

NEEDHAM PLANNING BOARD MINUTES

March 7, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, March 7, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes 2 public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearings:

7:05 p.m. – Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, MA). Regarding request to permit adding a third floor to the building, which would add an additional 22 IL units, for a total of 72 IL units, of which 12.5%, or 9 units, will be affordable.

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

VOTED: to waive the reading of the public hearing notice.

Evans Huber, Attorney for the applicant, noted the applicant is applying for an amendment for a change in use. This was to be 55 Independent Living (IL) units and now there is a proposal to add a third floor. Andrew Stebbins, of The Architectural Team, stated this project has been in front of the Board without the third floor. The existing building was a former skilled nursing facility. The building has a brick masonry veneer and was built in the mid-1990s. The basement, first floor and second floor will have no changes. The basement will have some common area programming, fitness center, salon, baking space and a golf simulator. The utility rooms stay the same with some additional storage. This is unchanged from the previous submission. There is a partial basement. The first floor will have a visitor entry with changes to the landscaping area. There will be resident entry interior spaces with more common spaces, a bar area, mail area, game room/card room and exterior terraces.

Mr. Stebbins noted the second floor will have the same exterior walls with the IL units, common areas, a pub, private dining, lounge/card room and a roof terrace. The new third-floor addition will have 22 additional units for a total of 72 units. There are no common areas on the third floor, and the footprint has been pulled in. There are 3 studios with an average of 543 square feet, 1-bedrooms are 57% and 520 to 777 square feet, 1-bedroom plus dens are 29% and 720 to 1,079 square feet and the 2-bedroom with living room suites are 10% and 886 to 971 square feet. The goal is to give a refresh by getting away from the cream colors, whites and earth tones. There will be dark charcoal windows and a series of grays and whites. There will be a trellis structure at the entrance and what is there will be enhanced. There will be different siding. Some parking is being replaced with landscaping and there is a new resident entrance. The Design Review Board (DRB) has approved. There will be horizontal siding of a light mist with panel trims, julienne balconies and asphalt shingles.

Thom Miner, of Hawk Landscaping, noted the existing drop off area, a sunken loading dock, the parking area in back and a raised patio on the back side. The drop off area will be turned into resident seating reducing the pavement by about 40%. The landscaping and lawn will be brought out to give more of a buffer area to the ground floor residences. The parking lot will be restriped, there will be new foundation plants along the sidewalk, the existing loading dock will be filled in and there will be new plants, lawn and some trees. At the second area entrance some parking will be turned into green space and there will be lawn and shrubs. The drive aisle will be repaired, restriped and 2 spaces will be handicap spaces and 2 will be

short-term parking spaces. The sidewalks will be upgraded for ADA compliance. The pavers will be replaced on the raised patio; safety rails will be put in and there will be new grill stations, a fire pit and new shrubs.

Mr. Miner stated a new generator will be screened with evergreen shrubs. There are no plans to touch the existing trees; and the existing plants at the entrance will be evaluated. There will be mass plantings, so the sign stands out more. There is not a lot of exposed bark mulch; flowering shrubs will be planted; bike signs, a fan shaped trellis structure and a 24-inch-high seat for residents will be provided. The focal point is inside with maybe a trickle fountain that will be protected by bollards. Mr. Huber stated the applicant has gone to the DRB. There were a few comments suggesting more native species or drought resistant plantings. This will be looked at. The bottom line is the DRB comments strongly approved of the building and landscape plan. There were comments from the DPW and no comments from Fire, Police or the Board of Health.

Mr. Huber noted the parking-requirement calculation is one half space per unit or 39 spaces including staffing. This considerably exceeds the requirement. There are currently 98 parking spaces and 17 will be eliminated. There will be 81 spaces for 72 units, which is one space per unit. The proposal meets all dimensional and parking design requirements. Traffic will generate less traffic than the 142 skilled bed facility. They need to go through the major project special permit review process. IL is a special permit use. He noted 12½% will be affordable or 9 units.

Mr. Block noted the following correspondence for the record: 2 letters, dated 2/3/23, from Evans Huber; a letter from Kirsten Braun, of Ron Miller & Associates, dated 1/25/23, regarding traffic impacts; a letter from David Feldman, of Wingate, dated 2/3/23; an email from Police Chief John Schlittler, dated 3/2/23, with no comments; an email from Fire Chief Thomas Conroy, dated 3/5/23, with no comments; an email from Town Engineer Thomas Ryder, dated 2/27/23; an email from Tara Gurge, of the Health Department, dated 3/2/23; an email from Building Commissioner David Roche, dated 3/6/23, with comments and an email from the DRB, dated 2/28/23.

Mr. Block opened the meeting for public comments. Terrance Ryan, of 79 Evelyn Road, noted one concern is traffic with construction and tenants with the corridor project and the development of the Muzi site. The MWRA tunnel program will dig a 350-foot tunnel down next to the Muzi site in 2027-2040. That is a lot of construction. He asked if it could be coordinated so not a lot of traffic is brought onto Gould Street or Highland Avenue. Mr. Alpert noted the main entrance is on Gould Street directly across the street from the Bulfinch property. He thinks there will be a traffic light put in there that should relieve some issues. Mr. Block confirmed Bulfinch stated they are putting a traffic light in there. Herman Singh, of 77 Putnam Street, stated he lives behind the proposed site. He noted the dumpster location is right behind his house and asked if the applicant could address that issue.

Dan Goldberg, of 188 Tudor Road, stated he was a long-term-care ombudsman for 15 years. He is strongly in favor of more IL in town. Newton is adding 165 IL units with 500 people on the waiting list. The demand for IL is incredible. His only concern is parking. He often had to park across Highland Avenue when it was a nursing home. He is not sure if there is extra parking at the assisted living area. Colleen Schaller, of Avon Circle, Director of the Council on Aging, noted her Board has not had a chance to discuss this. There is a meeting to discuss this tomorrow night. She feels it will be heartily approved. It is vital to Needham. Holly Clarke, of 1652 Central Avenue, commented she was surprised the report did not discuss the impact of the Muzi site and other projects. The Housing Plan calls for creating much more density in this area. It would be a good practice to begin to think about future projects and impacts. Wingate folks will be impacted by the changes. The Board should think of solutions like residents using The Ride instead of driving cars. Employers should support alternative transportation. The Town needs to start looking forward.

Mr. Block asked about the site of the dumpster and pest control. David Feldman, of Wingate, stated there was an issue when the building was closed, the pickup time changed and there was demolition across the street going on. There was extensive extermination done and the problem was fixed over time. The dumpster will probably be in the same location. It will not be as heavy as when the nursing home was there as there will not be as much food. There will be pickups 3 times per week. It used to be 2 times a week and there was a large compactor. There is no large commercial kitchen with 3 meals a day now. Ms. McKnight asked what time the dumpster pickups are. Mr. Feldman noted 7:00 a.m. at the earliest. He has asked them not to come until 8:00 a.m. but he does not know about earlier pickups until after the fact. He speaks with them when that happens.

Paramjit Singh commented pickups are sometimes at 5:00 a.m. even on Saturday. Is it possible to combine this with the dumpster at the other building so they do not have the same issues? Mr. Feldman does not feel that is feasible. The space is not there to add another dumpster to the current location. He does not feel they can ask the staff and residents to walk or drive the trash to the other building especially in inclement weather. Mr. Crocker stated he does not hear anything about energy efficiency. There has been no discussion on renewal energy. What does the roof surface look like? Mr. Feldman stated he is working with a consultant to look at the feasibility for solar here and at the other building. Two EV chargers are being put in the parking lot. Once he gets the information back on the viability, he will consider it. He noted the building needs to be brought up to the new energy code. Mr. Crocker asked which units will be affordable. Mr. Feldman stated the code requires a sampling of all units so it will be a sampling representation of all units. Mr. Crocker asked how many handicap spots and was informed there would be 4 handicap parking spaces. Mr. Crocker asked how many total staff there would be. Mr. Feldman noted he is looking at 5 full time during the day.

Ms. Newman noted there are 2 public hearings scheduled for the next meeting, so she suggested continuing this hearing to the 4/4/23 meeting. There may be supplemental information. If there is a generator on site, information should be put together for it. Mr. Feldman stated that would be handled at the building permit stage. There is an existing generator on the roof now. He feels it would be quieter on the ground. Ms. Espada wants additional information on the mechanicals. She does not see equipment in the drawings and acoustic information. There is no traffic information. She would also like sustainability and equity goals for the project. Mr. Crocker noted parking is a big concern. He asked where the parking model is coming from. Public transportation is not that close, which is something to think about. Mr. Huber requested the hearing be moved to the 4/25/23 meeting due to a scheduling conflict.

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

VOTED: to continue the hearing to 4/25/23 at 7:00 p.m.

7:45 – Article 1: Amend Zoning By-Law – Accessory 3-car Garage Use in Single Residence B, General Residence, Business and Industrial Districts
Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs)
Article 3: Corrective Zoning Amendments
Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback

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

VOTED: to waive the reading of the public hearing notice.

Mr. Block noted in 2019, the Town set about introducing ADUs to the housing mix to help families and residents who need help. In 3 years, there have been 10 applications and all 10 were approved. The Town is looking to add to the regional affordable housing units. This will expand access to help seniors on a fixed income and younger residents and help the local work force. Until now ADUs have been allowed but with certain specifications such as only to take care of specific people, only attached, only 850 square feet in size and only by special permit. The Board wants to expand access, allow up to 900 square feet, allow by right and expand the definitions of family and caregivers. Detached ADUs would be by special permit. The tenancy would require rental for a term of 12 months or more. Mr. Alpert noted the caregiver definition, as advertised, does not include nannies and au pairs. Mr. Block stated he received updated definitions from Town Counsel that expands and allows them. Mr. Alpert commented this is the first time he is hearing that. The Board would need to consider nannies.

Mr. Alpert stated he would like to raise the issue of the setback of a separate unit. An ADU within a detached garage under the current By-Law dimensional requirements could be up to a certain height and could be 5 feet from the side yard. The Board had talked about moving it back. Mr. Block stated it would be addressed. He commented an attached ADU is easy. Detached takes more study. The working group on ADUs has been digging in for detailed information and has conducted a study on detached ADUs on conforming lots and nonconforming lots. Oscar Mertz (a Needham resident and architect) did drawings with a conforming lot of 10,000 square feet with allowable lot coverage of 2,500 square feet or 25%. The floor-to-land-area ratio (FAR) would be 3,800 square feet or 38%. A nonconforming lot would be lot coverage 1,820 square

feet or 26% with an FAR of 2,600 square feet or 38%. He showed examples of (1) a conforming lot with an ADU, keeping the existing garage and adding a free-standing 2-story ADU; (2) replacing the garage with a 2-story ADU with a 2-car garage with new construction, which would be required to be set back 14 feet from the side lot line and rear lot line and (3) adding a 2-story ADU to a 2-car garage with the garage remaining at the 5-foot setback and new construction set back 14 feet rear and side.

Mr. Block noted a nonconforming lot of 7,000 square feet could accommodate converting the existing garage into a 1-story ADU or replacing the garage with a 2-story ADU and one car garage with an FAR of 1,900 square feet from the home and 620 square feet from the ADU with a 10 foot setback between the house and garage and a 12 foot setback side and rear. If it exceeds 15 feet in height the structure needs to be moved over to a 12-foot setback. Mr. Alpert stated the Board discussed any ADU near the property line needs to be set back 14 feet, but they decided to draft the warrant article to leave as is because it can still be changed to require a further setback. He feels a setback that close is a burden to a neighbor. He wants to hear what the neighbors and the public want to say. The Board has received a lot of correspondence from both views. Mr. Crocker noted a scenario is missing with a new structure 5 feet from the line and 15 feet high.

Oscar Mertz, of Rybury Hillway, stated all the scenarios that are allowable are presented on the drawings. Ms. McKnight stated the drawings are very good for what it would look like. She noted that with an addition to an existing house the same limits apply. An ADU in an addition to the principal dwelling would be allowed by right. All scenarios shown for detached ADUs would still need to have a special permit. Lois Sockol, of Greendale Avenue, asked if this prohibits ADUs in a house without a garage. She asked if an ADU could be in the basement. Mr. Block stated it could be in the house in a finished basement, in a converted attic or an extension of the footprint. Mr. Alpert stated a detached building does not have to be an ADU. Steven Frail, of 29 Power Street, thanked the Planning Board for picking this up. There is a 500-person waiting list in Newton for these units. He had a family member in Wingate. If this was an option, he would have done an ADU. It is a great solution. The current policy is very restrictive. He thinks this is a good balance between ADUs and neighbors. The neighbor could ask for screening and sound reductions to be a condition of a special permit for a detached ADU. There should be no grills in that area. From an equity perspective, the types of structures already there should be considered and input from abutters. A lot of attached garages are within 14 feet of the property line. In case of a detached structure that does not conform, he supports changing the use and allowing an ADU in that structure by special permit. Ms. McKnight noted if an ADU were one story not more than 15 feet in height it could be 5 feet from the property line.

Kathy Dirks, of 647 Webster Street, thanked the Board for all the very important work. She noted it was a good point about equity. Exceptions should be made for existing structures. It needs to be made fair to all people. Robert Smart, of 25 Mayo Avenue, stated he has an old garage 5 feet from the property line. Between the edge of the garage and the property line is very narrow. He does not think it necessary to require an under 15-foot structure for an ADU to be set back more than 5 feet. Karen Walker, of 13 Webster Park, is thrilled with the proposed housing options in Needham. There is more diversity. She asked if the proposals would only be allowed for caretakers. Is there a plan to increase housing ADUs for people who work in the community? Mr. Block stated this would enable people to rent out and will be a more affordable option for someone who works here. The new proposal allows people to rent out the unit. They are not allowed to rent out the unit today. Mr. Alpert noted there would be restrictions with a minimum of a one-year lease and a maximum number of people. Ms. Newman noted there is currently a by-law limit on the number of unrelated people.

Kathleen Brown, of 102 Ellicott Street, stated it is important to improve the housing stock. She suggested the Board consider leases for semesters for college students. She thanked the Board for doing this. Paula Dickerman, of 20 Burnside Road, supports the changes in allowing ADUs. The town needs more housing and more choices for housing. Seniors could live in the ADU and rent out the house. This is a very necessary effort. She likes the flexibility a special permit requires for detached units. She supports the opportunity for detached units to come to the Board for a special permit. Marianne Cooley, of 85 High Street, hopes the caregivers of children will be included with this. She would like to hear feedback on more than one accessory structure of more than 200 square feet being allowed in the By-Law. Ms. Newman stated dimensional requirements (e.g., FAR and lot coverage) limit the number of accessory structures.

Joe Abruzese, of 30 Bridle Trail Road, noted this is a great opportunity. This was originally set up for multi-generational living and it is being made expansive by right for ADUs within or as an addition to the main dwelling unit. What's happening is they are trying to use this as a tool for more affordable housing. It is expensive to live here. This feels like it effectively changes the single-family zone to a 2-family zone by right without any notice. To require a special permit does

not eliminate the proposal but brings the request to a hearing and lets the neighbors give feedback. Louis Wolfson, of 29 Cimino Road, agrees with Mr. Abruzese. This is addressing some needs of family members, caregivers and elderly. He is not sure it would change the character of the neighborhood. The idea is good with renting but being a landlord is all encompassing. There is a lot more to it. Something that is missing is the cost of building the ADU with sewage, egress and such. There is a lot involved in it. He supports this but not for making a single family into a 2 family.

Mr. Smart noted when someone applies to the ZBA for a special permit, it is pretty sure it will be granted. Once one is granted, they probably all will be. This should be for accessory structures also with the same circumstances. If in a primary unit or accessory unit, ultimately it will be granted, and it is expensive to go through that process. The Board should consider all ADUs as of right. Everyone always talks about more affordable housing, but we never do much about it. This will do it. The ADU process is a way of creating more affordable housing. People will not take a single family and make it a 2 family. This should be encouraged. Frederica Lalonde, of 38 Bennington Street, is in full support. This was well researched. This is a privileged town and we should do what we can to make it easier for others. Give seniors an opportunity to stay. There is no reason to obstruct anybody. Mr. Mertz noted ADUs are not 2 family. The intent of the By-Law is that there is a primary residence with a single residence feel. It should be good for the climate and environment. It is clearly intentional that these are not 2 family.

John Bulian, of 86 Peacedale Road, asked if the Board has looked at this initiative with the MBTA Communities Act and the Needham Housing Authority, the intended construction process, the number of units being added and how it would impact the town. The MBTA Communities Act is still a work in progress. The Needham Housing Authority is moving along slowly. That is poised to bring many units of housing, but no one knows the period of time. No one knows the impacts on the town departments. He is not sure this proposal should move forward at this time. Ms. Clarke is concerned the first time we zoned for ADUs it was too restrictive as to who could be a caregiver. She trusts the Planning Board to conserve the character of the neighborhood, but they should not choose who caregivers could be. She welcomes that being opened up. She appreciates the care people are giving to this but would not support this with no special permits. She is not sure what she thinks about by right. She feels it is important to put out the intention that it will still look like residential. The By-Law seems to say it shall not be denied due to not meeting the standard. That needs to be worked through some more.

Ms. McKnight stated the decision (as to preserving the single-family look) may be hard for the Building Commissioner. In that case he is required to refer it to the DRB. Ms. Clarke appreciates that but feels abutters should be able to be at the DRB meeting to comment. A neighbor should be able to address the DRB. Ms. Espada stated no ADU housing would go to the DRB unless the Building Commissioner requests it. Mr. Alpert noted the DRB reports back to the Building Commissioner in an advisory capacity only. Dave Dirks, of 674 Webster Street, thinks the Board should think about drawing a line between attached or detached or building new on the property. An existing structure is not changing the look of the property. New structures change the look. He feels it is great for seniors to be able to move into the ADUs. Ms. Espada noted she was part of the Capacity Working Group of the Housing Plan Committee. The group determined ADUs would create minimal capacity increase to the town. Building Commissioner Roche responded that they live in a town where everyone does not necessarily agree with that. If he is going to approve something by right, he would like a hearing. This puts a large burden on him and his department. He is all on board with units within houses. With some accessory buildings on lots now, people may not know if there is a unit in there. He is a bit concerned with the amount of buildings on a lot.

Maggie Abruzese, of 30 Bridle Trail, commented it is important to know that all neighbors are not best pals. The Board needs to think of the worst-case scenario and needs to think of the source of conflict intention. People feel better when there is notice given of a permit application. An apartment could be having parties or taking trash in and out. It is not the same as using a garage. She is not in favor of allowing so close to neighboring properties. She has heard concern today with not changing single-family zones into 2 family zones. Most people have no idea what it means to be a landlord. There is a lot of liability. There has to be a plan for education for landlords that should possibly be mandatory to go with the application. She is not in favor of opening this up to leasing to other people. Heidi Frail, of 29 Powers Street, noted this is not turning single family neighborhoods into 2 family. She commented on density. Precinct G is a very dense area but with detached structures it would not change the character of the neighborhood. A lot of these areas are where the older denser homes are located. The older homes on small lots are in many cases owned by older people. This may disallow the older group to do this and not allowing them to stay in their homes. People probably are not complaining about ADUs but huge additions.

Mr. Block noted the proposed 3-car garages amendment. There have been 14 3-car garage applications in the last 3 or 4 years and all but 2 were approved. Those 2 were denied because one member disagreed. The process is lengthy and could be expensive for homeowners. This is an opportunity to simplify the process. John Schneider, of 210 South Street and Chair of the ZBA, stated that his view is that 3-car garages are standard with houses now being built. He feels garages are good things and should be encouraged. Ninety percent of all special permits are noncontroversial. People are only building what they are allowed to build by right. He does not feel having a garage door rather than siding changes the character of the area. He is in favor of allowing 3 car garages as of right to make it simpler. Building Commissioner Roche feels it should be allowed by right. It is better to have cars in garages. He thought the special permit criteria for a third car garage was going to be abolished.

Mr. Block noted it would need a special permit if not set back 5 feet to break up the massing. He asked what the standard is for denying a permit. Mr. Schneider stated, by statute, it cannot change the character of the neighborhood or adversely affect the value of the property and all lights need to be downward facing. Ms. Clarke had a question about language. She noted they are trying to leave some room under some conditions to allow an extra bay. Mr. Alpert stated standard language is being applied all along. Ms. Clarke commented she does not know what reasonably adaptable means and sees a red flag there. Mr. Schneider reiterated the standards. Ms. Newman noted that these standards are not being modified.

Louis Wolfson stated he has been involved in real estate here for years. He has property in all the zones. He is not in favor of this. He is conscious of the neighborhood he is building in. He does not feel he should be able to build a 3-car garage by right without getting neighbors' input and he would like to think the ZBA has some input. He was surprised the house was built at 883 Greendale Avenue with 3 garages under. It does not fit in the character of the neighborhood. He was disappointed the ZBA approved this. If Article 1 is changed this may be the norm across the neighborhood. He hopes the Board would reconsider its position on 3-car garages and allowing people to have input. Mr. Alpert stated the only amendment being made is in the introductory paragraph that has "open areas from adjacent premises), and provided further that the proposed use." All else is the same. Ms. Clarke appreciated Mr. Alpert pointing out the standards remaining there. If you meet the standards, it is reasonably adaptable. Mr. Alpert explained the rationale for the change. On the side a third garage is ok but if in front it needs to be set back 5 feet. If you want it flush to the house, it needs to be a special permit. Ms. Clarke stated tonight the Board has shown you can have a public hearing, listen to people, and take all into consideration. She thanked the Board for that.

Mr. Crocker respects what is going on with the ZBA. The problem he is having is the visual impact. Three-car garages do not work well and should filter over to the ZBA. There have only been 14 or 15 in a few years. He is not sure he fully adopts the feeling that people just want to build 3-car garages. He does not agree with making it easier for developers to build 3-car garages and he struggles with making it by right. It should be a special permit. If in front it should be setback. The Board took a 5-minute recess.

Mr. Schneider stated this is a burden for people who come in for a permit. Most hire lawyers so it could cost them several thousand dollars. In prior years there were 8 cases. There is very little administrative help, and they are strained to deal with all things. In most cases it would be allowed. A lot of lots are not adaptable to 3-car garages. It is an administrative burden and a burden on homeowners financially.

Mr. Block noted the corrective zoning amendment is to replace Building Inspector with Building Commissioner, renumber the By-Law from 3.15 to 3.16 for ADUs as there are 2 number 3.15s and updating the parking manual from second edition to the most recent edition. As to the side setback, the sidewall needs to be set back 2 feet after 32 feet to break up the massing of the structure.

Ms. Newman noted the Board needs to make a decision on language by next week. The Board could close the hearing but allow comments through Friday, 3/17/23. She would like an indication of the language the Board wants and would need to hear any significant changes the Board wants tonight so she can work up the revised language. Ms. McKnight would like to close the hearing tonight. She noted when comments come in after the public hearing the public does not have a chance to respond to the comments. Mr. Block noted the following correspondence for the record: a memo from Jenn Scheck-Kahn, dated 3/2/23, with questions and comments; an email from Louis Wolfson, dated 3/6/23, with pictures; an email from Joe Matthews, dated 3/7/23, in opposition; an email from Andrea Okerholm Huttlin, dated 3/7/23 in support; and an email from Maureen and Jim DiMeo, dated 3/7/23, in opposition.

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

VOTED: to close the hearing on the 4 Zoning By-Laws.

The Board discussed changes that are needed. There are no changes to the 3-car garages Article or Article 3 or 4. Mr. Block noted, for ADUs, an issue is how many accessory structures can be on a lot such as the house, ADU and one other structure not more than 50 square feet. Then you can have others under 50 square feet. The language is in the proposed By-Law. Mr. Roche noted he does not require permits for buildings of 200 square feet or less. The Board may want to make it 200 square feet rather than 50 square feet to make it consistent. Mr. Schneider stated he suggested the 50 square feet in the draft then reconsidered and felt it should be larger. In the Residence B District, however, he feels they should only allow one extra building in addition to the main house. Mr. Alpert stated the Article says you can have no more than one detached ADU and one accessory building larger than 50 feet (or 200 feet if it was changed). Mr. Schneider is objecting to having both a detached ADU and another accessory building in SRB, and he disagrees. He realizes that, with FAR and the lot coverage requirement, if there is not enough land it cannot be done, but if there is enough land it can be done as long as you meet the dimensionals. He has no issue with this, but the question is if the size of an additional accessory building should be limited to 100 feet or 200 feet. A discussion ensued.

Mr. Roche stated, under the By-Law, garages and structures count as lot coverage if the building is more than 100 square feet. Fifty square feet would not count. He would like to change the definition of structure to 200 square feet and this reference to 200 square feet. Then it could be counted under the lot coverage. Mr. Alpert stated the definition could not be changed at this point. Mr. Block noted the By-Law could be changed in October in response to the Building Commissioner's comments. He would be ok with a detached ADU not compliant with setbacks for primary dwellings. Ms. McKnight stated that would be addressed by the ZBA if it was a special permit. Mr. Crocker stated the Board has never talked about what an ADU 5 feet from the property line would look like or what it means. Mr. Block asked if the Building Commissioner could speak about an ADU at 5 feet and less than 5 feet. Mr. Roche noted under 5 feet or less certain fire separation details need to happen. The closer to the lot line the more restrictive. You can get closer to the lot line but would have a blank wall and it is more complicated construction.

Mr. Alpert stated he came in not liking the 5-foot setback. He started to waver with Mr. Frail's comments and now is wavering back due to Mr. Crocker's comments. Ms. McKnight commented it would be seniors that this would be helping. Ms. Newman stated she would write it 2 different ways and the Board can choose which they want at a subsequent meeting. The members had a discussion regarding the length of time for a lease. Mr. Block noted a lot of nurses come here for 6 months. He would be open to 6-month leases. Mr. Alpert stated he would be comfortable with 6 months. Ms. McKnight and Mr. Crocker agreed. Ms. Espada stated she is ok with it as long as it does not become a weekly or monthly rental.

Decision: Amendment to Major Project Site Plan Special Permit No. 2014-11: French Press LLC d/b/a French Press Bakery and Café, Petitioner (Property located at 74 Chapel Street, Needham, MA). Regarding request to permit 22 outdoor seats by French Press Bakery and Café, as well as a pergola to cover the seating.

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

VOTED: to Grant: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-Law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2014-11, Section 4.2, and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Section 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively), subject to and with the benefit of the following Plan modifications, conditions and limitations in the decision to be voted.

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

VOTED: to adopt the decision as drafted.

Decision: Amendment to Major Project Site Plan Special Permit No, 2002-02: Sai Restaurant Inc., d/b/a Masala Art, Petitioner (Property located at 990 Great Plain Avenue, Needham, MA). Regarding request to permit 44 outdoor seats by Masala Art.

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

VOTED: to Grant: (1) an amendment to a Major Site Plan Review Special Permit No. 2002-02, issued by the Needham Planning Board on June 25, 2002, amended April 1, 2003 and December 7, 2004, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2002-02, Section 4.2: and (2) a Special Permit under Section 5.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to adopt the decision as drafted.

Board of Appeals – March 16, 2023

246 Forest Street – 246 Forest Street, LLC

Mr. Block stated there is a 48-foot wall and asked if there should be an offset at 32 feet. Ms. Newman stated this is in the Residence A District and the offset does not apply.

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

VOTED: “No comment.”

238 Highland Avenue – Allen Douglass and Christine Lachkey, applicants

Mr. Block noted this is the Montessori School. They want to increase enrollment by 40 students. He noted the attorney references payment to the Town of Mansfield, likely a typo. Mr. Alpert was questioning parking supply with so many students, but it is all drop off and pick up. This is a hard place to drop off and pick up 154 students going in and out. The comment to the ZBA should consider the safety issue with this number of students going in and out of Highland Avenue. Ms. McKnight suggested a post occupancy review. Mr. Block commented that a traffic study should be done with the increase. He feels they should ask the ZBA if there should be a condition to require a traffic study 2 or 3 months after occupancy. Mr. Alpert stated a decision on adequacy of parking needs to be made before the occupancy permit is granted.

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

VOTED: to ask if the ZBA has done an adequate traffic study and if there is adequate safety from the parking lot to Highland Avenue.

73 Highland Avenue – Nezhualcoyotl Leon, The Hungry Coyote

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

VOTED: “No comment.”

1584 Great Plain Avenue – Enterprise Rent-A-Car Company of Boston, LLC

Enterprise is moving into a garage on Highland Avenue. There is no greater impact than the auto mechanic previously. Ms. McKnight asked if this prior non-conforming use has been abandoned and was informed it had not been.

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

VOTED: to ask the ZBA to investigate if the prior non-conforming use of the auto repair garage continued or if it has been abandoned.

470 Dedham Avenue – The Town of Needham (Department of Public Works) Park and Recreation Commission

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

VOTED: “No comment.”

Minutes

This will be deferred to another meeting.

Report from Planning Director and Board members.

This will be deferred to the next meeting.

Correspondence

Mr. Block noted an email from Michael Ruddy, dated 2/15/23 and a follow up note from Joe Matthews, dated 3/7/23.

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

VOTED: to adjourn the meeting at 11:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk