain $15,000.

Ms. Newman noted the Town is holding $28,000 for the Heather Lane Extension. Engineering is recommending the release of $17,000 to $8,500.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to reduce the surety for roadway improvements in the Heather Lane Extension by $17,500 per the recommendation from Engineering and retain $8,500.

Ms. Newman stated some money is being held as the Asbuilt Plan is outstanding on the Extension and some bounds need to be set.

Review of Planning Board Goals

Ms. Espada stated there is a memo with the Planning Board goals in the packet. The Large House Review Committee is a goal if there is no referendum and the Design Guidelines are on hold. If grant money is received the parking study will be done. Ms. Newman thought she would hear about the grant last month but has not heard yet. Ms. Espada noted Accessory Dwelling Units (ADUs) need to be in compliance by February. Ms. Newman noted that will not be done by February. The regulations are not complete and in effect yet. The regulations are needed in order to work on them. She noted the Board already has a By-law that allows ADUs by right within the structure itself. There is no By-law allowing detached structures so that will need to be added. The Board had that earlier as a proposal and can relook at that. She will pull the existing By-law and what was proposed earlier so the members can look at it.

Mr. Alpert asked if there is someplace else there is no compliance or is it only ADUs. Mr. McCullen noted it is only ADUs. Ms. Espada would work on guidelines and HONE recommendations. She feels that would take up a lot of their time. Mr. Block would send the design guidelines to the Design Review Board (DRB) for their review. Ms. Newman put together an RFP and would hire a consultant to do that. Creating is a lot of work to ask the DRB to do. The DRB can review it but the Board needs to know what the proposal is before doing the design guidelines. Ms. Espada noted a lot depends on the MBTA Communities. The Board created site plan review guidelines for the MBTA Communities. She asked if that could be related to the Dover Amendment also? She is not sure how difficult that would be to review.

Mr. Block stated this Board needs training on site plan review authority and special permit authority and then, once trained, another module could be what they want to do. The members need to understand the fundamentals before they get more advanced. Ms. Espada noted Mr. Heep created something for site plan review as of right that is exactly what the Dover Amendment is but the Dover Amendment does not have that right now. She feels the same process should be used. Ms. Newman feels they could use Mr. Heep to draft that. She noted she sent training data to the members. Ms. Espada feels the Board members do need training. She thinks they can reuse some of the MBTA Communities.

Mr. Block believes they need training on site plan processes. He stated the Board is making arbitrary decisions now. Mr. McCullen commented there should be training on what the members have the authority to do and what they do not have authority for. All agreed training is necessary. Mr. Alpert is not sure anyone out there can put together a process for site plan review. It is not in the statute but is developed by case law. That is going case by case and is being changed all the time. Different land court judges have different decisions. Town Counsel may be able to put something together. He feels one issue is they should get rid of "special permit" in their "site plan review" as it confuses the issue. Ms. Newman will reach out to Mr. Heep. Ms. Espada feels the members should take advantage of any educational opportunities.

Mr. Block stated the members need to have very clear training. He stated time and time again it is clear the Board does not know what it is doing. They are putting the cart before the horse. They need to understand areas we need training and then go from there and get the training so they are informed. He noted this was talked about 3 years ago. Ms. Newman stated the framework is already in the zoning, what the mix is under the special permit process and what is as of right. They have the criteria and the Dover Amendment falls somewhere in the middle. The Board discussed the training opportunities available. Mr. Alpert noted the subdivision control regulations have not been reviewed/updated in a long time. Mr. McCullen feels it should be a priority. Ms. Espada stated the Board will review the goals again at the next meeting.

Vote on Large House Review (LHR) Committee appointments.

Mr. Crocker stated he and Mr. McCullen have already interviewed 9 or so people and have 4 or 5 tomorrow. There are some strong candidates but no decisions yet. Mr. McCullen and he will make a recommendation on Monday. Ms. Newman will post a zoom meeting for Monday, 11/25/24, at 3:45. Mr. Block may not be able to attend. Ms. Espada asked what the make up is on the interviewees. Mr. Crocker stated he and Mr. McCullen felt the committee should be expanded to add more citizens at large so the committee has been increased from 12 to 14. Mr. Block asked if the Real Estate Broker, developer and architect would have conflicts if working in Needham. There will be conflicts if they work in Needham while on the Committee. Mr. Block stated they should be told this. Mr. McCullen noted others were not notified in previous committee appointments. They are making recommendations and not setting policy. Mr. Crocker noted they talked about conflicts during the interviews. Ms. Newman will have a conversation with Mr. Heep.

Mr. McCullen informed the Board he never said he would be available to be on the committee. He said he would help but cannot commit to being on the committee yet.

Board of Appeals – November 20, 2024,

77 Charles Street – Elmo Fudburger, LLC

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: "No comment."

324 Chestnut Street – Monsoon Indian Kitchen, Inc.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: "No comment."

250 Highland Avenue – Rainbow Angel, Inc.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: "No comment."

695 Highland Avenue – DEI, Inc.

Mr. Alpert stated he will abstain from voting as this property is across the street from the Temple and he is on the Board.

Upon a motion made by Mr. McCullen, and seconded by Mr. Block, it was by a vote of four of the five members present (Mr. Alpert abstained):
VOTED: "No comment."

Minutes

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to adopt the minutes of 9/24/24 as they appear in the packet.

Report from Planning Director and Board members

Ms. Newman presented the budget to the Town Manager. It includes an additional Planner. The Town Manager understands the need for another planner and recognized this. She is not sure the money is there but feels she will hear in the next month.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from Dorina Moriarty, dated 11/6/24, regarding LCRA concerns; a memo from the Citizen Planner Training Collaborative, dated 11/18/24, regarding the CPTC Workshop Series and a letter from Town Manager Kate Fitzpatrick, dated 11/16/24, regarding a Letter of Support from the Town of Needham.

Upon a motion made by Mr. McCullen, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

_____
Artie Crocker, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

November 25, 2024

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Natasha Espada, Chairman, on Monday, November 25, 2024, at 3:45 p.m. with Messrs. Crocker, Block, McCullen and Alpert, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She 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.

Vote on Large House Review (LHR) Committee appointments.

Mr. Crocker stated he and Mr. McCullen conducted interviews over 3 days. They reviewed the candidates and came to a consensus. For the Members at Large, their recommendations are Ed Quinlan, Rob Dangle, Chris Cotter and Joe Matthews. They recommend Paul McGovern as the Builder, Oscar Mertz as the Architect and Bill Paulson as the Realtor. He noted there were a lot of qualified candidates and they believe this is the best slate of candidates. Mr. McCullen agreed with Mr. Crocker and the process. He suggested adding Jeanne McKnight as the Planning Board designee as he is not able to commit to the Committee.

Mr. Alpert stated he is only going by the applications presented. He has some concerns based on just looking at the applications. He has no issue between the 2 applicants eliminating Trip Pace as the Builder. He was looking at the application for Matt Hughes. Paul McGovern's application has no information. He noted Matt Hughes was involved in the first go round of the Large House Committee. He seems totally qualified. He would like more information on the decision made. Mr. Crocker noted all applicants were looked at. They reached out to Mr. McGovern. He has a good approach and has done a lot of additions in town. He is a mix of some houses and some additions. He has a good grasp of the construction we are looking at and how additions affect the tear down rate. That is why he was chosen.

Mr. Alpert noted choosing the At Large positions was a tough job. There were a lot of really good applicants. He stated Amanda Berman has quite a resume. This is the fourth time she has applied for something in town, at least the second time for the Planning Board, and been rejected. He is concerned she will not bother anymore. She works in the field and appears to be a really good person to have working on the Committee. Mr. McCullen stated he interviewed all the candidates with Mr. Crocker. He feels qualification are one thing but there is a political component to this entire process. Within the interview process he had the thought there was more than a bias. They need to be vigilant on how the committee is composed. He wanted to make sure it was not a lopsided committee. He was looking more at the political ramification. Mr. Alpert understands that. Mr. Crocker commented that he and Mr. McCullen spoke very carefully about that. They had differing opinions but came to a consensus.

Mr. Alpert stated Ms. Berman was his main concern. The other choices are clearly excellent choices. He looked at Chris Cotter who has only been a resident for 6 months. Mr. McCullen noted how long he has lived here did not factor in. He bought a small house because that was all he could afford. Mr. Crocker stated he threw out a list of criteria such as knowledge base, commitment to availability, problem solving skills, communication skills, what demographic they are representing, what geographic place of town they are representing, predisposition or bias, have they applied or served on a committee before and how long they have lived here. He felt they should have a good mix of lengths living in town. Mr. Alpert was glad Mr. McCullen found a way to get Ms. McKnight on this committee.

Mr. Crocker commented he will keep Mr. McCullen in the loop. Ms. Espada stated he could also be a resource. She noted there is only one woman on the committee and not a lot of race or ethnicity. Mr. Crocker stated they talked about what could be done for Ms. Berman. He felt she may be good for the Tree Committee. Mr. Block would like to look at the end

of the process first so the committee can stand up having legitimacy. Looking at the names he thinks there are a lot of housing advocates. He feels this is really a function of several things such as dimensional regulations – what is their understanding of the impacts of dimensional regulations, what dimensional regulations are significant and unsignificant and how they established the difference. Also, recognizing the goal. Affordable housing is the wrong goal for this. He is glad Mr. Crocker and Mr. McCullen concurred that none of these candidates look at this as an affordable issue.

Mr. Crocker noted they looked at metrics, demographics and available housing stock in town. Ms. Espada stated the members are talking about the mission of the committee. The charge today is to appoint the group. She is comfortable with the recommendations.

Mr. Block had to leave the meeting.

Mr. Alpert is comfortable with the selections. He would have substituted Ms. Berman for Mr. Cotter. He stated Jeff Heller would also have added a lot. He will vote for the slate. He feels it is well represented overall. Mr. McCullen noted it was a tough decision. Ms. Espada would like to keep the names of the others. They were very strong candidates and may be helpful in other areas. There are a lot of things coming up.

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

VOTED: for this Board to appoint Chris Cotter, Rob Dangle, Joe Matthews and Ed Quinlan as the At Large members of the Large House Review Committee and that this Board appoint Bill Paulson as the Realtor designee and that this Board appoint Oscar Mertz as the Architect designee and that this Board appoint Paul McGovern as the builder designee.

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

VOTED: to thank Mr. McCullen for volunteering to be on the committee but seeing as he is resigning from the committee, he moves Jeanne McKnight be appointed to be the second member/Planning Board designee.

Report from Planning Director and Board members

Ms. Newman noted there are no updates. The Select Board is meeting tonight.

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

VOTED: to adjourn the meeting at 3:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Artie Crocker, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

December 3, 2024

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 Natasha Espada, Chairman, on Tuesday, December 3, 2024, at 7:00 p.m. with Messrs. Crocker, Block, McCullen and Alpert, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2024-03: PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, Petitioner (Property located at 1450 Highland Avenue, Needham, MA). Regarding proposal to operate a personal fitness service establishment.

Upon a motion made by Mr. McCullen, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to open the hearing.

Upon a motion made by Mr. Block, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

David Giangrasso, representative for the applicant, noted PEX has a lease agreement for the former Pancho's Taqueria. The applicant is requesting 3 special permits under Section 3.2.2 – use of personal fitness, an accessory use and a multi-use building. There is also a request to waive parking under Section 5.1.1.6. The applicant is a successful operator of personal training fitness. There will be one on one and small group classes. The use is less intense than Pancho's Taqueria was. Pancho's was granting a parking waiver in 2019 of 23 spaces. In 2019, the building at 1450 Highland Avenue needed 94 parking spaces and had access to 48 spaces. There was a waiver request of 46 spaces. PEX only needs 15 spaces as opposed to 23. Today 1450 Highland Avenue has access to 60 spaces. PEX is requesting a waiver of 26 spaces.

The applicant feels this is compatible with the uses in town and is using less space than Pancho's. Ms. Espada noted correspondence from the Police Department, Building Commissioner, Town Engineer and Fire Department all with no issues and a memo from the Public Health Department with comments. Ms. Newman called out the fact that Pancho's did get 8 spaces approved on the site – 5 spaces parallel to the building and 3 behind. There were only 7 spaces shown on the As-built with 4 on the side and 3 in the rear. The waiver needs to be modified to reflect the existing site plan only has 7 parking spaces on the property so the waiver would be for one additional space to maintain the approved site plan they currently have.

Mr. Alpert asked if the applicant was moving across the street or opening a second location. It was noted a second location is being opened. Mr. Alpert stated it mentioned in the letter the Planning Board has a maximum requirement of 2,500 square feet but he did not find that in the By-Law. Ms. Newman noted it was in the definition section. Mr. Alpert asked if one operator with 2 locations across the street from each other can have combined more than 2,500 square feet. He is not sure if that is a problem or not. If the applicant took the space next door and took down a wall there would be more than 2,500 square feet. Ms. Clee stated there are 2 different buildings with 2 different requirements. She noted the applicant already has approval for the first one. Mr. Alpert asked the reason for the 2,500 square feet. Ms. Newman noted originally it was to allow small fitness facilities in the center and to specify what was small. Mr. Crocker has no issue with 2 separate addresses. He stated he heard a waiver of 25 spaces. Mr. Giangrasso stated 26 is what is being requested.

Mr. McCullen supports the request. Mr. Block asked how many total people would be on site. The owner noted there is mixed use. There will be some small groups during the moments there are not one on ones. Generally, there will not be more than 10 people in the building at any time but could get up to 15. Mr. Block asked what they are operating at their peak across the street and was informed 6 coaches with one to 2 clients at each peak. Mr. Block noted at the new location the applicant would like to get to 20 or 25. The owner stated 20 would be the maximum and it would not be that frequent. He has purchased parking passes through the town for his other location and the coaches park in the Chapel Street lot. There were no public comments. Mr. Alpert asked if the decision would require the applicant to have town parking. Ms. Newman stated she usually does that as a condition and is based on the number of staff. The decision will be voted at the 12/17/24 meeting.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to close the hearing.

Request for permit extension: 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). 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.

This request has been canceled. Ms. Newman noted the state passed the Permit Extension Act. This is the third time the state has done this. The Act will expire at the end of March 2025.

Minutes

There were no minutes.

Report from Planning Director and Board members

Ms. Newman stated she has prepared the application for submittal to the Executive Office of Housing and Livable Communities (EOHLC) on the zoning that was adopted. The zoning has been submitted and approved by the Attorney General. She is now preparing the packet to go into the state for review and determination if the zoning stays in place whether it is compliant or not. She has a brief meeting this afternoon with the state. Town Manager Kate Fitzpatrick, Deputy Town Manager Katie King, Town Counsel Christopher Heep and representatives from the state and the Attorney General's office joined her to speak on the status of the Town and not having zoning in place by the end of the year. It was confirmed that they will be out of compliance on 12/31/24. Mr. Alpert asked if the date for the election was set yet and was informed it will be 1/14/25.

Mr. Alpert commented that is only 2 weeks. He hopes the state entities would let one application sit for 2 weeks and see what happens with the vote. Ms. Newman asked about what their status would be, if approved, during the timeline between 1/14/25 and the time they actually have the Town Meeting. That would be non-compliant as well. Mr. Heep asked them to consider the requirements of Section 40A, which is effective back to the date of the public hearing. There was no definitive answer. Ms. Newman noted that is moving forward and she hopes to submit the documentation tomorrow. The state indicated they would try to do it quickly and will get the Board an answer on the status of whether the zoning is compliant. If not compliant, the Planning Board would need to decide what to do at that point.

Mr. Alpert asked if the members want to take time to consider options prior to 1/14/25 if the town votes out the Neighborhood Plan. Ms. Espada does not think they should take the time at this point. A discussion ensued. Mr. McCullen stated he has heard concerns with the capacity of the school system and the district and concerns with the infrastructure of the storm water system and traffic management. Mr. Crocker noted the Base Plan was overwhelmingly supported. He heard concerns with all being as of right rather than having more oversight. Ms. Newman noted, if the Base Plan passes,

over the next year the Board could look at higher density by special permit. Mr. Alpert asked what happens with the Carter building and was informed that was in the Base Plan.

Ms. Newman noted the appointments to the Large House Study Committee. She is trying to get the first meeting scheduled for the week of 12/16. Right now the next Planning Board meeting only has one decision. She asked if the members would be amenable to having a zoom meeting. All agreed. Mr. Alpert stated he received an email today about designating representatives for Town Meeting. It went to Town Meeting members and had a Planning Board designee on it. He is interested but he feels it will go beyond April when he is off the Board. Ms. Espada stated the intent is that it would be done before April.

Upon a motion made by Mr. Crocker, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to appoint Mr. Alpert as the Planning Board designee to the Large House Study Committee.

Correspondence

Ms. Espada noted correspondence from Louis Wolfson, of 29 Cimino Road, regarding zoning on Crescent Road. Ms. Clee reminded all members she sent the list of workshops and there are still some upcoming in December and January.

Upon a motion made by Mr. McCullen, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to adjourn the meeting at 7:43 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Artie Crocker, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

December 17, 2024

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, December 17, 2024, at 2:30 p.m. with Messrs. Crocker, Block, McCullen and Alpert and Planner, Ms. Newman.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes no 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.

Decision: Major Project Site Plan Special Permit No. 2024-03: PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, Petitioner (Property located at 1450 Highland Avenue, Needham, MA). Regarding proposal to operate a personal fitness service establishment.

Ms. Newman noted there were a couple of minor typos and comments that she has incorporated into the decision.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: with regard to Application No. 2024-03 for PEX Health and Fitness at 1451 Highland Avenue, to Grant: (1) the requested Special Permit under Section 3.2.2 of the By-Lw to operate a personal fitness service establishment in the Center Business District; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all requirements of the By-Law; (3) the requested Special Permit under section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultants; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements; subject to and with the benefit of the following Plan modifications, conditions and limitations.

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 adopt the decision in the packet with the 2 minor typographical modifications.

De Minimus Change: Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts). Regarding change to façade.

Ms. Newman noted the applicant is not at the meeting. This is a revision to a door entry and allows a bathroom to be put in. The Building Commissioner has reviewed and approved, and the Design Review Board (DRB) has approved. This makes a minor modification to their decision. Mr. Alpert stated, for the future and not this request, this request is asking for additional bathrooms in the new space – one for male and one for female. He is sure the bathrooms in the old space are probably one male and one female. With multiple bathrooms the Board should consider requiring a unisex bathroom. Ms. Espada stated the state is reviewing gender-free bathrooms. The plumbing code is still male and female. The Board could recommend to the Building Commission this may be something to pursue. Scott Drago, owner, joined the meeting and clarified the gender neutral bathrooms. The handicap bathroom in the original space is gender neutral. He asked the Building Commissioner about gender neutral. With one bathroom it was going to be gender neutral but with 2 bathrooms they had to have one men's and one woman's. He noted the door change is to accommodate handicap access to make it easier on people to come into the space.

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

VOTED: to accept this as a de minimus change.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to grant the requested modification to the decision.

De Minimus Change: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding reduction of Independent Living Units (no change to affordable units).

David Feldman, of SVP Development, stated this was originally approved 5/16/23 with 72 independent units. Through plan development it was decided to reduce that number to 63 units by eliminating some studio units and one bed units to make some larger 2-bed units. There is no change to square footage or elevations. Affordable is being kept as is and all other conditions stay in place. Mr. Block asked the average units size before and now. Mr. Feldman noted the units were 520 square feet to 1,200 square feet and are now 935 square feet to 1,600 square feet. Mr. Crocker asked if there were any change in the size of the affordable units. Mr. Feldman stated the affordable need to be representative of the unit mix so there is a size increase for the affordable as well. Ms. Newman noted the revised floor plans are in the packet.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to accept this as a de minimus change.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: to accept the requested modification to the decision.

Board Acknowledgement: Notification of Change of Ownership: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts).

Ms. Newman noted this is an acknowledgement of a change of ownership. Wingate Development Corporation was allowed to change ownership with notice to the Board and acknowledgment of the person buying the facility they had read all previous decisions. The Board members had no questions.

ANR Plan – Marjorie A. Pine, Petitioner (Property located at 321 Cartwright Road, Needham, MA).

Paul Beaulieu, of Field Resources, noted that after the applicant got prior ANR approval, the client felt the lot should be a different size. The ANR approval was not recorded. The applicant would like it to be reissued with the different shaped parcels. Mr. Block stated he would be interested in seeing the previous parcels. Mr. Beaulieu noted the one- and one-half acre parcel is now a 2 acre carveout. Ms. Newman reviewed the plans internally and is ok with them. Mr. Alpert stated the requirement for ANR is that the lots have adequate frontage, which they did and still do. Both meet the zoning requirements for acreage. There is no justification to deny it.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to accept the revised ANR Plan.

Minutes

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:
VOTED: to adopt the minutes of 10/15/24,

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:
VOTED: to adopt the minutes of 10/29/24.

Report from Planning Director and Board members

Ms. Newman noted the first meeting of the Large House Study Committee is tomorrow. She reviewed what she hoped to accomplish – introduce all member to each other, make people familiar with the scope of the work and timeline following and give people an introduction of what the framework is under the regulatory zoning. She wants all to have an understanding of what the rules are currently that they will be applying. Mr. Crocker stated they would be going around the table multiple times to get people's feelings of what they think the Committee should be looking at, then talk about maybe breakout working groups. He stated it is clear the job is to remove as much bias as possible and to look at all the metrics. He hopes they have something for the October Town Meeting. A report is due in May. The goal is to meet the timeline and to create the correct By-Law for Needham. The schedule will be set tomorrow at the first meeting. Ms. Espada will be interested in feedback at the next Planning Board meeting.

Mr. Block noted he sent comments earlier. He hopes the Committee focuses on the core issues and does not get distracted with issues that do not really relate to the challenge ahead of them. Mr. Crocker noted that is the goal. He asked if, when the group talks through the process, do they talk through the process of the building codes related to additions and how that affects tear downs versus if someone can do an addition without triggering the requirement that the whole house has to be brought up to code. The process is starting tomorrow night. The Committee can pivot along the way if needed. They have the right people within the Committee to look at different parts of the process. Ms. Espada noted subcommittees were created with the Housing Plan Group and the Green Group.

Ms. Newman stated she has planning funds from Town Meeting appropriated. She can pull money from that if needed. Ms. Espada feels the ADU information they just received is something to take into account when thinking about the size of houses. She noted Mr. Alpert sent an email earlier with questions about site plan review. The members need to make sure they understand site plan review. Mr. Alpert was questioning when the Board adopts a new By-Law to adopt the amendment to ADUs now required by state law should they put a specific site plan review for ADUs similar to what they did for the MBTA zoning. Do they want to have specific By-Laws for the Dover Amendment site plan review? He is questioning if they should do the same thing for ADUs. Mr. Block stated the purpose of the state statute is to make ADUs more permissible and to remove some regulatory hurdles. He would only consider a site plan review process for detached ADUs and not attached ADUs and mainly only in rare circumstances. He would like if the zoning can be constructed in such a way that assures a reasonable setback.

Mr. Crocker commented he had the same thoughts. Do they want to take into account existing structures less than dimensional requirements from the property line? Mr. Alpert stated the issue is the site plan review. Language in the new statute for new ADUs say ADUs can be subject to clear and objective site plan criteria. The Board has not had that language before. There is a question of whether they need to revise that site plan criteria. Ms. Espada stated they need to keep everything in mind. A discussion ensued. Mr. Alpert feels if it could be done quickly it should be done in May. Mr. Crocker stated they will be looking at everything including how to measure it.

Correspondence

Ms. Espada noted an email from Glenn Mulno, dated 12/11/24, with comments regarding zoning.

Upon a motion made by Mr. McCullen, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:
VOTED: to adjourn the meeting at 3:25 p.m.

Respectfully submitted,

Donna J. Kalinowski, Notetaker

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Artie Crocker, Vice-Chairman and Clerk

WELLESLEY PLANNING BOARD
PUBLIC HEARING - SPECIAL PERMIT
RESIDENTIAL INCENTIVE OVERLAY DISTRICT
192, 194 WORCESTER STREET AND 150 CEDAR STREET

MONDAY, JANUARY 6, 2025, AT 6:30 P.M.

ONLINE VIRTUAL MEETING
https://www.wellesleymedia.org/live-streaming.html
The meeting will be live on local cable TV Comcast 8/Verizon 40

In accordance with Chapter 40A of the General Laws and SECTION 3.2. Residential Incentive Overlay of the Town of Wellesley Zoning Bylaw the Wellesley Planning Board, acting as Special Permit Granting Authority, will hold a public hearing on the application of Encore Properties Wellesley, LLC, 40 Warren Street, Newton, MA 02459, for a Special Use Permit as a Residential Incentive Overlay Development for project consisting of a new three-story, residential development, with 34 condominium units and 78 parking spaces to be located at 192, 194 Worcester Street and 150 Cedar Street, Wellesley, MA.

Residents with any questions or who are seeking to participate in the hearing are encouraged to contact the Planning Director at earbeene@wellesleyma.gov prior to the meeting.

The submission and plans may be viewed on the Planning Department webpage at:
http://wellesleyma.gov/1479/Planning-Board-Applications-Under-Review

Eric Arbeene, AICP
Planning Director
(12/19/24 & 12/26/24)

TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS

Elijah Romulus, Town Planner
eromulus@westwoodma.gov
(781) 251-2581
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awolfe@westwoodma.gov
(781) 251-2598
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(781) 320-1366

PLANNING BOARD

NOTICE OF PUBLIC HEARING

Pursuant to Chapter 20 of the Acts of 2021, on March 29, 2023, Governor Healey signed into law An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until March 31, 2025, of the remote meeting provisions the previous administration's March 12, 2020, Executive Order. This meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so by using the Webinar link below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Town website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

The Westwood Planning Board will hold a remote public hearing on **January 28, 2024 at 7:00 p.m. via Zoom** to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map, and Town of Westwood General Bylaws.

The meeting will be filmed live by Westwood Media Center (WMC) available for viewing on Comcast channel 6, Verizon channel 42, and WMC's YouTube. Those wishing to participate are encouraged to use Zoom by following the link below or going to zoom.us and clicking on 'join meeting' before entering the meeting webinar ID.

Zoom Link: https://us02web.zoom.us/j/84221790589?pwd=wudSxlBvCIy2kzN60Srkc6UIlzBabW.1

Webinar ID: 842 2179 0589 **Passcode:** 158081

Or One tap mobile : +19292056099,,84221790589#,,,,*158081# US (New York)

+13017158592,,84221790589#,,,,*158081# US (Washington DC)

Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 929 205 6099 US (New York) +1 301 715 8592 US (Washington DC) +1 305 224 1968 US +1 309 205 3325 US +1 312 626 6799 US (Chicago) +1 646 931 3860 US +1 689 278 1000 US +1 719 359 4580 US +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 669 444 9171 US +1 669 900 6833 US (San Jose)

International numbers available: https://us02web.zoom.us/u/kb3CdXH3mO

Interested persons are encouraged to attend the public hearing via Zoom to make their views known. You may send written comments by email to eromulus@westwoodma.gov at least three business days in advance to allow time for receipt and distribution. Final meeting agenda and zoom information will be provided on Town's calendar on the homepage 3-5 days in advance at westwoodma.gov.

Article PB-1: **Zoning Bylaw Amendments Relative to Accessory Apartments**

To see if the Town will vote to approve certain amendments to Zoning Bylaw Section 8.5 [Accessory Apartments] and related sections of the Zoning Bylaw that reference Accessory Apartments; or take any other action in relation thereto.

Article PB-2: **Zoning Bylaw Amendments Relative to Affordable Housing**

To see if the Town will vote to approve certain amendments to Zoning Bylaw Section 2.0 [Definitions] and related sections of the Zoning Bylaw that reference Affordable Housing or Affordable Dwelling Units; or take any other action in relation thereto.

Article PB-3: **Zoning Bylaw Amendments Relative to Underlying Zoning District Designation of Parcel on Providence Highway**

To see if the Town will vote to approve certain amendments to the Official Zoning Map to change the zoning designation of the parcel shown on Assessor's Map 24 as Lot 74, also known as 216-310 Providence Highway, from Single Residence B (SRB) to Highway Business (HB); or take any other action in relation thereto.

Article PB-4: **Zoning Bylaw and/or Zoning Map Amendments Relative to Mixed-use Multi-family Residential Overlay District**

To see if the Town will vote to approve certain amendments to Zoning Bylaw Section 9.9 [Mixed-use Multi-family Residential Overlay District (MUMFROD)] and/or certain amendments to the Official Zoning Map to expand one or more MUMFROD overlay districts, as may be necessary to obtain compliance with the MBTA Communities Law; or take any other action in relation thereto.

Article PB-5: **Zoning Bylaw and/or Zoning Map Amendments Relative to Flexible Multiple Use Overlay District (FMOUD), Administrative-Office-Research (ARO) Zoning District, and/or Zoning Overlay Designation of Parcel on East Street**

To see if the Town will vote to approve certain amendments to Zoning Bylaw Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] to alter uses permitted in various FMUOD Overlay Districts, and/or certain amendments to Section 4.1.5 [Principal Use Table – Commercial Uses] to alter the commercial uses permitted by right or by special permit within the Administrative-Office-Research (ARO) District, and/or certain amendments to the Official Zoning Map to expand one or more FMUOD overlay districts to include the parcel shown on Assessor's Map 17 as Lot 160, also known as 131 East Street; or take any other action in relation thereto.

Article PB-6: **Housekeeping Amendments**

To see the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and/or the Official Zoning Map as may be necessary to correct errors or inconsistencies and clarify such sections, which may be discovered prior to the conclusion of the public hearing; or take any other action in relation thereto.

The complete text and material are available for viewing on the Town's website under the Planning Division's "Zoning Amendments" webpage at
https://www.townhall.westwood.ma.us/departments/community-economic-development/zoning-

amendments. Interested persons are encouraged to attend the public hearing via Zoom to make their views known to the Planning Board. The final meeting agenda and zoom information will be provided on the Town's meeting calendar on the website 3-5 days in advance at: https://www.townhall.westwood.ma.us/.

Westwood Planning Board

Hometown Weekly Advertising Dates: Thursday December 19, 2024 and Thursday, December 26, 2024

PUBLIC HEARING
ZONING AMENDMENT
SPRING TOWN MEETING 2025

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, in the O'Brien Meeting Room of Dedham Town Hall, 3rd Floor, 450 Washington Street, **Wednesday, January 22, 2025 at 6:00 p.m.**, to see if the Town will vote to amend the Dedham Zoning By-Laws Section 280-3.3 (Nonconforming Uses & Structures), Section 280-7.7 (Special Regulations), and Section 280-10 (Definitions) for changes related to Accessory Dwelling Units (ADUs).

If you are unable to participate, but would like to comment or have questions, or would like to request text of the proposed amendments, please email jrosenberger@dedham-ma.gov, call 781-751-9240. The text of the proposed amendment is available to review via Dropbox: https://bit.ly/PBSpringTM2025ADU

From:	Susan Herman
To:	Health Division; Planning; Joseph Prondak; nespada@needhamma.gov; Office of the Town Manager; Timothy McDonald
Subject:	Rodent Control Issue
Date:	Thursday, December 26, 2024 8:20:26 AM
Attachments:	Stoughton Rodent Informational Guide-8.pdf

Good Morning,

Needham Heights residents have seen rats in and around their single family homes. Longfellow Road residents have paid for extermination. I have looked through the General By-Laws, the Building Department inspection materials on the website, the recent site plan review list that passed the Town Meeting in October 2024 and the Zoning By-Law. I did not see anything that addresses this issue. Please let me know where the information is if I missed it.

Construction activity which disturbs the ground brings rats. This includes the demolition of buildings, the replacement of sewer lines and the replacement of gas lines. Recently gas lines were replaced by Eversource on Mayo Avenue and at least three neighbors had rats on their property during the replacement. DeFazio Field is rumored to have rats. And Needham Heights neighbors continue to have rats on their property prior to the recent cold weather.

The action the BoH and Planning Board have taken regarding dumpsters is not enough. Buildings could be demolished and foundations could be dug along and behind much of "the corridor." I do not see anything in the Town's laws that hold the developer responsible for addressing this issue both before, during, and after construction.

Attached is a Rodent Control Guide from the Town of Stoughton that was widely disseminated in that town. It clearly outlines the risk in construction. Demolition and construction activity is only allowed after documentation that proponents have been hired to mitigate the displacement of rats. I have highlighted the pertinent sections of the document.

We ask that you update all site plan review by-laws, write this in special permits, and that the Board of Health and Building Department regulations address this issue in its entirety - that is restaurants and construction.

Please let me know where this information is available... or will be for the Town of Needham.

Thank You,
Susan Herman

Town of Stoughton
10 Pearl Street Stoughton, MA 02072 (781) 341-1300 ext 9273 FAX (781) 341-1086
www.stoughton-ma.gov

Board of Health

Rodent Informational Guide

History

Rats are and have been a part of the Massachusetts ecosystem since the area was originally settled in the early 17th century. They are a "cosmopolitan" species and are commonly found in most urban areas, including Stoughton and neighboring communities.

Current rat population in Stoughton:

Over the past several years the Stoughton Board of Health and Animal Control have received an increased number of reports for outdoor rat activity. Most live in the ground near food sources. Female rodents can have an average litter 8 pups monthly, as the gestation period is only 3 weeks. Experts claim that several factors may be contributing to the uptick in the population. One investigation reports that the population has increased due to climate change with warmer & shorter winter months. Rats are typically less active during the colder parts of the year and are less likely to breed. With a warmer winter, they can breed more and have more offspring that will eventually increase the size of the population we see during the summer and fall although the average lifespan of a wild rat is typically one year. Additional reasons for increased in rat sightings may include:

- Construction- vibrations disrupting their below ground habitat
- Lack of natural predators such as coyotes, foxes, and birds of prey, due to ever expanding development and decreasing green spaces.

Additional reports believe the COVID-19 pandemic also played a factor into the increasing rat population in residential areas due to more people remaining home & generating more household trash. Rats are a natural part of the urban and rural environments in Stoughton and the surrounding greater Boston area. Rats have been with us for a very long time and will thrive in places where they can find food, water, and shelter. In general, where there are people, rats will often follow. We have heard from colleagues in many neighboring communities that they are experiencing a similar uptick in rat sightings/reports. Stoughton is not unique in this trend.

FAQ's

What is Stoughton doing?

The Stoughton Board of Health, Animal Control & the Environmental Affairs Officer work with other Stoughton departments, residents & business owners to promote better understandings of rat behavior & how to minimize their presence & impact on the community. With the increased rat activity in town, these departments have been educating the public, businesses & construction project managers with information to promote & ensure best practices in the area of pest management & control. The Facilities Department pretreats for rodents on town projects & monitors for rodent presence throughout projects, taking appropriate pest control steps as needed. Also many Town buildings including the schools receive routine pest control service. The Stoughton BOH has enforcement authority for "interior" building infestations. The Town can also send violation notices to residents who do not store their outside putrescible trash properly, which is required to be stored in dumpsters or cans with tight fitting animal proof covers. The BOH has permitting & enforcement authority for garbage dumpsters as well.

Continued on Page 2

I have seen rats in my home or yard. Who should I call?
If you notice any evidence of rodent activity on your property, make sure you are not providing any food source by using rodent proof cans with tight fitting covers for all garbage stored outside. Do not leave any pet food outside. Do not feed the wildlife (no bird or squirrel feeders that become rat feeders at night). If the problem persists you may need to contact a licensed pest control company to assist you to properly address the issue. Pest control companies can be found in the local phone book or online.

Will the construction I see in my neighborhood increase rodent activity?
Construction doesn't lead to an increase in rats, but it can lead to a displacement with major land clearing projects or during demolition of existing buildings. Demolition permits are issued from the Stoughton Building Department but only after documentation that pest control companies have been hired to place bait stations onsite to decrease the onsite population prior to the actual demolition, to mitigate potential displacement of rodents. Increasing prevention strategies by owners & abutters working together with pest control companies ongoing throughout the projects, will help remediate rodent activity during extensive demolition or excavation projects.

Why do rats have such a bad reputation?
Rats are actually quite intelligent and interesting creatures. However, they have been given a bad reputation throughout history for their spread of disease. Luckily, the odds of a human contracting a disease from a rat is very low, as humans do not have repeated, direct contact with rodents. The risk for disease from rats becomes even smaller if people take proper precautions to keep their properties rodent/harborage free. As always, people should use gloves when handling any material a rodent may have come in contact with, & should wash their hands promptly after any contact or cleanup project.

How to Help Prevent a Rodent Infestation

1. Maintain your property in a sanitary manner.
   - Keep grills clean
   - Store woodpiles neatly with a 12-inch ground clearance
   - Remove dog and cat feces promptly
2. Rodent proof all foundations, building structures (ex. sheds) and garages using durable materials such as ¼ inch mesh, metal hardware, or sheet metal. Eliminate &/or seal all gaps greater than ¼ inch.
3. Reduce or eliminate rodent accessible food, water, and harborage (potential shelter).
   - Do not leave pet food out at night or any other food debris out for local wildlife
   - Remove birdfeeders that rodents can access.
   - All garbage should be stored with watertight receptacles made of metal or other durable, rodent proof material.
   - Remove water sources, this also helps eliminate mosquito breeding habitats
   - Keep compost securely covered
4. Thin vegetation and keep up with grass and shrubbery trimming.
5. Routinely inspect your property for evidence of rodents, including burrows, tracks, droppings, & chew marks.
6. If you live in rental housing & you see signs of rodents, tell your landlord. If your building has a dumpster, make sure to close all dumpster doors after depositing your garbage within which. Do not leave garbage outside of a dumpster.
7. Uncovered barrels or bags may be put out on the morning of your scheduled municipal garbage pickup day, but anything put out the night before must be stored in covered pest resistant receptacles.
8. Share this information with your neighbors. Rodent problems are a community issue. Working together will help eliminate this problem.

If you discover rodent infestation on your property,
contact a licensed pest control company for assistance.

From: Lee Newman
To: Alexandra Clee
Subject: FW: Happy New Year and Comment on Meeting Tonight
Date: Monday, January 6, 2025 1:05:33 PM

From: Heidi Frail <hfrail@needhamma.gov>
Sent: Friday, January 3, 2025 1:30 PM
To: Laura Dorfman <ldorf@verizon.net>; N. Espada <nespada@studioenee.com>; Lee Newman <LNewman@needhamma.gov>
Subject: Re: Happy New Year and Comment on Meeting Tonight

Thanks Laura, I will share these comments with the newly instituted large house committee and the Planning Board. I appreciate your thoughtful suggestions.
Heidi

Heidi Frail
she/her/hers
Vice-Chair, Needham Select Board
hfrail@needhamma.gov

From: Laura Dorfman <ldorf@verizon.net>
Sent: Thursday, January 2, 2025 8:12 PM
To: Heidi Frail <hfrail@needhamma.gov>
Subject: Happy New Year and Comment on Meeting Tonight

Hi Heidi,

Thank you for your time tonight on the Zoom meeting about the MBTA zoning plans. You made some comments about the availability of housing in Needham, both to new residents and to senior residents who want to stay in Needham but cannot afford to find a smaller home.

I wanted to remind you,as I have the Historical Commission when I was a member, that part of the problem is the town's demo delay by-law, which is very forgiving and favorable towards builders who want to tear down smaller home to builder much larger homes. When I mentioned this to a planning board member last year, they had no idea about this.

The current by-laws state that, unless a property is on the Historic Register (there are 144 homes in Needham which fall into this category), there is only a 6-month demo delay. Once the 6 months pass, they can be torn down. For those not in this category - the majority of the homes in Needham, there is no protection at all. This is why we see tear-downs of affordable homes virtually every 1/2 mile as we drive

around Needham.

While on the Historical Commission, I did a survey of "like towns" in terms of how they handle demo-delay requests. Here are some common themes:

1. Demo-delays of at least 12 - 18 months
2. Requests of builders for demo-delay plans
3. Requests of builders to research how even a piece of the property to be saved - even a chimney
4. A formal application with a descriptive narrative of the scope of the demolition and rebuilding project.
5. An addition of an age of the property in addition to whether the property is listed on an historic register.

The bottom line is that Needham is the most forgiving place for a builder to demo a home and rebuild a $3 million house. I think attention should be given to this given the # of tear-downs if the town truly wants to preseve more affordable housing.

Thank you,

Laura Dorfman

From:	Joe
To:	Planning
Subject:	Support for Neighborhood Housing Plan
Date:	Tuesday, December 31, 2024 9:07:34 AM

To: Planning Board

Thank you for finally kicking off the Large House Study Committee. I look forward to working diligently to deliver a status report in May and towards by-law changes for October 2025.

However, I am writing today with regards to the ongoing referendum.

The Neighborhood Housing Plan (NHP) was crafted over a few years by members from the entire community and other elected/appointed boards. At the end of the day however, the outlines of the NHP were passed back to the Planning Board. It was the Planning Board who had the final sign-off on every part of the zoning. The Planning Board recommended by 5-0 vote that Town Meeting approve the NHP, and Town Meeting did.

Now the recommendation of the Planning Board is under question by the first referendum in over a generation in the town.

There are many ways the NHP could have been altered to improve its wider appeal and security in the face of a potential referendum without sacrificing any of its efficacy to deliver housing. For example, more conditions for special permits, removing low-propensity developments from the NHP, or different dimensional regulations. Why was Highland Court or some of other existing apartments included in the NHP if the Planning Board says they aren't going to be redeveloped any time soon? The headline 3,296 number which gives uninformed voters heartburn could have easily been reduced to ~2,700 or fewer and the same objectives achieved.

Every member of the Planning Board at one point in time asked for voters to give them the responsibility to be a decision maker and a leader in town government. The Planning Board led us to this point even while many others would have done it a different way. It cannot be the case that others, many of whom are not elected officials, have to step up and lead the effort to support the NHP.

This is the Planning Board's Policy and they need to be vocal and unapologetic about their support for it. A campaign has formed in support of the NHP and I am glad to see some names of Planning Board members on it. I expect all five members will attach their name to the campaign and support it. Planning Board members cannot use town resources unfairly in support of their position, but as citizens I expect to see outreach such as emails, social media posts, op-eds, blogs, information sessions, etc.

There is not an easy way to put this, so I'll just say it: It is difficult to see how the board can function effectively moving forward if this referendum were to succeed. It is hard to overstate how much of a rebuke it would be to this Planning Board's ideas and vision for the town to spend this much time and energy on a policy only to have it immediately rejected by more votes than the ones that gave them their current positions. Take from that what you will.

I look forward to seeing public comments and receiving communication from the individual members in support of the Neighborhood Housing Plan.

Regards,

Joe Matthews

Town Meeting Precinct I

From: Robert Smart
To: Lee Newman; Alexandra Clee
Subject: Neighborhood plan write up - sent to about 350 residents
Date: Tuesday, December 31, 2024 1:22:18 PM

VOTE "YES" ON THE NEIGHBORHOOD PLAN

Bob Smart 12/31/24

Why support the Neighborhood Plan instead of the Base Plan

The Neighborhood Plan is not "overcompliance" with the MBTA Communities Act. It is a sensible zoning change for Needham, which was adopted by vote of the Town Meeting as a normal zoning article.

Needham needs new multi-family housing, for downsizing seniors, young adults who grew up in Needham, and town employees. In recent years, most of Needham's new housing has come from teardowns. The resulting units are very large and expensive.

Multifamily construction, whether condominium or rental apartment, tends to result in smaller and more affordable units. For housing projects of 6 or more units, 87.5% of the units will be market rate, while 12.5% will be "affordable housing" as defined under the Needham Zoning By-Law.

In considering the proposed zoning articles in October of 2024, the Town Meeting had two goals before it – compliance with the MBTA Communities Act, and zoning changes with a realistic chance of creating a reasonable amount of new multi-family housing. The Neighborhood Plan will address both goals. The Base Plan will not.

The Base Plan incorporates the same height and density limitations which are already in the Lower Chestnut Street, Garden Street, and Needham Center Overlay Districts which were established by the Town in 2009. In the ensuing 15 years, that zoning resulted in the construction of only 15 multifamily housing units. The Base Plan will be only marginally better, because it does not provide sufficient incentives for landowners to replace existing commercial buildings with residential. Needham is no longer subject to Chapter 40B, so we are not obligated to approve permits for multifamily projects under that law.

Opponents argue that we should pass the Base Plan now, and wait to see the result, before adopting the slightly more ambitious Neighborhood Plan. This would be a mistake. My experience is that it takes years to make zoning changes in Needham. The multi-family housing shortage exists now.

The Neighborhood Plan was the culmination of years of housing needs study by the Town, not simply a proposal generated in response to the MBTA Communities Act. On the Base Plan and the Neighborhood Plan, there were numerous public meetings, and some of the input from opponents was incorporated into the zoning language. Our Town Meeting representatives carefully considered the data on housing production, town infrastructure, and school capacity, and adopted the Neighborhood Plan by a decisive margin.

I urge a "YES" vote on the January 14 referendum.

Response to the "NO" Arguments (responses are in *italics*)

We should add housing using our regular zoning process, rather than under the MBTA law.

The Town's adoption of the Neighborhood Plan followed the regular zoning process under Massachusetts General Laws Chapter 40A, which requires a Planning Board hearing and Town Meeting vote.

Needham will not be "out of compliance" if it votes "No".

Needham is out of compliance now, per a December email from Kevin Connor at the Executive Office of Housing and Livable Communities (EOHLC). It will remain out of compliance if it votes "No", until there is a subsequent public hearing and an affirmative vote on a replacement zoning article at a future town meeting, which would be several months away. Needham will come into compliance immediately on January 14 if it votes "Yes". Delay in getting to compliance will jeopardize Needham's $20 million Transportation Improvement Plan funding (application due 12/31/24) and state grants and EOHLC funding eligibility for the Needham Housing Authority's proposed redevelopment of the affordable housing units at the Linden-Chambers site (funding application due 2/27/25).

A vote for the Neighborhood Plan is a vote for 3,296 more units.

This is a deliberate exaggeration. To create 3,296 units, all the existing businesses in the Multifamily Overlay District would have to be replaced by multifamily buildings. Most of the land in the district is already devoted to uses which produce significant income – offices, large grocery stores, funeral homes, and retail establishments. It is unlikely that most property owners will evict business tenants and give up this steady income for the years it takes to complete residential development. The Town's consultants estimate that the likely number of new units created over 10 years under the Neighborhood Plan is 1,288. I believe it is unlikely that this number of units will be built, based on my experience, as a Planning Board member and zoning lawyer, with prior Needham efforts to encourage multifamily development.

"By Right" zoning means the town effectively transfers control of zoning requirements to the Commonwealth of Massachusetts EOHLC.

Under the Neighborhood Plan zoning, multi-family use will be subject to site plan review by the Needham Planning Board. Site plan review involves submission of detailed plans and studies, public hearings, compliance with the density and dimensional requirements established by the Neighborhood Plan zoning. Under site plan review, the Planning Board has authority to impose reasonable conditions relating to emergency vehicle access, landscaping, storm water management, water quality, adequacy of water sewer and utility services, lighting, parking, and pedestrian and vehicular traffic and safety.

The proponents have no way to pay for the Neighborhood Plan.

The Town's studies indicate that the fiscal impact (gross tax revenue – municipal costs – school costs) will be a net positive.

School crowding will be a problem.

The town's analysis shows that there will not be overcrowding of the schools. Many past and present members of the Needham School Committee have endorsed the Neighborhood Plan.

The town's infrastructure cannot handle the Neighborhood Plan redevelopment.

The town's studies indicate that its utilities, roads and intersections can handle the expected effects of redevelopment under the Neighborhood Plan.

Property values will be destabilized.

There is no evidence to support this assertion.

How to Vote

- In person, at your regular polling place on Tuesday, January 14, 2025, between 7 a.m. and 8 p.m.
- In person, at the Town Hall, between January 2, 2025 and noon on Monday January 13, 2025, during specified hours (the Town Clerk's office opens at 8 a.m. Monday to Friday, and closes as 5 p.m. on Monday, Wednesday and Friday, 6 p.m. on Thursday, and 12:30 p.m. on Friday).
- By mail, by requesting a ballot by Tuesday, January 7, 2025 at 5 p.m., and returning it by mail or by drop off at Town Hall, so as to be returned by January 14, 2025 at 8 p.m.

For More Information

Go to http://yesforneedham.com/.

P.S. Feel free to circulate this email. Bob

Robert T. Smart, Jr., Esq.
399 Chestnut Street
Needham, MA 02492
T 781-444-9344
FX 781-449-0242
bob@robertsmart.net

From: Myles Tucker
To: Planning
Subject: FW: Message for Town Manager, Planing Board and Select Board Concerning MBTA Communities Act Compliance
Date: Wednesday, January 15, 2025 12:46:38 PM
Attachments: image001.png

Forwarding for distribution to the PB per the resident who emailed.

Myles Tucker
Support Services Manager
Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492
www.needhamma.gov
Office: (781) 455-7500 ext. 204

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From: Joe Leghorn <joe.leghorn74@gmail.com>
Sent: Wednesday, January 15, 2025 11:55 AM
To: Myles Tucker <mtucker@needhamma.gov>
Subject: Message for Town Manager, Planing Board and Select Board Concerning MBTA Communities Act Compliance

Good morning, Myles,

Please forward this message to Kate, the Planning Board and the Select Board.

Thanks,

Joe

Dear Madam Town Manager, and Members of the Planning and Select Boards,

The outcome of yesterday's referendum was not a surprise to me. Getting to "no" is so much easier than getting to "yes," and the group opposing the referendum was very good about spreading dis and misinformation based upon my numerous interactions with them at the supermarkets and the transfer station.

The Supreme Judicial Court and the Governor's Emergency Regulations, as I read them, relieved Needham of its "noncompliant" status and gives it sufficient time to a craft thoughtful and adequate plan that can and will gain

the support of the voters of the Town. I don’t think a rush to another Special Town Meeting is now necessary, because only a “plan of action” need be drafted and filed by the Town on or before February 14, 2025. Rather, in my opinion, a Zoning Bylaw encompassing a compliant overlay district should be drafted and fully vetted through public hearings. Then the Planning and Select Boards should bring the matter back to Town Meeting in May well before the new compliance date of July 14, 2025. The Planning and Select Boards should use this additional time to allow fulsome public participation and input into what is proposed to Town Meeting in May.

On the issue of getting to yes, as a supporter of more multi-family house in Needham, I want the process now to be more than a knee-jerk reaction and accept what was known as the “Base Plan.” Personally, I am on the fence whether I can support the “Base Plan,” because all of the analysis conducted since Special Town Meeting indicates that it will result in few additional units. Now is the time for compromise, and I will urge all of those who support additional housing that we do not simply capitulate to the opposition, who, apparently, are afraid to reveal their names, by reverting to the chimera of additional housing units in the “Base Plan."

I look forward to the coming process and the opportunity to participate in the upcoming public meetings.

Very truly yours,

/s/ Joe Leghorn
TMM Precinct D
40 Linden Street

From: mokr9@aol.com
To: Kevin Keane; Selectboard; Planning
Subject: Re: Bulfinch property
Date: Tuesday, January 14, 2025 6:06:01 PM

Dear Kevin,

I am well aware of the property location and ownership by the Bulfinch Group. Though I am very disappointed that you are overlooking a possible Private-Public development opportunity which could benefit the Town of Needham and Bulfinch Group. The Life Science Market, for which Bulfinch Group originally planned for the property, is dead as we know and will not return for a number of years. Private-Public partnerships have been successfully used to develop a number of projects in the Boston area. This could help our town with housing, a 55+ community, develop green space, and expand commercial development.

I look forward to hearing back from you.

Best,
Mona

On Tuesday, January 14, 2025 at 09:55:56 AM EST, Kevin Keane <kkeane@needhamma.gov> wrote:

> Dear Ms. Steinberg,
>
> Thank you for your email concerning the Bulfinch property.
>
> The Bulfich Group is a privately owned company - and the property they own at the corner of Gould Street and Highland Avenue, is private property. The Town does not plan nor manage private property. Neither does the Town dictate or participate in the financial decisions of private companies.
>
> Again, thank you for your email.
>
> Sincerely,
>
> Kevin Keane
>
> Kevin J. Keane
> Chair, Needham Select Board
> Needham, Massachusetts

Dear Select Board, Planning Board and Town Manager,

I am writing to urge you to put forth the Base Plan and send it to a Special Town Meeting immediately. Needham has been in a state of conflict and division for several months now. It is time to put an end to it. The town cannot sustain another four months of the acrimony, anger and dissent. It is in the town's best interest to begin the repair process immediately.

Town Meeting was asked to adopt the base plan at the October town meeting. That plan was adopted with a nearly unanimous vote. While the plan may not be the first choice of everyone, it is a plan that is essentially unanimously agreed upon as acceptable.

Town Meeting was also asked to adopt the NHP. In a much more contested debate and vote, the NHP was adopted by town meeting. As is permitted by our charter, thousands of voters pushed the NHP to a citizen vote. Nearly 7000 voters voted to, and did in fact, repeal Town Meeting's adoption of the NHP.

Because the base plan was thoughtfully created by years of work by committees and boards with significant public input, and because Town Meeting resoundingly adopted it, that is the plan that should stand. It is only because of a quirk of warrant writing that the base plan is not in effect today and the citizen repeal of NHP did not end the process. If the two plans were each a separate overlay, the nearly unanimous affirmative vote of Town Meeting adopting the base plan would be in effect today and Needham would be in compliance with the MBTA act.

While there is a desire within the town to increase housing in Needham, it is not appropriate to react to that desire by hastily creating yet another plan under the MBTA act. Needham has the power and ability to add housing via its own bylaws using the normal lawmaking processes. I urge you to adopt the base plan immediately and to use the normal process to consider more housing. This action will quell the acrimony that has swelled in reaction to the adoption of the NHP and allow for more thoughtful, respectful debate. It will also begin to repair the anger and distrust of town government that was created by the adoption of the NHP and the campaign to reject the referendum.

The inclination to compromise should start with the compromise that has already been struck during the already completed process. The public indicated via a survey that it desired a plan with the least number of new housing units possible for compliance. The HONE pushed that out to the Base Plan which goes above and beyond compliance, but less above it than the NHP. The base plan compromise was accepted by nearly all members of Town Meeting who voted to adopt the base plan; it was accepted by the words of the vast majority of the voters who spoke out against the NHP; and it was accepted by the consistent framing by those who forced the election as the vote being a choice between the NHP and the base plan and the votes that were cast on that basis.

I urge you to seize upon that consensus. Let us adopt the base plan and go on to debate any further housing through the normal course of our town bylaws and procedures.

The MBTA act is extremely controversial. Voters in Needham feel so strongly about it that it sparked the use of a petition and referendum process that has not been called upon for decades. Scrapping the agreed upon plan, pushing a resolution out to May and coming up with a new plan subjects the Town to the risk of not being able to comply with the MBTA law.

There is no body in Needham that can negotiate with authority on behalf of the thousands of NO voters. There is no body that can confidently say what would be acceptable to NO voters in terms of the next plan. The number of NO votes during the election equals almost double the amount of voters required to petition for a referendum. This leaves a real possibility that any new plan could trigger another petition and referendum process because, even if half of the NO voters are sufficiently satisfied with a new plan, there still remains enough voters who could reject it via petition. The high emotion created by the past few months significantly increases the likelihood of voters being charged enough to dig in and go through the effort of triggering another referendum. Even if that referendum ultimately failed, the process will risk funding by putting us over the new deadline for passage.

We know for certain that the base plan will NOT trigger a petition. Please do not throw that away significant win. Please do not take a gamble on increasing the size or scope of the MBTA compliant plan at the risk of triggering another several months of acrimony and vitriol, another potential petition, and another nail-biting flirt with non-compliance.

Please. Put forth the base plan at the Planning Board meeting next week, call a special town meeting as soon as possible, and work on any additional housing through the normal course of our bylaws.

Sincerely,

Margaret Abruzese
30 Bridle Trail Rd

From: Andrea Dannenberg
To: Planning
Subject: Fwd: MBTA Communities Act timeline
Date: Thursday, January 16, 2025 10:22:08 AM

---------- Forwarded message ---------
From: **Andrea Dannenberg** <ardannen@gmail.com>
Date: Thu, Jan 16, 2025 at 7:40 AM
Subject: MBTA Communities Act timeline
To: <selectboard@needhamma.gov>

Good morning,

I saw the announcement from the Town Manager of the proposed timeline to put a new MBTA Communities Act rezoning plan before Town Meeting in May. I am very concerned that this timeline puts us against a deadline of “must act or face non-compliance” and provides no leeway for contingencies should the Town Meeting vote fail or the measure face another recall.

Please don’t delay.

Andrea Dannenberg
TMM Precinct C

From: Andrea Okerholm Huttlin
To: Planning
Subject: Zoning
Date: Thursday, January 16, 2025 10:40:56 AM

NRTZ reminded us to send you emails so I figured I'd better reiterate my support for the Neighborhood Plan. Or whatever bigger-than-Base plan you think can get through.

Don't let those NIMBYs undermine solid town governance with their petitions and lawsuits. It's a dangerous precedent, right out of the MAGA playbook. Let's make sure they get the message that those games aren't welcome here.

From: Paul Bennett
To: Selectboard; Planning
Subject: resolving MBTA compliance
Date: Thursday, January 16, 2025 11:39:48 AM

Dear Select Board and Planning Board:

I encourage you to please move forward quickly with MBTA compliance by raising a new vote to accepting the Base plan at Town Meeting asap (preferably in February). I worry that the recommendation by the Town Manager to delay voting until May as well as hints and discussion of possibly developing new alternatives to the base plan will lead to further delay and complication as well as more divisiveness in the community. While there are interesting issues this discussion has raised regarding the health of the community and affordable housing, I believe it will be more effective to address those issues directly with the full flexibility of options that the town can pursue rather than be constrained by MBTA policies and weighed down by the acrimony attached to the MBTA legislation. Thanks to each of you as well as to TMMs and everyone else involved in the hard work of this process, and thank you for your time in reading this.

Thanks,
Paul Bennett
(16 Fair Oaks Park)

p.s. If you care to hear my additional topics that I think should be addressed head on that were raised by the debate in my awareness, these are my top three:

- Addressing the higher commercial tax rate. In particular solutions that might grow new small businesses in Needham without putting overall town revenue at risk.
- Affordable housing initiatives that prioritize access and increase the percentage to those working in Needham (especially teachers, police, firefighters, and other civil servants) and retirees who are already Needham residents.
- Considering other locations in Needham of mixed use affordable housing development that may not fall within the MBTA targeted zones.

From: Zachary M. Wallack
To: Marianne Cooley; Kevin Keane; Heidi Frail; Joshua Levy; Catherine Dowd; Planning
Cc: Kate Fitzpatrick
Subject: Post-Referendum Next Steps
Date: Thursday, January 16, 2025 12:18:32 PM
Attachments: image006697.png
image070339.png
image841742.png
image647708.png
image984598.png
image993987.png
image159594.png
image842473.png
image389185.png
image374167.png

Dear Chairperson Keane, Vice Chairperson Frail, Chairperson Espada, Vice Chairperson Crocker, and members of the Select Board and Planning Board:

I am writing regarding the next steps that the Select Board and Planning Board must take in order to act in accordance with the will of Needham's residents. To that end, I urge the Select Board and Planning Board to put forth the Base Compliance Plan ("Base Plan") and send it to a Special Town Meeting forthwith.

As you know, on Tuesday January 14th, Needham unequivocally and resoundingly rejected the so-called "Neighborhood Housing Plan". At this point, any attempted effort to increase the Base Plan would run contrary to the voters' will. And, any attempted effort to delay the February 24 Special Town Meeting—which was already thoroughly discussed at a prior Select Board Meeting on December 17, 2024—would run contrary to the expectations of the voters and the statements of the Select Board.

The Base Plan has already been resoundingly (if not unanimously) adopted by Town Meeting. It is beyond debate that the Base Plan must stand. Sending the Base Plan to a Special Town meeting immediately will go a long way in healing the division in our town, and repairing the distrust that so many now have in our town government as a result of the actions that certain members of the Select Board and Planning Board took in actively rejecting the referendum.

The time for compromise has long-since passed. Any attempt to expand upon the Base Plan will surely set off another fight. It would be entirely inappropriate for the Select Board and Planning Board to recommend this course of action. Now, it is time for our elected leaders to act upon the consensus of the people. The people have spoken, and they have spoken clearly. The divisiveness must end. It is incumbent upon you as elected officials to represent the will of the people. To do anything but put forth the Base Plan would only fan the flames of the division in Needham. Taking any other course of action risks provoking many more months of resentment and hostility.

I look forward to hearing your confirmation that the Base Plan will be put forward at the Planning Board meeting on January 21, and that a Special Town Meeting will be called for February 24 so that Town Meeting can vote on the Base Plan.

Best,

Zach

ECKERT SEAMANS
ATTORNEYS AT LAW

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617-342-6815 | 617-342-6899 | 617-694-7193
zwallack@eckertseamans.com
BIO: VCARD:

From: elwallack@gmail.com
To: Selectboard; Planning
Subject: Special Town Meeting in February
Date: Thursday, January 16, 2025 12:30:13 PM

Dear Select Board and Planning Board,

I grew up in Needham, attended Needham Public schools (Carter Avery, Elliot, Pollard, NHS) and raised 2 children who attended Needham Public schools and now my granddaughters are in the system. I have been a resident for over 65 years and love my town.

Never have I seen such division, animosity, utter lack of respect and common decency and enmity between residents and it saddens me. Nor has the distrust of our local elected officials been so vocal and pronounced.

Our town needs to heal. There is no need to prolong the agony and rhetoric that has and continues to take place by delaying voting until May.

It seems the Base Plan is a compromise that everyone agrees with and was desired by the majority of HONE survey participants. Now is time to set egos aside and respect the clear will of the Needham voters.

For the good of our town, please put forth the Base Plan for a vote at the Special Town Meeting in February.

In good health,
Ed

From:	Jim V.
To:	Planning
Subject:	Needham Housing Plan
Date:	Thursday, January 16, 2025 12:40:07 PM

To whom it may concern:

I'm reaching out to let the Board know that I am in full agreement with the Town's decision to address the Housing Plan at the May Town Meeting. Given the number of people who claimed to be uninformed or excluded from the process over the past 3 years, It's important that we allow for a time of robust community engagement and feedback. I appreciate the Planning Board's focus on ensuring that anyone who wants to be heard on this issue can indeed be heard.

Thanks very much for your service.

Jim Van Dyk
Town Meeting Member Precinct G

From:	Marcus
To:	Planning
Subject:	The will of the people do not want overcompliance
Date:	Thursday, January 16, 2025 1:05:47 PM

Hello Members of the Planning Board,

After the recent town referendum that definitively said "No" to overcompliance, I expect the Planning Board to follow through on the town petition to "forthwith" comply with the requirements of MGL Ch 40A s.3A. Forthwith means immediately and does not mean by May. It is clear the will of the people do not want an overcompliance plan. It should not be controversial at this point to accept the Base Plan for minimum compliance and move on.

Best,

Marcus Loveland
26 Rivard Rd
Needham, MA

From:	Michael Kelly
To:	Selectboard; Planning
Subject:	Needham MBTA Zoning - Resident Request - Move forward with the Base Plan
Date:	Thursday, January 16, 2025 1:11:07 PM

Greetings, kind select board, and planning board communications representative,

Mike Kelly here, Needham Heights resident and father of three 3rd generation Needham elementary school students, writing today to respectfully ask that you please do not delay in moving forward your approval of the (already approved) "Base Plan" with regard to the MBTA zoning issue.

Embrace the Base Plan. Respect the election and voters of Needham.

Thank you for your commitment to our town. Happy to discuss if you'd like.

Best,
Mike Kelly
508.277.7055

From: DONNA MEYER
To: Planning
Subject: MBTA Communities Act
Date: Thursday, January 16, 2025 3:03:10 PM

Dear Planning Board Members,

My name is Donna Meyer. I am a Town Meeting Member from Precinct H. First, thank you all for your dedicated service to the Town. I can't possibly imagine the number of hours you have spent on this and other issues and it is appreciated.

I understand it is up to the Planning Board to submit a Plan. I write to strongly encourage the you to re-introduce the Base Plan at Special Town Meeting. This Plan was the result of years of planning was endorsed by:

Finance Committee
Select Board
Planning Board
Town Meeting (almost unanimous)
School Committee
EOHLC

The spirit of the No campaign was to reject the Neighborhood Plan and approve the Base Plan. That was what the election was about. The voters spoke clearly on this issue. To go back and try to create another Plan or a hybrid Plan would be a shocking rejection of the voters will and would only deepen the divisions created by the Neighborhood Plan, the petition and the Special Election.

I understand that the Yes voters feel the Base Plan does not do enough. I never understood why, if it wasn't good enough, it was developed and presented to the Town. I promise to be more involved going forward and to support targeted zoning to address additional Town needs.

Please listen to the voters and re-submit the Base Plan for approval.

Sincerely, Donna Meyer

From:	Jean Higgins
To:	Selectboard
Cc:	Alexandra Clee; Alison Steinfeld; Amy Haelsen; Clayton Hutchinson; Daphne Collins; Deb Anderson; Elisa Litchman; J.P Cacciaglia; Lee Newman
Subject:	Base Plan for Housing required by MBTA
Date:	Thursday, January 16, 2025 3:57:06 PM

Dear Board Members,

After an unprecedented controversy and grueling time in our town, the majority of voters have spoken, and we wish to have the base plan put into place. Please do not stretch this out any further to May Town Meeting. The Town Meeting Members did not follow the will of the Needham voters and went against the finance committee this fall. Please do not start this all over again in May. It will only serve to cause heated arguments on Needham Faceback to prolong the pain of a divided community. Please let us heal.

The voters have spoken and we urge you to not prolong this any further.

Please work with the MBTA and give them whatever paper work they need to show that we will comply with the base plan that they have required.

Kind regards,
James and Jean Higgins
293 Webster St. 02494

Sent from my iPhone

From: Catherine Spalding
To: Planning
Subject: The Path Forward for Compliance with the MBTA Communities Law
Date: Thursday, January 16, 2025 7:58:58 PM

> Dear Planning Board,
> In the wake of the January 14, 2025 referendum vote in which Needham voters resoundingly rejected the more aggressive Neighborhood Plan as the means to achieve compliance with the MBTA Communities Act, I would encourage the Planning Board to give every consideration to resubmitting the Base Plan for approval at a Special Town Meeting on February 24, 2025. The most expeditious means to compliance is to adopt the Base Plan that both the Town Meeting previously approved and that the State previously confirmed would satisfy the requirements/guidelines of the MBTA Communities Act. Deferring the Town Meeting vote on this zoning issue until the annual May 2025 Town Meeting, with no clear path to developing a new plan that both the state will approve and both the Yes and No camps can embrace, seems fraught with peril. This seems to be a situation in which the Select and Planning Boards would be making “the perfect the enemy of the good” by going back to the drawing board and reopening a debate that lasts well into May, not to mention through a campaign and April election cycle and with a July 14, 2025 compliance deadline right around the corner from the May meeting. The voters have spoken. Your first obligation now is timely compliance with the MBTA Communities Act to ensure that nothing further jeopardizes any potential sources of funding for Needham, most especially for the current residents of the existing affordable housing at Linden Chambers which are long overdue for their renovation project. If you are sincere in your desire to serve the needs of those needing good affordable housing, isn’t your first obligation not to jeopardize the status of the people for whom you have an existing obligation?
>
> The time following a February 24, 2025 vote on the Base Plan, can be used more productively working on plans to serve the needs of the groups both Yes and No camps have expressed a mutual desire to serve-affordable housing for town employees, downsizing Needham seniors on fixed incomes, police, firefighters, first responders, nurses, hospital workers, and teachers, without the threat of a draconian deadline and without the restrictions of the MBTA Communities Act.
>
> If you insist on deferring the vote until the May town meeting, at a minimum, given the division and rancor that this zoning issue has revealed, I would encourage you to promptly, fulsomely and transparently explain to Needham voters the process of getting to a February 13, 2025 Action Plan submission with the state and the EOHLC. This should include a plan to actively engage all Needham voters in the time between now and May, so that their voices and concerns are reflected in whatever new plan you propose before such May town meeting vote. A good start would be adding an expedited Information Session next week from the Town of Needham in Powers Hall.
>
> Thank you for your consideration.
>
> Sincerely,
> Catherine Spalding
>
> Sent from my iPhone

From: Gabi Gutierrez
To: Selectboard; Planning
Subject: Concerned citizen feedback after 1/14/2025 election
Date: Thursday, January 16, 2025 11:54:47 PM

Dear Select Board and Planning Board Members,

In light of the results from the January 14, 2025, Town Election, I strongly encourage you to revert to the "Base Compliance Plan" and present it to Town Meeting for a vote as soon as possible—perhaps at a Special Meeting in February 2025. This plan, which was adopted at the October 2024 Special Town Meeting, has the support of a majority of Needham's residents.

Please consider the risk of delaying further by pursuing another "over-compliant" plan, which may ultimately face rejection and prolong the process. Such a plan would waste valuable time and resources, and could jeopardize state funding, while potentially exacerbating divisions within our community.

The Base Compliance Plan offers a solid foundation, and additional plans can be developed in the near future without interference from the state. These future plans can be crafted by Needham's government and citizens, with careful attention to the diverse needs of our community, including the desire for varied and abundant housing options.

I trust that our voices will be heard in this important matter.

Thank you for your time and consideration.

Sincerely,

Gabi Gutierrez

12 ANDREA CIR
NEEDHAM, MA 02494

From: Riley Hastings
To: Selectboard; Planning
Subject: Proposed May Vote
Date: Friday, January 17, 2025 9:05:45 AM

Dear Select Board and Planning Board Members,

I hope this message finds you well. I am writing to express my concerns regarding the Town Manager's recommendation to present the new housing plan at the May Town Meeting. Additionally, I am concerned that there may be an interest in presenting a plan that exceeds the Base Plan.

Given the importance of getting Needham into compliance, I strongly encourage you to move forward with the Base Plan as soon as possible, ideally at the Special Town Meeting in February. My concern is that if this item is delayed until May, and a larger-than-base plan is introduced, we could jeopardize compliance with the new July deadline.

While I fully recognize the significance of addressing the housing crisis in Massachusetts, I believe it would be most effective to approach this issue with the full range of options available to the town, rather than being constrained by the requirements within the MBTA legislation.

Thank you for your continued hard work and dedication to this process. I appreciate your time and attention to this matter.

Sincerely,

Riley Hastings (318 Greendale Ave)

Sent from my iPad

From: nathan.levin3@gmail.com
To: Selectboard; Planning
Cc: Louise Miller
Subject: Special Town Meeting
Date: Friday, January 17, 2025 11:15:05 AM

Dear Members of the Select Board and Planning Board:

On January 14, 2025, the citizens of Needham voted, in an overwhelming mandate, to not over comply with the MBTA Communities Act, and to adopt the Base Plan. According to the timeline set forth in the December 17, 2024, Select Board Package, the “earliest possible Special Town Meeting in the event that the October 21, 2024, zoning is repealed” was stated to be February 24, 2025. I urge you to adopt said date to allow our Town Meeting Members to vote on the Base Plan, for which all the work has been completed, and which was already approved unanimously. To do otherwise would go against the mandate of close to 7,000 voters, and any delay would risk exacerbating the divisiveness that has already negatively impacted our beloved town. Thank you in advance for your consideration.

Sincerely,

Nathan Levin
39 Lantern Lane

From: Jackie Kiley
To: Marianne Cooley; Kevin Keane; Heidi Frail; Joshua Levy; Catherine Dowd; Planning
Cc: Kate Fitzpatrick; Louise Miller
Subject: Fwd: Next steps for Needham"s town leadership
Date: Friday, January 17, 2025 12:49:25 PM

To the leadership and members of the Needham Select Board and Planning Board:

I am Jackie Kiley, a resident of Needham for 26 years, and a member of the NRTZ. I am writing to urge you to endorse and approve the Base Plan to allow Needham to comply with the MBTA Communities Act.

As an NRTZ volunteer, I spent countless hours collecting signatures and subsequently holding a “Vote No” sign in front of Sudbury Farms and in other locations around town. In the course of these efforts, I spoke with hundreds – possibly thousands – of residents of Needham who sided with us and voted No in the January 14 election.

The petition my fellow residents and I signed stated explicitly that our intention in challenging the NHP was for Needham’s Town Meeting to reinstate the Base Plan. Subsequently, when the special election ensued, the Yes for Needham proponents commonly accused the No side of being “NIMBY” extremists who were “against housing.” Further, they accused us of wanting Needham to be out-of-compliance with the MBTA Communities Act. We patiently explained that we are not at all opposed to compliance, and that we strongly favored the Base Plan.

Despite a vigorous campaign by the Yes proponents to discredit us, the fact that the NRTZ supported the moderate Base Plan became clearer to voters over time, and as a result, more and more Needham voters came to our side. This shift is evident in the vote tally published after the January 14 election. As you no doubt have seen, the early voters were somewhat more evenly split between “Yes” (1796, 46%) and “No” (2116, 54%). In contrast, the voters who waited till January 14 to vote were more decidedly in the No camp. Among January 14 voters, Yes received 3086 (39%) votes, while No received 4750 (61%) votes. (I

computed these numbers based on a tally I saw published late on January 14.)

Needham voters understood that by voting No, they were voting for the Base plan. And overwhelmingly, they chose to support us.

The people of Needham have spoken. You, the elected leaders of our town, owe it to the voters to adhere to the mandate you have been given. To this end, we call on you to resurrect and endorse the Base plan, which was already passed nearly unanimously by Town Meeting on October 21, 2024.

Thank you for your consideration.

Sincerely,
Jackie Kiley

From:	Steven Maxwell
To:	Planning
Subject:	Volunteer to participate in the crafting of new options to replace the NHP
Date:	Friday, January 17, 2025 1:46:08 PM

Hello - I am a Needham resident and former TMM who would like to volunteer to participate in the crafting of new options to replace the NHP building on the strong foundational work that has already been done. What are some of the ways I can be involved?

Thank you for your consideration.

Sincerely,

Steven Maxwell
234 Brookline Street
781 449 9876

--

****

Steven Maxwell
O: +1 (781) 449 - 9876

From:	Ken Buckley
To:	Marianne Cooley; Kevin Keane; Heidi Frail; Joshua Levy; Catherine Dowd; Planning
Cc:	Kate Fitzpatrick; Louise Miller
Subject:	Jan 14th Referendum Follow Up
Date:	Friday, January 17, 2025 3:18:19 PM

Dear Chairperson Keane, Vice Chairperson Frail, Chairperson Espada, Vice Chairperson Crocker, and members of the Select Board and Planning Board:

Through the January 14th referendum election, the town has delivered a decisive message as to the desired direction on rezoning under the MBTA Communities Act. Throughout the petition drive and the election campaign, NRTZ (Needham Residents for Thoughtful Zoning) has maintained that the so-called "Base Plan" should be instated forthwith, if the so-called Neighborhood Plan were repealed. Now that this situation has come to pass, it is incumbent upon the Planning Board and Select Board to enact the Base Plan quickly, through a special town meeting.

There has been an incredible amount of attention paid to this issue, and too much divisiveness. Waiting further to enact the democratic vote of the town will only serve to leave open the rifts that have formed and further distract from other important matters the town must take up. This last point is most important to the timing of when this vote should take place.

Since the May town meeting typically has 10's of articles to attend to, leaving this important matter as one of those issues, would give short attention to many others. Additionally, this is what the citizenry has been expecting, regardless of which side of the repeal vote they may have occupied. We have all been expecting that if the town voted no to the rezoning act of October's town meeting, we would rapidly bring the Base Plan to a vote. The expectation being it would be enacted, since it was passed by a near unanimous vote in October, 2024.

So, in conclusion, I implore you to schedule the special town meeting you presented during the December 17th (2024) select board meeting. Let's conclusively listen to the will of Needham voters.

Thank you.

Kenneth Buckley - 221 Warren St, Needham

From: Zachary M. Wallack
To: Kate Fitzpatrick; Marianne Cooley; Kevin Keane; Heidi Frail; Joshua Levy; Catherine Dowd; Planning
Subject: RE: Post-Referendum Next Steps
Date: Friday, January 17, 2025 5:06:06 PM
Attachments: image002.png
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image524304.png

Thank you, Kate. I look forward to hearing the discussions of the SB and PB next week.

I understand the procedure that you have outlined below. However, it seems that the procedure does not contemplate the Base Plan being brought to a Special Town Meeting on February 24, 2025. It is concerning that town leadership is not moving quickly to ensure that the Base Plan is brought to a Special Town Meeting on February 24, 2025. Certainly, cost is not a factor. A Special Town Meeting on a single warrant article should not be a financial burden to the town. The harm done by prolonging this until May—which will only further sow division and distrust—is far greater than the minimal financial impact of a Special Town Meeting. There is an option at your disposal to end the division, to end the distrust, and to begin a path forward. That option is to call for a Special Town Meeting on February 24, 2024, and put forth the Base Plan for a vote. Town leadership must seize on this option. Doing so is not only in the best interest of the town, but it is in line with the expectations of nearly 7,000 voters and the prior statements of the Select Board on December 17, 2024.

Best,

Zach

ECKERT SEAMANS
ATTORNEYS AT LAW

Zachary M. Wallack
Member
Eckert Seamans Cherin & Mellott, LLC
2 International Pl #1600 | Boston, MA 02110
617-342-6815 | 617-342-6899 | 617-694-7193
zwallack@eckertseamans.com
BIO: VCARD:

From: Kate Fitzpatrick <KFitzpatrick@needhamma.gov>
Sent: Friday, January 17, 2025 11:26 AM
To: Zachary M. Wallack <zwallack@eckertseamans.com>; Marianne Cooley <mcooley@needhamma.gov>; Kevin Keane <kkeane@needhamma.gov>; Heidi Frail <hfrail@needhamma.gov>; Joshua Levy <jlevy@needhamma.gov>; Catherine Dowd <cdowd@needhamma.gov>; Planning <planning@needhamma.gov>
Subject: [External] RE: Post-Referendum Next Steps

Zach,

Thank you for your e-mail. The agendas and packets for both the Select Board and Planning Board meetings on January 21, 2025 are available on the Town's website here: https://needhamma.gov/archive.aspx.

The recommendation before both Boards is to support the submission of an action plan for interim compliance to the Executive Office of Housing and Livable Communities, which shall consist of advancing the Base Compliance Plan to the 2025 Annual Town Meeting. The second recommendation before the Planning Board is to submit to the Select Board the set of zoning amendments known as the Base Compliance Plan to initiate the process of bringing these bylaw changes back to Town Meeting.

All are welcome to attend either/both meetings to hear the discussions of the Select Board and Planning Board in person or via Zoom.

Kate

NEEDHAM 1711

Kate Fitzpatrick, ICMA-CM
Town Manager
Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492
www.needhamma.gov
Office: (781) 455-7500 ext. 0

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From: Zachary M. Wallack <zwallack@eckertseamans.com>
Sent: Thursday, January 16, 2025 12:18 PM
To: Marianne Cooley <mcooley@needhamma.gov>; Kevin Keane <kkeane@needhamma.gov>; Heidi Frail <hfrail@needhamma.gov>; Joshua Levy <jlevy@needhamma.gov>; Catherine Dowd <cdowd@needhamma.gov>; Planning <planning@needhamma.gov>

Cc: Kate Fitzpatrick <KFitzpatrick@needhamma.gov>
Subject: Post-Referendum Next Steps

Dear Chairperson Keane, Vice Chairperson Frail, Chairperson Espada, Vice Chairperson Crocker, and members of the Select Board and Planning Board:

I am writing regarding the next steps that the Select Board and Planning Board must take in order to act in accordance with the will of Needham's residents. To that end, I urge the Select Board and Planning Board to put forth the Base Compliance Plan ("Base Plan") and send it to a Special Town Meeting forthwith.

As you know, on Tuesday January 14th, Needham unequivocally and resoundingly rejected the so-called "Neighborhood Housing Plan". At this point, any attempted effort to increase the Base Plan would run contrary to the voters' will. And, any attempted effort to delay the February 24 Special Town Meeting—which was already thoroughly discussed at a prior Select Board Meeting on December 17, 2024—would run contrary to the expectations of the voters and the statements of the Select Board.

The Base Plan has already been resoundingly (if not unanimously) adopted by Town Meeting. It is beyond debate that the Base Plan must stand. Sending the Base Plan to a Special Town meeting immediately will go a long way in healing the division in our town, and repairing the distrust that so many now have in our town government as a result of the actions that certain members of the Select Board and Planning Board took in actively rejecting the referendum.

The time for compromise has long-since passed. Any attempt to expand upon the Base Plan will surely set off another fight. It would be entirely inappropriate for the Select Board and Planning Board to recommend this course of action. Now, it is time for our elected leaders to act upon the consensus of the people. The people have spoken, and they have spoken clearly. The divisiveness must end. It is incumbent upon you as elected officials to represent the will of the people. To do anything but put forth the Base Plan would only fan the flames of the division in Needham. Taking any other course of action risks provoking many more months of resentment and hostility.

I look forward to hearing your confirmation that the Base Plan will be put forward at the Planning Board meeting on January 21, and that a Special Town Meeting will be called for February 24 so that Town Meeting can vote on the Base Plan.

Best,

Zach

ECKERT SEAMANS
ATTORNEYS AT LAW

Zachary M. Wallack
Member
Eckert Seamans Cherin & Mellott, LLC
2 International Pl #1600 | Boston, MA 02110
617-342-6815 | 617-342-6899 | 617-694-7193
zwallack@eckertseamans.com
BIO: VCARD:

From:	Robby Petrie
To:	Planning
Subject:	Concerned voter
Date:	Friday, January 17, 2025 5:40:41 PM

My name is Gary Petrie and I live at 60 Dana Place. First off, I want to acknowledge the remarkable job the HONE committee did presenting 2 plans to the State, both of which were approved with minimal changes, putting the Town in great shape to comply with the MBTA Act. In light of the results of Tuesday's vote, coupled with rumblings I hear about compromise, hybrid plans, and about another proposal in the works only "slightly less" than the NHP, I feel compelled to speak out. While I preferred the Base Plan from the start, I was not against the NHP. I thought it had its merits, too.

But please propose the Base Plan at your next meeting. The Tuesday vote rejecting over-compliance was just that. It wasn't rejecting the NHP, only to be replaced by a watered down version of it. It was rejecting the concept of over-compliance. As elected members in our constitutional republic, I will hope you abide by the wishes of the majority of your constituents. I believe deviating from that will lead to further divisiveness.

Thanks for your hard work, I know it isn't easy, and thanks for reading.

Gary Petrie

From:	David Greenes
To:	mcooley@needhmama.gov; Kevin Keane; Heidi Frail; Joshua Levy; Catherine Dowd; Planning
Cc:	Kate Fitzpatrick; Louise Miller
Subject:	Please pass the Base Plan
Date:	Sunday, January 19, 2025 3:55:39 PM

Hello Town leaders,

I am a long-time resident of Needham, for almost 27 years now.

Like the majority of people who voted on January 14, I voted No. This is not because I don't want to comply with the MBTA Communities Act, but rather because I want Needham to meet but not exceed what the State requires. For that reason, I support the Base Plan that was passed nearly unanimously by Town Meeting on October 21.

I strongly urge the town leadership to reinstate the Base Plan now. This will fit what the majority of Needham residents want, which is to comply with the State. The NRTZ -- the voice of the No proponents -- clearly stated their intention to comply with the State. It goes without saying that Yes proponents also want to comply with the State, so there should be few people in Needham who oppose Base compliance.

Supporting Base compliance does not preclude adopting a more expansive zoning plan later. Based on some comments posted on social media, I know that some NHP proponents expect town leaders to bring back a new proposal, which will be "slightly smaller" than the NHP, to Town Meeting in the spring. I suspect the many Needham residents who opposed the NHP may also be dissatisfied by a token reduction in the scope of NHP 2.0.

Passing the Base Plan now will allow Needham residents to be confident that we will be in compliance with State law, regardless of how the debate about a more aggressive plan may go.

So, I urge you, please put up the Base Plan for approval at the proposed February 24th special Town Meeting.

The NHP proponents will still be welcome to use the spring Town Meeting to try to convince the townspeople that a more aggressive plan is in the best interests of Needham, but they will not be able to use the hardball tactic of painting the rest of us as obstructionist extremists who do not want to comply with State law. That's not fair to the Town and puts all of us at risk.

Thank you for your consideration.

Sincerely,
David Greenes

From: Paula Dickerman
To: Planning
Subject: MBTA-CA Compliance Zoning
Date: Sunday, January 19, 2025 8:21:24 PM

To members of the Planning Board,

As you consider the next steps in bringing Needham into compliance with the MBTA Communities Act, I ask you to consider the entirety of the message sent by Needham referendum voters on January 14, 2025.

As we all know, the majority of those who voted rejected the multifamily housing zoning plans approved by Town Meeting in October, 2024. While there is no conclusive data for why voters voted Yes or No, it seems clear that many thought that the amended zoning approved would allow for more multifamily housing development than they would like. That message should have weight as a new zoning plan is crafted for presentation to Town Meeting.

However, we are not bound by a "winner-take-all" result in this case and can choose to apply the concept of proportional representation. For national elections in the United States, this concept unfortunately is not applied, so, for example, the votes of Republicans in Massachusetts or Democrats in Texas simply don't count; it's a "winner-take-all" situation.

You, on the other hand, are in a position to listen to the 59% of Needham voters who voted No, while not completely ignoring the 41% of voters who voted to keep the Neighborhood Housing Plan.

I urge you to do that – to listen proportionally to the desires of all of the voters, and develop a new compliant plan that incorporates voters' desires to see thoughtful zoning that will encourage more housing choices in Needham.

Thank you,

Paula Dickerman
Town Meeting Member, Precinct J

From:	Cathy Mertz
To:	Planning
Cc:	Catherine W. Mertz
Subject:	Letter re: MBTA Compliance
Date:	Sunday, January 19, 2025 10:20:36 PM

To Members of the Planning Board:

As you consider the next steps in bringing Needham into compliance with the MBTA Communities Act, I ask you to consider a few points.

As many of us have emphasized, the effect of the referendum was only to repeal the Neighborhood Housing Plan accepted by Town Meeting in October 2024. The results do not provide insight into how the majority of voters would have voted had the choice been between the Base Compliance Plan and the Neighborhood Housing Plan. In fact, the ranked choice poll that was conducted at the second HONE Community Workshop indicated that two thirds of the people wanted something more than the smallest plan. Given the choices of Scenarios A, B, and C, 37% of those polled selected the smallest plan as their last choice. In other words, 63% preferred a plan larger than the smallest.

I strongly believe that, without the impetus of something like the MBTA-CA, we are unlikely to pass any significant, effective multifamily zoning anytime soon. Going with the Base Compliance Plan plan now would just kick the can farther down the road than ever before, given the measure of resistance at this time. Now is the time to act to begin solving the housing shortage in Needham and in our region, and the Base Compliance Plan will not do enough.

I urge you to consider developing and supporting a plan that is compliant with the MBTA-CA, but that also goes beyond, allowing for the possibility of meaningful, effective, and thoughtful development of housing of various types and price points in order to take the first step toward housing attainability in Needham.

Sincerely,
Cathy Mertz

_____

Cathy Mertz
Town Meeting Member - Precinct I
67 Rybury Hillway
Needham, MA 02492
339.225.0835
cmertz.precinct.i@gmail.com

From:	Amy Mercer
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 7:13:05 AM

Dear Members of the Select Board and Planning Board,

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay. On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings. A Special Town Meeting should be scheduled for February 24, as promised. As your constituents, we trust you will uphold the will of the voters.

Sincerely,
Amy Mercer

From:	Nicholas Kourtis
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 7:29:51 AM

Dear Members of the Select Board and Planning Board,

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community.

Elected board members should not disregard the will of the voters.

The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings. A Special Town Meeting should be scheduled for February 24, as promised. As your constituents, we trust you will uphold the will of the voters.

Sincerely,
Nicholas Kourtis

_____

Nicholas Kourtis, Esq.
21 Surrey Lane
Needham, MA 02492
781.492.1233

From:	Vincent Mastro
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote - Neighborhood Housing Plan
Date:	Monday, January 20, 2025 7:38:27 AM
Attachments:	NeedhamBoard_Mastro_1.pdf

January 20, 2025

Subject: Needham Referendum Vote - Neighborhood Housing Plan

Dear Members of the Select Board and Planning Board,

We write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community.

Elected board members should not disregard the will of the voters.

The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.

A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Vincent Mastro

Janet Mastro

Victoria Mastro

Lucas Mastro

From:	Janice Klein
To:	Planning; Selectboard
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 8:17:09 AM

January 20, 2025

Dear Members of the Select Board and Planning Board,

We write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters.

The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.

A Special Town Meeting should be scheduled for February 24, as promised. As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Janice & Robert Klein

From:	tracy rubin
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Special Town Meeting
Date:	Monday, January 20, 2025 8:49:24 AM

Good morning,

I'm writing in response to the change of date for the town meeting that was originally scheduled for Feb. 24 and is now changed to May. Since we risk missing the new MBTA deadline by meeting later, is there a significant reason for moving the date later by over two months? Thank you for your attention to this matter.

Sincerely,

Tracy G. Rubin

From: Asher Schachter
To: Selectboard; Planning
Cc: Office of the Town Manager; TownClerk
Subject: Needham Referendum Vote
Date: Monday, January 20, 2025 9:36:47 AM

January 20, 2025

Dear Members of the Select Board and Planning Board,

I'm a Needham resident of 25 years. My wife and I raised our children here and both attended Needham public schools. We are all proud to be Needham residents.

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

On Tuesday, January 14, Needham voters *resoundingly* rejected the misguided "Neighborhood Housing Plan," sending a clear mandate from the community.

Elected board members should not disregard the will of the voters. This should go without saying. Your personal agendas and interests must be put aside in the name of democracy, and you must respect the majority will of the voters.

The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.

A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Asher Schachter, MD, MMSc, MS

From:	JT
To:	Selectboard; Planning
Cc:	arthur.cantor@cbrealty.com; Office of the Town Manager; TownClerk; traubsimon0@gmail.com
Subject:	Needham Referendum Vote - Respect Your Constituents
Date:	Monday, January 20, 2025 10:47:38 AM

January 20, 2025

Subject: **Needham Referendum Vote**

Dear Members of the Select Board and Planning Board,

We write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

Please "reply all" to the three voters sending you this email. If you do not reply, then we know you are not listening to your voters.

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.

A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Julie Traub & Arthur Cantor, Simon Traub
17 Hasenfus Circle
Needham, MA

From:	N McQuade
To:	Planning; Selectboard
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 10:54:25 AM

January 20, 2025

Dear Members of the Select and Planning Boards:

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.

A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Noreen McQuade

From:	James
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Disturbing Town Governance
Date:	Monday, January 20, 2025 11:05:15 AM

Dear Needham Government

The recent behavior of the Town last year and the start of this year is reprehensible, disturbing, and disgusting- "Democracy dies in darkness."

NO votes won a resounding historic victory. Select Board had previously agreed to hold a special town meeting on Feb 24, 2025 where the previously approved "base plan" would be voted in and Needham would be in compliance.

On Wednesday Jan 15th, the board 'chairs' met behind closed doors, outside the view of open meeting laws. What emerged was a statement by the town manager:

The Town Manager is recommending (see below). *"… Select Board and Planning Board* ***advance zoning*** *to the May 2025 annual town meeting."*

Q. What does the statement **"advance zoning"** mean?

Q. Why should Needham wait until May to vote back in the base? We voted for the so-named "Base Plan"on Oct 21, 2024. The Base plan **is 25% more than required to comply and is essentially a compromise plan. Frankly, it's disturbing that the base plan itself is 25% more than what is required!!**

The Select Board published a timeline on Dec 17, 2024, stating *"should the NO's win the special election, for a special town meeting to be held on February 24th"*

Petition stated the town shall act forthwith. Waiting until May 2025 town meeting, is not acting forthwith. No delay is necessary, the base plan articles are already created and approved,

Statement from the town manager on Wed, Jan 15, 11:02 AM:
"At the Special Election held on Tuesday, January14th, Needham voters repealed the Multi-family Overlay District zoning adopted at the October 21, 2024 Special Town Meeting. ….. The town manager will recommend that the Select Board and Planning Board.

Needham government owes the denizens an explanation, transparency, and implementation of their will.

Sincerely
James Blackwell
130 Tower Avenue

From: James
To: Selectboard; Planning
Cc: Office of the Town Manager; TownClerk
Subject: Re: Disturbing Town Governance
Date: Monday, January 20, 2025 11:17:54 AM

PS: No means "NO."

1

a

chiefly Scotland **:** **NOT**

b

used as a function word to express the negative of an alternative choice or possibility
shall we go out to dinner or *no*

2

: in no respect or degree used in comparisons
you're *no* better than the rest of us

3

: not so used to express negation, dissent, denial, or refusal
no, I'm not going

4

used with a following adjective to imply a meaning expressed by the opposite positive statement
in *no* uncertain terms

5

used as a function word to emphasize a following negative or to introduce a more emphatic, explicit, or comprehensive statement
it's big, *no*, it's gigantic

6

used as an interjection to express surprise, doubt, or incredulity

7

used in combination with a verb to form a compound adjective
no-bake pie

8

: in negation
shook his head

On Monday, January 20, 2025 at 11:05:08 AM EST, James <jamesneedhamarea@yahoo.com> wrote:

Dear Needham Government

The recent behavior of the Town last year and the start of this year is reprehensible, disturbing, and disgusting- "Democracy dies in darkness."

NO votes won a resounding historic victory. Select Board had previously agreed to hold a special town meeting on Feb 24, 2025 where the previously approved "base plan" would be voted in and Needham would be in compliance.

On Wednesday Jan 15th, the board 'chairs' met behind closed doors, outside the view of open meeting laws. What emerged was a statement by the town manager:

The Town Manager is recommending (see below). *"… Select Board and Planning Board* ***advance zoning*** *to the May 2025 annual town meeting."*

Q. What does the statement **"advance zoning"** mean?

Q. Why should Needham wait until May to vote back in the base? We voted for the so-named "Base Plan"on Oct 21, 2024. The Base plan **is 25% more than required to comply and is essentially a compromise plan. Frankly, it's disturbing that the base plan itself is 25% more than what is required!!**

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Petition stated the town shall act forthwith. Waiting until May 2025 town meeting, is not acting forthwith. No delay is necessary, the base plan articles are already created and approved,

Statement from the town manager on Wed, Jan 15, 11:02 AM:
"At the Special Election held on Tuesday, January14th, Needham voters repealed the Multi-family Overlay District zoning adopted at the October 21, 2024 Special Town Meeting. ….. The town manager will recommend that the Select Board and Planning Board.

Needham government owes the denizens an explanation, transparency, and implementation of their will.

Sincerely
James Blackwell
130 Tower Avenue

From:	Kimberly McCollum
To:	Planning
Subject:	Immediate support for The Base Plan
Date:	Monday, January 20, 2025 12:13:58 PM

Dear Planning Board,

In light of the recent overwhelming victory of the NO campaign, I write to urge you to support the Base Compliance Plan (“Base Plan”) immediately and recommend its acceptance at the next Town Meeting. That meeting should be held next month as has been widely discussed by other town bodies, including the Town Manager's office.

The rejection of the “Neighborhood Housing Plan” (Bonus Plan) is a clear mandate from the community. As elected board members, I urge you not to disregard the will of the voters.

The “Base Plan” was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

Sincerely,

Kimberly McCollum

843 Great Plain Ave

January 20, 2025

Members of the Select Board and Planning Board,

The 2024 Presidential Election was quite contentious. The outcome of the election delighted many and also disappointed many. But, we, as Americans, are extremely fortunate, that we live in a democracy, and that we know that the majority rules, and that we accept the election results, knowing that sometimes our candidates win and sometimes they lose.

And analogous to the Presidential Election, was our January 14th town vote on zoning. Needham voters had very strong feelings for both the NO side and the YES side of the question. And like the Presidential Election, many Needham voters were delighted with the results and many were disappointed.

And as was true with the Presidential Election, the voters of Needham must accept the results, and adhere to the tenets of our democracy.

The vote on zoning brought many residents to the polls (12,000) and the results were not close, the NO votes winning by almost 2000 votes.

Now, **it is of utmost importance**, that our elected officials accept the election results and put their personal feelings aside. The 7,000 NO votes indicate that zoning plans must not exceed the 1784 multi-family units that are required by the MBTA Communities Act.

I do want to remind you, as elected officials, that you **represent the voters** and you should not assume that your judgment is superior to the judgment of the 7000 Needham residents who voted NO.

Since compliance with the MBTA Communities Act has unfortunately divided our Town of Needham, we need to quickly put this controversy aside and schedule a special town meeting in February and certainly not to wait until May, during the annual town meeting. The annual town meeting is packed with numerous articles (51 in 2024) and there is certainly not enough time to adequately discuss such an important topic as compliance with the MBTA Communities Act.

Note that the wording in the petition that was voted upon said, “The town shall act **forthwith** to comply with the requirements of MGL Ch 400A s.3A.”

The meaning of **forthwith** from the dictionary is: “(especially in official use) immediately; without delay.

Sincerely yours,

Jane Volden

133 Brookside Rd, Needham, MA 02492

jane.volden@gmail.com

To: Needham Select Board and Planning Board

Fm: Oscar Mertz

Re: MBTA Compliance Plan Process

Date: January 20, 2025

With the outcome of the recent referendum vote, Needham is revisiting the MBTA compliance process. I am writing to the boards to ask that the town and community use this as a great opportunity for Needham to come together to focus on addressing the housing needs outlined in our 2022 Needham Housing Plan. With the extended deadline for compliance now in July, Needham has time to refine an even better compliance plan and address the concerns voiced by residents who voted for the repeal. We must remember that the campaign to repeal the Neighborhood Housing Plan clearly stated support for housing, but with "thoughtful zoning." The town now has a chance to do just that as the Select Board and Planning Board, with community input, undertake the drafting of a new compliance plan to bring to the Annual Town Meeting in May.

Following are some suggestions for a more thoughtful and effective zoning compliance plan:

- Use the Base Compliance Plan as a zoning foundation that satisfies the requirements of the MBTA Communities Act.
- Create a modified version of the Neighborhood Housing Plan with thoughtful upper zoning limits that can now have more community input and developer commitments for larger projects using a special permit process.
- The incentives for the taller and more dense development can now be free of MBTA restrictions on mixed-use and can target specific housing needs for our seniors and our local workforce.
- Allow smaller infill development projects to be by-right, with site plan review, to bring a broader range of smaller developers to the table for a more diverse range of housing projects.

The urgent challenge ahead is to help Needham STAY Needham! The cross section of people who used to be able to find a starter home, a fixer-upper, a larger home, or even a condo or apartment 20 to 25 years ago are still out there. The variety of housing choices to serve that range of ages and incomes is NOT. That has changed the character of this town and we need to be thoughtful about how we use this opportunity from the state to make it possible for more housing options to serve these folks and keep Needham a healthy and welcoming community.

I am grateful for all the hard work that you, the town, and the community have undertaken over the past few years to understand the housing needs and business concerns that the town and the Commonwealth are facing. I look forward to the coming weeks and months as Needham makes the best use of this MBTA Communities Law as an opportunity to set the framework for Needham's future.

Sincerely,

Oscar Mertz

From:	RALPH WINTERS
To:	Selectboard; Planning
Cc:	TownClerk; Office of the Town Manager
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 2:44:03 PM

To: Needham Select Board

The majority of Needham voters have voted NO with respect to initiating a proposed almost doubling of the states mandated MBTA Communities Act. To that end, I believe it is in the towns best interest to move move the Base Compliance Plan (Base Plan) forward for a Special Town Meeting without delay. It is my understanding that a special town meeting was promised to be scheduled for February 24, 2025 to vote on implementing the Base Plan and iron out the particulars for same. It seems to me that the state would like to get as many of the named MBTA communities in compliance ASAP. THERE SHOULD BE NO NEED FOR DELAY. THE MAJORITY HAS SPOKEN.

From:	katie doonan
To:	Planning; Selectboard
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 5:50:28 PM

January 20, 2025

Subject: Needham Referendum Vote

Dear Members of the Select Board and Planning Board,

We write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay. On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community.

Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings. A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Katie Doonan

Jay Doonan

32 Oakhurst Circle, Needham, MA 02492

From: Bruce W
To: Selectboard; Planning
Cc: Office of the Town Manager; TownClerk@needham.gov
Subject: Letter to Select Board and Planning Board
Date: Monday, January 20, 2025 6:51:38 PM

January 20, 2025
Subject: Needham Referendum Vote

Dear Members of the Select Board and Planning Board,

I am writing to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.

The Select Board published a timeline on Dec 17, 2024, stating, "...should the NO's win the special election, ...[schedule] ...a special town meeting to be held on February 24th."

News Flash: The NO's won by an overwhelming majority!

On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the voters' will.
The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025, select Board and Planning Board meetings.

As promised, a special town meeting should be scheduled for February 24. As your constituents, we trust you will uphold the voters' will.

Sincerely,

Bruce Wolfeld
brw917@gmail.com
617-901-5662

From:	Charles Hogan
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk@needhamma.com
Subject:	Support for the Base Plan being scheduled for the Special Town Meeting on 2/24/2025
Date:	Monday, January 20, 2025 8:37:26 PM

Dear Members of the Select Board and Planning Board,

I urge you to move the Base Compliance Plan forward for a Special Town Meeting without delay.

Voters rejected the Neighborhood housing plan by a significant margin. Please do not disregard that vote.

The Base Plan was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.

A Special Town Meeting should be scheduled for February 24 as promised.

On a separate note, beyond your authority, I was bewildered by the number of Town Meeting Members who abstained from their votes being cast. If ever there was a moment when participation is essential from elected representatives of the people it is now. I can only hope that those Town Meeting Members who abdicated their responsibility will gather the courage and resolve to fully and actively participate in this process.

I am grateful for your attention.

Very truly yours,

Charles H. Hogan

Charles H. Hogan,
Precinct I

From: Rich Epstein
To: Planning
Cc: Louise Miller
Subject: Next step for HONE zoning change
Date: Monday, January 20, 2025 8:45:31 PM

Rich Epstein <richepstein10@gmail.com> 8:41 PM (1 minute ago)

to selectboard, Louise

HI,
I am writing as a registered voter that the planning board should take the step of pushing forth the base plan which was approved by town meeting.

Now it's time to fulfill the promise made on December 17th to follow the predetermined timeline and schedule a special town meeting on February 24th without delay.

By proposing to push this vote to May, the planning Board is knowingly placing the town at risk. It will also affect how people in town view the planning board since it was never discussed that there would be another plan besides the base plan.

Sincerely,

Richard Epstein

From:	Catherine A. Hogan
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk@needhamma.com
Subject:	Base Plan and Special town meeting
Date:	Monday, January 20, 2025 8:49:13 PM

Dear Members of the Select Board and Planning Board,

I am writing to ask that you move the Base Compliance Plan forward for a Special Town Meeting which should be scheduled for February 24 as promised.

On January 14 Needham voters rejected the Neighborhood Housing Plan sending a clear mandate from our community.
The “Base Plan” was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. I look forward to confirmation at the January 21, 2025 Select Board and Planning Board meetings.

Again, a special Town Meeting should be scheduled for February 24, as promised and NOT delayed until the Spring!

I am confident that you will do the right thing and adhere to timeline that was committed to on December 17, 2024 as well as the will of your constituents.

Respectfully yours,

Catherine A Hogan
140 Tower Ave
Sent from my iPad

From:	Donna Mulrenan
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 8:52:38 PM

Dear Select Board and Planning Board Members,

Needham voters resoundingly rejected the Neighborhood Housing Plan. When this happened I naively assumed Needham would revert to the Base Plan. This does not seem to be the case and I do not understand why. The base plan was supported at the Fall Town Meeting. Let's submit the Base Plan to the state and be in compliance with the MBTA Communities Act. Needham voters have clearly voiced their opinion on this matter, please don't disregard the wishes of the voters.

Sincerely,

Donna Crescenzi

From:	Dustin Pevear
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 9:36:20 PM

Dear Members of the Select Board and Planning Board,

As you know, on Tuesday, January 14, Needham voters rejected the “Neighborhood Housing Plan”. The “Base Plan” was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We write to urge you to move the Base Compliance Plan (“Base Plan”) forward for a Special Town Meeting without delay.

Sincerely,
Dustin & Tiffany Pevear
Precinct C

From:	Eran Hollander
To:	Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Monday, January 20, 2025 9:45:52 PM

Dear Members of the Select Board and Planning Board,

I (we) urge you to advance the Base Compliance Plan ("Base Plan") to a Special Town Meeting without further delay.

On Tuesday, January 14, Needham voters decisively rejected the "Neighborhood Housing Plan," delivering a clear and unequivocal message. It is imperative that elected board members honor the community's decision.

The "Base Plan," which received strong support at the Fall Town Meeting, should be implemented as approved. We look forward to your confirmation of this next step at the January 21, 2025, Select Board and Planning Board meetings.

As previously committed, a Special Town Meeting should be scheduled for February 24.

As your constituents, we trust you will respect the expressed will of the voters.

Sincerely,

Eran
--
Eran Hollander
eran.hollander@gmail.com
Cell: 617-694-8127

From:	William Leahy
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Approving the compliance plan now
Date:	Monday, January 20, 2025 10:16:19 PM

Dear Select Board and Planning Board members,

As longtime Needham homeowners, we urge you to approve the compliance plan that was approved unanimously or nearly so by Town Meeting in October, and to do so forthwith for speedy consideration by a special Town https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fMeeting.in&c=E,1,oxht4no3p8a-fHcBXB0tIyruVmeP0Ims4W40a2Nd8MFs-JprnZZhS6fSzWMU8nAKgReyjM5OA8OT_ZdgRxSxgVqwdgOZtVf4_P6odK0918mwT_MK8g,,&typo=1 February. The plan satisfies the state law, and it enjoys virtually unanimous support among Needham residents. Failure to re-approve it now would be divisive and, in our view, irresponsible.

In the past several months, the Town in which we have lived for 38 years has been subjected to false reporting by major media organizations, portraying it as willfully violating the state MBTA law. That false reporting has continued even after the recent referendum demonstrated that a clear majority of Needham voters a) support compliance with the law, and b) do not support its expansion.

Needham needs to speak now, and clearly, to honor the votes of its residents, and to clarify to all that it has consistently upheld its obligations under the state law. The integrity of the political process in our Town is at stake. The voters have spoken. Please respect their judgment.

Yours truly,

Bill and Kathleen Leahy
195 Nehoiden Street

From:	Sean Robbins
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Request for Special Town Meeting 2/24
Date:	Tuesday, January 21, 2025 12:04:52 AM

Dear Select Board,

We write to you as concerned residents of Needham and urge you to schedule a special town meeting for February 24th. Any further delay is simply unnecessary as the Base Plan won nearly unanimous approval in the October 2024 Town Meeting. Based upon the results of the Special Town Election this month, the residents voted decisively against the Neighborhood Plan. It is apparent the town citizens want to comply with the MBTA Communities Act, but find it reckless and unnecessary to exceed the requirement at this time.

We urge you to not stall any longer, end the bureaucratic nonsense and listen to the residents whom you purport to represent. Please close the book on this tired issue on February 24th so we can heal the division in this town and enact what the majority of residents clearly voted for last week.

Thank you for your consideration.

Regards,
Sean Robbins and Ariel deBairos
138 Webster St

From: Cindy Wolfe
To: Planning
Subject: Referendum Vote
Date: Tuesday, January 21, 2025 1:31:47 AM

Dear Members of the Planning Board,

I represent Precinct E at Town Meeting. I would sincerely like to thank each of you for your work and commitment on the Planning Board. Your efforts are valued and appreciated.

Not a native New Englander, I find the Town Meeting form of local government unique and refreshingly civilized. Regardless of my own opinion on the zoning issue, I was impressed by the citizen appeal, signature drive and special election. The citizens of this town overwhelmingly disagreed with the passing of the Neighborhood Plan and took action. They worked to have their voices heard and with an overwhelming turnout the Neighborhood Plan was decisively rejected. I hope their voices were truly heard.

I understand there may be a new compromise zoning plan being formed now that the MBTA Communities deadline is in July. I write to ask you to submit the Base Plan for approval at a Special Town Meeting in February. Not doing so will be a blatant refusal to acknowledge the results of the special election. The Planning Board, HONE committee and a close majority of Town Meeting members shared a vision of the future of Needham that clearly did not align with a majority of the voters at this time. Putting forth a new plan in May would threaten the integrity of our Town Meeting process. It would be irresponsible and could create a repeat of what just occurred. We are supposed to be representing the people who elected us so we should be listening.

Please move the Base Compliance Plan forward at a Special Town Meeting in February. I realize this is not enough for the Yes campaign, but this was the original plan that was unanimously passed. It is a start in the right direction. Moving forward will bridge the divide this has created in town. It is the right thing to do.

Sincerely,

Cindy Wolfe

FOR IMMEDIATE RELEASE

NRTZ Leads Winning NO Vote to Oppose Overzealous Rezoning in Needham

Needham, MA – The grassroots citizens group, **Needham Residents for Thoughtful Zoning (NRTZ)**, led a decisive victory on January 14th, with nearly 60% of voters rejecting overzealous "by-right" rezoning. NRTZ empowered residents with facts and built a repository of unbiased information, standing by its principle: **"Our Town – Our Voice."**

This nearly 2,000-vote margin is a clear signal to town leadership that the fully compliant **"Base Plan"** must be enacted immediately, reflecting the will of the people. Yet, recent actions suggest town leaders may not be listening.

In the face of widespread and vocal opposition to the "no" position from town leaders, press mischaracterizations, outside special interest group involvement and funding, and pushback from business and state political leaders, NRTZ consistently advocated against the extreme "Neighborhood Plan," which proposed 85% more development than required. NRTZ highlighted the risks of larger rezoning, including school overcrowding, financial strain, and increased traffic congestion.

Now, town boards appear to be delaying enacting the Base Plan, contrary to the Select Board's December 17th timeline for a Special Town Meeting in February. A closed-door meeting held immediately after the election has fueled concerns of further delays, with plans now reportedly pushed to May.

The articles for the Base Plan's enactment are ready. NRTZ urges town leadership to honor the town-wide vote, close this tumultuous chapter, and prevent further political division. **The Base Plan must be adopted without delay.**

For more information, visit **NRTZ.org**.

From:	Catherine Carroll
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Do not ignore the referendum vote
Date:	Tuesday, January 21, 2025 8:13:42 AM

Dear Members of the Select Board and Planning Board,

I most strongly urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.
Needham voters rejected the "Neighborhood Housing Plan," sending **a clear mandate from the community.**

As elected board members you should not disregard the voters.

The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved.
We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings. A Special Town Meeting should be scheduled for February 24, as promised.

As your constituents, we trust you will uphold the will of the voters.

Sincerely,

Catherine Carroll

From: Office of the Town Manager
To: Planning
Subject: FW: MBTA Zoning Requirement
Date: Tuesday, January 21, 2025 9:08:16 AM

FYI

Myles Tucker
Support Services Manager
Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492
www.needhamma.gov
Office: (781) 455-7500 ext. 204

Subscribe to The News You Need(ham)

-----Original Message-----
From: Christofer Palasinski <christoferp@icloud.com>
Sent: Saturday, January 18, 2025 1:31 PM
To: Office of the Town Manager <OTM@needhamma.gov>
Subject: MBTA Zoning Requirement

Please forward to the appropriate board or committee that is working on the new plan.

I strongly urge you to not go beyond the minimum requirement of the state law at this time. We can work on going beyond that at a later time. Otherwise we risk non-compliance and going through another expensive process like we just had that ended with the vote on January 14, 2025.
Please learn from that vote how the majority of residents feel on this issue.
Thank you.

Christofer Palasinski
65 Walnut Street, Needham
Sent from my iPhone

From:	Gary Ajamian
To:	Selectboard; Office of the Town Manager; Planning Board; Planning
Cc:	Louise Miller
Subject:	Reinstating the state approved Base Plan on Feb 24th
Date:	Tuesday, January 21, 2025 9:24:37 AM

Dear Planning Board, Select Board, and All Town Boards,

Town Meeting, along with all town boards, has resoundingly approved the Base Plan. This plan has been endorsed by the EOHLC and, in fact, goes 25% beyond the state-mandated requirements.

We appreciate your leadership in helping to heal divisions and urge you to move forward together. Now is the time to unify by voting to reinstate this pre-approved Base Plan without delay. Doing so will ensure that Needham avoids losing funding and prevents any potential legal action by the Attorney General's office.

Let's put an end to this prolonged debate, reject the influence of outside groups, and stand firm against efforts such as One Commonwealth's $10,000 voter influence campaign and the actions of the Charles River Chamber leadership. It's worth noting that neither Newton nor Wellesley overcomplied, yet they are part of the Charles River Chamber group.

Instead, let us uphold and represent the clear wishes of the people of Needham.

Sincerely,

Regards,
Gary Ajamian
TMM, Precinct F
47 Meetinghouse Circle

From:	Lynne Stratford
To:	Selectboard; Planning; Louise Miller
Subject:	MBTA Zoning - January 14, 2025 Vote
Date:	Tuesday, January 21, 2025 10:20:38 AM

To Whom it may concern,

The apparent disregard for the residents' preferences, as strongly expressed in the January 14, 2025 referendum vote, is deeply disheartening.

It has become increasingly evident that the HONE Committee and other town officials are prioritizing their own agenda over the will of the community. Rather than implementing the Base Plan, town officials appear intent on circumventing the residents' wishes by developing yet another plan. This approach seems designed to delay action and create a manufactured urgency, ultimately leading to scare tactics 2.0: "We will be out of compliance and lose funding."

The residents have spoken clearly, and it is your obligation to listen and act accordingly. Town officials must respect the expressed will of the community and demonstrate accountability to those they serve.

Lynne Collins Stratford

Realtor, GRI, SRS
Real Estate Broker MA # 128272
Condon Realty
399 Chestnut Street
Needham, MA
781-752-8622 Direct
781-449-6292 Office
781-455-8260 Fax
lynnes@condonrealty.com

From:	Olga Batura
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Tuesday, January 21, 2025 10:33:05 AM

Dear Members of the Select Board and Planning Board,

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.
On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.
A Special Town Meeting should be scheduled for February 24, as promised, not May.
As your constituents, we trust you will uphold the will of the voters.

Thank you,
Olga (Volha) Batura

From:	Pavel Bandarchuk
To:	Selectboard; Planning
Cc:	Office of the Town Manager; TownClerk
Subject:	Needham Referendum Vote
Date:	Tuesday, January 21, 2025 10:39:16 AM

Dear Members of the Select Board and Planning Board,

I write to urge you to move the Base Compliance Plan ("Base Plan") forward for a Special Town Meeting without delay.
On Tuesday, January 14, Needham voters rejected the "Neighborhood Housing Plan," sending a clear mandate from the community. Elected board members should not disregard the will of the voters. The "Base Plan" was overwhelmingly supported at the Fall Town Meeting and should be enacted as approved. We look forward to confirmation at the January 21, 2025 select Board and Planning Board meetings.
A Special Town Meeting should be scheduled for February 24, as promised.
As your constituents, we trust you will uphold the will of the voters.

Sincerely,
Pavel Bandarchuk

From:	Aryn Patentas
To:	Selectboard; Planning
Cc:	TownClerk; Office of the Town Manager
Subject:	MBTA Communities Act
Date:	Tuesday, January 21, 2025 10:59:29 AM

Dear Members of The Select Board and Planning Board,

Thank you very much for you service to our town and the time and effort you put in. This letter is to ask that you kindly hear and respond to the voters in our community who have said NO to OVERCOMPLIANCE. This has been a divisive issue in our town and it would be best to swiftly vote in the vetted and overwhelmingly supported "Base Compliance Plan". It is time for our community to move forward. I would ask you to do what's best for Needham and schedule the February 24th Special Town Meeting as promised.

Thank you very much,
Aryn Patentas
10 Stonecrest Drive

From: Eileen Orscheln
To: Planning
Subject: Fw: MBTA Communities Act
Date: Tuesday, January 21, 2025 12:52:28 PM

Sent from the all new AOL app for iOS

Begin forwarded message:

On Tuesday, January 21, 2025, 12:51 PM, Eileen Orscheln <eorscheln@verizon.net> wrote:

Dear Board members,
I am writing in support of the Base Compliance Plan. I urge you to recognize the vote of the town and honor their wishes for the “Base” plan. Residents voted “no” with the understanding a Special Town Meeting would be called on February 24 to vote on the “Base” plan. My constituents supported the “no” vote, and I believe it is important you listen to their voices and now support the base plan. It is not appropriate to hold the vote until May, or to introduce a “compromise”. The voters have spoken; whether or not you agree with them, it is time to advance the Base plan.

Sincerely,
Eileen Orscheln
Town Meeting Member, Precinct H

Sent from the all new AOL app for iOS

From:	Lee Newman
To:	Alexandra Clee
Subject:	FW: MBTA Zone - Base Plan
Date:	Tuesday, January 21, 2025 2:05:18 PM

From: lw29@comcast.net <lw29@comcast.net>

Sent: Tuesday, January 21, 2025 1:53 PM

To: Lee Newman <LNewman@needhamma.gov>; Selectboard <Selectboard@needhamma.gov>

Subject: MBTA Zone - Base Plan

January 21, 2025

Select Board and Planning Board members,

You may recall the property at 178 – 186 Crescent Road was the only property excluded from the MBTA zone on the street. This property is no different than any of the other properties included in the plan. It is also further than most of the properties included from abutting properties and it also abuts conservation land.

Under the current industrial zoning we are allowed to build 50% FAR and 3 stories, which is the same as the MBTA zone base plan allows. An inaccurate zoning map has been used which may have influenced the HONE study committee decision as well. Which was pointed out prior.

While now maybe an opportunity to have our property included in the Base Plan, I do not feel it is in the best interest of the town and that we should go with the Base Plan that has been presented to the town prior. Once the Base plan is adopted by the State, I trust that this oversight with the support of the select board, planning boards, and community that we 178-186 Crescent Road will be added to this zone after adopted by the State in November.

If the boards and community decide to tweak the Base Plan now, then the 178 – 186 Crescent Road property should be included in that process as well.

Thank you.

Louis

Louis Wolfson, manager

Crescent Road Realty LLC

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