

NEEDHAM PLANNING BOARD

Tuesday October 7, 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)

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Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearing:

7:00 p.m. Site Plan No. 2025-01: Greystar Development East, LLC, 1 Federal Street, Suite 1804, Boston, MA, 02110, Petitioner. (Property located at 100-110 West Street, Needham, Massachusetts). Regarding request to demolish the existing building and construct a three-story multifamily residential building containing a total of 189 residential units and associated amenities. *Note: this hearing has been continued from the September 16, 20205 Planning Board meeting.*

2. Discussion with brokers, landlords and tenants on Center Business reform.

3. Minutes.

4. Report from Planning Director and Board members.

5. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)

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To: Town of Needham Planning Board
From: Greystar Development East, LLC
Date: October 2, 2025

Subject: Responses to Comments for 100 West

We are in receipt of comments from the Town Departments, members of the public and the Planning Board, which have been submitted prior to and/or during our meeting with the Board on September 16, 2025. We appreciate the thoughtful comments we have received. The chart attached hereto as Exhibit A summarizes each of the comments and questions we received and offers our responses to the same. For ease of reference, the following sections provide a summary of our responses to the primary questions and comments discussed at our last meeting

On-Site Parking

Based on our analysis and experience across similar developments in our portfolio, we remain confident that the proposed parking, even with the waiver for three spaces, is sufficient to meet the needs of the community. Parking utilization at suburban properties of similar size typically ranges from 0.80 to 0.90 spaces per unit.

Regarding employee parking, we anticipate that two of the six employees will reside on-site and therefore be included in the above-mentioned parking utilization. This leaves four spaces required for commuting staff. Additionally, employees will not be present overnight or on weekends, allowing guest parking availability to increase during those periods.

To provide further clarity, we offer the following breakdown, using a conservative utilization ratio of 0.90:

Category	Spaces
Total	186
Resident Parking (189 x .90)	170
Employee Parking	4

Excess Parking	12
Excess Parking (Off-Hours/Weekend)	16

In the spirit of collaboration and responsiveness, we would also like to propose an alternative that would restore the parking count to 189 spaces without compromising the planned courtyard. By seeking a waiver for the landscaped areas under By-Law Section 5.1.3(k), we could accommodate the three additional spaces as shown on Exhibit B. This solution would help address parking concerns while preserving valuable green space for future residents.

Street Parking

Greystar recognizes that overnight parking on public streets in Needham is prohibited. Accordingly, Greystar is committed to implementing proactive procedures to help avoid residents parking on the street overnight.

As part of our resident onboarding process, each household will receive a welcome package that clearly communicates the prohibition of overnight street parking. In addition, this message will be reinforced through on-site signage and digital displays that promote public transit usage, including real-time updates on train and bus schedules.

Additionally, to support this commitment and promote sustainable transportation practices, Greystar will implement a comprehensive Transportation Demand Management (TDM) Plan, which includes the following components:

- a. On-Site Transportation Coordinator
- b. Public Transportation Information and Promotion
- c. Unbundled Parking – cost of parking is not included in the rent
- d. Enhanced Pedestrian Infrastructure and Accommodations
- e. Bicycle Racks
- f. Secure, Covered Bicycle Parking
- g. On-Site Support Services and Amenities

Greystar is committed to being a responsible and proactive partner in the community, and we believe these measures will effectively support both regulatory compliance and sustainable mobility.

Deliveries

We will coordinate with delivery service providers to ensure that the designated rear entry point is consistently utilized. We will also put up signs that states deliveries should be directed to the back of the building.

Trees

Attached as Exhibit B a plan that includes new trees with calipers ranging from 2 to 3 inches, thereby addressing the Board's concerns and enhancing the overall landscape quality of the site. Greystar will also seek to retain existing trees where feasible.

Egress

In response to concerns raised regarding traffic impacts on adjacent cross streets - particularly Morton Street - Greystar will install clear signage at the Highland Avenue exit indicating that cutting across onto Morton Street is prohibited. This measure is intended to discourage traffic cut-through and help mitigate potential congestion and safety issues in the surrounding neighborhood.

Sidewalks

As previously discussed, Greystar is prepared to install Rectangular Rapid Flashing Beacons (RRFBS) at designated crosswalks to enhance pedestrian safety, specifically on Highland near Morton Street. Greystar is fully aligned with the Town's commitment to ensuring that both residents of the community and members of the public can safely cross Highland Avenue and West Street.

In addition, Greystar has initiated conversations with the Senior Center to explore potential opportunities for future collaboration on mitigation strategies.

Greystar also wishes to acknowledge its intent to undertake a comprehensive upgrade of the sidewalk along Highland Avenue as part of the Project. This represents a significant investment that we believe will provide mutual benefit to both the Town and the development.

Design / Construction

Greystar expects the Project construction to take approximately 22 months. The demolition phase of the Project is anticipated to span approximately three to four months. The building will be demolished in a phased approach, beginning at the northern end and progressing southward. Due to the building's configuration and size, the use of a tower crane is not required. The demolition will utilize equipment like excavators, bobcats, hand tools, tractor trailers for hauling and street sweepers.

Dust will be controlled by use of water hoses, water trucks, and track-out controls at construction exits throughout the Project duration until final paving and landscaping.

Regarding rodent mitigation, Greystar adheres to a standard practice of implementing comprehensive rodent control measures throughout the duration of its projects. Prevention measures include:

1. No food storage in work area, designated break areas for all workers
2. Designated bins for food, wrappers and drinks, emptied daily
3. Daily cleaning including wood scraps, cardboard, and plastic to prevent nesting areas
4. Rodent resistant dumpsters with regularly scheduled emptying
5. Periodic (weekly) inspections by site management team
6. Trap / Bait stations installed and monitored by a licensed subcontractor

Greystar is aligned with the Town's expectations and is committed to ensuring that construction activities do not contribute to any adverse impact on neighboring properties.

Comprehensive details regarding both the demolition and construction phases of the Project will be included in the Construction Management Plan (CMP), which will be submitted to the Town for review.

Attachments

Exhibit A – Comments

Exhibit B – Landscaping Plan

Exhibit A - CommentsBuilding Department:

It should be pointed out that this project is intended to be done in phases, including their desire to receive occupancy on one portion of the building while continuing construction on the remainder.

I would like to receive 2 separate Construction Management Plans, one for demolition and one for building construction.

Response: Greystar is committed to providing two Construction Management Plans as requested.

Police Department:

John Schlitter via email - As always, the parking is an issue with us. From other projects Kendrick Charles and River Landing we see the impact of parking on the street especially the overnight. The parking numbers of 189 apartments and 186 spaces plus staff seems very low to accommodate what is needed. Is there overflow parking.

Response: please see response in above memo.

DPW:Wastewater:

For the new facility, the design wastewater flow is 30,910 GPD. The DPW considers this an increase in total wastewater design flow discharging to the West Street Pump Station in which a total of 123,640 GPD I/I removed anticipated from the development. This may be satisfied by either undertaking a construction project or paying a fee to the Town's I&I program at a rate of \$8.00 per gallon required to be removed. The applicant should follow up with Town of Needham DPW representatives of these requirements and on the process to proceed. The DPW is at the beginning phase of analyzing target areas for the inflow/infiltration to be removed and expects to work with the developer through the site plan approval process.'

Response: Greystar is scheduled to meet with the Department of Public Works on Monday, October 6th, to initiate collaboration.

Traffic and Site Layout:

We concur with the Police Department's comments on the concerns of the limited parking onsite. In addition, the applicant should create a Construction Parking and access Plan when the site is demolished and reconstructed.

Response: Please see response about parking in memo above. The parking construction plan will be included in the Construction Management Plan filed with the Town.

We are still reviewing the traffic impact assessment and expect to have more information for the next Planning Board meeting. We would like to schedule a discussion with the applicant's engineers in order to further coordinate design aspects with the Town's Highland Avenue Traffic Improvement Plan and the RailRoad crossing upgrades currently being designed.

Response: Greystar is scheduled to meet with the Department of Public Works on Monday, October 6th, to initiate collaboration.

Stormwater:

For the overflow drainage of system #3, the applicant to connect system #3's overflow to the 12-inch drain system on the West side of Highland Avenue. The DPW has updated plans for the drainage system in this area for review.

As part of the NPDES requirements, the applicant must comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the town identifying the measures selected and dates by which the measures will be completed in order to incorporate it into the Planning Board's decision.

Response: Greystar is scheduled to meet with the Department of Public Works on Monday, October 6th, to initiate collaboration.

Board of Health:

RODENT CONTROL

To: The Needham Board of Health

Fr9m: Susan and Michael Herman, 13 Carey Road

Re: Rat and Dust Control-100 West Street (Carter Building)

Date: September 10th, 2025

We respectfully request that the Board of Health condition approval of the demolition, construction, and ongoing use of 100 West Street on the developer's compliance with the following health concerns:

- **Rat Control** There is a growing rat problem in the neighborhood, with sightings (both dead and alive) on Longfellow Road, Mellen Street, Carey Road, and Highland Avenue. The developer's refuse plan is vague and must be clarified to specify where trash is stored, how often it is collected, and how infestations will be prevented. Outdoor grills and kitchens near a children's play area present added risk; alternative amenities should be considered. Rat populations rise during construction due to vibrations. We request a binding agreement requiring rigorous pest control from demolition through occupancy. An example of a binding agreement is attached.

Response: please see response in above memo.

- **Dust Control** Dust generated during demolition and construction poses a direct health hazard, particularly as trees that once provided a buffer are removed. Residents already face higher costs for air filters and reduced air quality in their homes in our neighborhood. The Board should require strict dust mitigation measures throughout the demolition and construction of 100 West.

Response: please see response in above memo.

- **Board of Health Authority** We believe rat and dust control fall directly under the Board's jurisdiction. If local by-laws do not provide sufficient authority, state regulations should apply. We ask that your conclusions and agreements with the developer be shared with the Planning Board, Planning Department, and the Town Manager.

Response: please see response in above memo.

Trees:

Needham's identity is closely tied to its trees. The town promotes its Tree City designation and supports both planting new trees and preserving existing ones. Trees provide multiple benefits, including calming traffic, offering shade, and cleaning the air. These benefits are needed in Needham Heights. The 100 West Street project in particular, would greatly benefit from the addition of larger and more trees.

Response: please see response in above memo.

- Observations from Existing Greystar Sites

While Greystar did not originally develop an apartment complex in Natick, they purchased it in mid-2022. Ground-level plantings cover an adequate amount of space within the courtyard, but there are only a limited number of narrow trees surrounding the building. In the parking lot, small trees are widely spaced. Because the development is roughly six years old, the small current size of the trees indicates they were planted quite small initially. We urge Planning and Design Review Board members to visit existing sites developed by Greystar before approving landscaping for this project.

Response: please see response in above memo.

- Building Footprint and Visual Impact

The existing building footprint is 62,500 sq. ft., while the proposed footprint is 68,875 sq. ft., an approximate 10% increase. Although the existing building is three floors, only 2.5 stories are visible due to a full basement. The new building will appear roughly 20% larger to the eye (3 stories vs. 2.5 stories). Residents and visitors will see a substantially larger building, both relative to other Avery Square buildings and the surrounding single and multi-family neighborhoods. Large tree plantings and retention of existing mature trees can significantly soften the building's visual impact. The development should include:

- Trees larger than 2" in diameter.
- Planting beds greater than 4 feet, particularly along Highland Avenue.
- Retention of all large existing trees on the site
- Removal of bike racks replaced with trees on Highland Avenue (bike racks are shown on Highland in one of the drawings)

This site benefits from the residential-zoned area on the south side that will be incorporated into the project. Increasing green space within and around the project will enhance the town's environment and overall aesthetics of the project.

Response: Greystar and its consultants are committed to designing and constructing buildings that thoughtfully integrate into the broader context of the surrounding neighborhood. We recognize the transitional nature of the site—shifting from a commercial district to the north to a residential district to the south—and have intentionally reflected this in our design. Specifically, the building façade incorporates varied materials and colors as it progresses southward along Highland Avenue to harmonize with the residential character.

We are also mindful of the building's scale and the importance of green space. Accordingly, we have proposed a setback on the north side of the building to break down the massing and introduce additional landscaping along Highland. While zoning regulations require that 70% of the building remain within 15 feet of Highland Avenue, our design reflects a deliberate effort to set back 30% of the building to enhance the pedestrian experience and neighborhood integration. Please see additional comments related to landscaping in the memo above.

Traffic

There are serious concerns with the applicant's traffic study.

- An independent study should be conducted - one that evaluates both current and future conditions and offers practical and fair solutions. Without solutions, the burden of increased traffic falls squarely on all Needham Heights neighborhoods and residents. The applicant's study does not adequately recognize or address the issues Listed below.

Response: Greystar, and its consultant MDM, will work with the Town on responding to technical review comments.

- Lack of future development considerations
The study does not account for other major project in the area, including the Muzi property, the demolished Highland Avenue office site, and housing developments on Hillside Avenue (either unoccupied or nearly planned). A forward-looking study is needed so it incorporates these projects as well as differentiates between types of traffic - commercial, residential, and service-related.

Response: The aforementioned projects were excluded as they were either too far away to influence the study (NEBC) or had traffic patterns that did not generate significant trips in the subject area to materially impact the results (Muzi). The scope of the study was prepared in consultation with the planning department, other Town departments, and in accordance with customary practices for other projects of this scale within the state of Massachusetts.

- School vacation timing
The study was conducted in April, when Needham schools (4,000+ students and-900 staff) were on vacation. That means traffic volume was reduced by roughly 25%-yet I did not see this either noted nor adjusted for in the analysis.

Response: The traffic study was conducted on Thursday, April 10th while school was in session to ensure the data accurately reflects typical conditions throughout the year

- Falling intersection at West Street/Highland Avenue

This intersection is already failing for both vehicles and pedestrians. Trucks are unable to turn right onto West Street from Highland Avenue, railroad gates block traffic causing backups on West and Highland, heavy traffic both north and south causes back up on Highland, and traffic backups on the East side of West Street. Pedestrians do not use the proper signal as it's better

than waiting up to 2 minutes. Pedestrians often cut through live traffic to reach businesses such as Starbucks and Trader Joes. This intersection failure has forced drivers - both autos and trucks into adjacent residential neighborhoods.

Response: As noted in the study, the Town is working on improvements to the Highland Avenue/West Street intersection and the Highland Avenue corridor. In order to provide a conservative estimate, no improvements were assumed to be in place. Regardless, the redevelopment of the Site did not result in a significant change to motor vehicle operations at the intersection, or to the study area.

- Cut-through traffic in neighborhoods

On Carey Road, which is South of the proposed project, we already see heavy cut-through traffic including flatbeds carrying cars, delivery trucks, septic cleaning trucks (although I don't know of septic properties). town vehicles. Amazon. buses, landscapers, trash trucks. and more. These vehicles are traveling both East and West on Carey avoiding signaled intersections on Highland or access to Webster Street. A further increase in diverted traffic worsens conditions for residents.

Response: Based on a review of the observed traffic volumes, it does not appear that cut-through traffic comprises a significant portion of the traffic volumes along Mellen Street and Morton Street. Both streets carry relatively modest volumes during the peak travel periods, which are generally consistent with the density of the adjacent residential development. Additionally, there will be signage implemented along the site driveway and approach to Highland Avenue noting the prohibition of using cut-through roads such as Morton Street.

- Added truck traffic from the proposed development

The new project will generate more ongoing truck traffic: postal vans, contractors, the landscaping crew and refuse hauler hired by the owner, snow plows, and service vehicles-on

top of the daily flow of Amazon and other delivery trucks. None of this appears to be addressed in the study.

Response: The traffic volume projections include service and delivery vehicles, which are not expected to be a significant portion of the daily or peak hour traffic volumes.

- Risk of neighborhood spillover

Vehicles exiting the site onto Highland will struggle to turn left without a signal. The easier option will be to turn right, driving more traffic into residential neighborhoods. We also note that prior to Town Meeting May 2025, a Morton Street resident requested special traffic consideration-perhaps signage that limits access to Morton Street. Other neighborhoods along and including Highland Avenue south of the development should also be considered for signage. That's fair. Carey Road, in particular, is experiencing some of the worst deteriorations in traffic conditions outside of Highland Avenue itself.

Response: As noted earlier, regular cut-through traffic by Site residents and visitors is not anticipated. Please see memo for additional information regarding signage.

Additional Questions

Why is there a need to reduce the number of parking spaces? Why don't they fit? The project is in line with all other parameters set forth in the zoning adopted by Town Meeting.

Response: Based on projects of similar scale, transit accessibility and locale, the proposed supply is sufficient to meet demand and allows for additional open space. This is furthered in the above memo..

What is the percentage decline in landscaping in the parking area? What is the location of the reduction?

Response: There is no decline in landscaping within the parking area. There is a 10% landscaping requirement, and the current proposal includes 11.8%. However, we are seeking confirmation that certain islands that are located on the interior of the parking lot can be factored in, such that 25% of the required landscaped area falls within the interior of the parking lot.

Can you become tenants in the building if you own two vehicles? If so, where will parking be provided for the additional vehicles? A second vehicle can be a car or motorcycle.

Response: Yes, you can be a resident and have two vehicles. A resident can lease more than one spot. See memo for additional color around the parking utilization.

On street parking is not allowed overnight anywhere in Needham, but it happens. What is the plan for offsite overnight parking?

Response: please see response in above memo.

Are there plans to utilize various lots in Needham Heights for overflow parking such as visitors, staff, service vehicles, or a second car?

Response: please see response in above memo.

Can you become tenants in the building if you do not own a bicycle? What will be the definition of bicycles? Will Bluebikes and Cargo Bikes be allowed?

Response: Yes, you can be a resident without owning a bike. Bicycle parking is required by zoning and supports sustainable transportation alternatives. There are no plans to include Bluebikes stations. Cargo Bikes are allowed.

Will the building be constructed as a modular building? If so, does the town have any distinct requirement or need input for modular Construction?

Response: No, the building with not be constructed modularly.

Will color design for the building be discussed with the Design Review Board so the building on

Highland Avenue fits with the Southern end single family zone? There are also two family residences to the West of the site on Hillside Avenue and West Street.

Response: Yes, the Design Review Board has issued its memo. See response above regarding the design.

Why was the month of April selected for the traffic study? April is a month with school vacation. The schools have over 4,000 students plus approximately 900 staff members, none of which need to travel on 25% of the weekdays for this month.

Response: The traffic study was conducted on Thursday, April 10th, while school was in session to ensure the data accurately reflects typical conditions throughout the year.

The existing street lights on Highland Avenue in front of the existing building are not well maintained.

Will these remain?

Response: The street lights will remain.

What if and how large is the electrical infrastructure that is proposed for one of the courtyard areas? Is this in the front of the building?

Response: Electrical infrastructure will be at the back of the building.

Is it realistic that sewer discharge is the same for studios and one bedrooms? If this proves too low, can the sewer system handle the additional flow?

Response: The referenced study was conducted in accordance with Massachusetts' State Environmental code, specifically Title 5 or 310 CMR 15.000, which dictates the required design flow at 110 gallons per day per bedroom.

Glen Mulno via email:

Request 1) I would like to request that as part of the project, Greystar install an RRFB enabled crosswalk to allow for safer pedestrian walking to the MBTA bus stop across the street. This crosswalk would be just to the south of the Morton Street/Highland Ave section, allowing for crossing from the west side of Highland Ave to the east side of Highland Ave.

Much has been mentioned about this project being commuter friendly and next to the MBTA Commuter rail. However, we should keep in mind that there is the MBTA Bus 59 stops right next to the property and across the street from the property (see attached image). I would anticipate that these bus stops will see increased ridership as a result of these new apartments and we should anticipate increased foot traffic to the bus stops. As we know, Highland Ave is a very busy street, especially during rush hour times. Providing for the safety of the residents using the buses should be maximized.

In the scope of the entire project, installing an RRFB crosswalk will likely cost only a tiny fraction of the full development costs.

I ask the Planning Board to support this proposal and to pass on this request to Greystar for their consideration.

Response: Greystar will install an RRFB crosswalk as requested.

Request 2) This request is strictly for Greystar and is procedural. I anticipate that there will be high demand for the apartments once the project is complete. I would like to request that as soon as is feasible that Greystar make clear and public the process by which potential residents can apply for one of the units, especially the ones designated as "affordable".

As a parent of two sons that could potentially be prospective tenants, I just want to ensure the process is clear and fair to all. Given that I would anticipate that Greystar could likely fully rent all apartments well before construction is complete, this process could be made clear early in the process.

Response: Greystar adheres strictly to all federal and Massachusetts fair housing laws, which prohibit discrimination in housing based on race, color, national origin, religion, sex, disability, familial status, sexual orientation, gender identity, source of income, and other protected classes. In addition, Greystar engages certified affordable housing consultants to ensure full compliance with state leasing regulations, including marketing, tenant selection, and accessibility standards.

Greystar typically begins marketing residential units approximately 3–4 months prior to delivery of first units, currently projected for July 2027. A comprehensive marketing campaign, including a dedicated website and signage, will be launched to inform the public.

Department of Public Health:

The Public Health Division reviewed the proposed Planning Board project at the site located at #100 West St.

The following is a list of Public Health Division comments regarding this proposal:

- Prior to any demolitions that occur, the owner will need to apply for the Demolition review application, via our Town of Needham ViewPoint Cloud online permit application system. See direct link to this permit review application - <https://needhamma.portal.opengov.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 and approval prior to the issuance of the Demolition permits issued by the Building Department.

Response: Greystar will strictly adhere to all requirements for permits set forth by the Town.

- If new exterior lighting is installed, the lights shall not cause a public health nuisance and should be directed down towards the ground in order to prevent the risk of bright light migrating into other neighboring residential properties.

Response: The lighting plan is compliant with all zoning requirements and does not include upward lighting.

- We see that there is a 'Lounge' that is proposed. If any retail/food establishments are proposed as part of this new building project, 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> .

Response: The lounge is an amenity space for the residents; no retail or food establishments are being proposed.

- Due to the installation of the new generator, please ensure that the noise produced will be minimal, and muffled if necessary, and not cause a public health nuisance noise concern for the abutting neighbors.

Response: Greystar is aligned with the Board to procure a generator that produces minimal noise to avoid being a nuisance to the public and the residents.

- Please have the applicant apply for a dumpster permit, which will cover both trash dumpster(s) and separate recycling dumpster(s), through the Public Health Division. See direct link to this online permit application -
- <https://needhamma.portal.opengov.com/categories/1073/record-types/1006346>.

Response: Greystar will strictly adhere to all requirements for permits set forth by the Town.

- Please ensure that these new dumpsters are located away from the train tracks (~ 50-100 feet away, if possible) to deter the risk of pests from accessing them, but still be

easily accessible to residents. And please ensure that the area below each dumpster is smooth, non-porous and easily cleanable and that these areas properly drain water. Ideally, we recommend that the surrounding area around the dumpsters (~ 50-foot radius), especially if grass is present, is covered in crushed stone or other rodent exclusion material that deters rats, so this area is not a future rodent harborage risk.

Response: Please see above memo for additional information on dumpsters and rodent control.

- Ensure that the applicant has on-going dust control due to the potential dust that could be produced from the ongoing construction. Please control any potential nuisance dust and/or noise created, as to minimize any potential nuisance concerns from neighboring residential properties.

Response: Please see above memo for additional information on dust control.

- On-going pest control for rodents and other pests must be conducted before construction starts, and also throughout the construction project, to prevent the risk of pest activity.

Response: Please see above memo for additional information on rodent control.

- Please also hire a wildlife pest control specialist to conduct an inspection of the vacant building and surrounding areas, and remove pests if present, to ensure no risk of wildlife exists prior to building demolition.

Response: Please see above memo for additional information on rodent control.

- Need to ensure that you have sufficient designated smoking area(s) located throughout the exterior of the property, that are easily accessible, that are labeled and are located at least 20 feet or more away from any building doors, windows or air intake vents, etc. Please also provide sufficient cigarette disposal units in these designated smoking areas for spent cigarette waste.

Response: Greystar will designate smoking areas.

- The units should be fully compliant with 105 CMR 410.00: Minimum standards of fitness for human habitation (MA Housing Code). We recommend that our office

performs inspection of the building prior to the units being rented out to confirm it meets state health code requirements.

Response: Greystar strictly adheres to all federal and state laws regarding unit design and operation.

- Outdoor seating areas must be maintained in a clean and sanitary condition by facilities and residents, as to not attract pests. This proposed building is next to the MBTA Needham Line Commuter Rail, along with wooded/landscaped areas, and pests may be more likely to harbor here once food is made available to them.

Response: Greystar operations will ensure all outdoor seating areas are well maintained. Greystar is aligned with the Town to avoid all pests and rodents.

- We see that there is a 'Dog Run' area noted on the proposed plans. Please see our additional comments related to that proposal, below.
 - Need to ensure that no risk of public health sanitation issues arise from this proposed dog run area on site. Please confirm.

Response: Confirmed.

- Will any areas outside be set up as designated dog walking areas? If so, will sufficient dog waste station(s) be added outside to ensure proper disposal of dog waste? Please confirm. How will dog waste be contained and disposed of near this newly proposed dog run area? Please confirm.

Response: Confirmed. Specified dog waste stations will be provided in the Dog Run area and maintained by the on-site staff with daily emptying.

- What protocols have been put into place for the newly proposed dog run area to ensure this location remains in a clean and sanitary condition? Will on-site maintenance staff be cleaning and maintaining this area and removing waste on a routine basis? Please confirm. Please include the proposed cleaning frequency and proposed frequency of waste disposal for this new area.

Response: Confirmed. The Dog Run area is maintained by the on-site staff with daily cleaning and emptying of dog waste bins.

- Will you have a shaded area(s) along this newly proposed dog run, to ensure dogs will have an area on site to remain cool and out of the sun on hot days? Please confirm.

Response: Greystar will retain existing trees and plant new trees for shade around the Dog Run area.

- Need to ensure that the potential noise produced on site, due to this new dog run area, would be minimal, and not cause a potential public health nuisance concern to residents or to other neighboring properties.

Response: Greystar is aligned with the Town to ensure that noise produced by the Dog Run is minimal and doesn't become a nuisance to the public and residents.



100 West Street,
Needham, MA

Greystar

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SCHEMATIC
DESIGN

NOT FOR
CONSTRUCTION

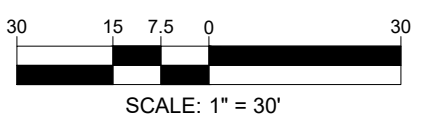
drawing by:	JG
drawing checked by:	Al
drawing scale:	1" = 3'
drawing date:	22 August 202
project number:	25102.0
drawing revisions:	

[illegible]

SITE PLAN

C-301

**THIS PLAN TO BE UTILIZED FOR
SITE LAYOUT PURPOSES ONLY**



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Design Review Board

500 Dedham Avenue
Needham, MA 02492
781-455-7550 ext. 72222
www.needhamma.gov

Memo: Project review, 100 West Street, Apartment Development

Reviewed September 8, 2025

The Board reviewed the design drawings for the development at 100 West Street. The project is being proposed under the MBTA Communities Zoning regulations.

The applicant presented the overall design to the Board. It is a 3-story building with 189 apartments. The building is sited close to the two streets, West and Highland. Parking is along the railroad tracks and a single row on the south side of the building. There is a large, landscaped area on the south end of the site that serves well as a buffer to the adjacent single-family neighborhood. The zoning requires that only 30% of the building can be built beyond the maximum setback along the street. They use that to create an entrance courtyard and a second larger landscaped area for use by tenants. This is useful to break up the long mass of the building. There are also two similar outdoor courtyards on the west side of the building, which have various amenities for the residents.

The Board thought the use of the courtyards was an effective design. It breaks up the long length of the building and introduces green space along Highland and the parking area.

The parking is a long block of spaces. The Board asked about the amount of landscaping, the applicant explained they needed to meet the required spaces, and there is a large landscape area in the south end of the site. There does not seem to be a lot of space for plantings between the parking paving and the MBTA property. The Board recommended some sort of planting to soften that edge and buffer the view to the tracks. Using planters to raise the height of the plantings was discussed.

The Board supports the concept of the ground floor units opening directly to the street and/or parking areas. The Board would prefer that the landscape be well developed and that the entrances have a sense of arrival. Recessing the doors, landscaping, low walls to define individual units were all ideas that we discussed. The units facing the parking lot were shown as basically a door next to the sidewalk next to the parking. Options for improving that were discussed. There seems no room for plantings, so recessing the doors to create vestibules might help the situation. That was also a discussion point for the Highland Avenue facing units.

The Board approves of the mix of materials used on the elevations. The use of more “residential” type materials on the southern portion, then transitioning to a more commercial look as they get to the West Street end of the building works well. There is variety in the wall planes both in the horizontal and vertical dimensions. This multi-level of depth and material changes helps break up what is a quite long building. The Board noted that there are some very long expanses, on the upper levels, of a single material and color. They could consider bringing in one of the other colors and materials into a portion of the long white cement paneled portion. The applicant stated they are still looking at the final design and that was something they are considering.



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No lighting was presented. The applicant is still designing the lighting. The drawings do show wall sconces on the ground level units, it was recommended that where the entrances have an overhang above that recessed lights or down lights would be a good solution. Site and parking lighting should be pedestrian scaled fixtures rather than larger parking lot type fixtures.

There was a discussion of energy use. The building will be required to meet “passive house” energy standards. The Board expressed concern that the large amount of paving and building would be a heat island, and the applicant again noted the parking requirements had an impact on their work on that issue, but they had concerns also.

There was no discussion of mechanical systems or equipment types and locations.

End of Notes.

To: Needham Planning Board
From: Susan Herman, Resident, 13 Carey Road
Re: Continuation of Public Hearing - 100 West

Attached you will find a brief synopsis of a Stanford study on urban forests attesting to the value of urban forests i.e. trees in cities. The value of trees is powerful and that is especially true for younger people. This is submitted as further evidence to condition larger diameter trees for 100 West along Highland Avenue and other sides of the building.

I have reviewed the traffic study and believe there are shortcomings. The census tract use is incorrect. And this census information became part of the narrative by the proponent. The tract chosen, 4572, has the third highest income in Needham and one of the lowest number of housing units. Generally there is less driving and more use of public transportation in the tract that was used-4572, rather than the better choice of tract 4035. A map of census tracts is attached which shows the tract chosen contains the ladder streets on the North side of Great Plain and much of the Mitchell school district. It is far from automatic that this will be a transit oriented development given characteristics of the Heights as depicted by tract 4035. Traffic counts will turn out to be higher than those stated in the study.

The traffic study does not account for other development (actually also in census tract 4035) which will impact traffic in the future. The study uses an unrealistic 1% growth rate in traffic and that nullifies the traffic study's conclusion in a reasonable mind. Further the study had to use the 186 spaces to figure the traffic and that is too few. That was apparent during the first hearing.

Specifically at the first hearing we heard that the Highland Avenue driveway had been moved further south towards the residential section of Highland Avenue. Did the original application show the revised driveway or the originally planned driveway? There was no explanation given at the public hearing why the driveway was changed, just that it was. It is important for the proponent to explain why this change was made. Was the sight line inadequate turning Northbound on Highland?

The West Street entrance and egress needs to be vastly improved in order to be a viable entrance and exit. This may lower the amount of traffic on Highland Avenue. I am there (walking) many mornings and see the West/Highland intersection fail - at times without a reason.

For these reasons, the Planning Board should have the traffic study reviewed by an independent peer.

Needham Heights neighborhoods are fragile. Citizens work hard to maintain the values that come more easily to other neighborhoods. We have incurred a greater amount of multi-family and commercial development than any other part of Needham. There is more on the way and we are at risk of urbanizing Needham Heights.

We request that if this project is approved, conditions are set that maintain the current fabric of our neighborhoods - whether it is deliveries, improving West Street, no trucks allowed during and after completion and/or signs which do not allow travel on side streets during certain times and of course trees. All residential side streets - that is Mellen, Morton, Carey and portions of Hillside and Highland Avenue need to be considered equally. To favor one is to burden others.

Sincerely,

Susan Herman 10/2/2025
Susan Herman

Trees in Cities

Hate living in the city?

There's a science backed reason why.

A new Stanford analysis led by Yingji Lee looked at 5,900 people across 78 experiments.

They found that 15 minutes in urban nature significantly improves mental health.

The standout? Urban forests.

They lowered depression and anxiety more than any other green space.

Not exercise or gyms. Just trees.

Even sitting still in nature beat walking around for easing negative emotions.

The biggest boost was in younger people.

which matters, since most mental-health issues begin before 25.

Researchers are turning the data into planning tools:

More trees → Less anxiety → Lower healthcare costs.

Simple. Scalable. Proven.

Lead author Yingjie Li puts it plainly:

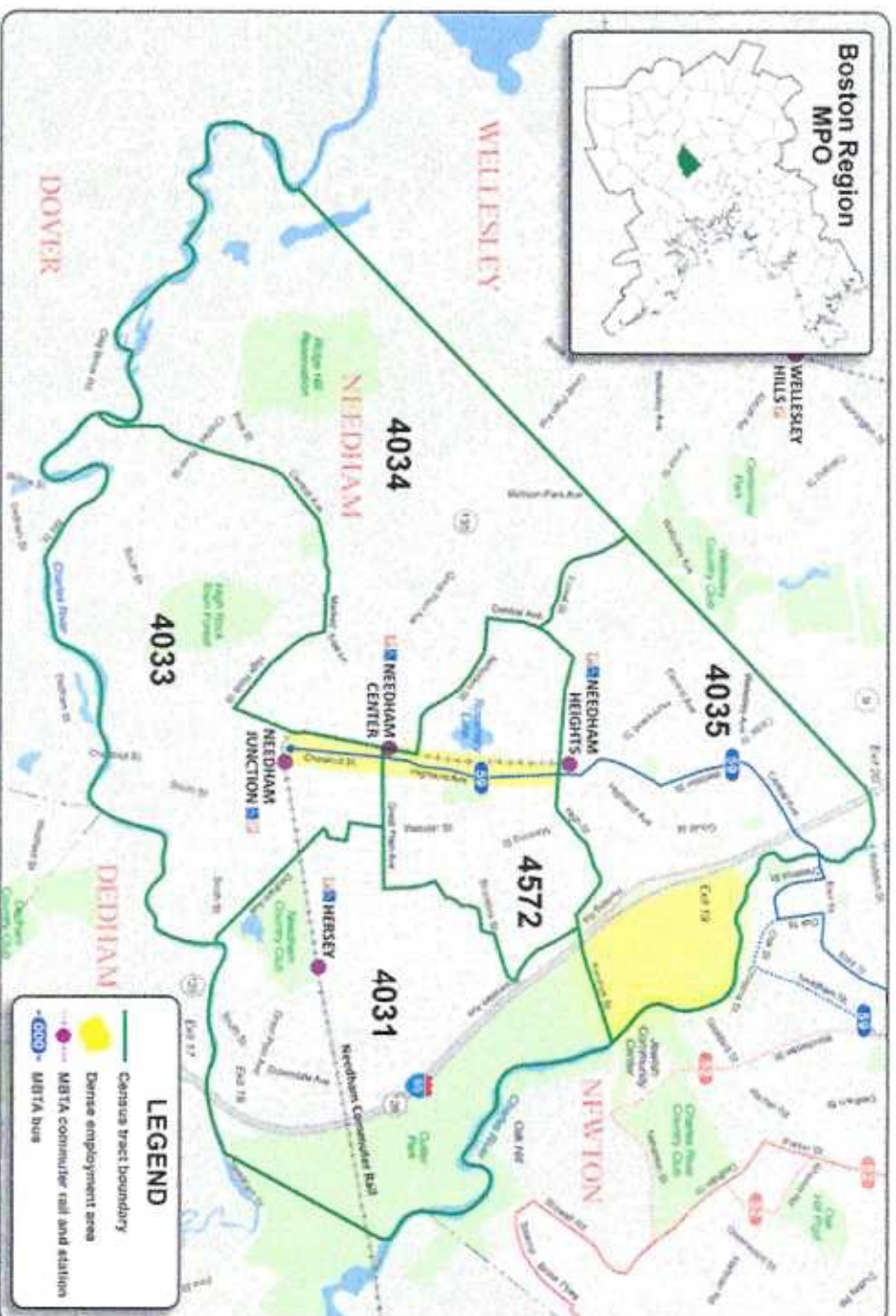
Small moments with nature aren't just "nice."

They retrain your brain to feel better.

If we want healthier cities, we need greener cities and we don't need decades to start.

Nature is the overlooked mental-health tool right outside your door.

What's one way you'll add more of it to your day? 🌱



BOSTON
REGION
MPO



FIGURE 5
Needham Census Tracts and
Existing Transit Service

Reverse Commute
Areas Analysis

Census Tract	Housing Units	an Household In	Total Workers	Drove Alone	Carpool	Public Transit	Walk	Worked at Home	Other
4031	1587	186250	2134	1425	146	163	62	315	23
Chosen 4572	1694	201406	2280	1398	122	219	54	429	58
4033	1944	229375	2678	1672	146	171	73	546	70
4034	2091	236500	2804	1715	138	203	66	588	94
Better 4035	1827	198750	2459	1489	121	197	58	489	105

From: [Glenn Mulno](#)
To: [Planning](#); [Selectboard](#)
Subject: Thoughts on parking vs green space at 100 West Street
Date: Monday, October 6, 2025 9:39:37 AM

To The Planning & Select Boards:

Ahead of the next meetings regarding 100-110 West Street I wanted to send my thoughts about parking concerns. I am at an event tomorrow evening and can not attend the Planning Board meeting.

First, I want to emphasize that I am excited there will be apartments in this location. In no way are my concerns a way to try and prevent or slow this project from going forward, not that we could anyway given the MBTA law and by right nature. But even so, we have a duty to ensure the project does not create a serious negative aspect to the surrounding community.

The first concern I would raise has to do with the earlier stated traffic study (at the last Planning Board meeting) that the developer conducted. While I am sure they did due diligence as best they could, they can not capture the reality of what used to happen when this facility was being operated as an assisted living/nursing home. Having lived on Morton Street for almost 28 years, most of that when that building was occupied, I have first hand knowledge of the behavior of the employees that worked there. We know for a fact that a large percentage of the employees that worked there used Morton Street as a cut through street as a way to avoid going through the intersection of Highland and West. I can't say I blame them as that intersection could get backed up. They used it as a cut through in the morning on their way to work, and in the afternoon on their way home. However, what we did not appreciate was the high rate of speed they went down the street, especially as we had small children at the time. While our children have grown, many new neighbors have moved in that now have very small children.

I would like some commitment from the town to work with the neighbors on realistic solutions that would "discourage" using Morton and Mellon Streets as cut throughs, and at least slowing traffic down on those streets.

As to the parking concerns:

I want you to step back and really think about who will be living in this apartment complex and what their needs will be. Of course, the stated desire of this development wraps itself around the idea of it being a commuter complex and imagining most of the residents using public transportation to get anywhere.

But Needham Heights is not an inner city. There isn't access to subway trains that go in all directions, or 30 bus options. You can not realistically take public transportation to everything you **NEED** to get to from that apartment location unless you severely limit your options to 1 grocery store and a half dozen doctors. Residents living there will need to have a car to go to **their** doctors, to their grocery stores of choice, to movies, sporting events, and restaurants. They will need a car to visit family and friends. The best we can really hope for is they are able to use public transportation to get to and from their place of work. But even that is not assured and is unlikely for most.

So - we should absolutely expect that every unit will need *at least* 1 parking spot in order to live there, and 2 and 3 bedroom units may need more parking spots.

For 189 units, several of which are 2 and 3 bedrooms, and with 6 full time on site employees of the apartment complex, 189 parking spots would be insufficient to meet the needs. 186 is a bigger failure. And this does not even touch on the fact that residents absolutely will have guests visiting and spending the night.

To properly meet the needs of 189 units, 6 full time employees, and many guests, we probably need a more realistic number of 225 parking spots.

I get that in general green space is great. But this 4.2 acre lot didn't really have much green space before. It wasn't a forest before. Or a wetland. It is currently a big ugly building.

If you look at the renderings from the last meeting, the developer shows green space along the south side of the property. They show a nice walking trail, a dog park, community gardens, and more. But if you visit the location you will realize that this is a tiny piece of land for that "green space. The trail will be about 30 to 50 feet long - totally useless. Community gardens are a nice to have, but completely unnecessary. And a dog park is really nice to have, but realistically, the residents can simply walk the sidewalks like all the rest of us do.

At the cost of more parking, we are forcing a green space requirement on a tiny piece of land that will have almost zero value. If we eliminate this useless pretend green space, we could very likely reach 215+ parking spots for this location.

I would ask (beg!) you to consider waiving the need for green space, or satisfy the green space need in some way that does not take land space - roof space for example.

If we do not force a proper amount of parking spots for this location, we are absolutely setting the residents of that location up for frustration, and a constant battle between those residents and the neighbors, where the residents of the apartments will be trying to park their cars on the streets all the time.

Morton Street already has occasional parking issues with the Village Club and their events. The Village Club does a "pretty good" job of putting out cones to prevent parking for their events, but they are not perfect. And we notice that they "forget" the cones when they have very large events.

If the Village Club is already using all the available parking and is forced to "forget" the cones on large events, imagine the problem if there are 20 cars already parking there because there isn't enough parking on their own site.

Now add in that the Gas Station on the corner also street parks cars they work on from time to time, especially during the day.

Now - We all know that Needham does not allow overnight parking. But, for good or bad, our wonderful Needham Police are pretty chill on handing out tickets for this. In general, I happen to like that our Police department is pretty loose and friendly. They enforce the serious stuff and relax on stuff that is not. They tend to only enforce overnight parking *IF* neighbors call. And I have parked overnight when I had my driveway re-done. So if the apartment residents

try to park on the streets, that puts the onus on the neighbors to "police" the parking and constantly call the cops. Not exactly neighborly. And why allow a situation to develop that has a high probability of happening?

All the above is a major concern for the parking plan put forth by the developer. But I'm also bothered by the developers' plan that some units can lease more than 1 parking spot. This will only make the problem worse. To address this, I would ask you to "ask" the developer to agree to only lease extra spots (more than one per unit) for 30 days at a time and if a new tenant comes in and needs a spot they can get one within 30 days. This will at least allow every unit to have a spot if needed and not allow one unit to hog more spots at the detriment to others. And it will discourage residents from having multiple cars per unit in the first place which will help alleviate the parking concerns some.

Thanks for listening,

Glenn Mulno
40 Morton Street

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Monday, October 6, 2025 9:26:33 AM

Contact Planning Board

Please use this form to contact the Planning Board. Thank you.

Contact Information

Full Name: Kathleen Carell

Email Address: kcarell7143@hotmail.com

Address: 1076 Highland Avenue

City/Town: Needham

State: MA

Zip Code: 02494

Telephone Number: 781 444-7347

Comments / Questions

My name is Kathy Carell. I am a 40 plus years resident of Highland Avenue. I am writing to you in regards to the development of the 100 West street project. I have some questions/concerns about this project.

1) Parking for the 189 units:
The project is already in a deficit by 6 spaces according to the last meeting that took place on September 16, This will be a huge problem for the area. Is under ground parking a possibility? That was the first time I heard of leasing the parking spaces. Why? I was under the assumption that it would be 1 parking spot per unit. Where will guest parking be allowed?

2) Dog park - Does this space really need one? Is it open to the public or for residents of this facility only? Could this space be considered for the need of parking spaces?

3) Outside grilling - I am not in favor of this idea. Reason being is there is a rat problem in this area. I personally have not seen one, but many of my neighbors have. This will only add to that problem. Also, Sudbury Farms not too far away from this sight, as of today has 18 rat boxes chained to the chain link fence it it's parking lot. This is on the same vein as this future development. Please reconsider putting grills outside.

4) Deliveries - someone brought it up in the last meeting about changing the deliveries to the back of the building and not on Highland Avenue. Please consider this for the residents that about this property. There are so many deliveries now with Fed Ex,

UPS, Amazon, USPS, and large trucks that travel this road to deliver to Sudbury Farms.

Please consider the longtime residents of this area when completing the development of this property. Not only Highland Avenue, but Mellon Street, Morton Street and Carey Road as we will all be impacted by this.

I look forward to hearing back from you with my concerns/questions.

Thank you,
Kathy Carell

Email not displaying correctly? [View it in your browser.](#)

Alexandra Clee

From: Gary Simon <Gary@copley-investments.com>
Sent: Wednesday, September 17, 2025 11:25 AM
To: Adam Block
Cc: Alexandra Clee; Lee Newman
Subject: RE: Needham Center Zoning

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Adam

Thank you for the invitation to speak with the Planning Board last night.

A couple of thoughts:

Parking – given the aspirational goal of bringing residential real estate to the downtown to take advantage of the MBTA station – will increase demand for parking beyond the ambient needs today. Never give up existing parking whether private or public. A thought might be – can you change dimensional and landscape requirements of a parking lot to get a higher density of parking spaces.

Conversion of one-story buildings (majority of buildings) to multi-story mixed use:

- Minimum floor plate – all upper floor access must have two means of egress plus an elevator for handicap access which requires at least 400 square feet of dedicated space per floor including the retail floor. You have to allocate the area dedicated to upper floor access on the first floor to the upper floors. On a three-story building that's another 200 square feet per floor. Lastly, for multi units per floor, you would need a hallway to connect to the elevator and two means of egress. Call this 200 square feet. That's a total of 800 square feet per floor which is necessary common area for each residential floor. This access space cannot exceed 15% and be economic, which implies a floor plate of at least 5,300 square feet.

You could mitigate this by adding more upper floors or remove hallways with one unit per floor.

- Cost of Land – there are no empty lots in the downtown other than dedicated parking lots. This means to create a mixed-use building will involve demolishing an existing building. The vast majority of buildings are rented or can be rented out in their current condition. For a developer (or an existing owner to convert), the cost of land is the value of the existing land PLUS the current building value. Since the pandemic, demand for retail space has been strong. My experience is that vacancy is historically low and retail rates are historically high. The value (opportunity cost) of an existing building in the downtown has never been higher.
- There is no way that the economics will justify demolishing an existing one-story, income producing building with a three-story building. Short of a fire it doesn't make sense to develop a mixed-use building without increasing the existing allowed density (FAR to 90% or building height of at least 5 stories).

- Parking – is a big challenge. You will need to offer a parking space for each residential unit. This is why giving up on existing parking, public or private, goes against the aspirational goal of mixed-use development.

Envision – short of a total revolt by the retail tenants and owners of downtown property, Envision was set to implement a “temporary” reworking of the downtown reducing 4 lanes of traffic on Great Plain Avenue to 2 lanes last summer. The “Plan” was a disaster on many fronts: reduces parking, increasing vehicular congestion etc.

How the downtown works is the proper function of the Planning Board. At the same time you, the Planning Board, are examining the future of the downtown, Envision (run by the DPW head) is ready to carve up the streets and sidewalks without planning for how properties will be used (maybe outside dining).

From my perspective, as an owner, downtown Needham has been on a very positive upswing since and including the pandemic. Flexible, outside dining for restaurants in particular has been very positive. Is this going to be a permanent thing? How does this effect parking requirements? If outdoor seating, where can it go? Along Great Plain Ave sidewalks etc or behind buildings but taking up existing parking?

Regardless which new plan, the last Envision meeting estimates that there will be a six-month construction period. They have eliminated bicycle paths in the three new plans but there are 2 two-lane plans and 1 four-lane plan. The two-lane plans are non-starters because of increased traffic congestion and on-street loading/pickup considerations.

The two-lane plan is the least bad. The question I have for you and the Envision Committee is what existential problem are you trying to solve? Is it worth shutting down the downtown for six months and \$\$\$\$. Is the Envision plan consistent with the Planning Board’s aspirational plan?

As a long-term downtown Needham property owner, I’m committed to its success and eager to engage personally with the Planning Board and Envision.

Sincerely,

Gary B. Simon

Copley Investments
77 Newbury St, 4th Floor
Boston, MA 02116
Cell (617) 974-0653

From: Adam Block <ablock@commonwealthlandtrust.org>
Sent: Tuesday, September 16, 2025 8:58 PM
To: Gary Simon <Gary@copley-investments.com>
Cc: Alex Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Re: Needham Center Zoning

Hi Gary,

We're now discussing town center zoning

Regards,
Adam Block
Director of Real Estate
Commonwealth Land Trust
ablock@commonwealthlandtrust.org
617.731.9454

On Sep 16, 2025, at 9:11 AM, Adam Block <ablock@commonwealthlandtrust.org> wrote:

Thanks Gary. That's helpful.

Alex, can you please send Gary the zoom link?

Would good for you to log in around 8pm, we have a hearing that starts at 7 and should wrap around 8 or a bit later.

Regards,
Adam Block
Director of Real Estate
Commonwealth Land Trust
ablock@commonwealthlandtrust.org
617.731.9454

On Sep 16, 2025, at 9:05 AM, Gary Simon <Gary@copley-investments.com> wrote:

Hi Adam

I am out of town but can be available on Zoom. Please send me a link.

Regards,

Gary B Simon

Get [Outlook for iOS](#)

From: Adam Block <ablock@commonwealthlandtrust.org>
Sent: Monday, September 15, 2025 5:00:45 PM
To: Gary Simon <Gary@copley-investments.com>
Subject: Needham Center Zoning

Hi Gary,

I am on the Needham Planning Board. We're exploring zoning reform in the center of town to incentivize transit-oriented mixed-use development. We have a meeting tomorrow night to discuss the opportunity. I just received your email and I wanted to invite you as a valuable community member.

We have 2 retail brokers and a commercial property owner attending. You'd be an important and great addition to the panel.

The meeting will likely start around 8:15pm and will last about 45min to an hour.

I've attached the current zoning documents that includes the uses allowed by right and by special permit, and dimensional regulations.

This discussion will inform zoning considerations and I would be grateful for your participation.

You could attend in person or by zoom.

Looking forward to hearing from you.

Thanks in advance!

Adam Block

Director of Real Estate

<image001.jpg>

1059 Tremont Street, Suite 2

Boston, MA 02120

617.731.9454

ablock@commonwealthlandtrust.org

www.commonwealthlandtrust.org

NEEDHAM PLANNING BOARD MINUTES

August 12, 2025

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 Artie Crocker, Chairman, on Tuesday, August 12, 2025, at 7:00 p.m. with Messrs. Block, McCullen and Greenberg, Director of Planning & Community Development, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Crocker noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes no public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call

Minor Modification: Major Project Site Plan Special Permit No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, Massachusetts). Regarding request to approve a new site plan accurately depicting the existing conditions of the parking lot.

Christopher Heep, Town Counsel, noted this is an application to modify the Chestnut Street parking lot approved in June 1998. This has been modified and was amended in 2018, to temporarily allow some of the lot to be modified during construction of the police and fire station, in 2019, to allow for a shared dumpster to serve the restaurant that abuts the lot and amended again in 2022, to allow outdoor dining at the restaurant. The Control Plan for the lot needs to be updated to accurately reflect what is on the ground. This modification does that. Engineering prepared the plan after a hard count of actual spaces and this reflects the 189 spaces in total on the ground. In 2013, 195 spaces were required. That was reduced to 192 spaces in 2019 and further reduced in 2022. He noted 189 spaces are consistent with zoning. He has included one additional request that specifically details use categories such as the allocation of one hour and 2-hour spaces. He would prefer the approval for modification in a form that allows flexibility in spaces. The Town does not contemplate changing what is on the ground.

Mr. McCullen asked if jurisdiction of designating one hour and 2-hour spaces falls with the Select Board and not the Town Manager. Mr. Heep feels it is both in tandem. Mr. McCullen knows there was some talk about the reallocation of designations. He wants to clarify the applicant is just looking for the 189 spaces. Mr. Heep noted the 189 spaces and uses as laid out on this plan with some flexibility to adjust the usage of spaces with a public process. Mr. Crocker asked about the tandem spaces but was informed those spaces were eliminated. Mr. Greenberg understands the need for flexibility. He asked, if there is a need for more EV spaces, would any spaces be lost by putting them in. Mr. Heep did not know but would come back to the Board if any spaces needed to be lost for EV spaces. Mr. Block asked to what extent can this be coordinated with the ultimate parking plan the Town will have after the consultants have done their work and parking is modified per their recommendations. Ms. Newman does not feel the consultants would change this. The consultants are looking at parking as a function of space and to compare with best practices and how zoning should be modified to accommodate that. Ms. Newman noted the vote will be deferred to the next meeting.

Discussion of Accessory Dwelling Units (ADUs) Zoning By-Law amendment.

Mr. Heep stated he worked closed with Ms. Newman, Ms. Clee and Building Commissioner Joseph Prondak to put together a draft to bring the zoning in line with recent changes to state law and how the town would have to permit ADUs. He reviewed what the town can and cannot do. He noted under Section 40A, Section 3, ADUs are a protected use under the Dover Amendment. The Executive Office of Housing and Livable Communities (EOHLC) put out a set of regulations of what is permissible and what is not. The towns must allow one ADU by right, for any principal dwelling, in all single-family zoning districts. A single-family zoning district is any district in which they allow single family homes by right or special permit. The term "principal dwelling" is used rather than "single family dwelling" by design. Towns must allow

both attached or detached ADUs. ADUs are subject to the standard dimensional standards applicable to the principal dwelling, single family dwelling or accessory dwelling, whichever is the most permissible and beneficial regulation.

Mr. Heep noted the Town cannot impose a minimum lot size, cannot deny if non-conforming with zoning and cannot restrict who can live in the ADU but can regulate rental terms. This By-Law precludes short-term rentals. This is looking to create a supply of actual housing and not short term. The Town cannot impose design standards not imposed on single family dwellings, cannot require a parking space for ADU that is within a ½ mile radius of a transit station and can only require one space for an ADU outside of ½ mile. The Town can prohibit short term rentals. Mr. Block stated off-street parking is required in town. What does the state require? Mr. Heep noted the state has no requirement. The Town does not need to require an ADU has a parking space but can. Mr. Block would propose to include a provision that the Board does not require a space within a ½ mile and any parking that is provided be off-street. Mr. Heep believes that is how the draft reads. No street parking is allowed but the draft does not make clear what it is to provide a parking space. Mr. Block asked if it could be kept simple and say if they want to provide a space it must be off-street. Mr. McCullen asked if the Board is saying the ADU can drive on the dirt or does the ADU have to provide an actual parking space. Mr. Block noted it would be the most pervious surface. Mr. Greenberg stated it has been left undefined, broad and vague in the By-Law. Mr. Heep stated one town prohibited tandem parking for ADUs and that was frowned on, and one required a landscape buffer.

Mr. Block commented it requires the applicant to come back to the Board or the Zoning Board of Appeals (ZBA) and they are trying not to require that. The treatment of a parking space needs to be resolved. He does not want them to be in a position where an application is needed. The parking should be off street. Mr. Crocker stated he is fine not pushing further. Mr. Heep stated the Town can require the principal dwelling and accessory dwelling unit remain in common ownership. The Town cannot regulate who lives in them but can say they need to remain one lot. Height limits can be applied but they cannot be more restrictive than the principal house and ADUs cannot be more than 900 square feet. Mr. McCullen stated the current existing non-conforming structure can be 3 feet from the lot line. He asked what the regulations are? Mr. Heep stated they can adapt into an ADU consistent with building code. The building code is still fully in effect for all of these. Current ADUs can be expanded by right. Even for expansion of a non-conforming structure a special permit or variance cannot be required. It is possible to have a Section 6 finding. It is so onerous it is challenging. He feels it should be left to the Building Commissioner to determine if it is allowed under state law or not. A discussion ensued.

Mr. Crocker noted percentage coverage does not apply and FAR does not apply but there is still a principal structure setback. Over 15 feet in height the principal structure setback applies. Mr. Heep noted discretionary standards cannot be applied. Mr. Block would like to see Mr. Heep draft a simple memo of what the open policy decisions are and what the options are, for example parking and pre-existing, non-conforming treatment. He asked if the Board has 2 sets of regulations for ADUs – for pre-existing and not pre-existing. That is discretionary. Mr. Heep stated they cannot apply any discretionary requirements to an ADU. The regulations say municipalities may not prohibit the development of a protected use ADU in an existing structure or principal dwelling or lot that can be used for or converted to a protected use ADU in conformance with the building code. Mr. Crocker asked the timeline.

Mr. Heep stated a set of zoning amendments would eliminate all information about ADUs and replace it. They can allow more than one per lot but do not have to. ADUs are applied by right and would go directly to the Building Commissioner. Mr. McCullen noted this has to go to Town Meeting. Ms. Newman clarified it is not feasible for the October Town Meeting. They looked at doing this at the annual Town Meeting in May. Mr. Heep stated state regulations are currently in effect. Mr. Block asked if Mr. Heep can follow up with the state on the open questions and get resolution and guidance. Mr. Heep should have feedback on some issues in a couple of weeks and then continue to look into other issues. Mr. Crocker asked if the Board wanted 2 classes – one pre-existing non-conforming and the other new construction. Mr. Heep would caution against having a 2-class approach. Mr. Block noted there needs to be 2 classes to differentiate. Mr. Heep stated they can apply dimensional regulations to all new construction but cannot apply to an existing non-conforming structure an ADU goes into. Mr. Block would like to have the final language by the end of December. Ms. Newman stated she needs it by the end of September.

George Giunta Jr.: Determination of Proposed Use – Self Storage (Property located at 105 Cabot Street, Needham MA).

Mr. Giunta Jr., representative for the applicant, noted the applicant, R. J. Kelly Co., Inc. (RJK), would like to convert the existing use to self-storage. This lot was created in 2011 and took this lot B with a building and vacant lot A. It was authorized for a 3-story building to be constructed on the lot. Rick Griffin, Chief Investment Officer and Partner at RJK, noted RJK is Burlington based and all properties are in New England. The company owns a lot of office and industrial. Self-storage is one asset class. He noted about 15% of this building was built specifically for data storage. They are here to get feedback. Mr. Giunta Jr. stated in 2013, a 3-story building with 128,750 square feet of floor space was built on the 96,889 square foot lot. This is conforming except to include FAR above what was allowed based on the use of data storage area. The lot also has 45 parking spaces based on a data storage use. The conditions included a maximum of 18 people on site at any time. The use was a low traffic count. The building was leased and there are no windows on the side or back. Mr. Block asked if RJK was going to renovate or tear down and rebuild. Mr. Giunta Jr. noted self-storage would allow the building to remain with very little renovation.

Mr. Griffin stated they will keep the site and building exterior and will really only be doing interior work. Storage traffic is minimal. The rough unit count is 977 but they are looking at it. They may do light storage and some high-end auto storage. There is 133,000 square feet of gross space. He stated the exterior is not being touched except for signage. The building works perfectly the way it is laid out. They have an agreement to purchase. He walked the Building Commissioner through it early on so he could see it. Mr. Giunta Jr. stated the Building Commissioner felt this is akin to a distribution facility so it should be similar in kind and like category that is not enumerated in the By-Law. Mr. Greenberg does not see a need to rehash what was done earlier. Mr. McCullen stated they are looking for a path forward. He asked if this ambiguous catch all is allowed here. Ms. Newman stated it is not. It only remains in Industrial and Business Districts. Language for storage was deliberately deleted from these districts. She feels they could maybe do a narrowly crafted zoning change. If language is put in the use would have been opened up in other districts. If a zoning amendment is done it should be narrowly crafted that fits with the window and would allow the building to be reutilized but gives protections for the Town. Mr. Crocker agrees the Board needs to be careful and needs some type of zoning change.

Mr. Block feels the use needs to be treated in a more strategic way. Ms. Newman stated, in the New England Business Center, they are restricted to uses enumerated. Storage is not allowed. Mr. Greenberg asked if there is a definition of Wholesale Distribution Center and was informed there was not. Mr. McCullen understands the history of this but asked what the timeline would be. Mr. Griffin stated if it is a zoning change it would be a while. The parcel is unique and would not have other storage units here. Mr. McCullen would like to see the Building Commissioner's interpretation of this. That would be the comfort level for him. The Building Commissioner, through his experience, was in favor. He would like to hear from him and then discuss it with the Board. Mr. Greenberg noted, looking forward, they are stuck with this building that was approved for data center use. From a planning point he wants the building to be used. There is limited use there. He would also like to dig deeper into the Building Commissioner's interpretation.

Mr. Block was looking at the By-Law and does not see wholesale distribution facility defined. This does not sound like wholesale storage. He understands they do not want to go through a zoning change process. Mr. Giunta Jr. has not explained how this would be a wholesale distribution facility. Mr. Giunta Jr. stated it is deceptive. It does not fit exactly in that category but would be similar in kind. Mr. Block noted that is not what the By-Law says. Ms. Newman noted Mr. Giunta Jr. is correct. The Board can find a use is similar in kind. Mr. Block noted there is a reason they did not want storage in this area. It is a lower revenue generator for the Town. He understands the Board can exercise discretion and would be open to showing flexibility. The applicant should come in with the Building Commissioner and show how the use is analogous. Mr. Crocker would like to find out the value to the Town of data versus storage. Mr. Giunta Jr. stated when he met with the Building Commissioner he did not know how he would respond. He said right away distribution facility. He was very confident in that and would encourage a discussion with him. He would encourage the Board to look at the various uses allowed in the district. This is a special permitted use. Any other use has to comply.

Board of Appeals – August 13, 2025

62 Kimball Street – Douglas Sherman, applicant.

Mr. Crocker is concerned with a third car garage facing the same as the other 2 garages. The Board has not allowed 3 car garages before. Ms. Newman stated it is allowed by special permit.

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

VOTED: “No comment.”

136-140 Hillside Avenue – Greg Keshishyan, applicant.

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

VOTED: “No comment.”

10 Riverside Street – Arthur and Anna Deych, applicants.

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

VOTED: “No comment.”

Minutes

There were no minutes.

Review of draft work plans for Planning Board Study of Needham Center and the Mixed Use 128 District.

Mr. Block noted he needed a call with Ms. Newman and Ms. Clee to go over the planning. He laid out at the next meeting they would spend 30 minutes reviewing the use in the districts, uses by right and special permit and regulations by right. He recommends all members study this in advance so they are prepared. He wants all members clear on what is allowed and what size. At the 9/16 meeting, development attorneys and some district landlords, tenants and brokers will be brought in to talk about market conditions and uses and value, traffic and things like that. He expects that will be a half hour. At the next meeting regulatory changes will be discussed for 2 meetings. Then they will have the public hearing that will be well noticed and would provide postcards to abutters around Warren and Linden Streets. The regulatory framework will be discussed. They should plan about 1½ hours for the special meeting. At the 11/14 meeting there will be discussion of feedback and regulatory changes. This will be sent to the CEA to discuss and is heading toward a May 2026 Town Meeting. He would like to see a bid go out for a fiscal impact analysis and a traffic analysis. He does not think it will take long to modify the zoning itself. He thinks it is straightforward. The Board will debate and take several meetings to review it. He proposed a meeting with the Chair of the Select Board and the Chair of the Finance Committee or the full committee. He reviewed his estimated timeline.

Ms. Clee stated at the end there is a statutory timeline the Planning Staff would do. Mr. Block reviewed the timeline for Unlocking the Charles that he laid out. They can determine by Thanksgiving if it can be pursued for the May or October Town Meeting. Mr. Crocker agrees it is a nice timeline that Mr. Block has laid out. He is not sure if the Board could overlay Unlocking the Charles with the Center. His concern is if the Planning Board would be ready with enough discussion or would they need another meeting before handing it off. Mr. Block feels that is a valid comment, but it is only being handed off to us and the Select Board who would be referring it back. If another meeting is needed one could be added. The Board could still present dimensional regulations and what they are looking at. It is not necessary for the Board to engage but for the community to engage and elicit feedback. Ms. Newman stated it is helpful to have it laid out. She noted the Large House Study Committee is coming to update them on 9/2. Then on 9/16, 100 West Street is coming in.

Ms. Newman stated she shared with Mr. Block the Board is pretty much tapped out on the \$80,000 and would not have any funds for an impact or traffic analysis. Mr. McCullen noted the Finance Committee told the Planning Board they could speak with them and they would be open to if a project was put in front of them. Mr. Block would like to schedule a meeting with the Finance Committee Chair. He and Mr. Crocker could go or he could go himself to talk about this. Mr. Crocker stated Ms. Newman would have to be there and he should be there as the Chair and Mr. McCullen as the Vice-Chair. Ms. Newman noted a proposal has to be developed before it could be put out for a request for analysis. Mr. Block reiterated he would just like to have a conversation with the Finance Committee as soon as possible. Mr. Block will set something up with the Finance Committee. It should not be just Mr. Block but should be himself, Ms. Newman and Mr. McCullen. He feels the Planning Board should go and just have a conversation with them. Ms. Newman stated they do not have a number but Mr. Block stated it can be mapped out pretty quickly. He will call Ms. Newman to finalize it.

Mr. McCullen likes what they are trying to do. Planning is what is needed. He felt it was worth noting they just spent 45 minutes debating a state statute they have no control over. This requires an element of rigor and meeting management to get what they want to achieve rather than another failed initiative. This is aggressive but he feels it is needed. If not disciplined in time and program management this could be disastrous. Mr. Crocker stated they need the public to feel they have been fully heard. He will find a time to talk to the Finance Committee.

Report from Planning Director and Board members

Ms. Newman noted the Large House Committee. Some modeling work is being done and the next phase of modeling will be presented to the Committee next week. The fiscal piece went out and 2 quotes were received. They are in the process of engaging a consultant for the fiscal piece. She is looking forward to the community meeting in the middle to the end of September. A presentation of the models, FAR and height will be considered and at a second meeting she will have the fiscal impact information. Mr. McCullen noted there is no Mobility meeting this month but there is an Envision meeting tomorrow. Mr. Greenberg asked what the latest is on the Quiet Zone. Mr. McCullen stated it is on the radar. The issue is the MBTA only had a one-year extension. We went, as a town, with Keolis rather than hire our own. There is a lot of uncertainty with that. It is on pause due to contractual issues. It is in limbo because the state contract with Keolis is up in the air. Mr. Block had issues with his internet and left the meeting.

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

VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Justin McCullen, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

September 2, 2025

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 Artie Crocker, Chairman, on Tuesday, September 2, 2025, at 7:00 p.m. with Messrs. Block, McCullen and Greenberg, Ms. Espada, Director of Planning & Community Development, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Crocker noted this meeting will be lead by Vice-Chairman Mr. McCullen as he is remote. This is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes no public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. Mr. Crocker turned the meeting over to Mr. McCullen.

Decision: Minor Modification: Major Project Site Plan Special Permit No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, Massachusetts). Regarding request to approve a new site plan accurately depicting the existing conditions of the parking lot.

Ms. Espada was not at the meeting and could not vote. Ms. Newman noted there is a draft decision in the packet that approves the Town's request to modify the parking spaces from 189 to 192 and allows allocation changes at the Town's discretion. Mr. Block asked if Town Counsel has reviewed it. Ms. Newman stated he has and had no comments.

Upon a motion made by Mr. Block, and seconded by Mr. Greenberg, it was by a vote of four of the five members present (Ms. Espada abstained):

VOTED: to approve the relief requested for Special Permit No. 98-6 as a minor modification.

Upon a motion made by Mr. Block, and seconded by Mr. Greenberg, it was by a vote of four of the five members present (Ms. Espada abstained):

VOTED: to accept the decision as drafted in the packet.

Presentation of Large House Review Committee

Mr. McCullen acknowledged the work of the Committee so far. Significant work has been done and there is still significant work to do with public engagement. He truly appreciates all the efforts. Moe Handel, Co-Chair of the Large House Study Committee with Mr. Crocker, noted there were 2 working groups. One worked on an architecturally based analysis and the other worked on the economic and real estate implications. This working group has done a lot of analytical work and there has been excellent staff assistance. The next meeting is Monday. On the 15th there will be a second public meeting to engage the public and get input. A survey was done to get public input on reducing the effect of bulk. There were 1,155 responses with a good level of input. 70% of Needham have a large house or teardown issue. Ms. Espada asked if there was someone from the Finance Committee on the committee and was informed there was. Mr. Handel stated there was an enormous amount of architectural analysis and data analysis. The Committee is looking at what other towns have done successfully.

Oscar Mertz discussed the dimensional regulations, what is in place and the purpose of the Committee. He noted the house reduction study which was a comparison of house reduction studies and neighboring towns. The reduction study information was shared with the consultants. He feels it is important to share what an actual reduction would look like. The Committee is collecting information from surrounding towns regarding what kinds of houses they are building, what their By-Laws are doing and how Needham relates with the size of houses being built. He noted the Reduction Study parameters. Three houses on 3 different lot sizes were selected. There were guidelines on how the houses would be reduced.

Limits on FAR, coverage and heights were adjusted. They found height was generally an issue people commented on in 35% of the houses. There will be another public session in 2 weeks. Ms. Espada asked if they were looking at 10,000 square feet and lower and was informed they were. The Committee is looking at some Residence B, which is generally 10,000 square feet.

Mr. Mertz noted the fine tuning of smaller lots. There are definitely larger lots in the Single Residence B (SRB) District. A model of 3 existing houses was created. Then reduction models were created and the changes made relevant to the original house. Jeanne McKnight, Planning Board representative to the Committee, noted he did not mention what is included in FAR. Mr. Mertz stated the question is what is to be counted if there is a change in FAR. FAR is a point on focus. It is important to measure what is visible. One town includes the basement, but all towns include garages. Mr. Block noted they do not include basement square footage, only first, second, attic and garage. He wants to talk about garages at some point. Mr. Mertz noted there was a rationale for not including the basement. They feel it is the visual impact of the house on the lot. A basement might count if there is a sloping site, but the Committee felt definitely first, second, third and garage. Mr. Block stated some build up 4 feet which some say has caused drainage issues and shadowing issues. If working with a sloping site does that encourage raising the house up? Bill Paulson stated the existing grade will be taken into account in the average grade. Mr. Mertz noted a number of these conditions they would like to track including wetlands. Studies have been done on the plans and in all cases they wanted to track new floor plans and size of rooms. First and second reductions have the same size first floors. There is a difference between the second and third floors. The second reduction is 85% to 60%. The difference is how much square footage is used on the second floor.

Ms. Espada noted the biggest change is the articulation. It gets a little flatter. Mr. Mertz showed examples of the differences. Mr. Block stated the lot coverage is reduced by an 11% reduction on the first and second and an 11.6% reduction on the third. Mr. Mertz feels 20% is the tipping point on larger lots and there should be a sliding scale for smaller lots. There should be 24% for larger lots and 20% for smaller lots. It goes hand in hand with FAR. Their thinking is the current step function that happens at 12,000 square feet is awkward. They looked at different towns. Concord was the most helpful and calculates from lot size. Every lot has a calculation of FAR and it favors small lots. He feels it makes a lot of sense to track lot size.

Mr. Mertz showed the calculations for other towns. He noted Concord was one line which was clear and simple. Ms. Espada asked if it was correct that other towns are 20% to 40% less than Needham. Mr. Mertz stated all other towns are smaller. Mr. Block was surprised Natick and Dedham were not looked at. He asked how many are part of the large house process in Wellesley. Mr. Mertz has the figures and will share them. In Wellesley the Planning Board deals with conforming lots and the Zoning Board of Appeals (ZBA) deals with non-conforming lots. All have a cap of 3,600 square feet. Mr. Paulson stated towns were picked that were economically equal to Needham. Mr. Mertz feels it is important to have a safety valve and that would be a special permit process. He showed a chart with livable area and noted Needham was over other towns.

Paul McDonough noted Needham builds to the far limits. There is a big discrepancy between what Needham is building and other towns. He reviewed the studies with other towns. The FAR goes down with a sliding scale. He showed what can be built in other towns of the same lot size. Ms. Espada asked if there could be a summary slide. With so much information it is overwhelming. She suggested they could show one slide with lot size, then add Needham's current, then add reductions and then add other towns. Mr. McDonough showed the comparison compared to other towns, what was built in Needham compared to what could be built in other towns. Mr. Handel commented they are struggling to compare apples to apples. Mr. McDonough showed a reduction comparison with other towns chart. He stated between 3,500 and 5,000 is very desirable.

Mr. Mertz summarized the dimensional control standards. For FAR it is ok to count what is above grade. The formula could be changed so FAR is related to lot size. For Lot Coverage, the formula should be changed to a sliding scale based on lot size and favoring small lots. For Height Limits, limits could be reduced for pitched roofs, flat roofs, sloping site and at side setbacks. The recommendation would be 35 feet to 32 feet at setbacks no more than 2 stories. They want to be mindful of adjacencies. Setbacks in front to preserve special characteristics were talked about. For setbacks, the recommendation would be average front setbacks. Mr. Paulson noted a 600 square foot garage is allowed now and a 3-car

garage needs a special permit. Many are building a 2-car garage with a bump. They want to include garage space in the FAR. Mr. Block recommended, if counting square footage of the garage, counting over a certain amount. Demand is for a 2-car garage 24 by 24 minimum. Then increase the difference to reduce the bulk. Mr. Paulson stated the key is what is the appropriate bulk for a house on the lot. Mr. McDonough noted other towns have made decisions to count garages and those are smaller. A discussion ensued.

Mr. Mertz talked about the Tree By-Law and stormwater. The discussions will continue with other committees and coordination is ongoing. He showed a sliding slope and summary slides. He brought information from 2017 for reference. He discussed lessons learned from Wellesley. Mr. Handel stated they are deliberately making the exception process difficult enough to disincentivize people from increasing the standard home of 3,600 square feet. They need to look at the impact in the large house review and the impacts on neighbors such as light, vegetation and there needs to be neighborhood input. Mr. Mertz stated Wellesley has a tree by-law that is tracked. More people are involved and there is more scrutiny. Mr. Crocker commented they are maintaining the character of the neighborhood and the worth of the neighborhood. Mr. Mertz noted Concord has a sliding scale of lot coverage. He has the survey information that he can share. He compared data collection from neighboring towns and he is following through with them with trends, changes and such. The public session in 2 weeks will focus on this information discussed tonight.

Mr. Block asked what the marketing is for that meeting as this is the first he has heard of it. Ms. Newman stated flyers will be going out. Mr. Handel commented he wanted to get the word out after Labor Day so it did not get lost. Mr. Block stated he is mindful of how hard everyone is working. He is excited to see it move through the process and get feedback. He asked if they are on target for a May Special Town Meeting or the regular Town Meeting? Ms. Newman noted they are planning for the Spring and are looking to hand it off to the Planning Board in the Fall. Ms. Espada thanked them for the tremendous amount of work and asked if they are recommending one of the options. Mr. Crocker stated they are not there yet. Mr. Handel noted the public needs to be heard from. Ms. Espada recommended putting all information in a PDF on line and streamline it so people can digest. Mr. Greenberg echoed the thanks of his fellow members. The presentation was very detailed. It would be helpful to look at comparisons of Dedham and Natick. He would like a follow-up survey on the visuals to get people's take on them. Would the third reduction satisfy people?

Mr. McCullen thanked them for the level of detail and work. He feels that Dedham and Natick are comparable and would like to see what they allow. He likes the setback average concept. He agrees with Ms. Espada on a summary. He noted the renderings were amazing. He is anxious to see how the second session goes and he thanked Mr. Crocker for being on the committee. Mr. Crocker stated the work is very detailed. He commented this is a very dedicated group and he thanked them. He feels it is important to look at the correct towns and ones that represent the same as Needham to compare apples to apples. He noted Mark Gluesing is the unofficial architect on the committee.

Minutes

There were no minutes.

Review of existing draft zoning for Needham Center and the Mixed Use 128 District.

Mr. Block reviewed the districts, uses by right and special permit, and reviewed dimensional regulations. The goal is to spur mixed use development that would service other goals. He noted there is some frustration with the type of retail Needham has. When increasing density, the members should be thoughtful with the approach. Work force housing is important. Residential multi-family should be included in the Center. He feels this is an opportunity to affect real change. He showed the geographic boundaries of the Center. Ms. Espada noted the goal is to look at piece by piece. She asked when this will go to Town Meeting – May or October? Mr. Block noted the goal is May. He feels the fundamentals are there. He showed base zoning and overlay zoning. He feels this is an opportunity to extend Linden Street. Mr. Crocker reminded him the agenda says review of existing zoning and not change.

Mr. Block looked at the use table for the Center Business District and dimensional regulations of existing zoning. He does not recommend changes to the agricultural category, the public, semi-public or institutional category or the residential single

family detached category. He asked what the planned residential dwelling consisted of. Ms. Newman noted it was a type of planned residential development that is a mix of attached units and single-family houses. Mr. Block noted he is not looking at residential compounds for the Center Business District or 2-family, which are not allowed. He is not looking at conversion of single-family into 2-family. Apartments or multi-family dwellings are by special permit. He asked the maximum density and was informed it was 18 units per acre in Apartment 1. There is no maximum in the overlay. It is governed by the bulk of the building. Mr. Block stated that is something he wants to flag and go back to. He wants to allow multi-family. It should be called out as mixed-use above commercial. It could be office or retail. Ms. Newman stated it was already allowed. Mr. Block noted to a limit. The Board may want to look at that and may want a different standard by right and not special permit.

Mr. Block stated elderly housing is not allowed currently. They may not want to modify that and there are no boarding houses. He noted for business uses the types and size of uses should be considered. He wants to consider outdoor displays of goods. Retail trade for custom work uses would remain consistent. Some business uses should be considered and talked about. Mr. Greenberg noted a lot of stores are going to market stores rather than full-scale grocery stores. The Board needs to be cognizant about that. Ms. Espada asked if they had precedence for examples of town centers they think are successful. She thinks he is on track but missing the piece of precedence needed. Mr. Block asked if Ms. Espada would look at that. Ms. Espada stated she can look at a couple, but she is starting on the Stephen Palmer Committee. Mr. Greenberg feels looking at the downtown as a whole may be the wrong question. He feels they should think more of blocks. The common denominator is retail on the first floor with residential above. Businesses will feed off residential.

Mr. Block stated traffic impacts need to be looked at: 1) what uses are relevant and 2) what would add to economic vitality and diversity without adding an inverse impact to the area. They may want to consider regulating outdoor displays of goods. He noted there is office space on the second floor in the downtown. The members may want to reconsider that. Craft, consumer and professional or commercial services is a catch all that should be reviewed. Theaters are by special permit. Electronic games and amusement are not allowed. He would like to see the Board consider these uses to some extent. He noted there is a bowling alley in the center. Ms. Newman stated that is non-conforming, pre-existing. Mr. Block feels they may want to consider allowing by special permit. The intensity of the type of use needs to be considered. Food uses are all by special permit but some do by right and some by special permit. Ms. Newman stated Needham wanted to control land uses and parking so it is a special permit process.

Mr. Block wants to consider adapting to modern day. Medical clinics are allowed by special permit and brewery was rezoned several years ago. Veterinary offices are allowed by special permit but boarding is not allowed. They may want to consider veterinary offices in a different framework. Manufacturing is not allowed. For other uses, some are allowed by special permit. The Board may want to consider looking at them. He noted dimensional regulations and existing zoning. The minimum lot area is 10,000 square feet with 888 Great Plain Avenue at 24,000 square feet. He feels 10,000 square feet is a more reasonable minimum lot area. They may want to review the 80-foot minimum lot frontage. Maximum height is by right. The setback standard should be considered. He does not think minimum building height is a relevant factor but FAR should be looked at. It would be helpful to have the dimensional regulations Attorney George Giunta Jr. laid out for 888 Great Plain Avenue. Front setbacks are something to look at. He wants a vibrant downtown. The side setbacks are a challenge with 888 Great Plain Avenue. There were less than 50 feet between districts. The Board should consider extending the Overlay. He asked how the Board wants to account for parking. Cars need to get off the road. A standard should be considered as part of a broader parking discussion.

Ms. Espada noted map use, dimensionals and then parking. There is so much information she asked if the members should review before the next meeting. It could be broken into pieces. Mr. Block noted the next step is to try to bring in members of the local community to discuss the relevance or irrelevance. That discussion will be over the next 2 to 3 meetings and will be with landlords, tenants and builders. He wants to have the opportunity for residents to come to the public hearings for discussion. Mr. Greenberg suggested it may be helpful to invite people who have left Needham Center to find out why. Mr. Block noted, at subsequent meetings, the homework would be to study up on this and come back with thoughts. He is just familiarizing tonight. Ms. Newman noted she has the proposal from Stantec on parking.

Mr. McCullen noted almost 48 minutes were spent on this and he asked how members feel. Is this a good time or should more or less time be allotted? Ms. Espada felt it was productive. She feels it should be done in small blocks. Mr. McCullen commented it was going to be a burden on top of what they already do. He wants members to think about that. Mr. Block wants to also talk about Mixed Use 128. Mr. Crocker does not think a discussion of 128 should be done now. It is important to know why some businesses have left Needham. He also wants to know what makes a successful downtown. That is what they want to accomplish. Mr. Greenberg wants to ask why businesses are leaving and why they are not succeeding. Mr. Block stated foot traffic, demand and amenities in the area. There should be a discussion with landlords, brokers and tenants which would be helpful. Ms. Espada asked what is going on with Envision Needham. Mr. Crocker stated 3 plans will be presented but he is not sure what they will look like. Ms. Espada stated these should be looked at together as they are happening concurrently. Mr. Block noted that is about infrastructure and not policy. Ms. Espada asked if there were other reports done on the downtown. Mr. McCullen noted the Mobility Planning Committee is working on that.

Ms. Espada stated it would save time if research has already been done by using that information. She feels someone should put all this information together so the Board members can review it. Mr. Block stated, at the next meeting, he would like to see them meet for 35 to 40 minutes with tenants, brokers and landlords. Maybe for 2 meetings and then one-half hour of discussion to review dimensional by-laws. The homework would be reviewing the by-laws. Ms. Newman noted 100 West Street is on the next Planning Board agenda. Mr. Block feels that will only be about an hour. They should then go to 9:00 or 9:30 with this. They will only be listening. They will discuss Mixed Use 128 next time and look at the Use Table for both Mixed Use 128 and the Center Business District. He will help with the list of invitees. Ms. Newman would suggest going to the Assessors database to identify people Mr. Block wants there.

Report from Planning Director and Board members

Ms. Newman stated the Rice Barn is looking to put a new restaurant there. The existing has 102 seats. The applicant wants 110 with 60 outdoor seats. Basically there would be 68 new seats so would a parking study be required? Of the 68 seats only 8 would be internal and 60 would be seasonal outdoor. Mr. McCullen noted with an increase of that much he feels there should be a traffic study. Mr. Block commented there needs to be a plan to see what to react to. Ms. Newman noted she heard from the EOHLC in terms of compliance with the MBTA Communities Act and she heard from Stantec about doing a parking study for Needham. She is in the process of getting a contract signed on that. She heard from Gabby who is doing the coordination on the Tree By-Law. They may go in a direction comparable with Wellesley and do it through zoning. They may tie it to setbacks. When they settle on how they want, she is not sure if it would be done through a General By-Law or a Zoning By-Law.

Mr. McCullen noted the following correspondence for the record: notes on a draft ADU, dated 8/12/25, from Robert Smart; a Needham Observer article regarding 663 Highland Avenue; an email from David Hruska, dated 8/15/25, regarding the 663 Highland Avenue project; and a neighborhood announcement from Director and Planning and Development Barney Heath from Wellesley.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:52 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Justin McCullen, Vice-Chairman and Clerk

Sec. 5.10. Floodplain, Watershed Protection

Floodplain and watershed protection is not a part of this Chapter, and is regulated in Revised Ordinances Chapter 22, Article II, Sec. 22-22 et. seq.

Sec. 5.11. Inclusionary Zoning

511.1. Purposes.

The purposes of this Sec. 5.11 are to:

- A. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels in the City;
- B. Provide for a full range of housing choices throughout the City for households of all incomes, ages, and sizes;
- C. Increase the production of affordable housing units to meet existing and anticipated housing needs within the City; and
- D. Work to overcome economic segregation regionally as well as within Newton, allowing the City to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09; A-33, 11/18/13)

511.2 Definitions.

A. "Affordable Unit(s)," means any Inclusionary Unit affordable to households with annual gross incomes at or below 80% of AMI, and where applicable, affordable to households with annual gross incomes at or below 50% of AMI.

A-B. "Area Median Income ('AMI') means the median income for households within the designated statistical area that includes the City of Newton, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development (HUD).

B-C. "Deed-Restricted Affordable Unit(s)" means any Inclusionary Unit that meets the provisions of 5.11.4 and holds a legal use restriction that runs with the land, is recorded at the Registry of Deeds, provides for affordability in perpetuity, identifies the Subsidizing Agency and monitoring agent, if applicable, and restricts occupancy to income eligible households, as defined by the provisions of Section 5.11.4.

C-D. "Eligible Household" means a household whose gross annual income does not exceed the applicable household income limit for the Inclusionary Unit.

D-E. "Extremely Low-Income (ELI) Unit(s)" means any dwelling unit affordable to households with annual gross incomes at or below 30% of AMI.

E-F. "Household Income Limit" means at any given percentage of the area median income (AMI), the income limit adjusted by household size at that percentage as published by HUD for the designated statistical area that includes the City of Newton or, for percentage levels not published by HUD, as calculated by the City based on the HUD AMI calculation.

F-G. "Inclusionary Housing Project" means any development project that meets the provisions of Section 5.11.3.A.

G-H. "Inclusionary Unit(s)" means any dwelling unit that meets the provisions of Section 5.11.4.

1. "Tier 1 Unit(s)" means any Inclusionary Unit affordable to households with annual gross incomes at or below 80% of AMI, and where applicable, affordable to households with annual gross incomes at or below 50% of AMI.

~~2. "Tier 2 Unit(s)," also known as "Middle-Income Unit(s)," means any Inclusionary Unit affordable to households with annual gross incomes greater than 80% of AMI, but at or below 110% of AMI.~~

~~H. "Local Action Unit(s) (LAUs)" means an affordable housing unit created as a result of an intentional action taken by a community, without a comprehensive permit, and which meets the requirements for inclusion on the Subsidized Housing Inventory (SHI). Local Action Units are a component of the Department Executive Office of Housing and~~

~~I. Community Development Livable 'sCommunities' (DHCDEOHLCL) Local Initiative Program (LIP).~~

~~J. "Middle-Income Unit(s)," means and Inclusionary Unit affordable to households with annual gross incomes greater than 80% of AMI, but at or below 110% of AMI.~~

~~J. "Public development funds" means funds for housing construction or rehabilitation if provided through a program eligible to serve as a 'subsidy' under 760-CMR-56.00 Comprehensive Permit: Low or Moderate Income Housing, Community Preservation Act funds, and other federal and state funds available for housing allocated by the City of Newton.~~

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09; Ord. No. A-37, 03/17/14)

5.11.3 Application of Inclusionary Zoning Requirements.

A. These inclusionary zoning provisions apply to any proposed residential or mixed-use development, including a conventional subdivision of land under M.G.L. Chapter 41, Section 81K-81GG, in any zoning district that includes the construction or substantial reconstruction of seven or more residential dwelling units on any parcel or contiguous parcels comprising a proposed development site. The inclusionary zoning requirements apply to the total number of residential units regardless of the existing residential units proposed to be demolished. The inclusionary zoning requirements also apply to any situation where rental residential dwelling units are converted to 7 or more residential ownership units.

B. This Sec. 5.11 does not apply to accessory units.

C. No Segmentation. The inclusionary zoning provisions of this section apply to projects at one site or two or more adjoining sites in common ownership or under common control within a period of five years from the first date of application for any special or building permit for construction on the lot or lots, or for the 12 months immediately preceding the date of application for any special permit or building permit. An applicant for development may not segment or divide or subdivide or establish surrogate or subsidiary entities to avoid the requirements of Section 5.11. Where the City Council determines that this provision has been violated, a special permit or building permit will be denied. However, nothing in Section 5.11 prohibits the phased development of a property.

~~D. 100% Deed-Restricted Affordable Developments~~. Any proposed residential or mixed-use development that consists of 100% deed-restricted affordable units

~~—up to 110% of AMI is not subject to the Number of Inclusionary Units Required, Section 5.11.4.B; however, projects of this type are subject to all~~

~~D. other applicable provisions of this Section 5.11. The percentage of AMI used for establishing monthly housing costs and the applicable household limit for all units in the project must average no more than 95% of AMI.~~

E. Qualification of Tier 1 Affordable Units as Local Action Units. All Inclusionary Units affordable to households at or below 80% of AMI must be qualified as 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the Massachusetts Department of Housing and Community Development Executive Office of Housing and Livable Communities (DHCDEOHLCL), Section VI.C, "Local Action Units," as in effect December 2014 as the same may be amended from time to time, unless the unit is exempted from this requirement by another provision of this Section 5.11.

F. Tier 2 Middle-Income Units as Consistent with Local Action Units. All Inclusionary Units affordable to households

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earning greater than 80% but less than or equal to 110% of AMI must be consistent, where applicable, with the requirements of 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the [DHCD EOHL C](#), Section VI.C "Local Action Units," as in effect December 2014 as the same may be amended from time to time, unless the unit is exempted from this requirement by another provision of this Section 5.11.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09)

5.11.4. Mandatory Provision of Inclusionary Units.

- A. **Inclusionary Unit ~~Tiers~~ Levels.** Inclusionary Units are divided into two ~~tiers~~ levels based on their ~~level~~ depth of affordability. ~~The two levels are referred to as Affordable Units and Middle-Income Units, respectively. Tier 1 represents units affordable to households with annual gross incomes at or below 50% of AMI and units affordable to households with annual gross incomes at or below 80% of AMI; and Tier 2 represents Middle-Income units affordable to households with annual gross incomes greater than 80% of AMI, but at or below 110% of AMI.~~
- B. **Number of Inclusionary Units Required.** The percentage of required Inclusionary Units in a proposed development is based on the total number of new units proposed on any parcel or contiguous parcels comprising a proposed development site, and whether the units are rental or ownership.

~~1. Where the inclusionary zoning requirement results in a fraction of a unit greater than or equal to 0.5, the development must provide one Inclusionary Unit to capture that fraction.~~

~~21. Where the inclusionary zoning requirement results in a fraction of a unit less than 0.5, the development may choose to provide one Inclusionary Unit to capture that fraction or contribute a fractional cash payment to the City to cover the fraction of that Inclusionary Unit requirement. Fractional cash payment amounts are calculated based on the provisions of Section 5.11.5.~~

~~32. All fractions are rounded to the nearest tenth.~~

~~43. Rental Project Requirements.~~ The percentage requirements for applicable rental developments are based on the following table and provisions:

- a. For rental Inclusionary Housing Projects with 7-9 residential dwelling units, where only one rental ~~inclusionary unit~~ Affordable Unit is required, ~~at Tier 1,~~ the inclusionary unit shall be priced for a household income limit at not more than 80% of AMI.

- b. For rental Inclusionary Housing Projects with 10 or more residential dwelling units, where two or more rental ~~inclusionary~~ Affordable Units are required ~~at Tier 1,~~ the AMI used for establishing rent and income limits for these Inclusionary Units must average no more than 65% of AMI. Alternatively, at least 50% of such units may be priced for households having incomes at 50% of AMI and the remaining Inclusionary

Illustration: ~~Tier 1~~ Affordable Units Average 65% AMI

Example Project: 2017-unit rental development
15% at ~~Tier 1~~ Affordable Unit Level = 0.15×2017 units
= 302.55 units
Total: 33 Affordable Units units at ~~Tier 1~~ (round up)

EXAMPLE APPROACH #1: 1 unit at 50% AMI
1 unit at 65% AMI
1 unit at 80% AMI

EXAMPLE APPROACH #2: 3 units at 65% AMI

Rental Projects: Number of Inclusionary Units Required

Tier/Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 50%-80% AMI	15%	15%	15%
Total	15%	17.5%	20%

Rental Projects: Number of Inclusionary Units Required
EFFECTIVE JANUARY 1, 2026

Inclusionary Unit Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Affordable Units: 50%- 80% AMI	15%	17.5%	18.5%
Total	15%	17.5%	18.5%

Units may be priced for households at 80% of AMI.

- ~~c. Effective January 1, 2021, rental Inclusionary Housing Projects with 100 or more residential dwelling units must provide 15% of residential dwelling units at Tier 1 and 5% of residential dwelling units at Tier 2.~~

Illustration: Rental Projects Calculation Methodology

Example Project: 37-unit rental development
~~*17.55% at Tier 1 Affordable Units = 0.175 x 37 units = 5.42547 units*~~
Total: 55 units at Tier 1 (round-up) Affordable Units plus a fractional cash payment

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64. Ownership Project Requirements. The percentage requirements for applicable ownership developments are based on the following table and provisions.

- a. For ownership Inclusionary Housing Projects with 7-2016 residential dwelling units, where one or two ownership inclusionary Affordable Units are required at Tier 1, the household income limit for those units shall be 80% of AMI and the inclusionary units must be priced for affordability to households having annual gross incomes of not more than 70% of AMI at the time of marketing.
- b. For ownership Inclusionary Housing Projects with 47-21 or more residential dwelling units, where three of more ownership inclusionary units are required, the household income limit for Tier 1 units the Affordable Units must be 80% of AMI and those inclusionary units must be priced for affordability to households having annual gross incomes of not more than 70% of AMI at the time of marketing. The household income limit for Tier 2 Middle- Income Units must be 110% of AMI and those inclusionary units must be priced for affordability to households having annual gross incomes of not more than 100% of AMI at the time of Marketing.

c. Effective January 1, 2021, ownership Inclusionary Housing Projects with 100 or more residential dwelling units must provide 10% of residential dwelling units at Tier 1 and 10% of residential dwelling units at Tier 2.

- C. Incentives for Additional Inclusionary Units. An Inclusionary Housing Project that includes more than the required number of Inclusionary Units will be awarded bonus market-rate units at a ratio of 2 to 1. For every additional Inclusionary Unit the applicant agrees to provide, the development will be awarded 2 additional market-rate units. In the event that the additional Inclusionary Unit provided by the applicant is a family-sized unit (a 3-bedroom unit greater than 1,100 square feet), the ratio is 3 to 1. For every additional 3-bedroom Inclusionary Unit proposed, the development will be awarded 3 additional market-rate units. The additional Inclusionary Units must be Tier 1 Affordable Level units and the total number of additional units of any type must not exceed 25% of the number of units otherwise permissible on the lot under lot

area per dwelling unit requirements.

Ownership Projects: Number of Inclusionary Units Required EFFECTIVE JANUARY 1, 2026			
Inclusionary Unit Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Affordable Units: 80% AMI	15%	10%	10%
Middle-Income Units: 110% AMI	0%	7.5%	8.5%
Total	15%	17.5%	18.5%

Ownership Projects: Number of Inclusionary Units Required			
Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 80% AMI	15%	10%	10%
Tier 2: 110% AMI	0%	7.5%	10%
Total	15%	17.5%	20%

Illustration: Ownership Projects Calculation Methodology

Example Project: 52-unit ownership development

10% Affordable Units = $0.10 \times 52 \text{ units} = 5.2 \text{ units}$
Total: 5 units at Affordable Level plus fractional cash payment

7.5% Middle-Income Units = $0.075 \times 52 \text{ units} = 3.9 \text{ units}$
Total: 3 units at Middle-Income Level plus fractional cash payment

TOTAL UNITS: 8 deed-restricted affordable units

Illustration: Ownership Projects Calculation Methodology

Example Project: 52-unit ownership development

10% at Tier 1 = $0.10 \times 52 \text{ units} = 5.2 \text{ units}$
Total: 5 units at Tier 1 (round down) plus fractional cash payment

7.5% at Tier 2 = $0.075 \times 52 \text{ units} = 3.9 \text{ units}$
Total: 4 units at Tier 2 (round up)

TOTAL UNITS: 9 deed-restricted affordable units

Illustration: Incentive Units Calculation Methodology

Example Project: 31-unit rental development

PRE-INCENTIVE CALCULATION

15% at Tier 1 Affordable Level = $0.15 \times 31 \text{ units} = 4.7 \text{ units}$

Total: 4.5 units at Tier 1 (round up) Affordable Level plus fractional cash payment

2.5% at Tier 2 = $0.025 \times 31 \text{ units} = 0.8 \text{ units}$

Total: 1 unit at Tier 2 (round up)

INCENTIVE: 2 Additional Affordable Tier 1 Units >> 4 additional additional Market Rate Units

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POST-INCENTIVE PROJECT: 37 units

~~7 Tier-1 Units + 1 Tier-2 Unit~~

TOTAL: ~~68~~ deed-restricted units

~~(16.2%21.6%)~~ plus a fractional cash payment

NOTE: The post incentive project may not exceed 25% more units than otherwise permissible ($7.025 \times 37 = 37.8$ max units)

~~total number of additional units of any type must not exceed 25% of the number of units otherwise permissible on the lot under lot area per dwelling unit requirements.~~

- D. Maximum Monthly Housing Costs, Sale Prices and Rents.** Maximum sale price or rent for Inclusionary Units is calculated as affordable to a household with a number of household members equal to the number of bedrooms in a unit plus one, regardless of the actual number of persons occupying the unit.
1. **Rental.** Inclusionary rental units are to be priced to be affordable to a household having a gross annual income at the household income limit for that Inclusionary Unit, as specified in Section 5.11.4. Monthly housing costs, inclusive of rent, utility costs for heat, water, hot water, and electricity, 1 parking space, and including access to all amenities that are offered to tenants in the building, must not exceed 30% of the applicable household income limit for the Inclusionary Unit. If the utilities are separately metered, they may be paid by the tenant and the maximum allowable rent will be reduced to reflect the tenant's payment of utilities, based on the area's utility allowance for the specific unit size and type, to be secured from the Newton Housing Authority. For a household with a Section 8 voucher, the rent and income are to be established by the Newton Housing Authority with the approval of HUD.
 2. **Homeownership.** Inclusionary units for sale are to be priced to be affordable to a household having a gross annual income 10 percentage points lower than the household income limit for that Inclusionary Unit, as specified in Section 5.11.4. The monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and 1 parking space, must not exceed 30% of the applicable household income limit for the Inclusionary Unit. Additionally, the following requirements apply:
 - a. Down payment must be at least 3% of the purchase price;
 - b. Mortgage loan must be a 30-year fully amortizing mortgage for not more than 97% of the purchase price with a fixed interest rate that is not more than 2 percentage points above the current MassHousing interest rate; and
 - c. Buyers will be eligible so long as their total housing costs, including the services identified above, do not exceed 38% of their income.
- E.** Notwithstanding the requirements of this Section 5.11.4, an Inclusionary Housing Project may set the sale price or rental rate for Inclusionary Units lower ~~than~~ what is required herein.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09; Ord. No. A-37, 03/17/14)

5.11.5 Cash Payment Option.

As an alternative to the requirements of Section 5.11.4, an applicant may contribute a cash payment to the City's Inclusionary Zoning Fund, in lieu of providing Inclusionary Units.

- A. Eligibility.** There are 3 circumstances in which the Inclusionary Unit requirements of Section 5.11.4 may be met through a cash payment instead of providing Inclusionary Units:
1. For Inclusionary Housing Projects that include the construction or substantial reconstruction of 7 to 19 dwelling units; or
 - 4-2. For Inclusionary Housing Projects where the inclusionary zoning results in a fraction of a unit, the applicant may contribute a fractional cash payment to the City to cover the fraction of that Inclusionary Unit requirement.
 - 2-3. By special permit from the City Council, where the Council makes specific findings that there will be an unusual net benefit to achieving the City's housing objectives as a result of allowing a cash payment rather than requiring the development of Inclusionary Units. The findings must include consideration of the appropriateness of the development site location for income-eligible households, including but not limited to proximity to and quality of public transportation, schools, grocery stores and other services; the current balance of the Inclusionary Housing Fund Municipal Affordable Housing Trust Fund; and the purposes of this

Section 5.11.

For Inclusionary Housing Projects where the inclusionary zoning requirement results in a

fraction of a unit less than 0.5, the applicant may contribute a fractional cash payment to the City to cover the fraction of that Inclusionary Unit requirement.

3.B. Cash Payment Amount. The cash payment as an alternative to each required Inclusionary Unit, or fraction thereof, is based on a formula that utilizes the average total development costs (TDC) per unit in Newton, calculated by the Newton [Fair and Affordable](#) Housing Partnership and approved by the Director of Planning and Development utilizing final closing budgets and/or certified cost and income statements from new affordable housing developments built in Newton in the previous 3 years that were funded all of in part by public subsidies or approved through M.G.L. Chapter 40B. Annually, the average TDC/unit in Newton must be recalculated by the Newton Fair and Affordable Housing Partnership and approved by the Director of Planning and Development based on available data from affordable housing developments as above, completed in Newton during the preceding 3 year period.

- 4.1.** For Inclusionary Housing Projects with 7-9 units, the total cash payment is determined by utilizing the average total development costs (TDC) per unit in Newton and reducing that number based on the number of units in the project as follows:
- Total cash payment for a 7-unit project: 70% multiplied by the TDC per unit in Newton.
 - Total cash payment for an 8-unit project: 80% multiplied by the TDC per unit in Newton.
 - Total cash payment for a 9-unit project: 90% multiplied by the TDC per unit in Newton.

5.2. For Inclusionary Housing Projects with 10-19 units, the total cash payment is determined by utilizing the average...

Inclusionary Zoning Cash Payment Calculation	
A = # of dwelling units in proposed project	FORMULA
B = Total Inclusionary Percentage Required for the project	STEP 1: A X B = total inclusionary units required (round to nearest 10th)
C = average total development costs (TDC) per unit in Newton	STEP 2: (A x B rounded) x C = Total cash payment

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Illustration: Cash Payment Calculation Methodology

sample TDC: \$6550,000 (May 2019/June 2025 figure)

EXAMPLE 1: 18 Unit Rental Project

A = 18 units
B = 15% inclusionary required
C = \$6550,000 TDC

STEP 1: $0.15 \times 18 \text{ units} = 2.7 \text{ units}$

STEP 2: $2.7 \text{ units} \times \$6550,000 =$

\$1,485,000/755,000

Total Payment

EXAMPLE 2: 36 Unit Ownership Project

A = 36 units
B = 17.5%
C = \$6550,000

STEP 1: $0.175 \times 36 \text{ units} = 6.3 \text{ units}$

STEP 2: $6.3 \text{ units} \times \$6550,000 =$

\$3,4654,095,000

Total Payment

SMALL PROJECT CALCULATION EXAMPLES

7 Unit Project: $0.7 \times \$6550,000 =$

\$385455,000

Total Payment

8 Unit Project: $0.8 \times \$6550,000 = \$52440,000$

Total Payment

Illustration: Fractional Payment Calculation Methodology

sample TDC: \$6550,000 (May 2019/June 2025 figure)

EXAMPLE: 48 Unit Rental Project

Fier 1: Affordable Units: 0.175×48

units = $8.4 - 7.2$ units

TOTAL UNITS = 8.7 units

FRACTIONAL PAYMENT = $0.42 \times \$6550,000$

= \$2670,000

Fier 2: $0.025 \times 48 \text{ units} = 1.2 \text{ units}$

TOTAL UNITS = 1 unit

FRACTIONAL PAYMENT = $0.2 \times \$550,000$

110,000

B.C. Fractional Cash Payment Amount. Where the inclusionary zoning requirement results in a fraction of a unit-
less than 0.5, the development may choose to contribute a fractional cash payment to the City to cover the fraction of
that Inclusionary Unit requirement. The fractional cash payment is based on the resulting fraction (rounded to the
nearest tenth) multiplied by the average TDC per unit in Newton.

D. Payment Calculation. Cash payment will be calculated at the time the applicant applies for their Building Permit.

G.E. Payment Deadline. Any Inclusionary Unit cash payment must be paid in full to the City prior to the granting of
any Certificate of Occupancy.

D.F. Cash Payment Recipient.

1. The cash payment shall be made to the City's Municipal Affordable Housing Trust Fund, to be distributed equally
to the Newton Housing Authority and the Newton Affordable Housing Trust.
2. These funds are to be used for the restoration, rehabilitation, acquisition, creation, preservation, associated support
services, and monitoring of deed-restricted units affordable to households with annual gross incomes at or below
80% of AMI, to the extent practical.
3. Notwithstanding Section 2 above, funds received from Inclusionary Housing Projects with 7-19 units, as described
in Section 5.11.5.B-A.13, must be used for the creation of deed-restricted units affordable to households at or below
80% of AMI.
4. Appropriation of these funds for use by the City or the Newton Housing Authority must first be approved by the
Planning & Development Board and then by the Mayor.
5. The Newton Housing Authority and the City-Newton Affordable Housing Trust must each maintain an ongoing
record of payments to the fund on their behalf and the use of the proceeds for the purposes stated in this Sec.
5.11.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09, Ord. No. C-19, 10/3/22)

5.11.6 Off-Site Development.

A. Eligibility. Off-site Inclusionary Units are generally discouraged. The Inclusionary Unit requirements

of Section 5.11.4 may be met through the off-site development of the required Inclusionary Units only by special
permit from the City Council where the Council makes specific findings that there will be an unusual net benefit to
achieving the City's housing objectives as a result of allowing the units to be built off-site. The findings must include
consideration of:

1. The appropriateness of the development site location for income-eligible households, including proximity
to and quality of public transportation, schools, and other services;
2. Consideration relative to the concentration of affordable units in the City;
3. An increase in the number of Inclusionary Units or an increase in the percentage of Tier 1 units Affordable
Units from the amount otherwise required; and
4. Consideration of the purposes of this section of the ordinance, Section 5.11.1.

B. Non-Profit Housing Developer Partnership. Any Inclusionary Housing Project that includes off-site Inclusionary
Units must enter into a development agreement with a non-profit housing developer for the development of the
off-site units.

1. The applicant must submit a development plan for off-site development for review and comment by the
Planning and Development Department prior to submission to the City Council. The
plan must include at a minimum, demonstration of site control, necessary financing in place
to complete the off-site development or rehabilitation, an architect's conceptual site plan with unit designs and

architectural elevations, and agreement that the off-site units will comply with Sec. 5.11.7.

- C. The off-site development must provide either a greater number of affordable units or a deeper level of affordability, an equivalent unit mix and comparable sized units, and an equivalent level of accessibility as that which would have been provided if the required units were to remain on-site.
- D. All off-site inclusionary units allowed by special permit must be completed and occupied no later than completion and occupancy of the applicant's on-site market rate units. If the off-site inclusionary units are not completed as required within that time, temporary and final occupancy permits will not be granted for the number of on-site market rate units equal to the number of off-site inclusionary units which have not been completed. Where the City Council determines that completion of off-site inclusionary units has been delayed for extraordinary reasons beyond the reasonable control of the applicant and non-profit housing developer, the City Council may, upon the request of the applicant to amend the Special Permit, allow the applicant to post a monetary bond and release one or more on-site market rate units. The amount of the bond must be sufficient in the determination of the Planning and Development Department to assure completion of the off-site inclusionary units.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09)

5.11.7. Design and Construction.

In all cases, inclusionary units shall be fully built out and finished dwelling units and comply with the requirements set out in the Comprehensive Permit Guidelines of DHCD EOHL C, Section VI.B.4 "Design and Construction Standards," as in effect December 2014 as the same may be amended from time to time. Additionally, the following requirements apply to all Inclusionary Units:

- A. Inclusionary units provided on-site, and their associated parking spaces, must be proportionally distributed throughout the Inclusionary Housing Project and be sited in no less desirable locations than the market-rate units;
- B. The bedroom mix of Inclusionary Units must be equal to the bedroom mix of the market-rate units in the Inclusionary Housing Project;
- C. The Inclusionary Units on average must be the same size or larger than the average size of the onsite market units of the same bedroom count, must meet the following size specifications:
 - D. Must be comparable in size to that of the market-rate units;
 - E. Whichever is greater of the two:
 - F. —
 - G. Must meet the minimum square footage and bathroom requirements, as required by
 - H. DHCD's most current Comprehensive Permit Guidelines.
 - I. Must have an average square footage of not less than 80% of the average square
 - J. footage of the market-rate units with the same number of bedrooms; and
 - K. C. The total square footage of Inclusionary Units in a proposed development must not be less than 10% of the sum of the total square footage of all market-rate and all Inclusionary Units in the proposed development;
 - L. D. Inclusionary Units must have exteriors that are indistinguishable in design and of equivalent materials to the exteriors of the market-rate units in the project;
 - M. E. The materials used and the quality of construction for inclusionary units, including heating, ventilation, and air

conditioning systems, must be equal to that of the market rate units in the Inclusionary Housing Project, as reviewed by the Planning and Development Department; provided that amenities such as designer or high end appliances and fixtures need not be provided for inclusionary units;

~~N.F.~~ At a minimum, the Inclusionary Units must have an equivalent level of accessibility as that of the market- rate units, and the Inclusionary Units must have an equivalent mix of disabled-accessible units as that of the market-rate units; and

~~O.G.~~ The Inclusionary Units must have equal access to all amenities that are generally offered to the market-rate units in a project, such as but not limited to, parking, on-site fitness centers, laundry facilities, and community rooms.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09)

5.11.8 Inclusionary Housing Plans and Covenants.

- A. The applicant must submit an inclusionary housing plan for review and approval by the Director of Planning and Development prior to the issuance of any building permit for the project. The plan must include the following provisions: A description of the proposed project and inclusionary units including at a minimum, a breakdown of the total number of residential units in the project, including the number of market- rate units, Inclusionary Units, and accessible and adaptable units; floor plans indicating the location of the inclusionary units and accessible and adaptable units; the number of bedrooms and bathrooms per unit for all units in the development; the square footage of each unit in the development; the amenities to be provided to all units; the projected sales prices or rent levels for all units in the development; and an outline of construction specifications certified by the applicant.
- B. An Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) for all Inclusionary Units, including ~~Tier 2-~~ Middle-Income Units for ownership projects, which, at a minimum, meets the requirements set out in the Comprehensive Permit Guidelines of the ~~DHCD's~~ EOHLC, Section III, Affirmative Fair Housing Marketing and Resident Selection Plan, as in effect December 2014 as the same may be amended from time to time and:
1. To the extent permitted by law, such plan must provide for a local preference for 25% of the Inclusionary Units in a project and at least one of the local preference units must be a fully accessible unit;
 2. Where a project results in the displacement of individuals who qualify for a unit in terms of household size and income, first preference must be given to those displaced applicants unless such preference would be unallowable under the rules of any source of funding for the project;
 3. Where a project includes units that are fully accessible, or units that have adaptive features for occupancy by persons with mobility impairments or hearing, vision, or other sensory impairments, first preference (regardless of the applicant pool) for those units must be given to persons with disabilities who need such units, including single person households, in conformity with state and federal civil rights law, per ~~DHCD's~~ EOHLC's Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing and Resident Selection Plan, as in effect December 2014 as the same may be amended from time to time; and
 4. Prior to the marketing or otherwise making available for rental or sale any of the units in the development, the applicant must obtain the City's and ~~DHCD's~~ EOHLC's approval of the AFHMP for the Inclusionary Units. Agreement by the applicant that initial and ongoing resident selection must be conducted and implemented in accordance with the approved marketing and resident selection plan and Comprehensive Permit Guidelines of the ~~DHCD~~ EOHLC, Section III, Affirmative Fair Housing Marketing and Resident Selection Plan.
- C. Agreement by the applicant that all ~~Tier 1 units must be qualified as, and all Tier 2 units~~ Inclusionary Units must be consistent/qualified as, and be consistent, where applicable, with the requirements of 'Local Action Units,' pursuant to the requirements of the Comprehensive Permit Guidelines of the EOHLC, Section VI.C "Local Action Units," as in effect December 2014 as the same may be amended from time to time, unless the unit is exempted from this requirement by another provision of this Section 5.11.
- D. Agreement by the applicant that all inclusionary units, including those affordable to households earning greater

than 80% but less than or equal to 110% of AMI must be subject to an Affordable Housing Deed Restriction with the City, and in most cases, a Regulatory Agreement between the City, [DHCD EOHLC](#) (or relevant subsidizing agency) and the developer. The developer must execute and record these affordable housing covenants in the Registry of Deeds for the Southern District of Middlesex County as the senior interest in title for each Inclusionary Unit and which must endure for the life of the residential development, as follows:

1. For ownership units, a covenant to be filed at the time of conveyance and running in favor of the City of Newton, in a form approved by the City Solicitor, which limits initial sale and subsequent re-sales of Inclusionary Units to eligible households in accordance with provisions reviewed and approved by the Director of Planning and Development, which incorporates the provisions of this Section; and
2. For rental units, a covenant to be filed prior to the issuance of any occupancy permit and running in favor of the City of Newton, in a form approved by the City Solicitor, which limits rental of Inclusionary Units to eligible households in accordance with provisions reviewed and approved by the Director of Planning and Development, which incorporates the provisions of this Section.

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- E. Agreement by the applicant that the Inclusionary Units must be completed and occupied no later than completion and occupancy of the applicant's market rate units. If the Inclusionary Units are not completed as required within that time, temporary and final occupancy permits may not be granted for the number of market rate units equal to the number of Inclusionary Units that have not been completed.
- F. At the discretion of the applicant and with the agreement of the Newton Housing Authority, an agreement, in a form approved by the City Solicitor, to convey rental units to the Newton Housing Authority for sale or rental to eligible households.
- G. In the case of rental housing, an agreement by the applicant to submit an annual compliance report to the Director of Planning and Development, in a form approved by the City Solicitor, certifying compliance with the provisions of this Sec. 5.11.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09; Ord. No. A-34, 11/18/13; Ord. No. B-90, 11/01/21)

~~5.11.9. Public Funding Limitation.~~

- ~~A. An applicant must not use public development funds to construct inclusionary units required under Sec. 5.11. However, the applicant may use public development funds to construct inclusionary units that are found by the Director of Planning and Development if consistent with the following:~~
 - ~~1. Those that represent a greater number of affordable units than are otherwise required by this subsection and not receiving additional market rate units according to Section 5.11.4.C; and~~
 - ~~2. Those that exceed regulatory requirements in providing for persons having disabilities.~~

~~5.11.10.~~ Extremely Low-Income (ELI) Alternative Compliance Option.

An Inclusionary Housing Project that includes the construction of 4024 or more new residential rental units and provides a required percentage of the total number of new units in the proposed development as Extremely Low-Income (ELI) units may seek a special permit from the City Council to reduce its total percentage of required Inclusionary Units. Such projects must provide, and cover all costs associated with providing, ongoing regular on-site support services for the households residing in the ELI units, in partnership with a qualified agency. ELI units represent units affordable to households with annual gross incomes at or below 30% of AMI.

- A. ELI Alternative Compliance Option Project Requirements. The percentage requirements for applicable rental developments are based on the following table and provisions:
 - 1. Where 2 or more rental inclusionary units are required at Tier 1/Affordable Level, the AMI used for establishing rent and income limits for these inclusionary units must average no more than 65% of AMI. Alternatively, at least 50% of such units may be priced for households have incomes at 50% of AMI, and the remaining inclusionary units may be priced for households at 80% of AMI.
- B. Inclusionary Housing Projects that choose the Alternative Compliance Option must comply with all other applicable requirements of Section 5.11.
 - 1. Effective January 1, 2021, applicable rental developments with 100 or more residential dwelling units must provide 5% of residential dwelling units at the ELI Tier, 5% of residential dwelling units at Tier 1, and 5% of residential dwelling units at Tier 2.
 - C. Support Services Provider Partnership. Any inclusionary Housing Project that chooses the ELI Alternative Compliance Option must form a service agreement with a qualified agency that specializes in supportive housing and case management for extremely low-income individuals or families. Property owners must partner directly with the designated agency on all aspects of tenant selection and management related to the ELI units in all such projects.
 - 1. The applicant must submit a Resident Selection and Supportive Services Plan for the ELI units for review and

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comment by the Director of

d. — An operating pro forma highlighting the initial and ongoing funding for the support services and case management.

Extremely Low Income (ELI) Alternative Compliance Option: Number of Inclusionary Units Required	
Tier Level	24+ UNITS
ELI Tier: 30% AMI	2.5%
Tier 1: 50% – 80% AMI	7.5%
Tier 2: 110% AMI	2.5%
Total	12.5%

Extremely Low Income (ELI) Alternative Compliance Option: Number of Inclusionary Units Required EFFECTIVE January 1, 2026		
Tier Inclusionary Unit Level	4024-99 UNITS	100+ UNITS
ELI Tier Level: 30% AMI	2.5%	5%
Tier Affordable Level 4: 50% - 80% AMI	7.510%	10.5%
Tier 2: 110% AMI	2.5%	5%
Total	12.5%	15%

Illustration: ELI Inclusionary Units Calculation Methodology
<i>EXAMPLE: 74 Unit Rental Development</i> <i>ELI Tier Level: $0.025 \times 74 \text{ units} = 1.9 \text{ units}$</i> <i>Total: <u>12 units</u> at ELI Tier Level plus a fractional cash payment of \$585,000 (round-up)</i> <i>Tier 1 Affordable Level: $0.075 \times 74 \text{ units} = 7.45-6 \text{ units}$</i> <i>Total: <u>76 units</u> at Tier 1 (round-up) Affordable Level plus a fractional cash payment of \$260,000</i> <i>Tier 2: $0.025 \times 74 \text{ units} = 1.9 \text{ units}$</i> <i>Total: <u>2 units</u> at Tier 2</i> <i>TOTAL UNITS = <u>810</u> deed-restricted affordable units and a cash payment of \$845,000</i>

~~Planning and Development prior to submission for approval from the City Council as part of the special permit process. The plan must include, at a minimum, the following:~~

- ~~a. Demonstration of a formal partnership with a qualified agency that specializes in supportive housing and case management for extremely low-income individuals or families;~~
- ~~b. A marketing and resident selection plan that details how the tenants of the ELI units will be selected;~~
- ~~c. A detailed plan that outlines the ongoing regular on-site support services and case management to be provided to each household residing in the ELI units; and~~

~~5.11.10~~ Elder Housing with Services.

In order to provide affordable elder housing with affordable and sustainable services on-site, this section applies to all housing with amenities and services designed primarily for elders, such as residential care, continuing care retirement communities (CCRCs), assisted living, independent living, and congregate care. This provision also applies to Congregate Living Facilities, as defined in Section 6.2.8, where these facilities are serving elderly households. The base amenities and services to be provided must be included in the annual housing costs and must be comparable to the base amenities and services offered to all residents regardless of income status. Such amenities and services may include long term health care, nursing care, home health care, personal care, meals, transportation, convenience services, social, cultural, educational programming, and the like. This Sec. 5.11.11 does not apply to a nursing or dementia care facility subject to certificate of need programs regulated by the Commonwealth of Massachusetts Department of Public Health or to developments funded under a state or federal program which requires a greater number of elder units or nursing beds than required here.

- A. Definition of Elderly Households.** For all such projects, an elderly household is defined as a single person who is 62 years of age or older at the time of initial occupancy; or 2 persons living together, where at least one of whom is 62 years of age or more at the time of initial occupancy.
- B. Definition of Inclusionary Beds.** For all such projects, an Inclusionary Bed is defined as any residential bed that meets the provisions of this section 5.11.11, Elder Housing with Services.
- C. Number of Inclusionary Beds Required.** For all Elder Housing with Services projects, 5% of beds provided on-site must be Inclusionary Beds designated affordable to eligible elderly households with annual gross incomes up to 80% of AMI, adjusted for household size. The applicable household income limit for all Inclusionary Beds subject to the provisions of Section 5.11.11 is 80% of the AMI at the time of marketing. Inclusionary Beds may be located in single-occupancy rooms or in shared rooms. The Inclusionary Beds must be proportionally distributed throughout the site and must be indistinguishable from the market-rate beds.
- D. Monthly Housing and Service Costs.** Total monthly housing costs, inclusive of entrance fees, rent or monthly occupancy fees, amenities, and base services may not exceed a fixed percentage of the applicable household annual income limit for the Inclusionary Bed based on the type of elder housing with services facility, as described below.
 - 1. Independent Living Facilities.** Total monthly housing costs for an Inclusionary Bed in an Independent Living Facility may not exceed 15% of the applicable household income limit for the Inclusionary Bed.

2. **Assisted Living Residences.** Total Monthly housing costs for an Inclusionary Bed in an Assisted Living Residence may not exceed 30% of the applicable household income limit for the Inclusionary Bed.
 3. **Continuing Care Retirement Communities (CCRCs).** Due to their unique structure in providing independent living, assisted living, and skilled nursing and related services to elderly households in one location, CCRCs may choose to satisfy their Inclusionary Zoning requirement through either the provisions related to Independent Living Facilities of those related to Assisted Living Residences.
- E. **100% Deed-Restricted Affordable Facilities.** Any proposed Elder Housing with Services project that consists of 100% deed-restricted affordable units up to 150% of AMI is not subject to the Number of Inclusionary Beds Required per Section 5.11.11.C and may seek and accept public development funds to construct the project. The percentage of AMI used for establishing monthly housing and service costs and the applicable household income limit for all units in the project must average no more than 110% of AMI. However, projects of this type are subject to all other applicable sections of this Section 5.11.
- F. **Use Restrictions.** For all such projects, all Inclusionary Beds must be subject to an affordable covenant approved by the City Solicitor, executed by the City and the developer, and recorded at the Registry of Deeds for the Southern District of Middlesex County or the Land Court Registry of Deeds for the Southern District of Middlesex County.
- G. **Tenant Selection.** For all such projects, all Inclusionary Beds must be subject to an Affirmative Fair Housing Marketing and Resident Selection Plan to be approved by the Director of Planning and Development. To the extent permitted by law, such plan must provide for a local preference for up to 70% of the Inclusionary Beds in the project.
- ~~G.H. Development Monitoring. The Owner of the Project is responsible for keeping the waitlists and ensuring the beds remain affordable according to the Use Restrictions. Annually, the Owner will be required to submit a report acceptable to the Director of Planning and Development certifying this information.~~
- ~~H.I. Fractional Units. Where the inclusionary zoning requirement results in a fraction of a bed, greater than or equal to 0.5, the development must provide one Inclusionary Bed pay a cash payment of to capture that fraction based on the requirements described in 5.11.5.C.~~
- ~~I. Alternative Compliance. The applicant may choose to comply with their inclusionary zoning requirement through a cash payment to the City. The total cash payment for projects of this type is based on the provisions described in 5.11.5, with each Inclusionary Bed counting as 0.5 of an Inclusionary Unit for the purposes of calculating the cash payment, average cost of providing long-term care for an elderly individual over a 10-year period, as well as the average total development costs per unit in Newton, calculated by the Newton Housing Partnership and approved by the Director of~~
- ~~K. Planning and Development. The average long-term care cost is based on the Boston area average hourly rate of a home health aide providing three hours per day of care per year as determined by the annual Genworth Cost of Care Survey. Planning staff will review the Cost of Care Survey annually~~
- ~~L. to modify the average cost as necessary. The total~~
- ~~M. cash payment is determined by utilizing the following calculation:~~

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09)

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Elder Housing with Services: Inclusionary Zoning Cash Payment Calculation	
A = average total development costs (TDC) per unit in Newton	FORMULA
<u>B = # of beds in proposed project</u>	<u>A * B = Total Cash Payment</u> <u>STEP 4:</u> <u>A + B = Total cost per bed</u> STEP 2: <u>C x 0.05 = # of inclusionary beds required (rounded to nearest 10th)</u>

Illustration: Elder Housing with Services Cash Payment Calculation Methodology
<i>sample TDC: \$6550,000 (June 2025 (May 2019 figure))</i> <i>sample care cost = \$306,600</i> <i>\$28 per hour x 3 hrs/day x 365 days/year x 10 years</i> <i>(2019 avg. Home Health Aide hourly rate, Genworth Cost of Care Survey)</i> <i>EXAMPLE: 115-bed Assisted Living Facility</i> <i>STEP 1: \$550,000 + 306,600 = \$856,600/bed</i> <i>STEP 12: 115 beds x 0.05 = 5.8 inclusionary beds</i>

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5.11.11. No Effect on Prior or Existing Obligations.

The requirements of Sec. 5.11 have no effect on any prior or previously granted special permit, obligation, contract, agreement, covenant or arrangement of any kind, executed or required to be executed, which provides for dwelling units to be made available for sale or rental to or by the City, the Newton Housing Authority, or other appropriate municipal agency, or any cash payment so required for affordable housing purposes, all resulting from a special permit under Sec. 5.11 applied for or granted prior to the effective date of this amendment.

(Ord. No. X-48, 04/22/03; Ord. No. Z-50, 07/13/09)

5.11.12. Inclusionary Zoning Program Reevaluation Requirement.

The City will conduct a reevaluation of the inclusionary zoning program at an interval of no more than 5 years from the time the inclusionary zoning ordinance was last amended and every 5 years thereafter. Such reevaluation must include a report provided to the City Council reviewing factors such as changes in demographic characteristics and residential development activity, housing trends and affordability, and the relationship between Inclusionary Housing Projects and all housing in Newton. The Director of Planning and Development must also conduct an annual review and report on the inclusionary zoning program.

5.11.13. Effective Date.

The effective date of the amended provisions of Section 5.11 is August 1, 2019January 1, 2026. The requirements of Section 5.11 do not apply to any special permit (or in the event that a special permit is not required, any building permit) issued prior to the effective date of this amendment. Effective January 1, 2021, rental and ownership inclusionary housing projects with 100 or more residential dwelling units will be subject to an increased inclusionary zoning requirement per Sections 5.11.4.B.4.c, 5.11.4.B.5.c, and 5.11.10.A.2.



City of Newton **Legal Notice**

Thursday, September 25, 2025

Two separate Public Hearings will be held on Thursday, September 25, 2025, at 7:00PM in City Council Chambers (Room 207), Newton City Hall, 1000 Commonwealth Ave, Newton, MA, before the PLANNING & DEVELOPMENT BOARD AND ZONING & PLANNING COMMITTEE of the Newton City Council for the purpose of hearing the following petitions, respectively, at which times all parties interested in each respective item shall be heard. Notice will be published Thursday, September 11, 2025, and Thursday, September 18, 2025 in The Boston Herald, with a copy posted online and in a conspicuous place at Newton City Hall.

Please Note: This is a hybrid meeting that the public may access in-person or virtually via Zoom with the following link: <https://newtonma.gov.zoom.us/j/85988263668>, or call 1-646-558-8656 and use the Meeting ID: 859 8826 3668. The final agenda will be posted online on Friday, September 19, 2025 at: <https://www.newtonma.gov/government/city-clerk/city-council/friday-packet>. Please call the Clerk's Office at 617-796-1210 for more information.

Copies of the proposed changes, maps, and accompanying materials are available at the City Clerk's office or can be found online at <https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/zoning-planning-committee>

- #44-24 Requesting amendments to Inclusionary Zoning Ordinance**
COUNCILORS DANBERG, ALBRIGHT, KALIS, WRIGHT, OLIVER, MALAKIE, LIPOF, AND LUCAS requesting amendments to Chapter 30 Zoning, to Section 5.11 Inclusionary Zoning, including, but not limited to, updating definitions, adjusting the affordability level and number of affordable units requirements, and updating the cash payment option.
- #375-24 Requesting amendments to Chapter 30 Zoning to allow certain routine residential alterations by right**
COUNCILORS KELLEY AND LIPOF requesting amendments to Chapter 30 Zoning to allow certain routine residential alterations by right, which routine residential alterations currently require a Special Permit, to streamline City approval and review processes for Newton property owners.

7.8.2. Nonconforming Buildings, Structures, or Uses

A. Special Permit Not Required.

1. A special permit is not required from the City Council for nonconforming buildings or structures in the following cases:
 - a. Alteration, reconstruction, extension or structural change to a single- or two-family residential structure which does not increase the nonconforming nature of the structure, and no such increase shall be deemed to have occurred solely because the lot area or the lot frontage, or both, are nonconforming, and no such increase shall be deemed to have occurred solely because the lot area per unit is nonconforming unless the number of units increases;
 - b. Alteration, reconstruction, structural change, but not an extension or enlargement of a nonconforming building or structure for a use permitted as of right, in a Business, Mixed Use, Manufacturing or Limited Manufacturing district;
 - c. Additional outdoor sidewalk and parking space seats permitted under Revised Ordinances Chapter 12, Section 12-70 shall not be considered an increase in the nonconformity nor constitute an extension of use of a lawful nonconforming restaurant in any district; and
 - d. Alteration, reconstruction, extension or structural change to a nonconforming nonresidential building or structure, which does not increase the nonconforming dimensional nature of said building or structure, for conversion of the building or structure to a use permitted as of right in any residential district.
 - e. A special permit is not required from the City Council for change in use to a use permitted as of right, in a Business, Mixed Use, Manufacturing or Limited Manufacturing district.

B. De Minimis Relief.

1. Regardless of whether there are increases in the nonconforming nature of a structure, the City Council deems that the following changes to lawfully nonconforming structures are de minimis and that these changes are not substantially more detrimental to the neighborhood pursuant to M.G.L. Chapter 40A, Section 6. The following alterations, enlargements, reconstruction or extensions to a lawful nonconforming building or structure used for residential purposes may be allowed in accordance with the procedures set forth below; provided that:
 - a. Relief is limited to that portion or portions of the building or structure which is presently dimensionally nonconforming;
 - b. The resulting changes on the nonconforming side will be no closer than 5 feet to the side or rear property line;
 - c. The resulting distance to the nearest residence at the side where the proposed construction will take place is equal to or greater than the sum of the required setbacks of the 2 adjacent lots; except for second story additions of 400 square feet or less, located entirely within the existing building footprint;
 - d. The resulting construction will meet all building and fire safety codes; and
 - e. The de minimis relief provided in this paragraph shall not apply to buildings in which the nonconformity is due solely to FAR requirements, nor shall it

Docket #375-24 Requesting to allow certain routine residential alterations by right

be used to increase the FAR beyond that shown in Sec. 3.1., except enclosing an existing porch up to 400 square feet.

2. In accordance with Sec. 7.8.2.B.1, the following de ~~minimis~~^{minimus} alterations are allowed:
 - a. Dormers that do not extend above the height of the existing roof peak and do not add more than 400 square feet of floor area;
 - b. Decks or deck additions or porches less than 200 square feet in size; Sec. 7.8. Nonconformities | Article 7. Administration 7-22 Chapter 30: Zoning Ordinance | Newton, Massachusetts
 - c. First floor additions in the side and rear setbacks which do not total more than 200 square feet in size;
 - d. Second floor additions which do not total more than 400 square feet in size;
 - e. Enclosing an existing porch of any size;
 - f. Bay windows in the side and rear setbacks which are cantilevered and do not have foundations;
 - g. Bay windows which protrude no more than 3 feet into the front setback and are no less than 5 feet from the alteration to the lot line;
 - h. Alterations to the front of the structure if within the existing footprint; and
 - i. Alterations and additions to the front of a structure of not more than 75 square feet in size, so long as the alteration, addition, reconstruction or extension does not encroach any farther into the front setback.
 - j. Renovations and additions to a nonconforming two-family building where the proposed construction meets the dimensional standards for a single-family, detached building in that zoning district.
 - i-k. Alterations and additions to a building with a nonconforming height which increase the building height but do not extend above the existing roof peak.

C. Special Permit Required.

1. A special permit from the City Council shall be required for any alteration, reconstruction, extension or structural change of such building or structure to provide for its use in a substantially different manner or greater extent than the existing use, except as provided above in paragraph A. above.
2. A nonconforming building or structure may be structurally or substantially altered or reconstructed or may be altered or enlarged to permit the extension of a nonconforming use, and a nonconforming use may be extended in an existing building or structure or enlargement thereof, or may be introduced into a new building as a part of a nonconforming establishment existing on December 27, 1922, and a nonconforming use may be changed to another nonconforming use; provided that a special permit is obtained. In granting such a permit, the City Council shall make a finding that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and shall impose such conditions as may be necessary to protect the neighborhood from injury. As used in this Paragraph, the word "establishment" shall include buildings, structures and lands.

D. Standards.

1. **Nonconforming Buildings or Structures.** Whenever nonconforming buildings or structures do not require a special permit, all otherwise applicable regulatory

Docket #375-24 Requesting to allow certain routine residential alterations by right

provisions of this Chapter, as amended, specifically including but not limited to Sec. 5.1 shall apply.

2. **Minimum Dimensions.** Whenever the operation of this Sec. 7.8.2 would reduce the area available for building a dwelling house upon any lot in a residence district to less than 20 feet in its shortest dimension, or less than 800 square feet in total area, the requirements of this Sec. 7.8.2 shall be modified so far as necessary to provide such minimum dimension and total area by reducing the minimum distance of such dwelling house from rear lot and street lines, first from rear lot lines, but to not less than 7½ feet, and second, if necessary, from street lines, but to not less than 15 feet.
3. **Replacing 3-Story Residential Structures.** Any residential structure that is replacing a previously existing 3-story residential structure shall be allowed 3 stories, but only insofar as the absolute height does not exceed that of the previously existing structure.

(Rev. Ords. 1973; Ord. No. 284, 06/19/78; Ord. No. S-260, 08/03/87; Ord. No. T-115, 11/19/90; Ord. No. T-313, 12/6/93; Ord. No. T-314, 12/6/93; Ord. No. V-113, 04/23/97; Ord. No. W-51, 07/09/01; Ord. No. X-39, 12/02/02; Ord. No. Z-51, 08/10/09; Ord. No. Z-77, 02/22/11; Ord. No. A-13, 03/18/13; Ord. No. A-99, 01/17/17, Ord. No. C-25, 2/21/23)