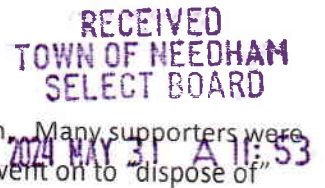


Date: 05/29/2024

RE: **MBTA Re-Zoning Independent 3rd party engineering study**

To: Town Manager, and Town Planning Board,



In the late hours of Monday May 13th (well after midnight), Article #46 came up for discussion. Many supporters were unable to attend, some TM members left and others had their eyes closed, but the meeting went on to "dispose of" article 46.

Despite the coordinated opposition by Town Leaders, led by Ms. Frail (Select Board Housing Co-Chair), Ms. Fachetti (Finance Committee & Housing Working Group Member), Mr. Matthews (influential MBTA compliance proponent), Mr. Block (Chair of the Planning Board and local realtor), and Ms. Lee (School Board Chair), the article received a strong 25-30% level of support.

Our elected Select Board Representative Ms. Frail opposed the article as "**redundant and unnecessary**", and characterized our request as a "**re-do study**."

To be clear, this article simply asks (**and now we ask again**) our Town Manager and Planning Board to perform an independent, 3rd party engineering study to determine the capital infrastructure costs required to support the proposed rezoning of 1868 housing units or 3294 housing units **within the areas designated for rezoning**, specifically; water, sewer, storm water, and schools.

This factual information must be made available to Town Meeting Members in advance of when they will be asked to vote on the two proposed rezoning plans, and also in advance of the Town's planned infrastructure studies which are one to three years out.

Town staff discussed the potential 'impact' with town department heads asking for their 'opinion' of impact. Those discussions were summarized in the Assistant Town Manager's memorandum to HONE of 4/26/24 entitled "**Capital Impacts Assessment on Proposed MBTA Communities Act Zoning**."

Our Article 46 group studied that memo exhaustively, and with all due respect, **this memo is not an engineering study and does not address the conflicting school enrollment numbers** as to which projection is accurate. Town departments have based their infrastructure conclusions and additional student population on the HONE "assumption-based-propensity-models" generated by the RKG Urban Rezoning and Compliance consultant. These assumptions are not facts and may not be accurate. The Town memo communicates the message of "don't worry, no problem here." For example:

Water Conclusion (page 6): "At this time, DPW does not anticipate any new capital projects resulting from the proposed zoning, but may adjust the scope of projects (e.g., replace with a larger diameter pipe) to factor in any anticipated population growth." (in other words, "let's deal with it later!")

Sewer Conclusion (page 7): "At this time, DPW does not anticipate any new sewer capital projects resulting from the proposed zoning, but may adjust the scope of priority projects identified in the I/I assessment if they fall in the area of the proposed rezoning." (in other words, "let's deal with it later!")

Schools Conclusion (page 3): "Over the next several years, the Needham Public Schools and Town will assess the impact of the MBTA Communities Act on school enrollment as developments materialize. In the short term, if enrollment increases at individual schools need to be accommodated, the district could consider temporary classrooms, redistricting and/or higher-class sizes, as needed. In the long term, the School Department can adjust its plans for a renovated Mitchell school." (page 13 (7.) ref below) (in other words, "let's deal with it later!")

We are simply asking that the town deals with it now! Based upon these available facts we ask again: "Can the town's infrastructure support the proposed rezoning plan of 1868 or 3294 units? What capital projects may be required to enlarge the towns infrastructure, and what is the estimated capital cost and projected escalation for each taxpayer over the short and long term? This is important to understand regardless of the actualized development timeline, be it fast or be it slow. Either way, taxpayers deserve to know the capital costs and impact on their taxes.

Further, Ms. Frail needs to explain how any infrastructure deficiencies will be addressed within the "untested and conflicting" EOHLC guidelines for site plan review. Example:

"The applicant [developer] cannot be required to fund major off-site public infrastructure improvements as a condition of approval"¹

"The Town is under no obligation to make investments in public infrastructure to make an individual project viable."² [here, the town may choose to expend public funds to do so]

"EOHLC may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if EOHLC determines that: (iv) A board, authority or official in the MBTA community does not issue permits."³ [here, the town may be forced to expend public funds to make a project viable]

MBTA Communities Act (*along with the EOHLC'S guidelines*) is new and untested. Needham's Town Meeting Members should be as fully informed as possible and must be prepared for much more development than the HONE RKG propensity-assumption suggests.

Mr. Matthews stated "...Town Meeting has voted an additional \$80k, that is available to them for additional studies..."

The need for clarity is there, the funds are available to the Town/ Planning Board, and the voters of Needham require these facts before voting as per 1.8, Needham Town Bylaw.

We now ask that you utilize the \$80k or (portion thereof) to conduct the needed technical studies, in fulfillment of your sworn oath to Needham voters. Our group is willing to work with town departments in clearly defining the specific goals, process, timeline, and what the output report would look like.

We look forward to your prompt reply as time is of the essence.

Sincerely,



Gary Ajamian, TMM "F" & Ken Buckley, Article 46 co-signers, (plus many, many more.....)

47 Meetinghouse Circle, Needham, MA 02492;

<https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>

page 13 (7.) "such multi-family housing shall be without age restrictions and shall be suitable for families with children." EOHLC will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants

¹ As noted in the 4.30.24 HONE final report (page 28)

² As noted in the 4.30.24 HONE final report (page 28)

³ page 17 (10.) EOHLC may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if EOHLC determines that: (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district