NEEDHAM PLANNING BOARD MINUTES

August 12, 2025

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Artie Crocker, Chairman, on Tuesday, August 12, 2025, at 7:00 p.m. with Messrs. Block, McCullen and Greenberg, Director of Planning & Community Development, Ms. Newman and Assistant Planner, Ms. Clee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>Board of Appeals – August 13, 2025</u>

<u>62 Kimball Street – Douglas Sherman, applicant.</u>

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

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

<u>136-140 Hillside Avenue – Greg Keshishyan, applicant.</u>

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

10 Riverside Street – Arthur and Anna Deych, applicants.

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

Minutes

There were no minutes.

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

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

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

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

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

Report from Planning Director and Board members

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

Upon a motion made by Mr. McCullen, and seconded by Mr. Greenberg, it was by a vote of the three members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Justin McCullen, Vice-Chairman and Clerk