

NEEDHAM PLANNING BOARD

Friday, November 17, 2023

11:00 a.m.

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

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1. Discussion of Zoning Strategies for Solar Energy Systems.
2. Discussion of Conditions for Decision: Major Project Site Plan Special Permit No. 2023-03: Neehigh LLC, 93 Union Street, Suite 315, Newton Center, Petitioner. (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces.
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.)

MEMORANDUM

TO: Planning Board

FROM: Lee Newman, Director of Planning and Community Development

DATE: September 16, 2023, revised November 8, 2023

SUBJECT: **Zoning for Solar Energy Systems**

I am attaching to this memo a draft zoning approach for solar energy systems. Briefly the approach taken defines the types of solar energy systems to be authorized and then establishes a new by-law section for Solar Energy Accessory Uses which names the districts where the use would be permitted and details the terms under which the defined use would be authorized. I have highlighted in the attached zoning approach the key provisions which require further Planning Board policy discussion. A brief overview of the key components found in the zoning approach are below.

1. Key defined accessory uses being permitted are as follows:

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

- a. Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
- b. Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
- c. Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
- d. Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,750 square feet of surface area or less. (Equivalent to a rated nameplate capacity of about 10 kW DC or less).
- e. Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area. (Equivalent to a rated nameplate capacity of about 10 – 250 kW DC).
- f. Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
- g. Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles,

siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.

- h. Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

2. Named districts where a specified use would be permitted and circumstances where a site plan review would be required.

- a. Roof-mounted Solar Energy Systems would be permitted as-of-right in all use districts.
- b. In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies would be permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems would be permitted subject to site plan review by the Special Permit Granting Authority.
- c. In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems would be permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies would be permitted subject to site plan review by the Special Permit Granting Authority. The same regulations would apply in residential districts for exempted uses as defined by M.G.L. c.40A s.3, or other state and federal statutes, and by the Needham Zoning By-Laws.

3. Lot Coverage

- a. Active Solar Energy Systems are not treated as buildings as defined in the Needham Zoning By-Law. However, for the purpose of regulating lot coverage, the area of Active Solar Energy Systems is counted toward the Maximum Percentage (%) Lot Coverage as defined in the Intensity Regulations provided in the Needham Zoning By-Laws for the affected district.
- b. Active Solar Energy System contribution toward the Maximum Percentage (%) Lot Coverage is calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- c. A Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed counts toward Maximum Percentage (%) Lot Coverage.
- d. For Ground-mounted Solar Energy Systems the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Lot Coverage.
- e. To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface is not included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

4. Height for Building-Mounted Solar Energy Systems in all Districts:

- a. Roof Mounted Solar Energy System where roof pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)- Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.

- b. Roof Mounted Solar Energy System where roof pitch is less than 3.2:12 (a fifteen (15) degree angle)- Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.
- c. Other Building-mounted Solar Energy System (e.g., awnings)- No greater than the highest point of the roof.

5. Height for Ground-Mounted Solar Energy Systems:

- a. Small-Scale Ground-mounted Solar Energy System in all Districts - Ten (10) vertical feet from grade.
- b. Medium-Scale Ground-mounted Solar Energy System in all Districts - Ten (10) vertical feet from grade.
- c. Solar Parking Canopy in Residential Districts - The maximum height allowed on the lot or the height of the principal structure, whatever is less.
- d. Solar Parking Canopy in Non-Residential Districts – Subject to Site Plan Review by Special Permit Granting Authority.

6. Setbacks

- a. Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- b. Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- c. Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees should be met elsewhere on the lot.
- d. All other Ground-mounted Solar Energy Systems shall meet requirements for District-level setbacks as defined in the Needham Zoning By-Laws.
- e. Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

7. Supplemental Regulations

- a. BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into

which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.

- b. The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

8. Section 7.4 Site Plan Review

- a. Site Plan Review is required for all Medium-scale Ground-mounted Solar Energy Systems in all districts and Solar Parking Canopies in non-residential districts. The Planning Board would serve as the Special Permit Granting Authority for these systems.
- b. In addition to the site plan review submittal requirements of Section 7.4 of the Needham Zoning By-law the following additional information is required:
 - 1) Name, address, and contact information for proposed system installer.
 - 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - 3) The name, contact information and signature of any agents representing the project proponent.
 - 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - 6) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - 7) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - 8) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
 - 9) Locations of local or National Historic Districts in relation to the site.
- c. In addition to the site plan review criteria and standards of Section 7.4 of the Needham Zoning By-law the following additional criteria is to be considered:
 - 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Special Permit Granting Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - 2) Utility Connections: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

- 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- 4) Height and Layout: The Special Permit Granting Authority shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.
- 5) Visual Impact: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
- 7) Lighting: The Special Permit Granting Authority shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

Solar Energy Systems Zoning Approach

Key Policy Decision Points Highlighted

ARTICLE 1: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS

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

1. In Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

- a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
- b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
- c) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
- d) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies **1,750 square feet of surface area or less**. (Equivalent to a rated nameplate capacity of about 10 kW DC or less).
- e) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies **more than 1,750 square feet, but less than 40,000 square feet of surface area**. (Equivalent to a rated nameplate capacity of about 10 – 250 kW DC).
- f) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
- g) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
- h) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”

2. Amend Section 6, Special Regulations, by redesignating Subsection 6.2 Boats, Motor Homes and Trailers as Subsection 6.3, by redesignating Subsection 6.3 Filling Stations and Commercial Garages as Subsection 6.4, by redesignating Subsection 6.4 Outdoor Parking of Vehicles as Subsection 6.5, by redesignating Subsection 6.5 Limited Heliports as Subsection 6.6, and by redesignating Subsection 6.6 Complex Developments as Subsection 6.7.
3. Amend Section 6, Special Regulations, by adding a new Subsection 6.2 Accessory Uses – Solar Energy Systems, to read as follows:

“6.2 Accessory Uses – Solar Energy System

6.2.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts. The installation of Roof-mounted Solar Energy Systems that:
 - 1) comply with the regulations provided in this section; and
 - 2) are located on properties with nonconforming uses or structures; and
 - 3) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies shall be permitted in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems shall be permitted subject to site plan review by the Special Permit Granting Authority.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority. The same regulations shall apply in residential districts for exempted uses as defined by M.G.L. c.40A s.3, or other state and federal statutes, and by the Needham Zoning By-Laws.
- d) Where Solar Energy Systems would be installed in a Historic District, the system shall require approval by the Historic District Commission.

6.2.2 Dimensional Requirement

- a) Maximum Percentage (%) Lot Coverage
 - 1) Active Solar Energy Systems are not buildings as defined in the Needham Zoning By-Law and should not be treated as such. However, for the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the

Maximum Percentage (%) Lot Coverage as defined in the Intensity Regulations provided in the Needham Zoning By-Laws.

- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Building Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

b) Height

1) Building-mounted Solar Energy Systems:

System Type	Roof Pitch	Siting	Maximum Height
Roof mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.

Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All districts	No greater than the highest point of the roof.

2) Ground-mounted Solar Energy Systems:

System Type	Siting	Maximum Height
Small-Scale Ground-mounted Solar Energy System	All districts	Ten (10) vertical feet from grade.
Medium-Scale Ground-mounted Solar Energy System	All districts	Ten (10) vertical feet from grade.
Solar Parking Canopy	Residential	The maximum height allowed on the lot or the height of the principal structure, whatever is less.
Solar Parking Canopy	Non-residential	Subject to site plan review by Special Permit Granting Authority.

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees should be met elsewhere on the lot.
- 4) All other Ground-mounted Solar Energy Systems shall meet requirements for District-level setbacks as defined in the Needham Zoning By-Laws.
- 5) Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.2.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.
- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

6.2.4 Site Plan Review

- a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts and Solar Parking Canopies in non-residential districts are subject to site plan review by the Special Permit Granting Authority prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. The Planning Board will serve as the Special Permit Granting Authority for these systems.
 - 1) Site Plan Document Requirements: The project proponent shall provide a Final Site Plan to the Special Permit Granting Authority in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4.Procedure. In addition, applicants should submit the following:
 - i. Name, address, and contact information for proposed system installer.
 - ii. Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.

- iii. The name, contact information and signature of any agents representing the project proponent.
 - iv. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - v. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - vi. Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - vii. Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - viii. Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
 - ix. Locations of local or National Historic Districts in relation to the site.
- b) Site Plan Review Design Standards: The Special Permit Granting Authority shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:
- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Special Permit Granting Authority that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - 2) Utility Connections: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- 4) Height and Layout: The Special Permit Granting Authority shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.
- 5) Visual Impact: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
- 7) Lighting: The Special Permit Granting Authority shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”

Or take any other action relative thereto.

Solar Regulations in Other Towns

Lexington

Definitions

Solar Energy System: A device or structural design feature, a substantial purpose of which is providing for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating.

Solar Energy System Building Mounted: A Solar Energy System that is designed to be securely mounted on a building.

Solar Energy System, Canopy: A Solar Energy System structure that is built to cover a parking lot or other open-air use that is not a Building-mounted Solar Energy System.

Solar Energy System, Canopy, Large Scale: A Solar Energy System that is not a -Building-mounted Solar Energy System, Canopy Solar Energy System, or Small-scale Solar Energy System. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a principal use or structure permitted in the use regulations.

Solar Energy System, Small Scale: A Solar Energy System that is not a Building-mounted Solar Energy System or Canopy Solar Energy System where the total lot area covered by all Solar Energy Systems on the lot is less than or equal to 1,500 square feet.

Land Use

Building-mounted Solar Energy Systems and Small-Scale Energy Systems are permitted by right across all zoning districts. Permitted as a principal use. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a permitted principal use or structure.

Canopy Solar Energy Systems and Large-Scale Energy Systems permitted as-of-right under site plan review across all zoning districts. Permitted as a principal use. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a permitted principal use or structure.

Site Coverage

Solar Energy Systems are exempt from the site coverage requirements of the by-law.

Setback Requirements

Solar Energy Systems are defined as structures and are subject to the setback requirements of the district in which they are located. Notwithstanding the above structures that are not buildings may be located in a minimum front, rear or side yard provided the height of the structure is not greater than its horizontal lot line except, that solar energy systems may be located over any parking lot. Large-scale solar energy systems located in the front, side or rear minimum yard setback require a special permit.

Height Regulations for Structures on a Building.

Structures erected on a building and not used for human occupancy may exceed the maximum height of a building in height provided no part of the structure is more than 20 feet higher than the upper elevation of

the building. The by-law exempts Solar Energy Systems from the maximum roof coverage requirement of 25%.

Design Standards

The Planning Board may adopt regulations providing reasonable design standards for Solar Energy Systems. The standards may not be more restrictive than those applied to other structures.

Site Plan and Special Permit Approval

Small Scale Solar Energy systems located in the front, side or rear minimum required yard are subject to site plan review. Large Scale Solar Energy systems located in the front, side or rear minimum required yard are subject to a special permit.

Sudbury

Definitions

Solar Energy System: A system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, such as electricity, or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Ground Mounted: An active Solar Energy System that is structurally mounted to the ground and is not roof mounted.

Solar Energy System, Large Scale Ground Mounted: An active Solar Energy System that occupies more than 1,750 square feet of surface area (equivalent to a rated nameplate capacity of about 10 kW DC or greater), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy more than 500 square feet of surface area.

Solar Energy System, Roof Mounted: An active Solar Energy System that is structurally mounted to the roof of a building or structure.

Solar Energy System, Small Scale Ground Mounted: An active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy 500 square feet of surface area or less.

Land Use

Roof Mounted Installations. Solar Energy Systems installed on roofs of buildings or structures shall conform to the following provisions:

- a. Roof Mounted Solar Energy Systems of any size on single- and two-family dwellings are permitted as of right and are not subject to Site Plan Review.
- b. Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right but require Site Plan Review.

Ground Mounted Installations. Ground Mounted Solar Energy Systems shall conform to the following provisions:

- a. Ground Mounted Solar Energy Systems are permitted across all districts but require Site Plan Review prior to being erected. Systems which also require a special permit from the Board of Appeals shall require Site Plan Review prior to applying for a special permit.
- b. Ground Mounted Solar Energy Systems may, at the discretion of the Planning Board, obtain Minor Site Plan approval. Systems proposed to be located over parking or other vehicular areas, in lieu of naturally vegetated land, are strongly encouraged to seek this form of Site Plan Review.

Site Coverage

The entire square footage for the arrays of a Ground Mounted Solar Energy System count toward the area of disturbance and impervious area square footage calculations.

Setback Requirements

All setback, yard, buffer, and screening requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located shall apply, except for power feed and distribution lines.

Ground Mounted Solar Energy Systems proposed to be located in the area between a property's lot frontage and an existing or proposed building shall require a special permit from the Board of Appeals.

All security fences surrounding a Ground Mounted Solar Energy System shall be set back from property lines a distance equal to the setback requirement applicable to buildings within the zoning district in which the system is located.

Height Regulations for Structures on a Building

All height requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located apply.

Design Standards

The visual impact of a Ground Mounted Solar Energy System, including all accessory structures, buildings, equipment, and appurtenances, shall be mitigated. All accessory structures, buildings, equipment, and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features, and fencing shall be utilized.

Wherever possible, all utility connections, conduits, cables, power lines, transformers, and inverters shall be placed underground unless specifically permitted otherwise by the Planning Board or required by the State Building Code. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.

Site Plan and Special Permit Approval

Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right but require Site Plan Review. Ground Mounted Solar Energy Systems require Site Plan Review.

Westwood

Definitions

Large Scale Solar: Any solar energy system which is not a “Roof-mounted Solar” and which occupies more than 5,000 square feet of surface area.

Roof-mounted Solar: Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof or top of a structure and which do not extend or project beyond the eaves, ridge, or sides of said structure.

Other Solar: Any solar energy system which does not meet the definition of “Roof-mounted Solar” or “Large Scale Solar”.

Land Use

Roof-mounted Solar is permitted by right across all zoning districts. Permitted as both a principal use and an accessory use upon issuance of applicable Building and Electrical Permits.

Large-scale Solar and Other Solar is permitted as of right across all zoning districts subject to Solar Design Review and Approval by the Planning Board in the instance of a principle use. Administrative Approval by the Town Planner for Other Solar is permitted in the instance where such facility is proposed as an accessory use. A solar energy system is considered a principle use if it is the only use on the parcel or if the footprint of the components of the solar energy system exceeds the footprint of all other structures on the lot.

Site Coverage

Ground-mounted solar energy systems are exempt from the site coverage requirements of the by-law.

Setback Requirements

All dimensional requirements including setback, yard, buffer, and screening requirements applicable in the zoning district in which the Large-Scale Solar, Roof-mounted Solar, or Other Solar systems are located apply.

Height Regulations for Structures on a Building

All height requirements applicable in the zoning district in which the Large-Scale Solar, Roof-mounted Solar, or Other Solar systems are located apply.

Design Standards

The Planning Board may impose reasonable conditions to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures when conducting Solar Design Review and Approval.

Site Plan and Special Permit Approval

Large-scale Solar and Other Solar is permitted as of right subject to Solar Design Review and Approval by the Planning Board in the instance of a principle use. Administrative Approval by the Town Planner for Other Solar is permitted in the instance where such facility is proposed as an accessory use.

Woburn

Definitions

Photovoltaic System: (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. (

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

- a) **Solar Energy System, Active:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- b) **Solar Energy System, Carport/Canopy:** An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
- c) **Solar Energy System, Grid-Intertie:** A photovoltaic system that is connected to an electric circuit served by an electric utility.
- d) **Solar Energy System, Ground-Mounted:** An Active Solar Energy
- e) System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
- f) **Solar Energy System, Large-Scale:** An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
- g) **Solar Energy System, Medium Scale:** An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- h) **Solar Energy System, Off-Grid:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- i) **Solar Energy System, Passive:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- j) **Solar Energy System, Roof-Mounted:** An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
- k) **Solar Energy System, Small-Scale:** An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Land Use

Residential Use Regulations: In all residential districts roof-mounted solar energy systems are permitted as of right. Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are permitted by special permit on municipal and school properties.

Non-Residential District Use Regulations (Excludes Technology and Business Use Overlay District: Roof-Mounted Solar Energy Systems and Small-Scale Ground-Mounted Solar Energy Systems are permitted as of right. Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems and Solar Carport/Canopy systems are permitted as of right with site plan review. Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar are permitted on municipal and school property by special permit.

In Technology and Business Use Overlay District: Roof-Mounted Solar Energy Systems, Small-Scale Ground-Mounted Solar Energy Systems, Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems, Solar Carport/Canopy systems, Off-Grid Passive, and Solar Thermal systems are permitted as of right with site plan review.

Site Coverage

Ground-mounted solar energy systems are included in the Maximum Lot coverage requirements of the by-law. All coverage requirements of the underlying district apply.

Setback Requirements

Dimensional and Density Setbacks – Residential and Non-residential Districts: For all ground-mounted solar photovoltaic installations the minimum front, side and rear setbacks shall be as follows:

Residential: Front Setback: 50 feet; Side Setback: 50 feet and Rear Setback: 50 feet.

Non- Residential: Front Setback: 50 feet; Side Setback: 50 feet and Rear Setback: 50 feet.

All other yard and space requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall be installed in front yards.

An additional Setback Requirement applies when a Ground Mounted Solar Photovoltaic installation is constructed on a lot which adjoins land in a Residential Zoning District, in such case there is an additional setback of seventy (70) feet in addition to the minimum side and rear yard setbacks.

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of the Zoning Ordinance concerning yard, space, and setback requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

Height Regulations for Solar Carports/Canopies.

The height limit for all solar carports/canopies is twenty (20) feet and all other ground-mounted solar photovoltaic installations are limited to fifteen (15) feet. All other height requirements of the underlying zoning district apply.

Design Standards

All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of the Woburn Municipal Code, Woburn Zoning Code or the Woburn Land Subdivision Rules and Regulations.

Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems.

Site Plan and Special Permit Approval

Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are permitted by special permit on municipal and school properties in all districts.

In Non-Residential Districts Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems and Solar Carport/Canopy systems are permitted as of right with site plan review.

Natick

Definitions

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.

Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.

Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.

Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,750 square feet of surface area or less.

Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.

Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.

Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.

Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Land Use

Roof-mounted Solar is permitted by right across all zoning districts. Permitted as both a principal use and an accessory use upon issuance of applicable Building and Electrical Permits.

In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems are permitted subject to site plan review by the Special Permit Granting Authority.

In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems are permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority.

Site Coverage

Ground-mounted solar energy systems are included in Maximum Lot coverage requirements of the by-law. All coverage requirements of the underlying district apply.

Setback Requirements

Ground-mounted Solar Energy Systems are defined as structures and are subject to the setback requirements of the district in which they are located. Notwithstanding the above, Solar Parking Canopies in residential districts are subject to the setback requirements for accessory structures.

Height Regulations for Structures on a Building

Roof Mounted

All height requirements applicable in the zoning district in which the roof mounted solar system is installed apply. Notwithstanding the above, Roof-mounted Solar Energy Systems may extend up to one foot above the roof surface on which the system is installed beyond applicable building height limits where roof pitch is greater than or equal to 3 fifteen-degree angle. Roof-mounted Solar Energy Systems having less than a fifteen-degree angle may extend up to three feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three feet; and provided further that any Roof-mounted Solar Energy System that extends more than three feet above the roof surface on which the system is installed must be installed at least three feet from the roof's edge.

Gound Mounted

Small-Scale Ground-mounted Solar Energy System in all Districts – Twelve vertical feet from grade.

Medium-Scale Ground-mounted Solar Energy System in all Districts – Twelve vertical feet from grade.

Solar Parking Canopy in Residential Districts - The maximum height allowed on the lot or the height of the principal structure, whatever is less.

Solar Parking Canopy in Non-Residential Districts – Subject to Site Plan Review by Special Permit Granting Authority.

Design Standards

The Planning Board may impose reasonable conditions to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures when conducting Site Plan Review and Approval.

Site Plan and Special Permit Approval

In residential districts: Medium-scale Ground-mounted Solar Energy Systems is permitted subject to site plan review by the Special Permit Granting Authority.

In nonresidential districts: Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority.

Other Communities

Zoning By-Laws from the following additional communities were also reviewed. These communities had adopted minimal provisions for solar energy systems limited in most instances to Large Scale Solar Photovoltaic installations through a Special Permit process. The communities reviewed are detailed below:

Concord – “solar canopy, small scale solar and medium scale solar ” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Newton – “solar” appears solely in Section 1.5.4 which states “Solar panels which do not extend more than 1 foot above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit.”

Wellesley - “solar canopy, small scale solar, and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted.

Acton - “solar canopy, small scale solar and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Winchester - “solar canopy, small scale and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Dedham - “solar canopy, small scale and medium scale solar” does not appear. No mention of solar installation in the Dedham Zoning By-Law.

Model Zoning for the Regulation of Solar Energy Systems¹
Department of Energy Resources
Massachusetts Executive Office of Energy and Environmental Affairs
December 2014

This model zoning and accompanying Guidance were prepared to assist Massachusetts cities and towns in establishing reasonable standards to facilitate development of solar energy systems. These systems include small-, medium- and large-scale as well as both ground-mounted and roof-mounted installations.² The model zoning language provided here is not intended for adoption precisely as it is written. Communities will need to carefully consider how this language may be modified to suit local conditions and where it should be inserted into an existing Zoning Bylaw/Ordinance. Further, it is highly recommended that any language adapted from this model be reviewed by municipal counsel prior to adoption.

As small-, medium-, and large-scale ground-mounted and roof-mounted solar energy systems become more prevalent in Massachusetts, many communities are attempting to regulate the installation of these systems through their Zoning Bylaw/Ordinance. Developing these regulations has been particularly challenging for a number of reasons. Most notably, the Massachusetts General Laws contains several provisions that specifically address the ability of local governments to regulate solar energy systems and/or to protect solar access from development or vegetation (shading) on adjacent properties. While the language within Chapter 40A Section 3 states that a local government may not prohibit these uses, it does say they cannot be “unreasonably regulated” without providing guidance on what that particular phrase means. The Solar Energy Systems Policy Guidance, which accompanies this model zoning and succeeding sections of this document provide more explanation regarding the implications of the statutes on this issue and its significance to local zoning.

Unlike model bylaws/ordinances typically developed by the Commonwealth, the regulatory language provided here is not packaged as a “stand-alone” section of a Zoning Bylaw/Ordinance. With ground-mounted and roof-mounted solar energy systems, the statutory framework and “accessory” nature of some of these installations lend themselves to a different approach. This model zoning therefore assumes that municipalities will have many “typical” sections within their Zoning Bylaw/Ordinance and that several of these sections would be amended to address this issue. For the purposes of this model zoning, the Bylaw/Ordinance sections that are amended include:

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² This material was prepared by the Horsley Witten Group.

*The Definitions Section;
Allowable Uses;
Dimensional Requirements; and
Site Plan Review.*

There is also further discussion intended to help communities regulate these systems in the context of a Local Historic District.

Definitions

Commentary: Within a Zoning Bylaw/Ordinance, the Definitions Section usually stands alone. Definitions are also sometimes included as a sub-section within other sections of the Zoning Bylaw/Ordinance. For example, terms related to the protection of water resources may be included in a water resource protection overlay district section. We recommend that the following terms be added to the general Definitions Section of the Zoning Bylaw/Ordinance.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Commentary: While it is anticipated that installed solar energy systems will most frequently be photovoltaic, this model zoning uses the statutory definition of a solar energy system, which is broader and permits the installation of solar thermal systems as well.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Use Regulations

Commentary: Within a Zoning Bylaw/Ordinance, the Use Regulations describe which land uses are allowed within different zoning districts of the community, and which permits are required. The Use Regulations typically include a Use Table and/or a narrative description of the principal and accessory uses that are allowed, prohibited and/or allowed only through a Special Permit within each zoning district.

Pursuant to Chapter 40A Section 3, a Massachusetts municipality may not prohibit or unreasonably regulate solar energy systems except where necessary to protect public health, safety or welfare. Therefore, although these systems must be allowed within the community, they may be regulated where necessary to protect public health, safety or welfare through other provisions of the Zoning Bylaw/Ordinance. For example, these systems will still need to meet dimensional regulations and other performance standards necessary to protect public health, safety or welfare. In addition, a Site Plan Review process may be used to collect information that will ensure compliance with the performance standards in the Zoning Bylaw/Ordinance. Where some communities include Design Review in their permit processes, these communities will need to balance their desire for certain design objectives with the Commonwealth's protection of solar energy systems. Finally, as drafted this model zoning requires a special permit for a large-scale ground-mounted facility in a residential district and prohibits such systems in another residential district. While a special permit is discretionary, and language expressing uncertainty and cautioning communities about the lack of case law regarding Chapter 40A Section 3 has been included, the Attorney General's Office has approved local

zoning using this permitting mechanism. While DOER cannot offer a definitive interpretation, limited use of special permits when applied to the largest of solar systems, especially when these systems are allowed elsewhere by right, may well be reasonable regulation. In DOER's view, given the plain language of the statute, it is prudent to allow opportunity to site all scales of solar energy systems somewhere in the community. These provisions are described in more detail in the following sections. A more detailed discussion of DOER's understanding of Chapter 40A Section 3 is provided in the Policy Guidance for Regulating Solar Energy Systems that serves as a companion piece to this regulatory guidance.

As a cautionary note, while regulating aesthetics can arguably be considered a matter of protecting public welfare, attempting to place restrictions on materials, setbacks or height, and other similar items, as related to aesthetics, can create roadblocks to actual installation. It is therefore not recommended that communities regulate aesthetics of solar energy systems, or that they do so very cautiously, due to the strong statutory protections in Chapter 40A Section 3.

Two examples are provided in this section for how roof-mounted, small-scale ground-mounted, medium-scale ground-mounted, and large-scale ground-mounted solar energy systems can be incorporated into a municipality's Use Regulations. In these examples, roof-mounted solar energy systems, regardless of size, are allowed as-of-right throughout the community. As-of-right siting means that development may proceed without the need for a Special Permit, variance, amendment, waiver, or other discretionary approval. These projects cannot be prohibited, and can be built once a building permit has been issued by the inspector of buildings, building commissioner or local inspector.

For ground-mounted systems, there is a distinction between how small-scale, medium-scale and large-scale systems are treated and where each are allowed as-of-right, via site plan review, or by special permit. The model zoning allows small-scale ground-mounted systems as-of-right throughout the community. These are of a size that would service a house, small businesses, or small municipal building.

The model zoning allows medium-scale ground-mounted systems as-of-right in all districts except residential zoning districts; in these districts Site Plan Review is required. This means that medium-scale ground-mounted systems cannot be prohibited, and that DOER considers Site Plan Review reasonable regulation. Site Plan Review is discussed in more detail later in this document, but in general it establishes criteria for the layout, scale, appearance, safety, and environmental impacts of certain types and/or scales of development. Typically, site plan approval must be obtained before the building permit is issued. Since medium-scale ground-mounted systems can reach up to approximately an acre in size, DOER believes it is reasonable and appropriate to provide more regulatory scrutiny via Site Plan Review for these projects in residential districts to protect public health, safety, or welfare.

As drafted, the model zoning requires Site Plan Review for large-scale ground-mounted systems within most zoning districts, a special permit in one residential district, and prohibits such systems in another residential district. However, communities should remember that the language of the zoning exemption for solar energy systems is imprecise. While some communities already require a Special Permit to install a large-scale ground mounted solar facility, and/or

restrict them to certain districts, it is not clear whether these regulations are consistent with the Chapter 40A Section 3 mandate that they be reasonable and necessary to protect public health, safety, or welfare.

Connection to the Massachusetts Green Communities Designation and Grant Program

Recognizing the uncertainty around how regulations may or may not be interpreted as reasonable, DOER allows communities to meet Green Communities Criterion One by zoning for the as-of-right installation of a solar facility of at least an acre in size in a designated location. For more information on the Green Communities Designation and Grant Program, please visit: <http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/>.

Siting Preferences

Where a solar facility is sited, as well as placement on the site once selected, is an important consideration, particularly in regard to large-scale ground mounted facilities. DOER strongly discourages locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.

In regard to farm properties, rooftops are preferable. If roof space is inadequate non-productive, non-arable agricultural land is the second choice. Should this also prove infeasible or inadequate a dual use of land design concept could preserve productive farmland by continuing crop production underneath high-mounted and well spaced panels. Finally, if none of these are feasible or they are inadequate the least productive land should be used first to minimize the loss of productive food/crop land.

Overlay Zoning Districts

Overlay zoning districts are one zoning approach that could be used to permit solar energy systems, and in ways not allowed under the base zoning districts. For example, the model zoning as drafted requires Site Plan Review for medium-scale ground mounted solar energy systems in residential districts. An overlay district could be used to permit such facilities without Site Plan Review in a portion of these residential districts where Site Plan Review is deemed unnecessary, while retaining the review for the balance of the districts.

In addition, some communities may wish to conduct a feasibility analysis to determine where large-scale solar energy systems are most appropriate within the municipality and use an overlay zoning district approach to encourage the siting of facilities in the most feasible locations. Once an area has been established through a thoughtful and analytical process, the municipality could enact overlay zoning legislation to prioritize these areas for large-scale solar energy systems. Many Massachusetts communities have already taken this approach through adoption of a large-scale ground-mounted solar overlay district, often based on DOER's [Model As-of-Right Zoning Bylaw: Allowing Use of Large-Scale Ground-Mounted Solar Photovoltaic Installations](#).

Agricultural Exemption:

In addition to the exemption pertaining to solar energy systems Section 3 of Chapter 40A also exempts agricultural uses from zoning regulations that would otherwise apply. Thus, when the majority of the power from a solar energy system (or a wind turbine) is integral to farm production construction and operation of the system would covered by the exemption. Questions on the applicability of the agricultural exemption to solar energy systems should be directed to Gerry Palano at the Dept. of Agricultural Resources (Gerald.Palano@state.ma.us or 617-626-1706).

Example 1 (Use Tables):

	Residential-1 (R1)	Residential-2 (R2)	Residential-3 (R3)	Commercial (C)	Industrial (I)	Public (P)
PRINCIPAL USE						
Medium-Scale Ground-Mounted Solar Energy System	SPR	SPR	SPR	Y	Y	Y
Large-Scale Ground-Mounted Solar Energy System	SP	N	SPR	SPR	SPR	SPR

Y = Allowed

SP = Special Permit

N = Prohibited

SPR = Site Plan Review

	Residential-1 (R1)	Residential-2 (R2)	Residential-3 (R3)	Commercial (C)	Industrial (I)	Public (P)
ACCESSORY USE						
Roof-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y
Medium-Scale Ground-Mounted Solar Energy System	SPR	SPR	SPR	Y	Y	Y

Y = Allowed

SP = Special Permit

N = Prohibited

SPR = Site Plan Review

Example 2 (Uses listed):**1.0 Residential District Uses****1.1 Uses Permitted**

1.1.1 Roof-Mounted Solar Energy Systems

1.1.2 Small-Scale Ground-Mounted Solar Energy Systems

1.2 Uses Allowed through Site Plan Review

1.2.1 Medium-Scale Ground-Mounted Solar Energy Systems

1.2.2 Large-Scale Ground-Mounted Solar Energy Systems in the R3 District

1.3 Uses Allowed via Special Permit

1.3.1 Large-Scale Ground-Mounted Solar Energy Systems in the R1 District

2.0 Non-Residential District Uses

2.1 Uses Permitted

2.1.1 Roof-Mounted Solar Energy Systems

2.1.2 Small-Scale Ground-Mounted Solar Energy Systems

2.1.3 Medium-Scale Ground-Mounted Solar Energy Systems

2.2 Uses Allowed through Site Plan Review

2.2.1 Large-Scale Ground-Mounted Solar Energy Systems

Dimensional Regulations

Commentary: In most cases, the existing dimensional standards in a Zoning Bylaw/Ordinance will allow for the development of small-, medium-, and large-scale solar energy systems. However, if a municipality finds alternate dimensional standards are necessary to allow solar energy systems while protecting public health, safety, or welfare, it may impose them. As a reminder, while regulating aesthetics can arguably be considered a matter of protecting public welfare, attempting to place restrictions on dimensional standards, such as setbacks or height, as they relate to aesthetics can create roadblocks to actual installation. It is therefore not recommended that communities regulate aesthetics of solar energy systems due to the strong statutory protections in Chapter 40A Section 3, or that they do so very carefully.

With regard to more basic dimensional requirements such as setbacks from the property line, municipalities may also find that adjustments can be made to encourage broader use of solar energy systems. Below is a series of dimensional regulation amendments that a municipality could adopt to further encourage small-, medium-, and large-scale ground-mounted and roof-mounted solar energy systems, or simply clarify requirements pertaining to them.

Height

Commentary: It is recommended that for purposes of height, roof-mounted solar energy systems should be considered similar to chimneys, television antennae, roof-top mechanical equipment and other appurtenances that are usually either allowed a much higher maximum height (e.g., 100 feet instead of 35 feet) or are exempted altogether from building height requirements. Such

an exemption can be stated in the definition of “Building Height” or through language similar to that provided in the following example.

It is recommended that existing zoning district height limitations apply for all ground-mounted solar energy systems. If the ground-mounted solar energy system is accessory to a principal building or structure on a lot, then the height restriction for accessory structures would apply. If the ground-mounted solar energy system is the principal structure on a lot, then the height restriction for principal structures would apply.

Example:

1.0 Building Height Regulations

1.1 Exemptions

1.1.1 Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, broadcasting and television antennae and roof-mounted solar energy systems.

Setbacks

Commentary: It is recommended that small- and medium-scale ground-mounted solar energy systems that are accessory to a primary building or structure on a lot be provided with more flexible setback requirements than those that would typically apply to a primary structure. Many communities already provide some flexibility for “accessory structures” like sheds, allowing these to be closer to the lot line than the primary structure. For example, where a front/side/rear yard setback for the primary structure may be 50 feet, setbacks of 20 feet may be allowed for accessory structures. When ground-mounted solar energy systems are developed as accessory structures to a home, business or other building or structure, they should be afforded at least the same flexibility.

If a community does not have this type of reduced setback already built into the Zoning Bylaw/ Ordinance, a provision could be added that effectively reduces the setback distance just for this use. For example, if the community has a dimensional table, a special footnote could be added to the dimensional table as indicated in the following examples. It should be noted that often times there is a distinction between how accessory structures are regulated in a residential zoning district and how they are regulated in a commercial or industrial district. Therefore, communities should ensure that provisions for flexible setbacks for small- and medium-scale ground-mounted solar energy systems are incorporated wherever appropriate.

The first example applies a reduction of 50% to the otherwise required setbacks for accessory uses. The value of 20 feet is used in the second example; however, this may be altered based on local conditions. For example, in some communities, particularly urban communities, the required side- and rear-yard setback distances may be shorter than 20 feet. In these

circumstances, the existing shorter setback distances should remain for small- and medium-scale ground-mounted solar energy systems.

As opposed to small- and medium-scale ground-mounted solar energy systems, which are typically sited as accessory to a principal building or structure on a lot, large-scale ground-mounted solar energy systems are usually sited as principal structures. Whenever a solar energy system is sited as a principal structure on a lot, it is recommended that the setback requirements for principal structures in that zoning district apply. Regardless of the scale of the system or the minimum setback required solar energy system installers often allow a sufficient setback to avoid the issue of shading by vegetation on neighboring properties.

Placement of solar energy systems in front yards should be avoided if at all possible. However, in DOER's view the statutory protections for solar energy systems create a situation where a ground-mounted array could not be prohibited outright in a front yard, so the language provided in the following example includes a standard for the front yard setback. DOER recognizes the concerns this may raise in residential neighborhoods and acknowledges that communities should work with property owners to find appropriate locations for ground-mounted systems in side or rear yards.

Example Dimensional Table Footnotes for Accessory Installations:

- (1) Small- and medium-scale ground-mounted solar energy systems accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable
- (2) Small- and medium-scale ground-mounted solar energy systems accessory to a principal use may be located no closer than [twenty (20) feet] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

Lot Coverage

Commentary: A number of communities use "maximum lot coverage" or "maximum impervious surface" as one of their dimensional standards. While it is clear that such features as driveways or buildings would be included in any calculation of lot coverage, many other features may be more ambiguous depending on how clearly the definition in the Zoning Bylaw/Ordinance is written. Awnings, porches, decks and similar features can often become a matter of dispute. Regardless of the definition, it is recommended that solar energy systems with grass or another pervious surface under them be exempted from lot coverage or impervious surface calculations. If the area is to be paved or otherwise rendered impervious then this land area should in fact count toward any coverage or impervious surface limit. It is also important to note that this recommended exemption is not intended to apply to municipal stormwater regulations, as the panels could have the effect of altering the volume, velocity, and discharge pattern of stormwater runoff. The following provision could be included as a footnote to the Dimensional Table related

to maximum lot coverage and impervious cover requirements, or as a separate provision within the dimensional regulations.

Example:

Solar energy systems shall not be included in calculations for lot coverage or impervious cover as defined in [INSERT SECTION REFERENCE FOR ‘DEFINITIONS’].

Site Plan Review Requirements and Performance Standards

Commentary: Although not specifically addressed under Chapter 40A, Site Plan Review is included within the local Zoning Bylaws/Ordinances of many Massachusetts communities. Site Plan Review is meant to enforce clear and fair design standards for different types of development. This is typically done through a coordinated review process that circulates development applications among, and invites input from, all local boards and commissions that might permit a project, including Local Historic District Commissions as applicable. Site Plan Review is usually triggered by either specific types of uses (e.g., commercial or industrial development), or certain scales of uses (e.g., non-residential buildings over 5,000 square feet).

Typically, Site Plan Review procedures and requirements are provided within a separate section of the Zoning Bylaw/Ordinance. However, there are instances when communities provide separate Site Plan Review provisions and procedures within a section pertaining to a particular use or development type (e.g., Planned Business Development, etc.). Consistent with the Legislature’s intent to facilitate the siting of solar energy, communities should shape the Site Plan Review provisions of their Zoning Bylaws/Ordinances to enable large-, medium- and small-scale solar energy system projects to proceed without undue delay.

Model language for Site Plan Review for medium-scale ground-mounted solar energy systems is provided in the following Example 1. As discussed earlier in this document, Site Plan Review may be appropriate when medium-scale ground-mounted systems are sited within residential districts. The model language provided in Example 1 below is based on, but is less stringent than, the provisions in the Massachusetts DOER [Model As-of-Right Zoning Bylaw: Allowing Use of Large-Scale Ground-Mounted Solar Photovoltaic Installations](#).

Example 2 provides model language for Site Plan Review for large-scale ground-mounted solar energy systems when they are permitted as of right. As discussed earlier in this document, Site Plan Review may be appropriate for large-scale ground-mounted systems when they are sited anywhere within the community. The model language provided in Example 2 below is based on the provisions in the Massachusetts DOER [Model As-of-Right Zoning Bylaw: Allowing Use of Large-Scale Ground-Mounted Solar Photovoltaic Installations](#). Example 2 is also intended for use in concert with the special permit language in the next section of this model zoning.

Example 3 provides model language for roof-mounted and small-scale ground-mounted systems when they are part of a larger project where Site Plan Review is triggered through another threshold (e.g., commercial development, non-residential buildings over 5,000 square feet, etc.). It is important to note that the installation of roof-mounted or small-scale ground-mounted solar

energy systems does not trigger Site Plan Review on its own. However, when such systems are included as part of a larger development proposal that requires Site Plan Review, the municipality has the opportunity to review the roof-mounted or small-scale ground-mounted solar energy systems as part of the larger proposal.

As discussed earlier in this document, while regulating aesthetics can arguably be considered a matter of protecting public welfare, attempting to place restrictions on solar energy systems as they relate to aesthetics can create roadblocks to actual installation. It is therefore not recommended that communities regulate aesthetics of solar energy systems, or that they do so very cautiously, due to the strong statutory protections in Chapter 40A Section 3. However, where communities already have Site Plan Review standards that relate to aesthetics, such as screening requirements, these standards should also apply to solar energy systems. In other words, solar energy systems should not be singled out and regulated more stringently than other uses that require Site Plan Review; however, they can be held to the same level of restrictions that are in place for other uses.

Example 1 (Site Plan Review provisions for medium-scale ground-mounted solar energy systems in residential zoning districts):

1.0 Site Plan Review

1.1 Applicability

- 1.1.1 Medium-scale ground-mounted solar energy systems proposed within residential zoning districts shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

1.2 Site Plan Document Requirements

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Site Plan Review Authority:

1.2.1 A site plan showing:

- (a) Property lines and physical features, including roads, for the project site;
- (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- (c) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

- (d) Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- (e) Name, address, and contact information for proposed system installer;
- (f) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (g) The name, contact information and signature of any agents representing the project proponent; and
- (h) Zoning district designation for the parcel(s) of land comprising the project site.

If the following are not addressed in existing site plan review regulations, then the community may wish to include them:

- (i) *Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.*
- (j) *Locations of floodplains or inundation areas for moderate or high hazard dams;*
- (k) *Locations of local or National Historic Districts;*

1.2.2 Proof that the project proponent will meet the required Site Plan Review notification procedures.

Commentary: Provision 1.2.2 above should reference the municipality’s existing Site Plan Review public and/or abutter notification procedures if applicable. For example, a community may require projects that are subject to Site Plan Review to notify all property owners within 100 feet of the project site.

1.3 Site Plan Review Design Standards

1.3.1 Standards for medium-scale ground-mounted solar energy systems proposed within residential zoning districts

- 1.3.1.1 Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

1.3.1.2 Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

1.3.1.3 Safety - The medium-scale ground-mounted solar energy system owner or operator shall provide a copy of the Site Plan Review application to the local fire chief. All means of shutting down the solar installation shall be clearly marked.

Commentary: With regard to issues of access and safety, communities looking to adopt zoning for medium-scale solar energy systems should be aware of any unique local requirements that could apply. For example, if the fire department will want an Emergency Response Plan as part of approval, this should be folded into the review process as seamlessly as possible.

1.3.1.4 Visual Impact – Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.

1.3.1.5 Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.

Commentary: As drafted, this model zoning does not require medium-scale ground mounted solar energy systems to be fenced, but this is something communities will want to consider. Regardless, many project proponents will find fencing prudent.

Example 2 (Site Plan Review provisions for large-scale ground-mounted solar energy systems):

1.0 Site Plan Review

1.1 Applicability

1.1.1 Large-scale ground-mounted solar energy systems shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

1.2 Site Plan Document Requirements

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Site Plan Review Authority:

1.2.1 A site plan showing:

- (a) Property lines and physical features, including roads, for the project site;
- (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- (c) Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- (d) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
- (e) Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- (f) Name, address, and contact information for proposed system installer;
- (g) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (h) The name, contact information and signature of any agents representing the project proponent; and
- (i) Zoning district designation for the parcel(s) of land comprising the project site.

If the following are not addressed in existing site plan review regulations, then the community may wish to include them:

- (j) *Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.*
- (k) *Locations of floodplains or inundation areas for moderate or high hazard dams;*
- (l) *Locations of local or National Historic Districts;*

- 1.2.2 Documentation of actual or prospective access and control of the project site (see also Section 1.3.1.1);
- 1.2.3 An operation and maintenance plan (see also Section 1.3.1.2);
- 1.2.4 Proof of liability insurance; and
- 1.2.5 A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Review notification procedures and otherwise inform abutters and the community.

Commentary: Provision 1.2.6 above should reference the municipality's existing Site Plan Review public and/or abutter notification procedures if applicable. For example, a community may require projects that are subject to Site Plan Review to notify all property owners within 100 feet of the project site.

1.3 Site Plan Review Design and Operation Standards

1.3.1 Standards for large-scale ground-mounted solar energy systems

- 1.3.1.1 Site Control - The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
- 1.3.1.2 Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- 1.3.1.3 Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- 1.3.1.4 Lighting - Lighting of large-scale ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

- 1.3.1.5 Signage - Signs on large-scale ground-mounted solar energy systems shall comply with a municipality's sign bylaw/ordinance. A sign consistent with a municipality's sign bylaw/ordinance shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- 1.3.1.6 Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- 1.3.1.7 Emergency Services – The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Commentary: With regard to issues of access and safety, communities looking to adopt zoning for large-scale solar energy facilities should be aware of any unique local requirements that could apply.

- 1.3.1.8 Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.

1.3.2 Monitoring and Maintenance

- 1.3.2.1 Solar Energy System Installation Conditions - The large-scale ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, Emergency Management Director, and Emergency Medical Services. The owner or operator

shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.

1.3.2.2 Modifications - All material modifications to a large-scale ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

1.3.3 Abandonment or Decommissioning

1.3.3.1 Removal Requirements

Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Section 1.3.3.2 of this bylaw/ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

1.3.3.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner

shall agree to allow entry to remove an abandoned or decommissioned installation.

Commentary: Recognizing that other remedies, such as a tax lien, are available to communities in the event an abandoned facility is legitimately putting public safety at risk this model zoning does not require the provision of surety to cover the cost of removal in the event the municipality must remove the installation and remediate the landscape. Communities can, however, require surety in circumstances where a valid planning purpose for doing so exists.

Commentary: As drafted, this model zoning does not require large-scale ground mounted solar energy systems to be fenced, but this is something communities will want to consider. Regardless, many project proponents will find fencing prudent.

Example 3 (Site Plan Review provisions for roof-mounted and small-scale ground-mounted solar energy systems as part of a larger project that triggers Site Plan Review):

1.0 Site Plan Review

1.1 Site Plan Document Requirements

1.1.1 Requirements for Roof-Mounted and Small-Scale Ground-Mounted Solar Energy Systems - Where these solar energy systems may be accessory to a use allowed through Site Plan Review, the Site Plan Review shall include review of their adequacy, location, arrangement, size, design, and general site compatibility.

1.1.1.1 Roof-Mounted Solar Energy Systems – For all roof-mounted systems, the applicant shall provide:

- (a) The shortest distance between the solar collector and all edges of the roof.
- (b) The distance between the solar collector and any other existing rooftop features such as chimneys, spires, access points, etc.
- (c) The height of the solar collector both from finished grade and, where applicable, from the finished surface of the roof.

1.1.1.2 Small-Scale Ground-Mounted Solar Energy Systems – For all ground-mounted systems, the applicant shall provide:

- (a) The distance between the proposed solar collector and all property lines and existing on-site buildings and structures.
- (b) The tallest finished height of the solar collector.
- (c) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

1.1.1.3 System Components – The Plan must include documentation of the major system components to be used, for example the panels, mounting system, and inverter.

1.1.1.4 Installer Details – The Plan must include the name, address, and contact information for proposed system installer.

1.2 Site Plan Review Design Standards

1.2.1 Standards for roof-mounted and small-scale ground-mounted solar energy systems

1.2.1.1 Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

1.2.1.2 Emergency Access - Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

- (a) For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
- (b) Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- (c) To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

Commentary: Building and Fire Department personnel should be involved in the development of emergency access standards, and any zoning standards that are adopted should be consistent with local building and fire codes.

1.2.1.3 Safety – No roof-mounted solar energy system shall be located in a manner that would cause the shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

Special Permits

Commentary: Special Permits are addressed in Chapter 9 of the Zoning Act, and most Massachusetts communities have regulations pertaining to them within their zoning bylaw or ordinance. Below is model language for municipalities requiring special permits for large-scale ground-mounted solar energy systems. It is intended to be adopted and implemented alongside Site Plan Review language for large-scale ground-mounted systems included as Example 2 in this model zoning. Rather than include separate special permit standards applicable specifically to large-scale ground-mounted solar energy systems, this language simply directs that a permit be issued pursuant to the already established special permit bylaw/ordinance of the community.

Municipalities will, however, want to audit their special permit language, especially the approval standards, for compatibility with the siting of large-scale ground-mounted solar energy systems. Such systems should have far lower impacts than commercial or industrial uses that often require issuance of special permit, and communities should keep in mind the requirement in Chapter 40A Section 3 that any regulations pertaining to solar energy systems be reasonable.

1.0 Special Permit with Site Plan Review

1.1 Special Permit Requirements

- 1.1.1 Where required a special permit shall be issued prior to construction, installation or modification of any large-scale ground-mounted solar energy system. The special permit granting authority shall include as part of its special permit review and proceedings all the provisions and requirements of the Site Plan Review standards applicable to large-scale ground-mounted solar energy systems.

Pre-Existing Non-Conforming Uses and Structures

Commentary: Alterations, extensions and structural changes to pre-existing non-conforming uses and structures (e.g., existing buildings that do not meet the dimensional requirements of the Zoning Bylaw/Ordinance) that intensify non-conformities or result in additional non-conformities may not be allowed beyond a certain threshold or may require a Special Permit pursuant to the local Zoning Bylaw/Ordinance. It is recommended that the installation of roof-mounted or small-scale ground-mounted solar energy systems associated with pre-existing non-conforming uses or structures be exempt from this requirement. An example provision is provided below. Communities not comfortable with providing this exemption to small-scale ground mounted systems due to their potential to be located on very small lots may wish to apply Site Plan Review or continue to require a Special Permit where this can be justified to protect public health, safety, or welfare. As to roof mounted systems on non-conforming properties, given the exemption afforded solar energy systems, DOER believes it would be unreasonable to disallow them or require a Special Permit even when installation would exacerbate a pre-existing building height non-conformity.

Example:

1.0 Pre-Existing Non-Conforming Uses and Structures

- 1.1 Improvements that do not change the use or the basic exterior characteristics or appearance of the building or structure are allowed. Such improvements include but are not limited to the following:

- 1.1.1 Installation or replacement of solar energy systems.

Historic Districts

Commentary: Many communities in the Commonwealth have adopted Local Historic Districts to protect and preserve buildings, landscapes and neighborhoods of historic significance. In recent years, conflict has occasionally arisen about the installation of solar energy systems within these districts on historic buildings and structures, since some argue that they have adverse impacts on the visual appearance and integrity of the buildings and structures.

As described in the DOER Policy Guidance for Regulating Solar Energy Systems, Local Historic District Commissions must consider the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access when considering issuance of a certificate of appropriateness for a solar energy system. However, thoughtful design guidelines can help ensure that solar energy systems are sited while the goals of historic preservation continue to be achieved.

Design guidelines can require that solar energy systems not be visible from public areas, to the greatest extent practicable. When it is not feasible (either physically or economically) to locate solar energy systems out of the public eye, solar energy systems can be required to be designed to certain architectural standards (e.g., building-integrated, use of solar shingles) to the greatest extent practicable. However, these options may be infeasible as well due to the high cost and low performance of many of these technologies. To meet these challenges, Local Historic District Commissions are encouraged to write design guidelines that support the development of solar energy systems and are sensitive to the historic preservation goals of the Commission.

Table comparing Solar Regulations in Lexington, Sudbury, Westwood, Woburn and Natick

Prepared in November, 2023.

	Lexington	Sudbury	Westwood	Woburn	Natick
Definitions	<u>Solar Energy System</u>: A device or structural design feature, a substantial purpose of which is providing for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating. <u>Solar Energy System Building Mounted</u>: A Solar Energy System that is designed to be securely mounted on a building. <u>Solar Energy System, Canopy</u>: A Solar Energy System structure that is built to cover a parking lot or other open-air use that is not a Building-mounted Solar Energy System. <u>Solar Energy System, Canopy, Large Scale</u>: A Solar Energy System that is not a -Building-mounted Solar Energy System, Canopy Solar Energy System, or Small-scale Solar Energy System. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a principal use or structure permitted in the use regulations. <u>Solar Energy System, Small Scale</u>: A Solar Energy System that is not a Building-mounted Solar Energy System or Canopy Solar Energy System where the total lot area covered by all Solar Energy Systems on the lot is less than or equal to 1,500 square feet.	<u>Solar Energy System</u>: A system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, such as electricity, or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. <u>Solar Energy System, Ground Mounted</u>: An active Solar Energy System that is structurally mounted to the ground and is not roof mounted. <u>Solar Energy System, Large Scale Ground Mounted</u>: An active Solar Energy System that occupies more than 1,750 square feet of surface area (equivalent to a rated nameplate capacity of about 10 kW DC or greater), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy more than 500 square feet of surface area. <u>Solar Energy System, Roof Mounted</u>: An active Solar Energy System that is structurally mounted to the roof of a building or structure. <u>Solar Energy System, Small Scale Ground Mounted</u>: An active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy 500 square feet of surface area or less.	<u>Large Scale Solar</u>: Any solar energy system which is not a “Roof-mounted Solar” and which occupies more than 5,000 square feet of surface area. <u>Roof-mounted Solar</u>: Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof or top of a structure and which do not extend or project beyond the eaves, ridge, or sides of said structure. <u>Other Solar</u>: Any solar energy system which does not meet the definition of “Roof-mounted Solar” or “Large Scale Solar”.	<u>Photovoltaic System</u>: (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity. <u>Solar Access</u>: The access of a solar energy system to direct sunlight. <u>Solar Collector</u>: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. (<u>Solar Energy</u>: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. <u>Solar Energy System</u>: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. a) <u>Solar Energy System, Active</u>: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. b) <u>Solar Energy System, Carport/Canopy</u>: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted. c) <u>Solar Energy System, Grid-Intertie</u>: A photovoltaic system that is connected to an electric circuit served by an electric utility. d) <u>Solar Energy System, Ground-Mounted</u>: An Active Solar Energy e) System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale). f) <u>Solar Energy System, Large-Scale</u>: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater). g) <u>Solar Energy System, Medium Scale</u>: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC). h) <u>Solar Energy System, Off-Grid</u>: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility. i) <u>Solar Energy System, Passive</u>: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. j) <u>Solar Energy System, Roof-Mounted</u>: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale). k) <u>Solar Energy System, Small-Scale</u>: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less). <u>Solar Thermal System</u>: An Active Solar Energy System that uses collectors to convert the sun’s rays into useful forms of energy for water heating, space heating, or space cooling.	<u>Solar Energy System, Active</u>: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types: <u>Solar Energy System, Building-mounted</u>: An Active Solar Energy System that is structurally mounted to a building or structure. <u>Solar Energy System, Roof-mounted</u>: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure. <u>Solar Energy System, Ground-mounted</u>: An Active Solar Energy System that is structurally mounted to the ground. <u>Solar Energy System, Small-Scale Ground-mounted</u>: A Ground-mounted Solar Energy System that occupies 1,750 square feet of surface area or less. <u>Solar Energy System, Medium-Scale Ground-mounted</u>: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area. <u>Solar Parking Canopy</u>: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy. <u>Solar Energy System, Building-integrated Photovoltaic (BIPV)</u>: An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element. <u>Solar Energy System, Surface-integrated</u>: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element. <u>Solar Energy System, Passive</u>: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

	Lexington	Sudbury	Westwood	Woburn	Natick
Land Use	Building-mounted Solar Energy Systems and Small-Scale Energy Systems are permitted by right across all zoning districts. Permitted as a principal use. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a permitted principal use or structure. Canopy Solar Energy Systems and Large-Scale Energy Systems permitted as-of-right under site plan review across all zoning districts. Permitted as a principal use. Permitted as an accessory use provided it is a use or structure that is customary and incidental to a permitted principal use or structure.	<u>Roof Mounted Installations.</u> Solar Energy Systems installed on roofs of buildings or structures shall conform to the following provisions: a. Roof Mounted Solar Energy Systems of any size on single- and two-family dwellings are permitted as of right and are not subject to Site Plan Review. b. Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right but require Site Plan Review. <u>Ground Mounted Installations.</u> Ground Mounted Solar Energy Systems shall conform to the following provisions: a. Ground Mounted Solar Energy Systems are permitted across all districts but require Site Plan Review prior to being erected. Systems which also require a special permit from the Board of Appeals shall require Site Plan Review prior to submitting an application for a special permit. b. Ground Mounted Solar Energy Systems may, at the discretion of the Planning Board, obtain Minor Site Plan approval. Systems proposed to be located over parking or other vehicular areas, in lieu of naturally vegetated land, are strongly encouraged to seek this form of Site Plan Review.	Roof-mounted Solar is permitted by right across all zoning districts. Permitted as both a principal use and an accessory use upon issuance of applicable Building and Electrical Permits. Large-scale Solar and Other Solar is permitted as of right across all zoning districts subject to Solar Design Review and Approval by the Planning Board in the instance of a principle use. Administrative Approval by the Town Planner for Other Solar is permitted in the instance where such facility is proposed as an accessory use. A solar energy system is considered a principle use if it is the only use on the parcel or if the footprint of the components of the solar energy system exceeds the footprint of al other structures on the lot.	Residential Use Regulations: In all residential districts roof-mounted solar energy systems are permitted as of right. Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are permitted by special permit on municipal and school properties. Non-Residential District Use Regulations (Excludes Technology and Business Use Overlay District: Roof-Mounted Solar Energy Systems and Small-Scale Ground-Mounted Solar Energy Systems are permitted as of right. Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems and Solar Carport/Canopy systems are permitted as of right with site plan review. Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar are permitted on municipal and school property by special permit. In Technology and Business Use Overlay District: Roof-Mounted Solar Energy Systems, Small-Scale Ground-Mounted Solar Energy Systems, Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems, Solar Carport/Canopy systems, Off-Grid Passive, and Solar Thermal systems are permitted as of right with site plan review.	Roof-mounted Solar is permitted by right across all zoning districts. Permitted as both a principal use and an accessory use upon issuance of applicable Building and Electrical Permits. In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems are permitted subject to site plan review by the Special Permit Granting Authority. In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems are permitted as-of-right in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority.

	Lexington	Sudbury	Westwood	Woburn	Natick
<u>Site Coverage</u>	Solar Energy Systems are exempt from the site coverage requirements of the by-law.	The entire square footage for the arrays of a Ground Mounted Solar Energy System count toward the area of disturbance and impervious area square footage calculations.	Ground-mounted solar energy systems are exempt from the site coverage requirements of the by-law.	Ground-mounted solar energy systems are included in the Maximum Lot coverage requirements of the by-law. All coverage requirements of the underlying district apply.	Ground-mounted solar energy systems are included in Maximum Lot coverage requirements of the by-law. All coverage requirements of the underlying district apply.
<u>Setback Requirements</u>	Solar Energy Systems are defined as structures and are subject to the setback requirements of the district in which they are located. Notwithstanding the above structures that are not buildings may be located in a minimum front, rear or side yard provided the height of the structure is not greater than its horizontal lot line except, that solar energy systems may be located over any parking lot. Large-scale solar energy systems located in the front, side or rear minimum yard setback require a special permit.	All setback, yard, buffer, and screening requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located shall apply, except for power feed and distribution lines. Ground Mounted Solar Energy Systems proposed to be located in the area between a property’s lot frontage and an existing or proposed building shall require a special permit from the Board of Appeals. All security fences surrounding a Ground Mounted Solar Energy System shall be set back from property lines a distance equal to the setback requirement applicable to buildings within the zoning district in which the system is located.	All dimensional requirements including setback, yard, buffer, and screening requirements applicable in the zoning district in which the Large Scale Solar, Roof-mounted Solar, or Other Solar systems are located apply.	Dimensional and Density Setbacks – Residential and Non-residential Districts: For all ground-mounted solar photovoltaic installations the minimum front, side and rear setbacks shall be as follows: Residential: Front Setback: 50 feet; Side Setback: 50 feet and Rear Setback: 50 feet. Non- Residential: Front Setback: 50 feet; Side Setback: 50 feet and Rear Setback: 50 feet. All other yard, and space requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall be installed in front yards. An additional Setback Requirement applies when a Ground Mounted Solar Photovoltaic installation is constructed on a lot which adjoins land in a Residential Zoning District, in such case there is an additional setback of seventy (70) feet in addition to the minimum side and rear yard setbacks. All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of the Zoning Ordinance concerning yard, space, and setback requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.	Ground-mounted Solar Energy Systems are defined as structures and are subject to the setback requirements of the district in which they are located. Notwithstanding the above, Solar Parking Canopies in residential districts are subject to the setback requirements for accessory structures.

	Lexington	Sudbury	Westwood	Woburn	Natick
<u>Height Regulations for Structures on a Building</u>	Structures erected on a building and not used for human occupancy may exceed the maximum height of a building in height provided no part of the structure is more than 20 feet higher than the upper elevation of the building. The by-law exempts Solar Energy Systems from the maximum roof coverage requirement of 25%.	All height requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located apply.	All height requirements applicable in the zoning district in which the Large Scale Solar, Roof-mounted Solar, or Other Solar systems are located apply.	The height limit for all solar carports/canopies is twenty (20) feet and all other ground-mounted solar photovoltaic installations are limited to fifteen (15) feet. All other height requirements of the underlying zoning district apply.	<u>Roof Mounted</u> All height requirements applicable in the zoning district in which the roof mounted solar system is installed apply. Notwithstanding the above, Roof-mounted Solar Energy Systems may extend up to one foot above the roof surface on which the system is installed beyond applicable building height limits where roof pitch is greater than or equal to 3 fifteen-degree angle. Roof-mounted Solar Energy Systems having less than a fifteen-degree angle may extend up to three feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three feet; and provided further that any Roof-mounted Solar Energy System that extends more than three feet above the roof surface on which the system is installed must be installed at least three feet from the roof's edge. <u>Ground Mounted</u> Small-Scale Ground-mounted Solar Energy System in all Districts – Twelve vertical feet from grade. Medium-Scale Ground-mounted Solar Energy System in all Districts – Twelve vertical feet from grade. Solar Parking Canopy in Residential Districts - The maximum height allowed on the lot or the height of the principal structure, whatever is less. Solar Parking Canopy in Non-Residential Districts – Subject to Site Plan Review by Special Permit Granting Authority.

	Lexington	Sudbury	Westwood	Woburn	Natick
<u>Design Standards</u>	The Planning Board may adopt regulations providing reasonable design standards for Solar Energy Systems. The standards may not be more restrictive than those applied to other structures.	The visual impact of a Ground Mounted Solar Energy System, including all accessory structures, buildings, equipment, and appurtenances, shall be mitigated. All accessory structures, buildings, equipment, and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features, and fencing shall be utilized. Wherever possible, all utility connections, conduits, cables, power lines, transformers, and inverters shall be placed underground unless specifically permitted otherwise by the Planning Board or required by the State Building Code. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.	The Planning Board may impose reasonable conditions to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures when conducting Solar Design Review and Approval.	All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of the Woburn Municipal Code, Woburn Zoning Code or the Woburn Land Subdivision Rules and Regulations. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems.	The Planning Board may impose reasonable conditions to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures when conducting Site Plan Review and Approval.
<u>Site Plan and Special Permit Approval</u>	Small Scale Solar Energy systems located in the front, side or rear minimum required yard are subject to site plan review. Large Scale Solar Energy systems located in the front, side or rear minimum required yard are subject to a special permit.	Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right but require Site Plan Review. Ground Mounted Solar Energy Systems require Site Plan Review.	Large-scale Solar and Other Solar is permitted as of right subject to Solar Design Review and Approval by the Planning Board in the instance of a principle use. Administrative Approval by the Town Planner for Other Solar is permitted in the instance where such facility is proposed as an accessory use.	Small-Scale, Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are permitted by special permit on municipal and school properties in all districts. In Non-Residential Districts Medium-Scale Ground-Mounted Solar Energy Systems, Large-Scale Ground-Mounted Solar Energy Systems and Solar Carport/Canopy systems are permitted as of right with site plan review.	In residential districts: Medium-scale Ground-mounted Solar Energy Systems is permitted subject to site plan review by the Special Permit Granting Authority. In nonresidential districts: Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority.

Other Communities

Zoning By-Laws from the following additional communities were also reviewed. These communities had adopted minimal provisions for solar energy systems limited in most instances to Large Scale Solar Photovoltaic installations through a Special Permit process. The communities reviewed are detailed below:

Concord – “solar canopy, small scale solar and medium scale solar ” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Newton – “solar” appears solely in Section 1.5.4 which states “Solar panels which do not extend more than 1 foot above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit.”

Wellesley - “solar canopy, small scale solar, and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted.

Acton - “solar canopy, small scale solar and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Winchester - “solar canopy, small scale and medium scale solar” does not appear. There is a “large scale solar photovoltaic” section, but it appears to only be for large scale ground mounted installations.

Dedham - “solar canopy, small scale and medium scale solar” does not appear. No mention of solar installation in the Dedham Zoning By-Law.

Project Notes for Permit Conditions

Traffic and Site Circulation

1. VAI site access and traffic recommendations as follows:
 - a) The site plan to allow for the site driveway on Cross Street to operate as a one-way entrance to the P2 level parking deck shall be implemented.
 - b) The “Self-Selection Alternative” egress plan shall be implemented. The “Self-Selection Alternative” proposes two-way travel through the Cross Street-Arbor Road connector to allow for drivers from either parking deck to exit onto Highland Avenue from Cross Street or from Arbor Road.
 - c) The Project site driveways shall be a minimum of 24-feet in width and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle as defined by the Needham Fire Department.
 - d) Where perpendicular parking is proposed, the drive aisle behind the parking shall be a minimum of 24 feet in order to facilitate parking maneuvers.
 - e) Vehicles exiting the Project site shall be placed under STOP-sign control with a marked STOP-line provided.
 - f) One-Way”, “Do Not Enter” and “Entrance Only” signs will be provided to reinforce the one-way, entrance only operation of the Cross Street driveway.
 - g) All signs and pavement markings to be installed within the Project site will conform to the applicable standards of the *Manual on Uniform Traffic Control Devices* (MUTCD).¹
 - h) To the extent approved and desired by MassDOT, “Do Not Block” signs and pavement markings shall be provided on Highland Avenue at the Cross Street/Mills Road intersection.
 - i) A sidewalk shall be provided that links the proposed building to the sidewalk infrastructure along Highland Avenue and includes Americans with Disabilities Act (ADA)-compliant wheelchair ramps.
 - j) Signs and landscaping shall be installed as a part of the Project within the intersection sight triangle areas and shall be designed and maintained so as not to restrict lines of sight.
 - k) Existing vegetation located along the Project site frontage on Arbor Road shall be selectively trimmed or removed so that no portion of the vegetation is located within the sight triangle areas of the Project site driveway.
 - l) Snow accumulations (windrows) within the sight triangle areas shall be promptly removed where such accumulations would impede sight lines.
2. The following Transportation Demand Management (TDM) measures shall be implemented as a part of the Project:

- a) The Project proponent shall become a member of the Route 128 Business Council Transportation Management Association (TMA) who will manage and coordinate the TDM program for the Project.
 - b) A transportation coordinator shall be assigned for the Project to coordinate the TDM program and to serve as the point of contact for the TMA;
 - c) The TMA shall facilitate a rideshare matching program for employees to encourage carpooling;
 - d) A “guaranteed-ride-home” program shall be offered through the TMA to employees that use public transportation, carpool, vanpool, walk or bicycle to the Project site, and that register with the transportation coordinator and the TMA;
 - e) A “welcome packet” shall be provided to employees detailing available commuter options and will include the contact information for the transportation coordinator and information to enroll in the employee rideshare program;
 - f) Specific amenities shall be provided to discourage off-site trips which may include providing a breakroom equipped with a microwave and refrigerator; offering direct deposit of paychecks; and other such measures to reduce overall traffic volumes and travel during peak-traffic-volume period
 - g) The Project proponent shall encourage tenant(s) to offer a 50 percent transit subsidy based on the amount of an MBTA Monthly LinkPass (currently \$90) to employees that commute to the Project site using public transportation at least three (3) days per week and that register with the Transportation Coordinator;
 - h) Secure bicycle parking shall be provided for a minimum of 13 bicycles at an appropriate location within the Project site, which should be sufficient to accommodate the anticipated bicycle parking demands of the Project;² and
 - i) A transit screen/display will be provided in the building lobby to display real-time transportation information (similar to <https://transitscreen.com/>).
 - j) The Project proponent shall coordinate with the Town of Needham and the proponent of the nearby Highland Science Center project to assess the feasibility of participating in the shuttle service that will be operating as a part of that development.
3. Provide funding and explore appropriate measures to restrict the use of Putnam Street by cut through traffic. (See abutter comments for conditions.)
 4. Police Chief Recommendation on impact of traffic and congestion. Recommended putting signs on Highland @ Mills to avoid the cut through to Hunting to avoid lights or to get to the next on ramp to 95.
 5. Patient drop-off and pick-up shall occur along the sides of the elevator lobby at both parking levels beneath the building as noted on the parking level plans (A.101 and A.102) showing patient drop-off/pick-up areas. No patient drop-off/pick-up activities shall occur along the building entrances on Highland Avenue operations.

6. The Applicant shall provide appropriate wayfinding signs to indicate where patients, employees, and service vehicles should enter the site.]
7. The crosswalk at Arbor Street shall be updated to show the bicycle crossing consistent with the pavement markings recently installed by MassDOT at the Cross Street intersection as part of the Highland Avenue improvements project.
8. If Putnam Street becomes a cut through to Highland Avenue, to avoid traffic exiting Cross Street, or Arbor Road, and if the two parties (neighbors on Putnam with adjacent Condominium Association and the Owners/Tenants of the property 629-661 Highland Avenue) are not able to agree on a resolution, then the Planning Board will schedule a meeting to help facilitate a resolution, where one possible change will be the elimination of the lower level of the parking garage to Cross Street.

Pedestrian Access

9. Pedestrian building access shall be provided at two locations along Highland Avenue as shown on the Plan, one closer to Arbor Street and the other at the corner of Cross Street.

Engineering Conditions

10. For the new facility, two times the 3,750 GPD expected generated in wastewater flow equates to a total of 7,500 GPD I/I removal anticipated from the development. This shall be satisfied prior to the issuance of the Occupancy Permit by the project proponent 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.
11. A separate MassDOT approval is required for any work for this section of Highland Ave right of way.
12. As part of the NPDES requirements, the applicant shall 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.

Health Conditions

13. Prior to demolition of the five structures on site, the owner shall apply for the Board of Health Demolition reviews online, via their online permit application system. This form shall be completed for each separate structure to be demolished, along with the uploading of the required supplemental report documents for our review and approval. Pest control reports, along with the asbestos sampling reports, etc., shall be uploaded to the Board of Health online system for review for each structure to be demolished, prior to the issuance of the Demolition permits by the Building Department.
14. On-going pest control shall be conducted during demolition of the structures and on-going pest control must be conducted throughout construction of the new office building in accordance with Board of Health Regulations.

Misc. Conditions

15. Medical waste shall be collected and stored within tenant space(s) and disposed of properly by outside vendors.

16. All deliveries to this medical building shall be directed to Arbor Street.
17. Light blocking shades in the interior of building to block interior building light in the late evening.

Items to Confirm

18. Landscaping needs to be added to the other side of Cross Street to limit the impact and minimize traffic noise and views. This was planned for the Arbor Street side. Confirm additional trees have been added to the plan for Cross Street along the right hand side of cross street (opposite subject site).
19. School bus access at Cross and Highland, safety during construction
20. 6 Old growth Oak trees to remain (as long as healthy enough).

Abutter Condition Requests

21. Applicant shall have a contact person for the neighbors to contact 24/7 to prevent Applicant customers and staff from trespassing onto Putnam Street, providing a cell and email address, in order to take immediate and sufficient response to prevent future encroachments onto Putnam Street. In the event that cut through traffic from the medical facility continues, the neighbors may request a public hearing with the planning board, at which hearing the planning board shall consider eliminating all egress traffic onto Cross Street and to require that all egress traffic from the medical building flows onto Arbor Street.
22. Applicant shall coordinate with the neighbors to develop and pay for appropriate signage to be placed at the point of entry onto Putnam Street to the effect that this is private property and patients and employees of the Applicant are expressly prohibited to access this private way and that violators shall be liable for all costs and expenses associated with a breach of this covenant.
23. Applicant shall coordinate with the neighbors to develop and maintain modifications/barriers to Cross Street, at the location adjacent to Applicant's building, to make access onto Putnam Street difficult for patients and employees of the Applicant. No existing parking spaces on Cross Street shall be altered or eliminated.
24. Applicant shall coordinate with the neighbors to develop and pay for appropriate signage, to be placed on Cross Street adjacent to parking by residents of Gateway Townhouses Condominium, that parking by patients and employees of the Applicant is strictly prohibited and that violators shall be towed at the owner's expense.
25. Applicant shall coordinate with the neighbors to develop and pay for cleaning of dirt and other construction material from their homes periodically throughout construction and shall develop a plan to reduce pest infestation, including rats, due Applicant's construction of the medical center..
26. Applicant shall post express signage throughout its building that access to Putnam Street is strictly prohibited and shall insist upon compliance from its patients and staff.

27. Applicant shall not move or dump any snow from its property onto Cross Street or onto Putnam Street.
28. No garbage shall be picked up from the Applicant's site until after 7am during week days and no garbage shall be picked up on the weekends.

Department Information DSR1	
Department	Planning and Community Development
Department Mission	
The Planning and Community Development Department includes three divisions namely, Planning, Conservation, and the Board of Appeals under a single Planning and Community Development budget. The Department is tasked with protecting and advancing the quality of life in Needham through the application of sound land use planning principles and development review standards; facilitating informed land use decisions through community participation and a collaborative process; protecting and enhancing safe, livable neighborhoods which reflect and preserve Needham's unique and historic character; supporting and encouraging healthy reinvestment in the community to provide for a strong local economy; and promoting smart planning and a sustainable future for generations to come.	
On the Horizon	
<u>Key Challenges</u> The key economic development and planning challenges facing the Planning Board and the Planning and Community Development Division over the course of the next five years will be securing the successful implementation of the Needham Center Plan and the Land Use and Zoning Plan for the Needham Crossing area. Unlocking the economic potential of both Needham Center and the Needham Crossing area remains an overarching goal of the Board and Department. Securing compliance with the MBTA Multi-Family Zoning Districts Guidelines under Section 3A of the Zoning Act required by December of 2024 and implementation of the regulatory component of the Town's Climate Action Plan are additionally key priorities. <u>Needham Crossing Business Center Planning</u> The Planning and Community Development Division has focused on the recommendations outlined in the Needham Crossing Business Center Planning study completed in the fall of 2011 and its implementation at the Center 128 project site. Most specifically, the Planning and Community Development Division continues to oversee the permitting and build-out which is occurring within the New England Business Center and the Center 128 project in particular. Plan review and permitting for Center 128 comprising three components was conducted by the Division as follows: Center 128 West, Center 128 East, and the 2nd Avenue Residences. The Center 128 West Development, approved by the Planning Board in April of 2013, consists of: (a) four office/research and development buildings with a total combined square footage of approximately 740,000 square feet; (b) two free standing parking garages (to contain a combined 3,525 parking spaces); (c) 117 surface parking spaces; (d) a hotel comprising approximately 89,740 square feet and containing 128 guest units, together with (e) associated driveways, landscaping and other associated site improvements. A portion of the development has been constructed, which includes the hotel, building 3 (currently occupied by TripAdvisor, Inc.), a portion of Garage B (2,070 spaces) and 153 interim surface parking spaces. Accordingly, three (3) office buildings (Buildings 1, 2 and 4) with an aggregate of approximately 452,000 square feet, Garage A, a portion of Garage B, and the remaining associated landscaping, driveways and other site improvements have yet to be developed. In October 2020 Boston Children's Hospital filed a special permit application with the Planning Board seeking to amend the approval for Center 128 West. Boston Children's Hospital is seeking to construct Building 1 as an approximately 224,000 square foot Pediatric Medical Facility, to complete the construction of Garage B by adding 530 parking spaces and to construct an interim surface parking lot with 105 spaces at 37 A Street. Building 2 and Building 4 are expected to be	

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constructed later and the approved use is currently expected to remain office as set forth in the existing special permit. The special permit amendment for this project was issued by the Planning Board in January 2021. The building permit for the project was issued in February 2023. Construction is currently underway with occupancy anticipated for late 2025. The Center 128 East Development, approved by the Planning Board in November of 2015, includes 420,429 square feet of office space, 19,000 square feet of retail space, a 128-room hotel and surface parking area. Components of the Center 128 East completed project include: the expansion of Parking Garage B at Center 128 West to accommodate the redevelopment planned at Center 128 East, the renovation and occupancy of the building located at 77A Street to accommodate the SharkNinja headquarters and the renovation of the building located at 189 B Street to accommodate the new NBC Universal headquarters. Construction of the hotel and retail space remains to be completed under the project. In summary, Center 128 at completion (with the Boston Children's Hospital amendment) will include a Pediatric Medical Facility, three new office buildings and two renovated buildings totaling 1,160,400 square feet, two 128-room hotels, and 19,000 square feet of retail space. Parking for 4,100 cars distributed across 3 structured parking garages along with surface parking for 778 cars is also planned. The combination of elements will represent a major step forward in the implementation of the vision developed for the district. Lastly, the construction of the 2nd Avenue Residences comprising 390 residential housing units and associated structured parking at 2nd Avenue was completed in the spring of 2018 with full rent-up completed in the fall of 2019. <u>Needham Center Planning</u> The Planning and Community Development Division further continued with implementation of the Needham Center Planning effort. The Planning Board has initiated a review of the land use plan which was established for Needham Center and the Lower Chestnut Street area through the Overlay District to determine if it is meeting its stated objective of establishing a pedestrian friendly streetscape with multi-use development in the form of a traditional New England Village. Further, the Department and Planning Board are coordinating with the BI Deaconess Needham hospital as it finalizes its master plan for the hospital's Needham campus and considers redevelopment opportunities along the Chestnut Street corridor. Finally, the Department and Planning Board participated in the Needham Center and Needham Heights Parking Study completed by Stantec in March of 2023. The study included a view of the Needham Zoning By-Law parking standards as currently applied to Needham Center and Needham Heights. Recommendations on adjustments to the current Needham Zoning By-Law parking requirements to enable a more progressive parking management program are currently under review. <u>MBTA Multi-Family Zoning Districts Guidelines under Section 3A of the Zoning Act</u> In January 2021, Governor Baker signed Chapter 358 of the Acts of 2020 into law, which requires each MBTA community to have "a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right." The statute requires that: (1) the housing cannot have age-restrictions and must be suitable for families with children; (2) the zoning must allow for at least 15 units per acre; (3) the district must be within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station; and (4) non-compliant communities will be ineligible to receive state funds from the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.	

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The Executive Office of Housing and Livable Communities (EOHLC) formerly known as the Department of Housing and Community Development (DHCD), in consultation with the MBTA and MassDOT, is responsible for establishing guidelines for implementation and determining if communities are compliant. This legislation is part of a broader effort to encourage transit-oriented development and to address the state's housing shortage, in terms of both the number of units and types of housing stock available.

In August 2023 EOHLC released a set of guidelines for how communities can comply with this new multi-family zoning requirement. The EOHLC guidelines classify Needham as a commuter rail community which requires that the Town implement zoning to permit a housing unit capacity equivalent to 15% of the Town's total number of existing housing units. As the Town's 2020 Census count was 11,891 housing units, Needham's minimum unit capacity of 15% is 1,784 units.

The guidelines further detail a timeline for compliance. By January 31, 2023, Needham must submit a proposed action plan, including a timeline for any planning studies, community outreach activities, or other actions to create a compliant zoning district. By December 31, 2024, compliant zoning must be adopted by the Town or continued funding under the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program will no longer be available to the community. On January 23, 2023, Needham submitted its Action Plan to the Executive Office of Housing and Livable Communities. On March 24, 2023, EOHLC approved Needham's Action Plan and granted the Town Interim Compliance until the due date for District Compliance of December 31, 2024.

Affordable Housing Trust and Small Repair Grant Program

The Housing Division supports the Town's efforts to promote and maintain affordable housing opportunities in partnership with the Needham Housing Authority (NHA), non-profit and for-profit developers and service providers, other Town departments, as well as other public entities. The Housing Division also provides professional support to collect and analyze housing-related data, coordinates potential affordable housing initiatives, monitors affordability for several housing developments, ensures compliance with funding sources, and addresses inquiries related to housing issues. Another important activity involves the staffing of the Needham Affordable Housing Trust which was established in 2018 to serve as the Town's entity for overseeing housing issues and managing a dedicated fund in support of affordable housing initiatives. The Fund has been receiving funds related to the monitoring of affordable housing units, including resale fees as affordable homeownership unit's turnover.

The 2019 Annual Town Meeting approved \$50,000 in funding from the Town's General Fund to introduce a new Small Repair Grant Program. The 2021, 2022, and 2023 Annual Town Meetings each appropriated an additional \$50,000 in funding to continue program benefits for eligible Needham residents. The Small Repair Grant Program provides financial assistance to low-and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is currently available per participant, and applications are evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older or have a disability with incomes at or below 80% of area median income. Grants are awarded during two funding rounds per year. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or

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clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather stripping, bathroom grab board, raised toilets, hand-held shower heads, among others. All program funds appropriated to date have been committed with a total of 60 residents served over the life of the program. The Department has submitted a DSR5 request for \$50,000 in funding for the Small Repair Grant Program from the Town's General Fund for the 2025 fiscal year. <u>Conservation Division Fiscal 2024 Goals</u> Finally, the Conservation Division has identified the following primary goals for FY2024: (1) Fulfilling ongoing obligations for technical support of the Conservation Commission through processing of permit applications under the MA Wetlands Protection Act and the Town of Needham Wetlands Protection Bylaw; (2) Assisting in the implementation of the Comprehensive Trails Master Plan in conjunction with the Park and Recreation Department and the re-invigorated Trails Advisory Group; (3) Assisting the Park and Recreation Department and the Trails Advisory Committee in reactivating the Trail Steward Program including soliciting volunteers; (4) Assisting various Town departments in assessing compliance with the Town's NPDES permit and other initiatives; (5) As part of the NPDES permit public education compliance piece, the Conservation staff will continue to schedule presentations for the public utilizing the Commission's interactive Stormwater Model; (6) Conservation staff will continue to promote the use of pollinator seed mixes as opposed to lawn seed to the public and on various Town projects where applicable; (7) Expanding management activities on Conservation lands to promote use and protect valuable natural resources; (8) Implementing a signage initiative program to improve consistency and quality of signage at conservation lands across town, purchase trail markers, maintain and/or construct new kiosks as well as bird boxes for various properties; (8) Organize themed trail walks with the public and Conservation Commissioners on Conservation lands; and (9) Continue to facilitate presentations to the public on interesting, timely topics.	
Budget Statement	
Fiscal Year 2010 saw the creation of a Planning and Community Development Department. Previously, the four-community development and land use functions had been performed in three Departments namely, Planning, Conservation, and the Board of Appeals. Under the 2010 reorganization the Planning and Economic Development functions were retained under a single budget and the Conservation and Zoning Board of Appeals budgets were combined to create a new "Community Development" budget. A Director of Planning and Community Development was appointed with oversight of both the Planning and Economic Development budget and Community Development budget. A new Administrative Assistant position was created to support the Planning, Economic Development, Conservation and Zoning functions of the Department. The goal of the reorganization was to meet the identified needs of the then existing departments, to improve operational efficiency, and to enhance service delivery. In Fiscal Year 2013, the Planning and Economic Development Department added a part-time Community Housing Specialist position. The Community Housing Specialist provides administrative and technical support relating to affordable housing issues, coordinates the efforts of various town boards and committees in the development of affordable housing opportunities, and assists in the implementation of the Town's Community Housing Plan. In Fiscal Year 2016 a further consolidation occurred with the merging of the Planning, Economic Development, Conservation and Board of Appeals budgets into a single Planning and Community Development budget. In Fiscal Year 2021 the Economic Development Director position was reclassified to Economic Development Manager and the position was moved from the Planning and Community Development Department to the Select Board under the Town	

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Manager. Additionally, a Recording Secretary position was added to the Department to support the regulatory function of the Design Review Board. Lastly, on September 14, 2021, the Personnel Board approved the retitle and reclassification of the Administrative Specialist I-05 for the Zoning Board of Appeals to a Zoning Specialist GT-06 to adequately meet the professional and administrative demands of the ZBA. We believe that the reorganization has been successful in improving operational efficiency and interdepartmental coordination and thus has enhanced service delivery to Needham's constituents.

In Fiscal Year 2017, the Department secured funding through the Community Preservation Act (CPA) for the Community Housing Specialist in the amount of \$60,000. Under the appropriation 50 percent of the position costs for the Community Housing Specialist were assigned to the CPA and 50 percent to the general fund through the Planning and Community Development budget. Said CPA funding was anticipated to cover a 6-month period in each of the 2017, 2018 and 2019 Fiscal Years with the remainder of the funding for the position coming from a general fund allocation. However, due to Departmental staffing turnovers during the Fiscal Year 2017 thru Fiscal Year 2021 period reduced CPA allocations were required for the Community Housing Specialist position leaving enough CPA funds available to fund the position through Fiscal Year 2023. The Department of Revenue issued guidance for Fiscal 2024 as to how CPA funds may be used and based on said guidance Town Counsel advised that CPA funds could only be directed toward making particular housing assets affordable and that "salaries, wages or benefits or other indirect costs" incurred by general government departments such as the Planning and Community Development Department are ineligible expenditures. Accordingly in Fiscal 2024, the Department requested through a DSR 4 that the 9 hours per week of salary for the Community Housing Specialist previously funded through CPA be added to the Planning and Community Development Department budget and that the total hours for the Community Housing Specialist be increased from 18 hours to 19.5 hours per week so that the additional responsibilities associated with the MBTA Communities Act could be met. This request was approved in Fiscal 2024.

As relates to the operating component of the Fiscal Year 2025 budget an overall increase of 6.24% is requested for a total of \$2,400. This requested increase is reflective of increased costs in the following budget categories: professional and technical services, communications, office supplies, building and equipment supplies, and travel and mileage, as well as a decrease in other supplies and equipment and government charges, all as further detailed in the table below.

Table 1: Detail of FY 2025 Budget Changes

Category	Change from FY 2024	Comments
Professional and Technical Services	\$1,000	Increase in Seminars and Training for Planning Board and Conservation Commission.
Communications	\$1,250	Decrease of \$600 in wireless communication expense to accommodate reduced cell phone service cost and postage cost based

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		on FY 2023. Increase in printing and mailing of \$1,850 based on FY 2023. Net change an increase of \$1,250.
Office Supplies	\$500	Increase in office supplies reflective of FY 2023 costs.
Building and Equipment Supplies	\$500	Increase in building and equipment supplies for Boardwalk repair at the Ridge Hill Swamp Trail.
Other Supplies and Equipment	-\$1,000	Decrease in other supplies and equipment for the Planning Division.
Government Charges	-\$300	Decrease in fees paid to Norfolk County Registry of Deeds based on FY 2023.
Travel and Mileage	\$450	Increase in Planning Board and Conservation Commission in State Conference Expense.
Dues and Subscriptions	No Change	

Planning and Community Development Division

In FY2004, Needham, through its then Planning Department, joined the HOME Consortium based in Newton, which made available approximately \$67,000 annually for affordable housing purposes. Funding at the \$67,000 level continued through FY2012. In FY2013 the federal appropriation to the Home Program was reduced and thus Needham's annual allocation was lowered to approximately \$36,000 annually. Beginning in FY2014 HOME funds not spent by a member community during the year have been placed in a pool where said funds are awarded on a competitive basis to Consortium members. Previously Needham was able to allow its funds to accumulate over a period of five to six years so that a critical mass could be developed to support a desired project. Although project funding is not guaranteed it is felt that having a Community Housing Specialist on staff will give Needham the professional capacity to compete for funding with other Consortium communities that already have in-house staff support. Funding for administrative costs under the HOME Program has continued at approximately \$2,700 annually.

Revenue for FY2024 is expected to increase due to receipt of a grant in the amount of \$70,000 from the Executive Office of Housing and Livable Communities under the Community Planning Grant Program. Said planning funds have been allocated for consultant technical services assistance in helping the Town meet the requirements related to M.G.L. c. 40A Section 3A, sometimes referred to as "MBTA Communities Guidelines".

Table 2: Planning and Community Development Application Fees & Grants

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	FY '21	FY '22	FY '23	FY '24 *	FY '24 **
Application Fees	\$32,844	\$78,430	\$53,753	\$35,100	\$55,453
Zoning By-Laws	\$40	\$45	\$15	\$0	\$45
Zoning Maps	\$15	\$15	\$15	\$0	\$15
Subdivision Regulations	\$0	\$15	\$0	\$0	\$15
Grants/Donations	\$2,505 ^a	\$2,680 ^b	\$2,775 ^c	\$70,000 ^d	\$72,800 ^{d e}
Traffic Mitigation Fee					
Total	\$35,404	\$81,185	\$56,558	\$105,100	\$128,328

^aHOME Program (\$2,505 received).

^bHOME Program (\$2,680 received).

^cHOME Program (\$2,775 received).

^dCommunity Planning Grant Program \$70,000 received)

^eHOME Program Anticipated (\$2,800 received).

*Revenue received July 1, 2023 through October 20, 2023.

**Projected revenue to June 30, 2024.

Conservation Division

During FY2023, the Conservation Commission met formally a total of twenty (20) times and held a total of twenty-six (26) public hearings. During FY2023 the Conservation Commission collected a total of \$10,715.00 in fees.

Table 3: Conservation Commission Public Hearings, State & Bylaw Fees & Enforcement Fines

Fiscal Year	Number of Public Hearings	Total Fees Collected (WPA & Town Bylaw)	Town Portion of State WPA Fee	Enforcement Order Fines Collected
FY2018	35	\$20,812	\$ 5,062.00	0
FY2019	30	\$10,810	\$ 3,350.00	\$300
FY2020	16	\$8,750	\$ 2,500.00	\$2,200
FY2021	32	\$4,470	\$ 6,395.00	\$1,100
FY2022	27	\$8,055	\$ 3,105.00	0
FY2023	26	\$5,950	\$ 4,765.00	0

Board of Appeals Division

In FY2023, the Board of Appeals met formally a total of eleven (11) times and held a total of twenty-one (21) public hearings and six (6) informal hearings. During FY2023, the Board of Appeals collected a total of \$5,800 in fees in fulfilling its regulatory function as noted below.

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Table 4: Board of Appeals Public Hearings, Informal Hearings & Fees

Fiscal Year	Number of Public Hearings	Number of Informal Hearings	By-Law Fees Collected
FY2020	26	1	\$9,600
FY2021	32	5	\$8,000
FY2022	28	6	\$6,700
FY2023	21	6	\$5,800

Design Review Board Division

In FY2023, the DRB met formally a total of fourteen (14) times and held a total of six (6) public hearings for special permits. During FY2023, the DRB collected a total of \$2,762.00 in fees in fulfilling its regulatory function as noted below.

Table 5: Design Review Board Meetings, Public Hearings & Fees

Fiscal Year	Number of DRB Meetings	Number of Public Hearings (Special Permit)	By-Law Fees Collected
FY 2019	21	3	\$2,750.00
FY 2020	16	6	\$1,671.00
FY 2021	19	7	\$3,172.00
FY 2022	17	5	\$1,822.00
FY 2023	14	6	\$2,762.00

Accomplishments and Activities

. Planning and Community Development Division

The Planning Board is charged with broad statutory responsibilities to guide the physical growth and development of Needham in a coordinated and comprehensive manner. Specifically, the Planning Board is legally mandated to carry out certain provisions of the Subdivision Control Law (M.G.L., Chapter 41, Section 81-K to 81-GG) and of the Zoning Act (M.G.L., Chapter 40A). These legal responsibilities are reflected locally in the Subdivision Rules and Regulations and Procedural Rules of the Planning Board, and in the Town's Zoning By-Law. The specific services that the Planning Board provides are as follows:

Review and Approval/Disapproval of:

- Approval-Not-Required (ANR) Plan
- Preliminary Subdivision Plans
- Definitive Subdivision Plans*, including ongoing administration
- Site Plans of certain larger developments (major projects) *
- Residential Compounds (RC's) *
- Scenic Road Applications
- Outdoor Restaurant Seating Applications

* This includes Special Permit Decisions, with legal notices, public hearings, and written decisions.

- Site Plans of certain smaller developments (minor projects)
- Applications to the Board of Appeals for variances and special permits
- Petitions for acceptance/discontinuance of public ways

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Initiation, Development, and Presentation of Proposed Zoning Amendments to Town Meeting Reprinting of Town Zoning By-Laws and Zoning Map Preparation and Maintenance of a Master Plan and related planning studies to guide future physical growth and development in Needham (including studies referred to the Board by Town Meeting) Revisions to "Subdivision Regulations and Procedural Rules of the Planning Board" and printing of the same Provision of Information on Planning, Zoning and Development matters to the public (including residents, developers, and other government agencies) In its capacity as a special permit granting authority, the Planning Board in FY2023 processed sixteen (16) applications as "Major Projects" under the Site Plan Review By-Law. In addition, the Board reviewed and approved one (1) subdivision plan, and four (4) plans were endorsed "Approval-Not-Required (ANR)" under the Subdivision Control Law, meaning that the lots created or altered on such plan's met minimum frontage requirements. The Board of Appeals referred twenty-one (21) applications for variances, special permits, comprehensive permits, and administrative appeals to the Planning Board last year, and as required by the Zoning By-Law, the Board reviewed each application and submitted its recommendations in writing to the Board of Appeals were warranted. Planning Studies currently underway are as follows: <u>MBTA Communities Planning Study under M.G.L. c. 40A Section 3A</u> In January 2021, Governor Baker signed Chapter 358 of the Acts of 2020 into law. The new M.G.L. c. 40A Section 3A, requires that an MBTA community have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute. Needham is subject to the new zoning requirements as a "commuter rail community." The Town must adopt the new multi-family zoning by December 2024 to achieve compliance with the Section 3A requirements. The Executive Office of Housing and Livable Communities approved Needham's Action Plan, and the Town, through the process of preparing a Housing Plan last year, has identified potential opportunities for creating the required new zoning. The Town has secured consultant services as a means for testing these approaches through EOHLC's compliance model, which is the primary tool for measuring a zoning district for such compliance. Additionally, the Town is reviewing alternative options for consideration based on the compliance model analysis. Key components of the planning effort include the preparation of build out and fiscal impact analyses for the different development scenarios that are reviewed through the EOHLC compliance model, development of conceptual visualizations for those scenarios, identification of regulatory approaches for implementation either through modification of existing zoning parameters or implementation of a concept for a new district, and the drafting of proposed zoning by-law amendments, including proposed amendments to the zoning map, that allow multi-family housing by right in compliance with M.G.L. c. 40A, Section 3A. Additionally design recommendations pertaining to building placement and orientation, building mass and form, facades and parking placement for the selected zoning approach will be prepared. Lastly, a feasibility study that documents that a reasonable variety of multi-family housing types can be feasibly developed using at least two alternative affordability percentage thresholds, to be determined by the Housing Needham (HONE) Advisory Group, which are a higher percentage than the 10% maximum included under the Section 3A Guidelines will be prepared. The Town must submit this report to EOHLC for approval.	

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The preparation of a plan compliant with the MBTA Communities Act guidelines is using a similar planning process to that established for other planning efforts in Needham. First, to support the new zoning, the Town established a Housing Needham (HONE) Advisory Group that will lead the community engagement process and advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public. The composition of the Housing Needham (HONE) Advisory Group includes 2 representatives of the Planning Board, 2 from the Select Board, 1 from the Finance Committee, a Land Use Attorney, a Real Estate Developer, a Renter, and a Citizen at Large.

Second, the planning process established incorporates an inclusive public process to engage local leaders and residents in the process of establishing local housing priorities. Three Town-wide meetings are proposed during this planning process. A Town-wide workshop will be held at the beginning of the process to review the MBTA focused housing strategies recommended in the Needham Housing Plan and to test those recommended strategies for compliance against the EOHLC unit capacity testing model established under M.G.L. c. 40A Section 3A. Two to three other additional compliant options which meet community goals will also be tested for compliance with the EOHLC unit capacity testing model and will be presented at this first workshop for public input and feedback on community preference. A second Town-wide workshop is planned for midway through the planning process. Informed by input received at the first workshop, up to three zoning alternatives will be advanced to include a build-out analysis, a fiscal impact analysis and 3D modeling. Based on comments and recommendations received at this second workshop the preferred option will be selected and implemented. At the end of the process, the final recommendations and zoning implementation strategy will be presented at an advertised public meeting.

This planning study began in September of 2023 and is expected to conclude in April of 2024.

Fiscal Year 2023 Zoning Initiatives

In Fiscal Year 2023 four zoning initiatives as described below were adopted by Town Meeting. Article 8 was presented at the October 2022 Special Town Meeting. Articles 19, 20 and 21 were presented at the May 2023 Annual Town Meeting.

Article 8. Amend Zoning By-Law – Brew Pub and Microbrewery

This article provides for the establishment of Brew Pubs and Microbreweries within Needham. The 2022 Needham Zoning By-Law did not have any provisions for Brew Pubs or Microbreweries and because the noted uses were not specifically identified as permissible, they were prohibited. Accordingly, this zoning amendment introduced Brew Pubs and Microbreweries as permitted uses in Needham taking the following approach: 1) defined the terms “Brew Pub” and “Microbrewery”; 2) identified the zoning districts in which a Brew Pub and/or Microbrewery would be allowed; and 3) established that a Brew Pub and Microbrewery would only be allowed by special permit either from the Planning Board or the Zoning Board of Appeals.

Article 19. Amend Zoning By-Law – Accessory Dwelling Units

This article provides for the following changes to the current use and permitting framework of the By-Law as relates Accessory Dwelling Units (ADUs): (1) Allows ADUs in a single-family dwelling by-right rather than by Special Permit, while still requiring that the building and design guidelines

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contained in the current by-law be met. ADUs located in a single-family dwelling will continue to be required to meet all zoning dimensional requirements for a single-family home as specified in the underlying zoning district. (2) Expands the residency requirements of an ADU as contained in the definition of "Caregiver" to include "an adult employed by an Owner to provide childcare to one or more of an Owner's Family members" for use by example of a Nanny or Au-Pair, etc. (3) Expands the residency requirements of an ADU as contained in the definition of "Family" to include "a grandparent, aunt or uncle". (4) Allows a homeowner to rent the ADU with a minimum 6-month written lease, subject to owner occupancy of the property. The minimum 6-month lease term is designed to prevent short-term high frequency leases. (5) Increases the size limit for an ADU from a maximum of 850 square feet of living space to a maximum of 900 square feet of living space.

Additionally, the article establishes occupancy and enforcement standards. The initial occupancy permit shall remain in force provided that (1) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (2) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (3) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner and a copy of any current lease, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the by-law. In the event the Owner fails to comply with the above requirements the Building Commissioner within thirty (30) days of a written request may revoke the occupancy permit for the ADU.

Article 20. Amend Zoning By-Law – Corrective Zoning Amendments

Over the years Town Meeting has approved numerous inserts and other changes to the Zoning By-Law. Unfortunately, when those changes occurred, not all references were changed as required. This article updates the reference made to Section 3.15 Accessory Dwelling Units to Section 3.16 Accessory Dwelling Units. Additionally, the article updates the title of "Building Inspector" to "Building Commissioner" as currently used and as it appears throughout the Zoning By-Law. Lastly, the reference to the ITE Parking Generation Manual is updated from "2nd Edition" to "the most recent edition".

Article 21. Amend Zoning By-Law – Single Residence B and General Residence Side Setback

This article clarifies the side yard setback requirement in the Single Residence B and General Residence districts for both conforming lots and lots that have less than 80 feet of frontage as adopted by Town Meeting in May of 2017. The goal of the amendment is to ensure that a 2-foot offset is provided after 32 linear feet of sidewall at the side yard irrespective of whether a building's placement is at the district's minimum side yard setback requirement or a distance in excess of said requirement. Such was the intent when the original article implementing this provision was presented in May of 2017 to Town Meeting with the policy goal of reducing some of the negative effects of building massing along the sideline. Accordingly, the amendment makes clear that the

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above-noted 2-foot off-set provision, designed to break-up building massing along the sideline, is to be applied universally irrespective of a building's placement at a distance in excess of a districts minimum side yard setback requirement.

Performance Factors

The Planning Board returned to in-person meetings at the August 2022 bi-monthly meeting after meeting remotely on Zoom since March 2020. The in-person meetings were hybrid with livestream broadcast on Zoom and on The Needham Channel.

During the previous fiscal year, the Planning Department had committed to tracking the turnaround time required on its Major Project Site Plan Special Permits and Subdivision applications. Monitoring of the timeline between application filing and the scheduling of the public hearing, issuance of the Decision following the close of the public hearing and filing of the written decision with the Town Clerk following Board action were tracked. The goal was to schedule the public hearing within 5 weeks of application receipt, to issue the Special Permit Decision or Subdivision Decision within two weeks of the close of the public hearing, and to file the written decision within 5 business days of permit issuance by the Board. The articulated goals were met in two of the three studied criteria in FY2023. During the affected timeline 16 new Special Permit applications and 1 Subdivision application were processed. Public hearings were held on average within 35 days of application receipt, decisions were issued within 26 days of the close of the public hearing, with written decisions filed with the Town Clerk within 3 days of permit issuance. Although the goal of issuing the Special Permit Decision or Subdivision Decision within two weeks of the close of the public hearing (26 day average actual) was not met this delay was due to one outlier project permit which when excluded from the review indicates decisions were issued within 20 days of the close of the public hearing. The total average time required to process an application was 79 days with a minimum of 30 days and a maximum of 260 days. The Department plans to continue to track these items and will submit a similar report with its FY2024 budget request.

Conservation Division

The Needham Conservation Division is primarily tasked with providing dedicated professional, administrative, and technical assistance to the Town and Conservation Commission in accordance with the MA Wetlands Protection Act (M.G.L. Chapter 131 Section 40) and the Needham Wetlands Protection Bylaw (Article 6), and their respective regulations, guidelines, and policies.

Additionally, the Division provides support in office administration and organization, public assistance, grant administration, committee and community support, and land conservation and management.

The Needham Conservation Commission is comprised of seven volunteer members appointed by the Select Board to staggered three-year terms. The Commission's primary responsibility involves ensuring compliance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131 Section 40) and the local Wetlands Protection Bylaw (Needham General Bylaws Article 6). As the administrative and technical support agency to the Commission, the Conservation Division undertakes the following tasks pertaining to wetlands permitting:

- Reviews Notice of Intent applications and other filings for completeness and compliance with wetland statutes and associated regulations.

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Department	Planning and Community Development
- Assures legal requirements are met including postings, hearing and permit timeframes, minutes, and other records. - Schedules and attends twice monthly meetings of the Conservation Commission. - Maintains case files and materials including computer databases. - Arranges and conducts on-site inspections related to filings. - Reviews wetland delineations. - Drafts permits with associated conditions and other documents. - Monitors construction to ensure compliance with permits. - Reviews building permits for projects occurring within the Commission's jurisdiction to reduce the number of Enforcement Orders issued and provide better public outreach. - Responds to complaints and investigates potential violations. - Keeps regular office hours to provide assistance to the regulated community. - Collaborates with other Town Departments, Boards and Committees on matters pertaining to permitting municipal projects and activities. In addition to wetland permitting, the Conservation Division undertakes broader environmental and land management functions including the following: - Oversees/carries out management tasks such as trail building and maintenance, signage, and cleanup. - Participates in various committees, including the Rail Trail Committee, Trail Advisory Group and the Town's Integrated Pest Management Committee. - Assures compliance with rules and regulations for conservation lands; issues needed permits; and addresses user problems. - Assists the Commission in planning, acquisition, administration, and management of municipal conservation land. - Assists in preparation of Open Space and Recreation Plans to meet criteria for approval. - Researches and conducts on-site evaluations for parcels under consideration for acquisition, donation, conservation, or agricultural preservation restrictions. - Researches, pursues, and coordinates grant and other funding opportunities; writes proposals and manages grants. - Collaborates with other Town Departments, Boards and Committees on matters pertaining to the use, management and protection of the Town's natural resources and open space. - Educates the public about the importance of protecting wetlands and other open spaces. Under both the state and local statutes, the Conservation Commission has a maximum of 21 days from receipt of a completed application to open a public hearing on that application. A hearing may be continued with the consent of the Applicant to allow for the submittal of additional information. After closing the public hearing, the Commission has 21 days to issue an Order of Conditions. In FY2023, all Orders of Conditions were completed within the noted timeline with no requests for additional time requested. The Conservation Division makes every effort to assist Applicants with the filing process. The Division's staff meets frequently with property owners and potential applicants to explain the filing process or to provide input on which application would be most appropriate (for a particular site or project). The Conservation Division conducts well over one hundred site visits each year to review projects associated with both the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw. The collective knowledge and experience of the Conservation Division serves to benefit the regulated community including the Town of Needham as it provides professional expertise in a	

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Department

Planning and Community Development

growing and more restrictive environmental regulatory time period.

FY2023 Achievements

The Conservation Commission and staff continued hosting remote meetings during this time period. The Conservation Commission has had several discussions regarding moving forward with a hybrid format for meetings, but the general consensus has been to stay remote for the foreseeable future as long as the Government allows the opportunity.

There have been several new members added to the Conservation Commission over the Fiscal Year. Several long-serving members have stepped down including the long-standing Chair, Janet Carter Bernardo. Janet was on the Commission for 20-years with several years in the role of Chair. While the contributions and history of the retired members will be missed, the new members, including the new Chair David Herer, bring new energy, insights and interests forward. One of the projects the Commission has been working on is revising the Commission's "Guidelines for Tree Removal" document in order to provide clarification of expectations when trees are removed in the Commission's jurisdiction in a written format.

In conjunction with the Engineering Department and the Town's NPDES Permit, the Conservation Department purchased an educational interactive Stormwater Model. The Town will get credit for the educational component created by staff educating the public on Stormwater and what they can do at a personal and Town level about Stormwater. Staff have already given a presentation to one of the local garden clubs and also had the model set up at the Harvest Fair. Staff anticipate connecting with the local schools and other entities to provide them with the program. Staff are also working to put together a Webinar with the Stormwater Model that other Town Departments can share with the public.

The Conservation Division staff played an invaluable role in restarting the Trails Advisory Committee. The newly formed Committee made up of members from several Town Departments, Conservation Commission members and Park & Recreation Commission members met several times over the Fiscal Year and had productive discussions. One of the charges of the Committee will be to re-invigorate the Trail Steward Program, train the volunteers, and oversee them.

Conservation staff continued to install trail cameras to capture wildlife usage of the various Conservation-owned properties. As many members of the public have discovered while exploring nature on these beautiful properties during the pandemic, the variety of species making Needham their home is quite surprising, including bears! There are a number of amazing photographers that share the photos they take of Needham wildlife and landscape on various platforms including the Needham Wildlife page on Facebook.

Conservation staff booked several public presentations over the Fiscal Year on topics including Gardening for Wildlife, an in-person Butterfly & Dragonfly walk around the reservoir, a vernal pool presentation and a fun presentation around Halloween that included live animals such as snakes and tarantulas that the audience could touch and hold. This was especially popular with the kids.

Performance Factors

The following Table 6 reflects the number of permit application filings and requests received by the Conservation Commission in each of the last four fiscal years. Over the course of Fiscal Year 2023, the Commission once again saw a steady flow of applications, similar to the numbers seen in Fiscal Year 2022. The Conservation staff continued to issue Administrative Approvals for minor projects located within the 100-foot Buffer Zone. This flexibility allows for a shorter, more streamlined experience for the public doing minor projects while maintaining compliance with the

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wetland rules and regulations. There were fewer projects that were able to be approved as Administrative Approvals generally because the projects involved work that required a Permit. Only nine (9) Administrative Approval were issued in Fiscal Year 2023. In the past, before the Administrative Approval mechanism was in place, many of these small projects would have gone before the Commission as Requests for Determination of Applicability and Notice of Intent filings requiring the issuance of Permits. During FY2023, the Conservation Commission met formally a total of twenty (20) times and held a total of twenty-six (26) public hearings.

Table 6: Conservation Commission Application Filings & Requests /

Type of Application Filing / Request	FY2020	FY2021	FY2022	FY2023
Notice of Intent ¹	11	23	18	18
Request to Amend Order of Conditions ¹	3	1	2	1
Request for Determination of Applicability ¹	2	8	4	6*
Abbreviated Notice of Resource Area Delineation ¹	0	1	0	1
Extension Permit ¹	5	3	3	3
Emergency Certification	0	0	1	0
Certificate of Compliance	18	31	22	15
Minor Modification Request	6	1	5	2
Enforcement Order	5	1	2	2
Trail Maintenance Notification Form	0	1	0	0
DPW Generic Permit Activity Notification Form	1	0	1	1
Administrative Approval	19	25	18	9
Conservation Restriction	0	0	0	0
Notice of Non-significance	0	0	0	0

¹Filing involved a public hearing

*one application withdrawn

In addition to applications reviewed through the public hearing process, the Commission is required to review and act on requests to modify, extend, or close out existing permits. The Commission handled twenty (20) of these requests during this fiscal year. The Conservation Division also coordinates with the Town of Needham Department of Public Works and Public Facilities and provides professional expertise on town projects in a growing and more restrictive environmental regulatory time period. Finally, for that small percentage of projects that occur within the Commission's jurisdiction without obtaining a permit in advance, the Commission is responsible for pursuing enforcement to bring such sites into compliance with the state and local wetland regulations. In FY2023, two (2) projects required the issuance of an Enforcement Order to restore or protect wetland resource areas. These particular instances where Enforcement Orders were issued were for projects that had Permits for the work, but the work was not completed before the Permits expired. The Enforcement Orders were issued as a mechanism for the Applicants to finish the projects and receive a Certificate of Compliance once the work was completed.

Zoning Board of Appeals Division

Department Information DSR1	
Department	Planning and Community Development
The Zoning Board of Appeals is a quasi-judicial body that hears and renders decisions on: 1) Appeals from Building Inspector administrative decisions; 2) Applications for Special Permits or Variances under M.G.L. Chapter 40A and the Needham Zoning By-Laws; and 3) Requests for Comprehensive Permits under M.G.L. Chapter 40B (affordable housing) as well as hearing amendment and de minimis change requests. The Board of Appeals consists of three regular members and two associate members appointed by the Board of Selectmen as authorized and established by General Laws, Chapter 40A, the Home Rule Charter Act and Article VIII of the General By-Laws. The Division provides guidance to applicants on all zoning matters, including assistance with the application and hearing process; reviews and analyzes applications for completeness and compliance to established zoning guidelines; coordinates the interdepartmental administrative review process, conducts site reviews; organizes the production of Special Permits and Board determinations post-public hearings; provides professional staffing to Board members, provides management and coordination of Comprehensive Permits projects, designs procedures for any new zoning review processes, produces technical reports, conducts research, and maintains and manages all Board data bases, communications and legal documents. Virtually all matters that come before the Board are initiated by residents or businesses seeking relief from the Zoning By-Law. Each application is processed in accordance with the legal requirements and timetables established under the Massachusetts Zoning Act, the Town of Needham Zoning By-Law, and Zoning Board of Appeals Rules and Regulations. <u>Performance Factors</u> The Board of Appeals returned to in-person meetings at the June 2023 monthly meeting after meeting remotely on Zoom since March 2020. The in-person meetings were hybrid with livestream broadcast on Zoom and on The Needham Channel. In FY2023, the Board held twenty-one (21) public hearings and six (6) informal hearings (refer to Table 4). The informal matters consisted of permit renewals, document reviews, project updates, plan substitutions or corrections. The Board of Appeals received twenty-one (21) applications relating to Special Permits, one (1) was withdrawn (refer to Table 7). Ten (10) applications were for residential use; nine (9) were for commercial use; one (1) was for municipal use and one (1) for education use. The Board issued twenty (20) Decisions in FY2023. The Division continues to coordinate the conditions associated with the 40B Comprehensive Permits issued by the ZBA – 1180 Great Plain Avenue, an existing vacant one-story building conversion to 16 rental units, consisting of eight one-bedroom units and eight two-bedroom units with 28 parking spaces. Four units (25%) will meet the definition of low- and moderate-income housing. The appellant withdrew the appeal. The project broke ground and construction is underway. Table 7: Number of Permit Application Filings FY2020 - FY2023	

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Department				Planning and Community Development				
Fiscal Year	Number of Meetings	Special Permit Applications	Variance Applications	Appeals of Building Inspector Decisions	40B Petitions	Withdrawals	Decisions	
2020	9	21	1	0	1	0	23	
2021	12	28	3	0	0	2	27	
2022	12	21	1	1	0	0	23	
2023	11	21	0	0	0	1	20	

Design Review Board

The Design Review Board (DRB) consists of five regular members and two alternate members. Three regular members are appointed by the Planning Board where one such regular member is either qualified in the art or design profession and the second regular member is either qualified in fine arts or landscape design. Two regular members and two alternate members are appointed by the Select Board where one such regular member is either qualified in the art or design profession and the second regular member has a retail business in the town. The Board is required to meet monthly, and generally meets two times a month using the zoom format.

The Design Review Board serves the community by reviewing the design of all new commercial structures and outdoor uses, exterior additions, exterior alterations, and exterior changes in all areas as specified in section 7.7.2.2 of the Zoning By-Laws. They review requests for all sign permits, as required under Article XIX of the Needham General By-Laws. Applications that are submitted to the Board are generally initiated by businesses, developers and sign companies. Projects under review by the Planning Board such as major site plan projects, and minor site plan projects are also reviewed by the Design Review Board. They provide comments and recommendations for consideration by the Planning Board in their decisions. The DRB reviews applications for retaining walls under review by the Zoning Board of Appeals and provides comments and recommendations. Appeals to the Sign-By-Law and special permits as allowed in the General By-Laws are reviewed with a public hearing before the Design Review Board.

Performance Factors

In FY2023, the DRB met formally a total of fourteen (14) times and held a total of six (6) public hearings for special permits (refer to Table 5). The Board conducted site plan reviews for six (6) projects that were being heard by the Planning Board and two (2) projects that were being heard by the Zoning Board of Appeals. The DRB provided their comments and recommendations to those boards for consideration. The site plan reviews that were presented and discussed at the DRB meetings were diverse and some very significant. The eight site plans considered included: 1) a new stand-alone ATM building at the Needham Bank, 2) the full renovation of the Roche Brothers supermarket and parking lot, 3) a solar canopy roof over the garage at 140 Kendrick Street owned by Boston Properties, 4) a renovation of the exterior, interior and site improvements at 9 B Street, the Coca-Cola facility, 5) the redevelopment of 557 Highland Avenue, the former Muzi Ford site, 6) the redevelopment of the property at 40 & 50 Central Avenue a mixed use building with retail on the first floor and 15 residential units on the upper floors, parking and other site improvements, 7) the proposal to add a third floor to the Wingate building at 589 Highland Avenue, adding 22

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Department	Planning and Community Development
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units and 8) the parking lot solar canopy project at Olin College. Both the Roche Brothers and the Olin College projects were reviewed for the Zoning Board of Appeals. The Design Review Board informally reviewed a couple of other projects presented regarding potential redevelopments. A total of 52 sign applications were also review during the FY 2023 period.

Table 8: Number of Permit Application Filings FY 2020 -FY 2023

Fiscal Year	Number of DRB Meetings	Number of Public Hearings (Special Permit)	# of Sign Applications Reviewed	Site Plan Reviews
FY 2020	16	6	55	2
FY 2021	19	7	69	8 *
FY 2022	17	5	58	9 *
FY 2023	14	6	52	8 *

*Two of the site plan reviews were for ZBA cases.

In March of FY 2023 the DRB also assisted local restaurant businesses in their option to continue providing outdoor dining following the end of the Covid emergency declaration and for the period beginning in the spring of 2022. Outdoor dining had been allowed on an interim basis during the Covid pandemic 2020 to support the local businesses however, after the governor's order relaxing restrictions with regard to outdoor dining expired, Needham restaurants were not allowed to continue to provide such outdoor dining absent a formal approval through either the Planning Board for seating located on private property or Select Board for seating located on public property. During this period, the Design Review Board reviewed three (3) outdoor dining applications that restaurants submitted to the Planning Board. Restaurants provided photos of the proposed seating, décor, lighting, for the Board to review. All three were approved.

Spending Request Recap

Description	Base Request DSR2	Additional Request DSR4	Total (DSR2 + DSR4)
a) Salary and Wages	586,446	93,700	680,146
b) Expenses	40,850	4,000	44,850
c) Capital			
d)			
e) Total DSR2 & DSR4 Request (a through d)	627,296	97,700	724,996

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Department Expenditure Detail DSR2																	
Department				Planning and Community Development													
Object				Description						Amount							
DSR2A																	
Permanent Personnel	Last Year (FY2023)			Current Year (FY2024)			Next Year (FY2025)										
	FT Head Count	PT Head Count	Full Time Equivalent (FTE)	FT Head Count	PT Head Count	Full Time Equivalent (FTE)	FT Head Count	PT Head Count	Full Time Equivalent (FTE)								
	4	2	5.53	4	2	5.53	4	2	5.53								
Non-Budget Personnel: Will the department rely on grant/revolving fund positions to provide services?						Yes	No	FT Head Count	PT Head Count								
							X										
Union Positions:		BCTIA		Fire A		Fire C		ITWA	X	NIPEA		Police		Police Superior		NA	
1. Salary and Wage Permanent Positions.																	
a.	PRD1 Salary and Wages Base												507,567				
b.	PRD1 Other Regular Compensation (Conditions, Longevity, Requirements, Shifts) 5110												600				
c.	PRD1 Education (5192)																
d.	PRD1 Other Compensation (Stipends, Snow, POST, Vehicle) 5197																
e.	PRD1 Budget Adjustments												1,954				
												PRD1 Sub Total					
j.	DSR3 Other Compensation																
												Sub Total 1		510,121			
2. Salary and Wage Seasonal & Temporary Positions (Itemized Below)																	
a.	Recording Secretary (Planning Board)												7,325				
b.	Recording Secretary (Design Review Board)												6,500				
c.	Housing Specialist												55,620				
d.																	
f.																	
g.	DSR3 Total																
												Sub Total 2		69,445			
3. Salary and Wage Overtime (Itemized Below)																	
a.	Scheduled Overtime (contractually obligated)																
b.	Training and Development																
c.	Additional Hours of Part-time staff												1,380				
d.																	
e.	DSR3 Total																
												Sub Total 3		1,380			
4. Other Salary and Wage Expenses – (Itemized Below)																	
a.	Incentive Programs																
b.	Pay In Lieu of Accrued Leave												5,500				
c.	Program Stipend																
d.	Tuition Reimbursement																
e.	Working Out of Grade																
f.																	
g.																	
h.	DSR3 Other Compensation																
												Sub Total 4		5,500			
5. Total Salary and Wages (1+2+3+4)																	
														586,446			

Department Expenditure Detail DSR2		
Department	Planning and Community Development	
DSR2B		
Object	Description	Amount
Energy (521x)		
Repairs & Maintenance Services (524x – 525x)		
Rental & Leases (527X)		
Other Property Related Services (529x)		
Professional & Technical Services (530x – 531x)	Planning (\$7,500) Con Comm (3,2100) BOA (\$500) Planning Studies and Complex Project Technical Assistance	11,200
Communications (534x)	Wireless Communications (\$2,500) Printing and Mailing (\$5,250) Legal Notices (\$5,200) Postage (\$3,700)	16,650
Recreational & Cultural Services (535x)		
Other Purchased Services (538x)		
Office Supplies (542x)	Planning (\$1,500) Con Comm (\$1,200) BOA (\$650)	3,350
Building & Equipment Supplies (543x)	Con Comm (\$1,000) Boardwalk repair at the Swamp Trail at Ridge Hill.	1,000
Custodial Supplies (545x)		
Grounds Keeping Supplies (546x)		
Vehicular Supplies (548x)		
Gasoline and Diesel Fuel (5481)		
Food and Service Supplies (549x)		
Medical Supplies (550x)		
Public Works Supplies (553x)		
Other Supplies & Equipment (558x)	Planning (\$1,000) Con Comm (\$1,200) Conservation Field Supplies and Clothing, Legal Publication Updates, Magazine Subscriptions and File Cabinet Shelving	2,200
Governmental Charges (569x)		
Travel & Mileage (571x – 572x)	Conf In State (\$1,250) Mileage (\$800) Conf Out-State \$1,300 Conferences including APA, SNEAPA, MACC and AMWS	3,350
Dues & Subscriptions (573X)	Planning (\$1,400) Con Comm (\$1,400) BOA (\$300) Professional Memberships including APA,	3,100

Department Expenditure Detail DSR2				
Department	Planning and Community Development			
	AMWS, MACC, MSMP, Society of Wetland Scientists, and Massachusetts Association of Planning Directors			
Other Expenses (574 X – 579x)				
6. Total Expenses			40,850	
DSR2C				
Capital Equipment Replacement (587X)				
7. Total Operating Budget Capital				
8. Total Base Request (Line 5 + Line 6 + Line 7)			627,296	
Does the Department depend on any Federal or State grants to provide services?				
	YES		NO	X
Did the Department submit any requests for the replacement or upgrade of technology hardware or software to the Information Technology Center and/or include funding request for hardware or software with the budget submission?				
	YES		NO	X
Did the Department submit any requests to the Department of Public Works to improve or upgrade a public building or facility?				
	YES		NO	X
Did the Department meet with Human Resources prior to submitting any request for new or additional personnel resources?				
	YES	X	NO	
V2025				

Performance Improvement Funding Request DSR4				
Department	Planning and Community Development		Fiscal Year	2025
Title	Planner		Priority	1
DSR4				
Expenditure Classification	FTE	Frequency		Total Amount (A + B)
		Recurring Amount (A)	One Time Only Amount (B)	
1. Salary and Wage	1	80,000.00		80,000.00
2. Expense			2,000.00	2,000.00
3. Operating Capital				
4. Department Total (1+2+3)	1	80,000.00	2,000.00	82,000.00
5. Other Costs				
Budgetary Considerations				Yes No
Does this request address a goal of the Select Board or other Board or Committee?				X
If yes, which Board or Committee?		Planning Board		
Has this request been submitted in the last three fiscal years and not funded?				X
Are there additional costs to implement this request (except for future year operating costs which would be ongoing if funding is approved) which are NOT included in this request?				X
Will the assistance of another department be required to provide support (personnel or financial) for this request to be implemented?				X
Will additional staff (beyond the staff requested in this DSR4 submission) be required if the request is approved?				X
Does the request support activities which produce revenue for the Town?				X
If the request is not approved, will current Town revenues be negatively impacted?				X
Is there an increased exposure for the Town if the request is not approved?				X
Is specialized training or licensing required (beyond the initial purchase)?				X
Does this request address a documented health or safety issue?				X
<i>All "YES" responses above must be explained in the narrative below</i>				
Description and Explanation				
The Department of Planning and Community Development seeks the approval of the Town Manager to hire a full-time Planner. The Planner would provide a variety of technical and professional work in the current and long-range planning of the Town. Working under the general supervision of the Director of Planning and Community Development and Assistant Town Planner the essential functions of the position would be as follows: 1. Review applications and development plans submitted to the Planning Board for compliance with Zoning Bylaw and Development Regulations and evaluate site design and landscape components. Conduct research and site assessments and refer to other Town departments for review. Preparation of background and analysis of plans and submittal of recommendations to the Assistant Planner for review. 2. Prepare drafts of recommendations or decisions for action by the Planning Board and prepare reports or exhibits to support Board recommendations. With Assistant Town Planner supervision, oversee subdivision and special permit administration and prepare drafts of the Certificate of Action and the Special Permit. Monitor construction to ensure developer's compliance and enforce remedial action if needed.				

Performance Improvement Funding Request DSR4			
Department	Planning and Community Development	Fiscal Year	2025
Title	Planner	Priority	1
3. Conduct research into relevant legal issues, gather and analyzes data, and prepare studies and policy actions related to current Town planning issues, Planning Board policies, regulations and by-laws, and general planning. 4. Attend occasional Planning Board meetings to report on planning issues and to present research findings through oral and/or visual presentations. Provide technical information and support to the Board, perform follow-up action, and conduct additional research as directed. 5. Work with administrative support persons to help organize and maintain all Planning Board records. Assemble materials and documents as required for recording in Registry of Deeds or Land Court. 6. Provide technical support to the Director of Planning and Community Development and assist the Assistant Town Planner in various planning functions. 7. Under the direction of the Director of Planning and Community Development, respond to public inquiries on zoning, subdivision, and planning activities of the Planning Board via phone and electronic mail. Educate the public through correspondence and through presentations at meetings. 8. Communicate with consultants under contract with the Town and make occasional site visits to verify compliance with permit conditions. 9. Attend various other department, committee, and board meetings as assigned to provide technical and staff support. Review and provide feedback on documents and reports. 10. Perform special projects and other related duties as required, directed, or as the situation dictates. Minimum education and experience required for the position: Bachelor's Degree in urban planning, or related field, from an accredited college or university and two to five years of increasingly responsible, planning-related experience. Master's Degree preferred. Required position qualifications to include knowledge of the: (1) Principles and practices of urban planning and development; (2) Site planning techniques and methods; (3) Federal, State and local laws, codes and regulations related to planning, zoning, and land divisions; (4) Geographic Information Systems; and (5) Current literature, information sources, and research techniques in the field of urban planning. Required skills to include ability to: (1) Interpret and explain planning and zoning activities to the general public; (2) Read and interpret comprehensive building and land development plans; (3) Analyze and compile technical and statistical information and write technical reports; (3) Operate computer and various software necessary for performing assigned planning duties; and (4) Communicate clearly and concisely, both orally and in writing, and maintain effective working relationships. Funding of the position will enable the Department to better meet the permit-granting and land-			

Performance Improvement Funding Request
DSR4

Department	Planning and Community Development	Fiscal Year	2025
Title	Planner	Priority	1

development plan review function it performs for the Planning Board. Additionally, it will allow the Department to more quickly advance the Planning Board's planning and zoning initiatives. Planning studies and zoning initiatives identified by the Planning Board include the following items: (1) Review and analysis of the Town's Zoning By-Law parking standards; (2) Review and analysis of the goals of the 2009 Needham Center Plan and the steps completed to date to meet those goals to determine if adjustments to the zoning for Needham Center and Chestnut Street are warranted; (3) Review of the land use and policy goals of the Business District located along Highland Avenue between May and Rosemary Street; (4) Review of the land use and policy goals of the Town's Industrial Districts, particularly the Industrial District on Hillside Avenue; (5) Development of a Town-wide Inclusionary Zoning By-law provision; and (6) Review of the Large House Amendments that were made to our residential districts a few years ago to determine if they have been effective at addressing the concerns of residents regarding size and architectural features.

Finally, should the Planning and Community Development Department be successful in this effort, the costs associated with this additional staff position would be added to the Department's FY 2025 salary account. It is anticipated that \$80,000.00 additional dollars would be required to fund the new position during the first year. Additional costs would include benefits and a computer.

V2025

Performance Improvement Funding Request Supplement DSR4S									
Position Title	Planner						Priority	1	
Classification	X	FT		PT		Seasonal			
Part Time /Seasonal	Hours Per Week					Number of Weeks Per Year			
Compensation Detail									
Base Rate						\$80,000.00			
Other									
Other									
Other									
Other									
Other									
Other									
Other									
Other									
Salary and Wage Total									
If Funded the Position Will Require the Following Additional Items									
Description	No	Yes	Explain		Start Up Cost \$		Annual Recurring Cost \$		
Workstation									
Vehicle									
Computer		X			\$2,000.00				
Software									
Mobile Communication Device									
Uniform									
Tools									
Equipment									
Other									
Other									
Other									
Totals					\$2,000.00				
Estimated Annual Benefit Cost							\$37,776.00		
Description and Explanation									
The Department of Planning and Community Development seeks the approval of the Town Manager to hire a full-time Planner. The Planner would provide a variety of technical and professional work in the current and long-range planning of the Town. Working under the general supervision of the Director of Planning and Community Development and Assistant Town Planner the essential functions of the position would be as follows: 1. Review applications and development plans submitted to the Planning Board for compliance with Zoning Bylaw and Development Regulations and evaluate site design and landscape components. Conduct research and site assessments and refer to other Town departments for review. Preparation of background and analysis of plans and submittal of recommendations to the Assistant Planner for review. 2. Prepare drafts of recommendations or decisions for action by the Planning Board and prepare reports or exhibits to support Board recommendations. With Assistant Town Planner supervision, oversee subdivision and special permit administration and prepare drafts of the Certificate of Action and the Special Permit. Monitor construction to ensure developer's compliance and enforce remedial action if needed.									

**Performance Improvement Funding Request Supplement
DSR4S**

Position Title	Planner	Priority	1
3. Conduct research into relevant legal issues, gather and analyzes data, and prepare studies and policy actions related to current Town planning issues, Planning Board policies, regulations and by-laws, and general planning. 4. Attend occasional Planning Board meetings to report on planning issues and to present research findings through oral and/or visual presentations. Provide technical information and support to the Board, perform follow-up action, and conduct additional research as directed. 5. Work with administrative support persons to help organize and maintain all Planning Board records. Assemble materials and documents as required for recording in Registry of Deeds or Land Court. 6. Provide technical support to the Director of Planning and Community Development and assist the Assistant Town Planner in various planning functions. 7. Under the direction of the Director of Planning and Community Development, respond to public inquiries on zoning, subdivision, and planning activities of the Planning Board via phone and electronic mail. Educate the public through correspondence and through presentations at meetings. 8. Communicate with consultants under contract with the Town and make occasional site visits to verify compliance with permit conditions. 9. Attend various other department, committee, and board meetings as assigned to provide technical and staff support. Review and provide feedback on documents and reports. 10. Perform special projects and other related duties as required, directed, or as the situation dictates. Minimum education and experience required for the position: Bachelor's Degree in urban planning, or related field, from an accredited college or university and two to five years of increasingly responsible, planning-related experience. Master's Degree preferred. Required position qualifications to include knowledge of the: (1) Principles and practices of urban planning and development; (2) Site planning techniques and methods; (3) Federal, State and local laws, codes and regulations related to planning, zoning, and land divisions; (4) Geographic Information Systems; and (5) Current literature, information sources, and research techniques in the field of urban planning. Required skills to include ability to: (1) Interpret and explain planning and zoning activities to the general public; (2) Read and interpret comprehensive building and land development plans; (3) Analyze and compile technical and statistical information and write technical reports; (3) Operate computer and various software necessary for performing assigned planning duties; and (4) Communicate clearly and concisely, both orally and in writing, and maintain effective working relationships. Funding of the position will enable the Department to better meet the permit-granting and land-development plan review function it performs for the Planning Board. Additionally, it will allow the Department to more quickly advance the Planning Board's planning and zoning initiatives. Planning			

Performance Improvement Funding Request Supplement
DSR4S

Position Title	Planner	Priority	1
studies and zoning initiatives identified by the Planning Board include the following items: (1) Review and analysis of the Town's Zoning By-Law parking standards; (2) Review and analysis of the goals of the 2009 Needham Center Plan and the steps completed to date to meet those goals to determine if adjustments to the zoning for Needham Center and Chestnut Street are warranted; (3) Review of the land use and policy goals of the Business District located along Highland Avenue between May and Rosemary Street; (4) Review of the land use and policy goals of the Town's Industrial Districts, particularly the Industrial District on Hillside Avenue; (5) Development of a Town-wide Inclusionary Zoning By-law provision; and (6) Review of the Large House Amendments that were made to our residential districts a few years ago to determine if they have been effective at addressing the concerns of residents regarding size and architectural features. Finally, should the Planning and Community Development Department be successful in this effort, the costs associated with this additional staff position would be added to the Department's FY 2025 salary account. It is anticipated that \$80,000.00 additional dollars would be required to fund the new position during the first year. Additional costs would include benefits and a computer.			
V2025			

Performance Improvement Funding Request DSR4					
Department	Planning and Community Development		Fiscal Year	FY 2025	
Title	Administrative/Office Support Specialist A0S2		Priority	2	
DSR4					
Expenditure Classification	FTE	Frequency		Total Amount (A + B)	
		Recurring Amount (A)	One Time Only Amount (B)		
1. Salary and Wage		\$13,720.00		\$13,700.00	
2. Expense			2,000.00	2,000.00	
3. Operating Capital					
4. Department Total (1+2+3)		\$13,720.00		\$15,700.00	
5. Other Costs					
Budgetary Considerations				Yes	No
Does this request address a goal of the Select Board or other Board or Committee?					X
If yes, which Board or Committee?					
Has this request been submitted in the last three fiscal years and not funded?					X
Are there additional costs to implement this request (except for future year operating costs which would be ongoing if funding is approved) which are NOT included in this request?					X
Will the assistance of another department be required to provide support (personnel or financial) for this request to be implemented?					X
Will additional staff (beyond the staff requested in this DSR4 submission) be required if the request is approved?					X
Does the request support activities which produce revenue for the Town?				X	
If the request is not approved, will current Town revenues be negatively impacted?					X
Is there an increased exposure for the Town if the request is not approved?					X
Is specialized training or licensing required (beyond the initial purchase)?					X
Does this request address a documented health or safety issue?					X
All "YES" responses above must be explained in the narrative below					
Description and Explanation					
The Department is seeking funding for a new part-time, non-benefitted position of Administrative/Office Support Specialist to serve the Department. The position is requested to be funded on an hourly basis at a rate of 10 hours per week of staff time. Funding in the amount of \$13,700.00 is requested. Presently, the Department has a part-time Administrative Specialist who provides 27.5 hours of administrative support to the Department. With this change the Department would be provided with administrative support on a full-time basis.					
V2025					

Performance Improvement Funding Request Supplement DSR4S									
Position Title	Administrative/Office Support Specialist A0S2					Priority	2		
Classification		FT	X	PT		Seasonal			
Part Time /Seasonal	Hours Per Week		10		Number of Weeks Per Year				5 2
Compensation Detail									
Base Rate						\$13,700.00			
Other									
Other									
Other									
Other									
Other									
Other									
Other									
Salary and Wage Total									
If Funded the Position Will Require the Following Additional Items									
Description	No	Yes	Explain		Start Up Cost \$		Annual Recurring Cost \$		
Workstation									
Vehicle									
Computer		X			\$2,000.00				
Software									
Mobile Communication Device									
Uniform									
Tools									
Equipment									
Other									
Other									
Other					\$2,000.00		\$0		
Totals									
Estimated Annual Benefit Cost							\$0		
Description and Explanation									
The Department is seeking funding for a new part-time, non-benefitted position of Administrative/Office Support Specialist to serve the Department. The position is requested to be funded on an hourly basis at a rate of 10 hours per week of staff time. Funding in the amount of \$13,700.00 is requested. Presently, the Department has a part-time Administrative Specialist who provides 27.5 hours of administrative support to the Department. With this change the Department would be provided with administrative support on a full-time basis.									
V2025									

**Special Financial Warrant Article Request
DSR5**

Title	Planning Consulting Assistance		
Fiscal Year	2025	Department	Planning and Community Development
Funding Amount	\$80,000.00	Funding Source	Tax Levy

Article Information

The Planning and Community Development Department is requesting an appropriation of \$80,000.00 for Planning Consulting Assistance. These funds would provide support to the Planning and Community Development Department, enabling the Director to engage professional services from time to time to support two of its functional areas:

(1) the regulatory functions of the Planning and Community Development Department, which oversees permit granting for the Planning Board, the Zoning Board of Appeals, and the Conservation Commission; and

(2) the land use and town planning initiatives of the Planning Department.

Funding for this activity was previously approved in FY2015 in the amount of \$45,000.00 and in FY2022 in the amount of \$60,000.00. Examples of projects completed under the FY2015 appropriation include build-out and traffic analysis for the Gould Street Industrial 1 and Reservoir Street Industrial Districts; 3D modeling and presentation drawings for the proposed Highway Commercial 1 zoning district at the Muzi Ford and Channel 5 site; and fiscal and traffic impact analyses for the proposed Highway Commercial 1 zoning district. The FY2022 appropriation has been allocated in whole to the MBTA Communities Planning Study under M.G.L. c. 40A Section 3A currently underway.

The need for such professional services in both function areas is noted below.

Regulatory Functions:

The permit-granting and land-development plan review function of the boards that the Planning and Community Development Department supports has called for contracted professional services over the last decade, and this is expected to continue over the next few years. The Director anticipates that professional services in such areas as traffic/transportation engineering and fiscal impact analysis to complement the expertise of Town staff would be procured. Having access to professional expertise across multiple land use disciplines in a complex regulatory environment has proven essential to allowing the Department to effectively address the permitting issues coming before it. In addition, the funds would be used to help the Department research and advise other appropriate regulatory Boards when presented with complex development projects.

Land Use and Planning Initiatives:

The use of contracted services is also anticipated to support the Planning Department's planning and zoning initiatives, and in some cases this funding would supplement funding from other sources. Several planning projects which the Planning Board is considering are as follows.

- The Planning Board wants to conduct a review and analysis of the Town's Zoning By-Law parking standards. This is an advancement of the recommendations contained in the Needham Center and Needham Heights Parking Study completed by Stantec in March 2023. A review of the Town's off-street parking requirements for all zoning districts would be reviewed, compared to national standards, best practices and actual utilization levels to

Special Financial Warrant Article Request
DSR5

Title

Planning Consulting Assistance

assist in determining appropriate parking ratios for implementation across all zoning districts. Adjustments and clarifications to parking ratios in zoning to make them simpler to understand, to better reflect actual demand and to be more context sensitive to broader Town goals would be developed. Relevant zoning language would be prepared with supportive table and graphics to implement the recommended standards.

- The Planning Board wants to review the goals of the 2009 Needham Center Plan and the steps completed to date to meet those goals to determine if adjustments to the zoning for Needham Center and Chestnut Street are warranted. The Board anticipates that this effort will include a workshop to present accomplishments to date and to identify any constraints to redevelopment not anticipated in the 2009 Needham Center Plan. The 2009 Plan detailed the Village Concept that called for “diverse, mixed-use districts combining residential, commercial and civic uses in a compact area” and proposed new zoning regulations to “encourage massing that helps define the street edge and that serves as a backdrop to the streetscape.” Some projects carrying out this vision have occurred over the past decade - the mixed-use building at 50 Dedham Avenue, the Beth Israel Deaconess Hospital's new facilities, the new Needham Public Safety building, and a new mixed-use building at 15-17 Oak Street, but most of the under-developed areas identified in the Plan have yet to fulfill their full potential. The purpose of this review would be to examine current impediments to redevelopment and to make the warranted adjustments. Suggestions from the Needham 2025 plan will be examined along with other identified constraints. The Board anticipates that this planning effort will provide a framework for informing adjustments to both the zoning and implementation plan for Needham Center and the Chestnut Street corridor moving forward.
- The Board wants to review the land use and policy goals of the Business District located along Highland Avenue between May and Rosemary Street. The land use and dimensional regulations for this district have not been updated in over 50 years. Prior to 1989, all the Town's commercial areas were zoned under a single “Business District” designation. Recognizing that each commercial area had unique attributes and land use objectives, beginning in 1989 the Town began the process of studying each area to establish a more tailored regulatory framework for the studied area consistent with the Town's land use objectives. This subsequently led to the creation of the Needham Center Business District, Chestnut Street Business District, Avery Square Business District, Commercial 128 Business District, the Hillside Avenue Business District, and the Neighborhood Business District. The Business District located along Highland Avenue between May and Rosemary Street is the only remaining Business District on which the land use and regulatory profile has not yet been updated.
- The Board also wants to review the land use and policy goals of the Town's Industrial Districts, particularly the Industrial District on Hillside Avenue.
- A very important goal for this coming year is to review and consider amending the Inclusionary Zoning provisions of our Zoning By-Law. The Town has incorporated inclusionary zoning mandates into its Zoning By-Law for several Overlay Districts, including the independent living units in the Elder Services Zoning District, as well as zoning for the Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts. In these areas at least 10% of the units must be affordable to those earning at or below 80% of area median income and meet all other state requirements for inclusion in the Subsidized

**Special Financial Warrant Article Request
DSR5**

Title	Planning Consulting Assistance
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Housing Inventory. More recent zoning as part of the Mixed-Use Overlay District, in the Highland Avenue/128 area, as well as changes to the Neighborhood Business District increased the affordability requirement to 12.5% with the option of a payment in-lieu of units provision in the case of the Neighborhood Business zoning. New zoning for the Carter Mill development at Avery Square also included a 12.5% affordability requirement. More than one-third of the municipalities in the state have such inclusionary zoning in place with percentage of affordable units in multi-family rental or condominium developments required at a range of between 10% and 15% or even up to 20% of the units. The level of income to be reached is also a factor to be considered. Not having such Inclusionary Zoning in place for all our zoning districts is causing the Town to miss opportunities for new affordable units as part of recent subdivisions and a new 8-unit residential project on Hunnewell Street for example.

- Another goal for the coming year is to review the so-called Large House Amendments that were made to our residential districts a few years ago – have they been effective at addressing the concerns of residents that reconstructed houses are too large and lack the architectural features that are typical of Needham neighborhoods?

In summation, the above noted items provide an overview of potential areas of planning initiatives in which professional services might be required.

Disclosures	YES	NO
1. Was this request submitted last year?		X
2. Is this a recurring special financial warrant article?		X
3. Is this a matching grant funding request?		X
4. Is this a CPA funding request?		X
5. Is this a revolving fund request?		X
6. Is this a pilot program request?		X
7. Is this a study?		X
8. Is this a program that is planned to be in place for more than one year?	X	
9. Is this required by a court or other jurisdictional order?		X
10. Is this a personnel related request?		X
11. Is this a local option acceptance request?		X
12. Is this in support of a goal of a Board or Committee?	X	

All "YES" responses must be explained Below

Disclosure Explanation

This funding request is designed to provide monies for consulting services on an as needed basis over multiple years and supports a Select Board and Planning Board goal.

V2025

Special Financial Warrant Article Request DSR5			
Title	Small Repair Grant Program		
Fiscal Year	2025	Department	Planning & Community Development
Funding Amount	\$50,000.00	Funding Source	Tax Levy
Article Information			
The Small Repair Grant Program provides financial assistance to low-and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is currently available per participant, and applications are evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older or have a disability with incomes at or below 80% of area median income. Grants are awarded during two funding rounds per year. This request seeks to provide funding for the program in the 2025 fiscal year. Program funding in the amount of \$50,000 was previously appropriated in the 2020 fiscal year, 2022 fiscal year, 2023 fiscal year and 2024 fiscal year. Because CPA funding is restricted to housing improvements involving properties that were acquired or built with CPA assistance, funds from the General/Enterprise Fund have been used. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather stripping, bathroom grab board, raised toilets, hand-held shower heads, among others. The Small Repair Grant Program responds to findings and recommendations in the Council on Aging and Needham Public Health Division's Assessment of Housing and Transit Options for Needham seniors which indicated that one of the major barriers to aging in place involves the costliness of modifying existing homes to increase accessibility. Repairs made during the Program's first years of operations indicate that most repairs related to accessibility, including walkway and railing improvements for example. Most repairs also involved work on the exterior of homes which was not surprising given the pandemic. Almost all of the grants involve the maximum amount available of \$4,000 for the first year and \$5,000 for the second and third. All program funds appropriated to date have been committed with a total of 60 residents served over the life of the program.			
Disclosures		YES	NO
1. Was this request submitted last year?		X	
2. Is this a recurring special financial warrant article?			X
3. Is this a matching grant funding request?			X
4. Is this a CPA funding request?			X
5. Is this a revolving fund request?			X
6. Is this a pilot program request?			X
7. Is this a study?			X
8. Is this a program that is planned to be in place for more than one year?		X	
9. Is this required by a court or other jurisdictional order?			X
10. Is this a personnel related request?			X
11. Is this a local option acceptance request?			X
12. Is this in support of a goal of a Board or Committee?		X	
All "YES" responses must be explained Below			

Special Financial Warrant Article Request DSR5	
Title	Small Repair Grant Program
Disclosure Explanation	
The funding request responds to a Select Board principle that the Town be an age-friendly community and also fosters a climate of safety for individuals in their homes.	
V2025	

NEEDHAM PLANNING BOARD MINUTES

September 5, 2023

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 Adam Block, Chairman, on Tuesday, September 5, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, 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 a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does include one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

ANR Plan – Arthur Fine Homes, LLC, Petitioner, (Property located at 248 Harris Avenue and 96 Bradford Road, Needham, MA).

Mr. Block called out that on the site plan it says 284 and not 248. He asked why this is subdividing 63 square feet. Ms. Newman noted a neighbor wants to acquire that strip of land. A conveyance is the only issue being proposed here. She will clean up the transposed numbers on the mylar.

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

VOTED: with those corrections, to endorse the plan subdivision approval not required.

Jim Reulbach explained why the transfer is being done.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces.

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

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

Mr. Alpert stated he wanted to be on record that Temple Beth Shalom is directly across the street from this project. He is General Counsel for the Temple and an Ex officio member of the Board of Trustees. He checked with Temple Beth Shalom and the Temple was served with notice and ~~are~~ considered an abutter of this property. He checked with the management at the Temple, and they have no position on this matter. He checked with Town Counsel and has filed paperwork with the Town Clerk. He wanted to be up front with the applicant in case they had an issue with him sitting on this matter. Attorney Evans Huber, representative for the applicant, stated he has no issue with Mr. Alpert participating in the hearings.

Mr. Huber stated the applicant is seeking site plan review. There are 5 existing buildings that will be demolished and replaced with one building. The new building will be a medical office building of 50,000 square feet and 2 stories. The 250 planned parking spaces meet the requirement for medical office. There will be one level of parking underground and one at grade level within the building. The applicant is not asking for any zoning relief as ~~the use~~ is allowed by law and meets all dimensional requirements. The applicant met with the abutters. The applicants ~~is~~ are aware of their concerns and

has~~ve~~ taken them into account. Jonathan Cocker, of Mangel Destefano Architects, showed the existing site plan and discussed what was proposed. He noted there is presently very limited green space and a lot of pervious surface. There is parking on Cross Street and Arbor Street. The buildings are right along Highland Avenue. All the buildings will be torn down and one building will be built near the center of the site. There is a ~~350~~320 square foot reduction in building footprint and a 13,000 square foot reduction in paved area. There will be an increase of approximately 12,000 square feet of green space between the building and the streets.

Mr. Cocker noted 25% ~~of~~ the parking is surface parking. The rest is below grade concealed within the slope of the site. He showed the grading on site. A sidewalk and green space are being created. There will be a 2-story office building with a level of parking, then another parking story below that. There will be an accessible sidewalk from the corner to get into the building. Entering the building will be through an elevator lobby. Ms. Espada asked if that will be the main entrance and was informed it will be the main entrance to the building. Deliveries will be going in through that entry. Trucks and ambulances can access here also. There will be green space in a patio area. An access drive has been created at the end of Cross Street to Arbor Street and it will be softened with landscaping. There will be landscaping all along Arbor Street. Added features include a retaining wall and screening to prevent head-lights from shining on adjacent residents. There will be 3 drive aisles. All else is screened. He noted the lower level of the parking garage can be accessed from Arbor Street or Cross Street.

Mr. Cocker noted some roof top equipment will be screened and located toward the rear of the site. A lot of landscaping is being added along Highland Avenue as the building is pushed back from the road. The materials include sleek modern glass and white aluminum composite panels. There will be screening at the top and down at the parking level. Sunshades go as an eyebrow across the second story of the building. He noted the lowest level of parking has entry from Cross Street and Arbor Street. The upper level has one access off Cross Street with accessible parking in the middle with a lobby and loading zone. There is also access out to Arbor Street at the rear. A pad for the transformer is at the rear of the site and will be screened. All traffic will be 2-way and will be disbursed in both directions.

Mr. Block stated he was concerned that pedestrians have to cross 3 lanes of traffic to get to the lobby. He feels it should be flipped so the lobby is near the entrance. Mr. Cocker noted the reason for doing that is the need to have the egress directly to the outside of the building. The location of the lobby in the center allows better disbursement of occupants and tenants from the site. Colbi Cavanaugh, of Mangel Destefano Architects, stated it has been flipped a couple of times and this is the best outcome. Mr. Cocker noted the site will be lit for safety. Lighting is being kept to a minimum with downward facing light compliant light fixtures. There will be zero light spillage to neighboring properties. Against the building are W1 wall mount fixtures and G12 within the garage. Lights are being provided for parking and walkways via handrail lights. Mr. Block asked what time the lights will go off. Mr. Cocker noted lighting for security is needed but the hours will be compliant with the Town requirements.

Jeffrey Dirk, managing partner at Vanasse & Associates, Inc., prepared a Transportation Impact Assessment using the ~~T~~own standards and Mass DOT standards. He worked with ~~T~~own departments ~~within the town~~ to understand the roadway structure current and future. The Muzi site was taken into account. The critical thing was disbursing traffic and traffic moving on Arbor Street and Cross Street. About 55% of traffic goes to I-95 so they have looked at left turn queueing. Arbor Street and Cross Street will have 1 to 5 cars queueing during peak time. He looked at how the garages were designed and saw no safety deficiencies. The sight line exceeds the recommended sight lines. He noted some traffic will be on Hunting Road and Gould Street but the majority will go to I-95. He showed the existing conditions. Bike lanes have recently been added. He wanted to design the project so people could bike and walk safely. He noted there will be 20,000 cars per day over a 24-hour period with 1,700 cars at peak hours on Highland Avenue.

Ms. Espada asked why the entrance is on Cross Street where there are residences and not on Arbor Street where it is commercial. Mr. Dirk noted, from a traffic standpoint, either one would work. For disbursal, Cross Street is better. He noted people will likely use the first ~~street~~ they come to. Signs can be provided to encourage people to use one street over the other. Mr. Cocker noted people could access Arbor Street or Cross Street from the garage. Mr. Dirk showed vehicle trips. There will be 1,800 daily in 24 hours. There are 634 existing and there will be 1,166 for medical office. There will be 101 in the morning peak and 168 in the evening peak. Mr. Alpert asked the hours of operation. Mr. Huber assumes the hours will be 7:00 a.m. to 7:00 p.m.

Mr. Dirk showed the trip disbursement and noted it was designed using both streets. Mr. Block asked what the maximum capacity for queueing is before disruption. Mr. Dirk stated it could go to 10 cars on both streets before disruption. That is substantially more than what they are predicting. He noted the following recommendations: traffic signal retiming and phasing plans on either side of the project site at Highland and Webster, and Highland and Gould and Hunting, and install signs for No Through Traffic on Cross ~~Street and Highland~~ at Putnam ~~Street~~. Mr. Alpert asked if the timing could be done so there is a break in traffic at the same time so cars can get out. Mr. Dirk stated that could be done.

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Justin Mosca, Civil Engineer, reviewed the stormwater management and topography plan. The site has a comprehensive storm water management system design in compliance with the Needham Stormwater By-Law and associated standards. It does not connect to the ~~Town~~ system. Highland Avenue is the high side and there is no useful connection. They rely heavily on infiltration. Enough infiltration volume is being provided for a fully managed 25-year storm and a mostly managed 100-year storm with some overflow but less than what is there today. Catch basins are set up all along Arbor Street along the frontage and along Highland Avenue. All water from the building and parking area are going to the infiltration system. Inside the building are concrete chambers and outside is the infiltration system.

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Mr. Mosca noted most of the connections for the general utilities are off Cross Street such as electric and gas. Sanitary sewer is out to Highland Avenue. There is a water line on Arbor ~~Street~~ for a new hydrant. He showed where the generator will be located. He noted the applicant is funding stormwater improvements on the ~~3Three~~ Squares ~~Restaurant~~ property as the system was not working. Ms. Cavanaugh noted the green space is increased by ½ acre of open space overall. There is a 40-foot setback of green space along Highland Avenue and green space along all the sides. Retaining walls are all under 4 feet in height and have been planted. There will be significant screening along Cross Street with additional plantings at the neighbor-~~s~~' property across from Arbor. The property will be irrigated. There will be a 2,500 square foot plaza for patients and workers which will be screened. It will be flexible open space and screened with arborvitae. There will be a terrace and plantings within the parking area. Additional trees are being planted along Arbor and ornamental trees and grasses along the terrace. There will be 4 different grasses along the front, then a wall with more plantings above. The plantings will all be low maintenance.

Ms. McKnight noted a good locus plan is missing from the packet. The plan does not identify all the streets that go from Gould Street to Webster Street. Mr. Block noted the following correspondence for the record: a memo from the Design Review Board, dated 8/8/23, with comments regarding red oaks, approving the building design and materials; an email from Police Chief John Schlittler, dated 8/15/23, regarding traffic impact; a response to Chief Schlittler from Jeffrey Dirk, dated 8/31/23; an email from Assistant Public Health Director Tara Gurge, dated 8/30/23, with the usual comments; a letter from Town Engineer Thomas Ryder, dated 8/30/23, with comments; a letter from Building Commissioner Joe Prondak, dated 8/31/23, with comments; a letter in response to Mr. Prondak's comments from Daniel Burton, dated 8/31/23; an email from Fire Chief Tom Conroy, dated 8/30/23, with comments; a response to Mr. Conroy from Justin Mosca, dated 8/30/23 and an email from Town Meeting member Glenn Mulno, dated 8/31/23, with comments.

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Mr. Block opened the hearing up for public comment. Attorney Howard Freedman, representative for Gateway Townhouse Condominiums at 605-607 Highland Avenue, noted the units were built in 1996. There are 12 units, with children, and there is a concern with traffic. ~~Cross Street~~~~The road~~ is congested but well maintained. There is a concern with traffic on Putnam Street. This project will be adding 1,100 new cars daily. There is concern with signage and enforcement. He feels the issues will be ongoing. Cross Street and Arbor Street are private ways so people who abut the roads need to maintain them. He would like to know the developer's contributions. Mr. Block suggested Mr. Freedman email a list of comments to the Planning Board.

Jennifer Yogel, of 612 Highland Avenue, lives directly across the street, between Mills and Utica. It is very densely populated with a lot of children who play in the streets. She is very concerned with the safety of the kids. Cut throughs will happen. It is done all the time at high speeds. She asked why there is not another access route out of the neighborhood onto Webster or Gould. She asked how medical waste is leaving these places. It is a very sticky situation with storage outside. Flooding has impacted this area of town like she's never seen before, and she is concerned with pests that get into trash, water, waste removal and traffic. She appreciates the traffic counts, but they have never tried to get in or out of their driveways onto Highland Avenue. The project needs more work on the road systems and access. People should enter and exit different ways.

Walter Tin, Trustee of Townhouse Condominium~~community~~, backed up the comments that were made. The biggest problem is the width of the streets. There are no sidewalks and kids are a real issue. These are private ways, and the community pays for all expenses. Dr Wendy Herman, of 613 Highland Avenue, Gateway Condos, has 2 small kids. The bus stop is at Cross and Highland. Her first grader is allowed to be picked up and dropped off independently. She would like to keep that available as a bus stop and ensure safety. Mr. Alpert asked how safety at the bus stop would be impacted during construction. Mr. Huber stated he would respond at the next meeting.

Rob Dengel, of 28 Hewitt Circle, feels badly for the condo owners with Muzi, Wingate, and now this. It is sandwiched from all sides. The size of the project needs to be taken into consideration. The narrow streets will not be able to handle traffic and he heard nothing about solar. Is there anything regarding LEED Certified for the building? It seems like a ~~non description-non-descript~~ building and ~~doeswould~~ not contribute to the character of Needham. He does not feel the focus was on aesthetics and traffic impacts. He wants the Board to think about the neighbors.

Mr. Alpert noted this is a project with a use that is as of right and meets all requirements. He wants to ask Town Counsel if, on a site plan review, can the Board raise these issues such as solar. He would like an answer from Town Counsel. Mr. Block stated he spoke with Town Counsel specifically on solar. It is clear under site plan authority the Board does not have authority to require solar or carbon technology. The Board does not have the discretion to require the developer to reduce the building size. The developer needs to mitigate the impacts and leave it not in a worse state post construction and there are certain standards to meet traffic mitigations. Mr. Dengel stated if the developer is not required by law to address these issues, the zoning should be looked at so the Town can have more power. Mr. Alpert noted there is a plan to identify specific By-Law changes for solar and solar technology.

David Hruska, of 21 Rosemary Street, stated it is a nice development. He is concerned with parking, particularly the cost to park there. He assumes parking will be free but there will be a lot of extended costs on the public. He wants to encourage planning for the future and reduce dependence on vehicles. They should reduce the parking and charge the market rate for parking. Nancy Greenwald, of 615 Highland Avenue and Trustee of Townhouse Condominiums, reiterated what the others have said. She would like "no access to Highland" signs on Putnam Street. 250 cars parking on this site~~there~~ are too many. She has problems getting out of her driveway in the morning as traffic backs up to her driveway. She does not feel 7:00 a.m. to 7:00 p.m. are appropriate hours. There are homes in the area. She feels 4:30 p.m. should be the last appointment.

Emily Pick, of 12 Mills Road, stated her biggest concern is traffic. She hopes the Planning Board hears the concerns. She would like to see this pushed back off Highland Avenue, more traffic disbursement and more water management. The hours of operation should be addressed. Curtailing the hours would minimize traffic. Mills Road is a cut through. She would like some mitigations put in and would like to see some method of enforcement on Highland Avenue. People speed on Highland Avenue. She would like the hours of construction minimized and is concerned with the scale of the project.

Kevin Pichetti, of 194 Webster Street, asked how many more cars there would be. Mr. Cocker noted there would be roughly 60 more vehicles in and out for 120 more vehicle trips. Mr. Pichetti asked, with the elevation change to Arbor Street, how is that going to work. Mr. Cocker stated Arbor is already a little higher than Cross Street. There will be a connecting driveway between the 2 roads. Mr. Pichetti stated there are 6 oaks on Arbor Street. Mr. Cocker noted there is a plan to remove one that is not healthy.

Ben Daniels, of 5 Sachem Road, lives across from the Muzi site. With the traffic, where does this all end? This is 1,100 more cars per day and there will be more with the Muzi property. He noted it is frustrating that it is just a little bit at a time. There is no ~~long-rangelong-range~~ plan. There has to be a plan, not who gets there first. They need someone to keep an eye that Needham does not turn into Somerville. The developer could put up solar or geothermal as a matter of good will.

Alan Freidman, of 71 Putnam Street, noted signs can be put up but they will not matter. There are a lot of kids. The impact with this development, Wingate and the Muzi site is awful. The Planning Board represents the residents and should not just ok all this. Mr. Block stated there could be a peer review on traffic impact analysis. Ms. McKnight stated they usually require it. Mr. Crocker noted traffic is the main focal point. He feels it would be wise to do the peer review. Ms. Espada agreed. Mr. Alpert is in favor of a peer review. Vanasse does good work but represents the developer; ~~1-A~~another set of eyes would be good. Ms. Newman stated GPI could do the peer review.

A motion was made to ask the Planning Director to reach out to GPI as they are available and request a traffic study peer review and engage a consultant. Ms. Newman noted she would work with GPI to get a proposal, cost and timeline. This would be needed for the 10/3/23 meeting. Mr. Alpert feels it should be stressed that the major concern is with traffic on small side streets and how to mitigate it.

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

VOTED: to ask the Planning Director to reach out to GPI and request a traffic study peer review and engage a consultant.

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

VOTED: to continue the hearing to 10/3/23 at 7:05 p.m.

Board of Appeals – September 21, 2023.

1458 Great Plain Avenue – Tobin Beaudet Schools, Inc.

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

VOTED: “No comment.”

Minutes

The minutes will be discussed at the next meeting.

Report from Planning Director and Board members.

Ms. Newman noted there will be a kickoff meeting for the Housing Needham (HOMNE) Committee Advisory Group this Thursday at 7:00 p.m. RKP Consultants have been hired and the paperwork has been signed. She feels the Planning Board members should review the tape of the meeting to be up to date. There will be a presentation on the MBTA Communities Act and what is expected. There will be a discussion about the public process.

Ms. Espada noted she did not see regulations for the streetscape along the Highland Avenue area they just looked at. Ms. Newman stated it is such regulations are not provided in the Industrial District. She tried to rezone it shortly after she arrived in 1993 and it was unsuccessful. Ms. McKnight stated, in the Town's 2022 Housing Plan, proposals for rezoning in compliance with the MBTA law it went to Webster Green Apartments and stopped because, beyond Webster Street, it is not transit oriented. The standard is ½ mile or a 15-minute walk to transit. Mr. Alpert noted they are dealing with an Industrial zone in the middle of a residentially-zoned area. Ms. Espada just wants members to be mindful of different lots with different setbacks. Mr. Alpert noted they are talking about the Highland Avenue corridor. He likes that this project is not directly on Highland Avenue and but has a 40-foot landscape buffer along Highland Avenue. It is not all asphalt like on Gould Street and from Webster to Gould. This will add some class to this section of town.

Ms. Espada noted she and Ms. McKnight plan a once-a-month meetings for the HOMNE committee, with committee community meetings in October, January and March. Ms. Newman stated the first community meeting will be 11/9/23. Mr. Block noted there are 3 candidates for the Economic Development Director position. He was on the search committee. The Assistant Town Manager Katie King will hold a second round. He will keep members posted of any vacancies for CEA members. He noted the Single Parcel Historical Commission will do reports to the Planning Board.

Correspondence

Mr. Block noted the following correspondence for the record: an email from Anika Law, dated 8/17/23, regarding a By-Law change for regulating gun shops; an email from Stanley Keller, dated 8/28/23, relating to 1688 Central Avenue; an email from Norman MacLeod, dated 8/29/23, regarding 1688 Central Avenue; an email from Gregg Darish, dated 8/29/23,

regarding 1688 Central Avenue; an email from Lois Sockol, dated 8/29/23, regarding 1688 Central Avenue; an email from Robert and Joan Onofrey, dated 8/30/23, regarding 1688 Central Avenue and a public notice from Wellesley regarding Large House Construction.

The Board took a 5-minute recess.

Zoning Regulation of Solar Energy Systems: Material Review, Zoning Priorities and Policy Considerations.

Mr. Block stated, for the May Town Meeting, he wants to define the scope, identify action items and a schedule to move forward. The Climate Action Plan Committee (CAPC) is focused on 3 areas – solar canopies over parking lots and structures; commercial roof top solar; and small and medium sized ground-based solar. The first element in the By-Law is the purpose in any section. He will follow the same structure as other By-Laws. The framework will be around the 3 items above, but they need to identify what the process will be. Should canopies over parking lots and structures be by right or by special permit? Some advocate breaking up by size. Some recommend solar canopies by size and smaller canopies would be by right. Large, like the Boston Properties Special Permit, he would prefer by site plan review. He needs to see what the standard is. He does not know what the potential adverse effects would be and appropriate mitigation. The 888 Great Plain Avenue size would be like a small installation. He feels it could go through without site plan review. They need to know what the standard is by size.

Mr. Alpert hears the discussion as if the developer comes to the Board and wants to put solar in. He thought they were talking about where the Board can require solar. Mr. Block does not feel it needs to be a special permit process, just site plan review. Ms. Newman commented if there is already a special permit for the building, some canopies have been done as de minimus changes to the special permit. Ms. Espada stated she was at a CAPC meeting with Justin Savignano, and Steven Frail and 2 experts were brought in – Andrea Love and Jacob Knolls. They were part of the group that created the Stretch Code. This group came up with recommendations for different items already sent to the Planning Board. She read what was sent. A framework was already put together. She feels they could start with that. Mr. Block noted they could take that and focus on the solar elements.

Ms. Espada feels one thing is reviewing permitting online. Mr. Block stated they can identify what the permitting process is and add an application for solar canopies. They need information from Mr. Savignano as to the size that will tell what can be done by right. A discussion ensued regarding solar canopies. Mr. Block asked Ms. Newman to bring up the size of the Olin project and the Boston Properties parking garage for the next meeting. Ms. Newman clarified they could identify the size of what can be built over a structure by right and by special permit. Mr. Block recommends that, if it is a by-right structure it would be a by-right process. If a certain size it would be by right but with site plan review. Ms. Newman noted the same rules should be in all districts. Mr. Block was thinking not of different regulations by district but by size.

Ms. McKnight feels it is primary use versus accessory uses. There are tables of what is allowed as primary and accessory uses. They could have a footnote. She feels they should go district by district to see where this use should be allowed. Mr. Block reiterated he feels the standard is the size. Mr. Alpert noted the difference is that the size that would be allowed in Needham Center is smaller than the size that would be allowed in the Industrial District. A discussion ensued. Mr. Block noted there is no structured parking in downtown where this would be applicable. All buildings in downtown are small buildings. It would factor it in by size. It would need a definitional change throughout the By-Law to define what solar canopies should be. Ms. McKnight stated the Board needs to set what the criteria would be. Mr. Crocker stated a solar canopy is a structure. They may not need to have any regulatorregulationthing other than compliance with the existing setback. The Board needs to determine is it fair, practical and right. Mr. Block stated that is not relevant. The structure is not a solar canopy. The structure is the parking structure. Solar on roofs could be anywhere in town. The Board discussed the need to identify sites, understand how much is realistic for what buildings, look at the setback and see what other towns have done. Mr. Alpert noted the information provided by Steven Frail has By-Laws from other towns. Ms. Newman intends to look through and put together the information with a chart with all the elements.

Mr. Block summarized the discussion. The high-level items are commercial roof top solar, solar canopies over parking lot structures and small and medium ground based solar. The height and setback restrictions need to be separated out. Solar and other carbon reduction technology should be allowed and mechanicals not to exceed 15 feet on the horizontal plane and 25% of rooftop criteria. They need to look at structure setback and screening requirements. The process should be

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considered, identity definitions and what is being mitigated~~ing~~ for. The Dover Amendment is a protected use under Chapter 40A, Section 3. He feels they need to bring Town Counsel in at the early end. Ms. Espada stated Mr. Savignano and the new Building Commissioner should be at the next meeting. She noted the Stretch Code needs to be abided by. The Board needs to be aware of that and take it into account.

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

VOTED: to adjourn the meeting at 10:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

~~Jeanne S. McKnight~~ Natasha Espada, Vice-Chairman and Clerk

From: [MEL](#)
To: [Dariusz](#)
Cc: [Mike](#)
Subject: Re: Highland Ave Project
Date: Wednesday, November 8, 2023 4:42:27 PM

Hi,

I am the owner of 62 Putnam Street.

In reviewing the new proposal for this project, I want to share a few comments and concerns.

1- Allowing cars to exit on Cross Street creates the same issue as having a 2 way entrance/exit to the property on Cross Street.

There is no sight line from Highland down Cross Street (see picture) and Vice versa no sight line from Cross onto Highland especially given the incline.

As stated by the traffic expert at the meeting, there is not enough room down Cross Street to the entrance and cars will cut across both lanes to enter the building.

This has the high potential to cause accidents between cars coming up Cross Street and cars turning from Highland to the entrance. Similar to having a 2 way entrance/exit.

It will further cause severe traffic backups on Highland if there is a cue of cars on Cross waiting to turn onto Highland and effectively blocking the entrance to the parking garage. While the developer is claiming to want to increase the flow of traffic this will actually reduce traffic flow in the area and potentially be a drain on town resources due to accidents caused by crossing traffic as well as backup traffic on Highland Ave.

The only viable solution is to have people enter on Cross and exit on Arbor.

2- The above scenario will now cause people in the cue on Cross Street to be stuck in a gridlock situation where the only exit and option is to turn down Putnam Street and enter the residential neighborhood which is now home to dozens of children.

3- The proposed new curbing at Putnam does not seem like it is viable given where the property line is located (see picture). The road will be too narrow at the pinch point and this will cause hardship to residents and guests of the residential neighborhood.

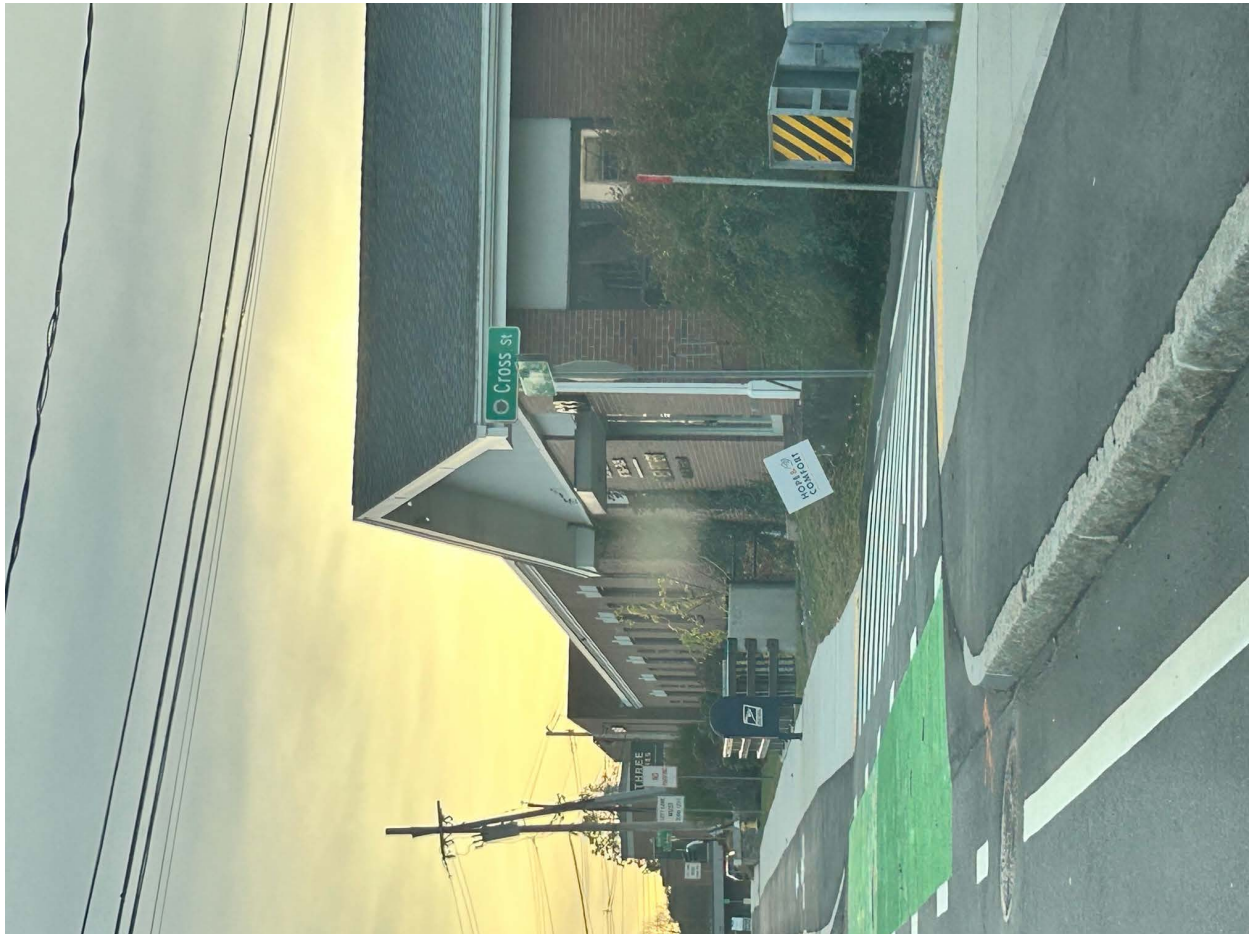
4- I did not see any proposal for landscaping and light screening on Cross Street where it abuts my property line at the lower garage entrance. I currently see lights in my backyard and home from 3Squares parking lot and Pick facility on Arbor.

I would request that light blocking landscaping or a retaining wall and fence be installed to block light pollution and traffic noise from the garage and building.

I would trust that the planning board will take these issues under advisement and protect the rights of the residents in the neighborhood.

Sincerely,

Michael Notkin
62 Putnam Street
617-818-4390







On Sep 7, 2023, at 10:45 AM, Planning <planning@needhamma.gov> wrote:

Thank you, I will share your comments with the Planning Board.

Thanks, alex.

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

From: NESS <mike@nestudentservices.com>
Sent: Tuesday, September 5, 2023 9:12 PM
To: Lee Newman <Newman@needhamma.gov>
Cc: Planning <planning@needhamma.gov>
Subject: Re: Highland Ave Project

Hi Lee,

I would like to submit my comments and concerns regarding the 629-661 Highland project. I currently live at 62 Putnam Street corner of Cross Street.

I am concerned with cut through traffic and proper landscaping on the other side of Cross Street similar to what is being proposed on the Arbor side.

I would like to recommend the following:

- 1- Putnam Street being a private way should dead end at Cross Street with no access to Cross Street. Residents of the Gateway condominiums will not be able to use Cross Street for access to Highland Ave so there is no impact to residents and this would protect the community.
- 2- Landscaping needs to be added to the other side of Cross Street to limit the impact and minimize traffic noise and views. Residents deserve to enjoy peaceful use of their homes. There seems to be landscaping planned for the Arbor side.

Thank you,
Michael Norkin
617-818-4590

On Apr 16, 2021, at 2:37 PM, Lee Newman <Newman@needhamma.gov> wrote:

Mike, Please see responses to your questions below. Lee

-----Original Message-----
From: Mike <mike@nestudentservices.com>
Sent: Friday, April 16, 2021 11:42 AM
To: Lee Newman <Newman@needhamma.gov>
Subject: Highland Ave Project

Hi,

I am looking for information regarding the Development plans for 629-661 Highland Ave, specifically:

- 1- Has the project been approved? If not what is the status and timing?

The Planning Board has not received a formal site plan review application and associated filing for a redevelopment project at this location. Accordingly, no redevelopment plan has been approved at the noted location.

The location had been scheduled on the Planning Board agenda of January 21, 2020 for an informal (meaning no application had been filed) presentation by Boston Development Group of a possible redevelopment scheme. However, the owner requested at the last minute (apparently due to illness) that the agenda item be pulled from the agenda and therefore this topic was not heard by the Board on January 21. The owner has not requested that the item be rescheduled and it has not appeared on a subsequent Planning Board agenda.

- 2- When will abutters be notified of the plans for the site?

When/if a formal application is filed notice of the project would be advertised in the newspaper and abutters to the property within 300 feet would receive legal notice of the public hearing on the project.

- 3- What is the process and timing for approval and construction..?

When/if an application is submitted, there is a requirement that the legal notice run in the newspaper and abutters within 300 feet be notified. A public hearing would be held (either over Zoom or in person, depending on the pandemic situation) where the applicant would make a presentation on the formal proposal and Board members and the public would be allowed to make comments and ask questions. After the public hearing, the planning Board votes and a Decision is issued. The entire process from application to Decision is about 2-3 months, or more. Construction cannot begin before the noted process occurs and a 21 day appeal period has passed with no appeals. Hope this brief overview of the process helps. Again, there has been no application for a redevelopment project filed at the subject location.

4- What are the plans for the site or where can I find plans?

The Planning Board has not received a formal site plan filing at this location. However, I have attached a copy of the draft plans which were scheduled to be presented at the January 21, 2020 Planning Board meeting before the noted agenda item was canceled. I have also included a copy of the Planning Board meeting minutes from the January 21, 2020 meeting.

Thank you,
Mike
617-818-4590

<200121_Boston_Dev_Group_629-661_Highland_Ave.pdf>

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: Medical building planning board hearings
Date: Tuesday, November 14, 2023 10:52:19 AM
Attachments: [image005.png](#)

FYI

Lee

From: Howard Goldman <hgoldman@goldmanpease.com>
Sent: Tuesday, November 14, 2023 8:45 AM
To: Lee Newman <LNewman@needhamma.gov>
Subject: Medical building planning board hearings

Good morning Lee

I wanted to share some concerns and suggested language in the pending decision to afford the neighbors protections but I am sure other abutters may have additional concerns.

Applicant shall have a contact person for the neighbors to contact 24/7 to prevent Applicant customers and staff from trespassing onto Putnam Street, providing a cell and email address, in order to take immediate and sufficient response to prevent future encroachments onto Putnam Street. In the event that cut through traffic from the medical facility continues, the neighbors may request a public hearing with the planning board, at which hearing the planning board shall consider eliminating all egress traffic onto Cross Street and to require that all egress traffic from the medical building flows onto Arbor Street.

Applicant shall coordinate with the neighbors to develop and pay for appropriate signage to be placed at the point of entry onto Putnam Street to the effect that this is private property and patients and employees of the Applicant are expressly prohibited to access this private way and that violators shall be liable for all costs and expenses associated with a breach of this covenant.

Applicant shall coordinate with the neighbors to develop and maintain modifications/barriers to Cross Street, at the location adjacent to Applicant's building, to make access onto Putnam Street difficult for patients and employees of the Applicant. No existing parking spaces on Cross Street shall be altered or eliminated.

Applicant shall coordinate with the neighbors to develop and pay for appropriate signage, to be placed on Cross Street adjacent to parking by residents of Gateway Townhouses Condominium, that parking by patients and employees of the Applicant is strictly prohibited and that violators shall be towed at the owner's expense.

Applicant shall coordinate with the neighbors to develop and pay for cleaning of dirt and

other construction material from their homes periodically throughout construction and shall develop a plan to reduce pest infestation, including rats, due Applicant's construction of the medical center..

Applicant shall post express signage throughout its building that access to Putnam Street is strictly prohibited and shall insist upon compliance from its patients and staff.

Applicant shall not move or dump any snow from its property onto Cross Street or onto Putnam Street.

No garbage shall be picked up from the Applicant's site until after 7am during week days and no garbage shall be picked up on the weekends.

Thanks for your cooperation.

Regards,

Howard S. Goldman, Esq.
Goldman & Pease LLC
Attorneys at Law
160 Gould Street, Suite 320
Needham, MA 02494
hgoldman@goldmanpease.com
www.goldmanpease.com
(t) 781-292-1080
(f) 781-239-8909



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1692(e)(11) of the Federal Fair Debt Collection Practices Act, Goldman & Pease LLC is sending this communication as a debt collector as it is attempting to collect a debt and any information obtained will be used for that purpose.

To: Select Board

This past July, I presented to the Planning Board regarding the size of new construction in Single Residence B zones (SRB). I urged a reform of the zoning by-laws concerning new construction in SRB lots, specifically regarding Floor Area Ratios (FAR), as I believe current by-laws do not achieve their intended objectives in controlling house size, affordability, and other areas.

FAR in SRB zoned lots was set during the May 2017 Town Meeting. At the time, the clear intent of the residential zoning forms was to reduce the size of new houses, and the amendments setting FAR and other dimensional regulations for SRB were passed overwhelmingly. Town Meeting Members were told that the regulations on FAR specifically would help address over-sized construction and negative impacts on neighborhoods:

"This Zoning By-law amendment is intended to address concerns with demolition of existing smaller homes being replaced with larger homes in existing neighborhoods and the loss of neighborhood character which is occurring as a result of this conversion process"

My question to all those involved in town government: do you think progress has been made? In my observation, the problem is as bad as it has ever been and must be addressed.

The Planning Board said it would not take any reform before Town Meeting prior to October 2025 at the earliest. I think given the limited amount of work required for some initial reforms, the urgency in addressing the issue, and the synergies between this policy and the work of HONE, the town should work along a faster schedule.

While the Select Board may not be directly involved with the review of residential zoning, the Select Board would be asked to weigh in on and potentially support any changes. This was the case in 2017 and with the Housing Plan Working Group, which suggested changes to FAR regulations in 2022.

It should be expected there will be turnover in the housing stock and the typical house size may move higher over time as people's preferences evolve. However, during my research, I have seen some very alarming examples of seemingly habitable houses which have been demolished and replaced by houses which are significantly larger. This process is in direct contradiction of the town government's work on addressing affordability, and frequently also against environmental goals.

Interest and efforts to curb the size of new construction in Needham date back at least a decade and previous reforms have not been effective, despite any of the work done or statements made. I think that there needs to be a shift in attitudes regarding residential zoning, with more proactive monitoring of the current situation by all of those in town government and citizens in general. I hope that the Select Board and all others in the town will support urgent reforms to the residential zoning by-laws to protect the interests of current and future residents.

Regards,

Joe Matthews

Precinct I

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Department
Date: Wednesday, November 15, 2023 11:20:24 AM

The following form was submitted via your website: Contact Planning Department

Full Name:: Marcia Weiner

Email Address:: Marcia4530@verizon.net

Address:: 503 Great Plain Ave.

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 781-444-8238

Comments / Questions: I am writing on behalf of my mother Nancy Golden, who owns 70 Putnam St., regarding the 621-661 Highland Ave building project. It is essential as part of this project that customers of the new office development be prohibited from parking on Putnam St. or otherwise using Putnam St. as a means of ingress or egress to the Highland Ave. office building. Putnam St. is a narrow roadway and parked cars will make it difficult to pull in and out of driveways, as well as to have sufficient room for vehicles, such as landscaping trucks or similar vehicles that regularly service the Gateway condominiums. "No entry except for residents" signs and no parking and towing signs should be placed on Putnam St. to ensure that such restrictions will be enforced. The project owners should also have a defined process to receive, investigate and handle expeditiously reports of any violations of such restrictions by their customers. In addition, Cross St. is currently the main road for access to the Gateway II and III condominiums, including my mother's unit, that are on Putnam St. The new project should ensure that such access to Putnam St. remains unfettered for its residents. The project owners must also ensure that there is no encroachment onto Putnam St., and that means of ingress and egress to Putnam St. for its residents remain unfettered during the demolition and construction phase of the project. Thank you for your attention to these concerns. I would appreciate your adding these comments to the Planning Board meeting packet for the upcoming meeting discussing this project. Thank you.

Additional Information:

Form submitted on: 11/15/2023 11:20:18 AM

Submitted from IP Address: 108.20.235.108

Referrer Page: No Referrer - Direct Link

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d176&c=E.1.skMQGeIS3yha-WM3WypmBcwcjr-Uafo_KAv0eUjHOICK7yf_aUJO22NMYdD2-ourbgdauUAuNiLEj_6121f6OXyxHchsI4D7N4ubxVttw..&typo=1

