

NEEDHAM PLANNING BOARD MINUTES

June 10, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Acting Chairman, on Tuesday, June 10, 2014 at 7:00 p.m. with Mr. Warner and Eisenhut and Ms. Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Ms. McKnight arrived at 7:40 p.m.

Correspondence

Ms. Newman noted there was a notice from the Dedham ZBA regarding a 72-bed assisted living unit. This is just an FYI. Ms. Newman noted she has had complaints from the neighbors of the Beth Israel Deaconess Hospital Needham. They are concerned with the installation of oxygen supply tanks and their visibility from Lincoln Street. The hospital has put more landscape screening. The tanks are still visible and the Hospital has agreed to plant more landscape screening. She will follow up with this issue. Ms. Newman noted the Belle Lane subdivision recording is on record. There is also correspondence from Ken Mackin requesting withdrawal of an application regarding a façade change for 905-915 Great Plain Avenue. The applicant has obtained the Design Review Board approval. They need a vote from the Planning Board to withdraw the application without prejudice.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to allow the withdrawal without prejudice of the application for 905-915 Great Plain Avenue.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2013-02: Needham Solar, 1, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 1407 Central Avenue, Needham, MA). Please note: This hearing is continued from the May 20, 2014 Planning Board meeting.

Ms. Newman noted this is a modification of the plans to show the fencing. They have gone back to a ballasted fence system consistent with the fence along the landfills throughout Massachusetts. There will be a proposed gate at the top of the array. This is a minor modification. Mr. Jacobs asked if they have an insurance certificate. Michael Singer, of Brightfield Development, LLC, stated they do not have a certificate. The final entities will set that up.

Mr. Jacobs noted the following correspondence for the record: a letter from Weston & Sampson, dated 5/27/14; an email from Town Engineer Anthony DelGaizo, dated 6/10/14, noting no comments or objections and stating he concurs with the \$100,000 surety amount; an email from Fire Chief Paul Buckley, dated 6/10/14, noting no issues or concerns; and a draft of the decision.

Mr. Eisenhut stated he has some concerns about a build area that is not delineated. Mr. Singer stated they defined the term in the lease. It will be part of the As-Built plan. The build area is not 100% defined now. He noted the footprint array may change but they will build it consistent. Mr. Eisenhut stated applicants usually define the build area and they have not done that. Ms. Newman stated the decision says they need to build it in accordance with the approved plan. Mr. Singer stated they are in the process of getting final DEP permits. Prior to start of construction, they will have the leased area locked in. Ms. Newman said that, as with any other plan they approve, there would be a modification, whether an insignificant change, de minimus or amendment.

Stephen Wiehf, of Weston & Sampson, stated some poles may be shifted by a few feet. Mr. Eisenhut stated minor or not they may have to come back for further modification if this occurs. Mr. Singer stated their hope is they will have this locked in prior to construction. Mr. Eisenhut noted they had a discussion at a prior meeting about trucks and size – that they will not exceed a certain size or capacity. Mr. Singer noted the streets are

designed for, and they will have, fully loaded “street legal” weight trucks. They will not receive any above “street legal” weight trucks. They will not exceed 80,000 pounds. He noted that is also in the DEP permit. Mr. Eisenhut noted in the decision they are required to follow the DEP recommendations.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to close the hearing.

Mr. Jacobs noted they have a draft decision. Mr. Singer noted a concern regarding the provision on page 8, Section 3.11, the 2nd paragraph of this section. He asked if this is a carryover from the Energy Management Services Agreement they have with the Town. He is not sure what this section is referring to. Ms. Newman noted this language is coming out of the zoning; the language is referring to the top of page 9 regarding what constitutes an abandonment. Mr. Singer asked what the Construction Management Plan was. Ms. Newman stated they need to come up with a plan to be signed off on by all departments. Mr. Singer stated in Section 3.19, do they have to pick up outside the project area? Ms. Newman noted they do not. Mr. Singer noted Section 3.23 refers to the proposed building. Ms. Newman stated that language should be changed to be more specific to this project with reference back to the solar installation and not a building.

Mr. Singer commented he is not sure about Section 3.24. The excavation material and debris are already there. It should not be their responsibility. Mr. Jacobs stated they should exclude what is onsite before they do anything. Mr. Singer suggested responsibility only for debris and material generated by the project. All agreed with that wording. Mr. Singer noted in Section 3.26 (b), they want to make it clear they are not excavating for the temporary fence. In Section 3.27, there are 2 (f)s. Ms. Newman will fix that. Mr. Singer noted in Section 3.28, 1st paragraph refers to accessory buildings. There are none. Ms. Newman noted it should be accessory structures.

Mr. Singer noted in Section 3.28 (b), there are no sidewalks or parking improvements and in Section (c) they do not have an architect. They have a registered engineer. Mr. Jacobs noted in Section 3.12, “the town must” should be “the town can.” Mr. Singer stated he wanted to make sure they are consistent with the agreement they have with the Town, and he has not yet had a chance to do that.

Mr. Jacobs stated they should have time to verify that it is consistent with the agreement with the Town. Anything minor that does not change the intent can be agreed by the Planning Director. They can approve in this draft decision form and they can raise any issues with Ms. Newman. If there are bigger issues the Board will be meeting again in 2 weeks. He noted he would change Section 3.12 and 3.27, also. They should incorporate the DEP requirements and it should be subject to the changes listed.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to approve the decision with the notes the Planning Director has taken for Needham Solar Voltaic LLC and grant a Major Project Site Plan Review Special Permit Amendment under Section 7.4 and Section 4.2 of Major Project Site Plan Review Special Permit No. 2013-02, dated April 2, 2013.

7:30 p.m. – Major Project Site Plan Special Permit No. 2014-05: Breathe, Balance, Barre, LLC d/b/a Barre 3, 1 Chrysler Road, Unit 114, Natick, MA 01760, Petitioner (Property located at 996 Great Plain Avenue, Needham, MA).

Mr. Jacobs noted this is the former Joel’s Candy location.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

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

Rick Mann, attorney for the applicant, noted he was co-counsel with Roy Cramer for the Applicant Liz Katz, who was present. He noted this is a personal fitness use with 1,420 square feet on the first floor. It has been vacant for over a year. There will be ballet, barre and pilates. Ms. Katz has the Barre 3 certification, which is the Barre 3 franchise certification. There is no dedicated parking. He noted it is an as of right use but they need a waiver for parking. This will be by appointment only. There will be one class at a time with 15 students plus one instructor. Classes are 60 minutes.

Ms. McKnight arrived.

Mr. Mann noted there will be one additional employee to oversee the accessory retail use. They will sell workout apparel and have accessory childcare for up to 6 kids while the parents are in class. They will be open 6:00 a.m. to 1:00 p.m. and 4:00 p.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m. Saturday and Sunday. There are no classes 1:00 p.m. to 4:00 p.m.

Mr. Mann noted there will be a reception desk, child's play area to the left and rest rooms to the right with a studio in the rear. It is an existing 2 ½ story building with offices above. The basement space is used by Harvey's Hardware. There will be no exterior changes except the sign. He noted 12 or 18 parking spaces are required. He stated Section 5.1.1.3 of the Zoning By-Law, is for change or conversion of use. There are 29 spaces required for the entire building. They are requesting a waiver of strict adherence to 5.1.1.6. On-street parking is available and there are 2 large municipal lots in close proximity. The new lot gives 34 new public spaces and by his count there are 85 public parking spaces behind the building. There are 48 spaces in the adjacent lot and 82 public spaces in the Chapel Street lot. That does not include the metered spaces on the street.

Mr. Mann noted classes are by appointment only. The maximum will be one class with 15 students and a maximum of 2 employees. He stated they will purchase 2 employee stickers. They will have 15 to 30 minutes between classes and no classes 1:00 p.m. to 4:00 p.m. This meets all requirements and will improve the current situation.

Liz Katz, applicant, stated Barre 3 is a franchise and this will be the first in Massachusetts. It is yoga, pilates, ballet and barre. It works the entire body in small motions. Mr. Jacobs asked how many sites do they have? Ms. Katz noted they have 52 sites with one opening in Wellesley this week. Mr. Eisenhut asked how will the 1:00 p.m. to 4:00 p.m. close be enforced? Ms. Katz stated they will close and lock the doors.

Ms. McKnight noted this is part of a large building. There are offices above with a door to walk up. She would like to see what the total parking demand for the premises is and what the demand for the candy store was. Ms. Newman stated it is set forth in Section 1.8 of the draft decision. Laura Katz, Jeffrey Katz, Gary Katz and Harry Katz all spoke in favor of the proposal.

Mr. Jacobs noted the following correspondence for the record: a memo from Janice Berns of the Board of Health, dated 5/28/14, with comments; an email from Police Lt. John Kraemer, dated 5/13/14, noting no concerns; a memo from Town Engineer Anthony DelGaizo, dated 5/8/14, with no comments or objections; a memo from Fire Chief Paul Buckley, dated 6/6/14, with no objections or concerns; and a draft decision.

Mr. Mann thanked Ms. Newman for getting the draft decision to him in a timely manner. Ms. McKnight commented she feels she has a sufficient understanding of the facts and issues presented at the hearing despite having missed the first few minutes. Mr. Jacobs stated he does not think Mr. Mann said anything in the 5 minutes Ms. McKnight missed. Mr. Mann stated he would waive the 5 members if Ms. McKnight were not there.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to close the hearing.

Mr. Mann noted the discussion in Section 1.7 of the draft decision is irrelevant but not harmful. He has no objection to eliminating that section. Ms. McKnight stated they are not using the 2nd approach to calculating the parking so why mention it. Mr. Jacobs stated he would rewrite Section 1.7 for a single method of calculating parking of 12 and Section 1.8 doesn't have to be changed and stays at a waiver of 29 parking spaces.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to grant a Major Project Site Plan Review Special Permit under Section 7.4, a Special Permit under Section 3.2.2 for a personal fitness establishment in the Center Business District, a Special Permit under Section 3.2.2 for more than one non-residential use on a lot, a Special Permit under Section 1.4.6, if applicable, for alteration or reconstruction of a non-conforming structure and a Special Permit under Section 5.1.1.6 to waive strict adherence with the off-street parking requirements of Section 5.1.2 (required parking) and Section 5.1.3 (parking plan design requirements).

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to approve the form of the decision with the relief discussed with the change to Section 1.7 as discussed.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 92-1: Needham Health Club, Inc., c/o Matthew T. Sfara, 50 Oak Street, Newton, MA, Petitioner (Property located at 114 First Avenue, Needham, MA).

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

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

Robert Smart, representative for the applicant, noted the property is in the New England Business Center and the proposed use is allowed by Special Permit. He noted Restaurant Depot is 64,000 square feet and its parking demand is under 100. Mr. Smart stated CATZ (Comprehensive Athletic Training Zone) is 1,029 square feet and its parking demand is 39 spaces. There are 254 spaces on site. That is more than double the spaces needed. There are 52 spaces devoted to CATZ. They will sublet 1,029 square feet for use for CATZ.

Matthew Sfara, applicant, stated this is an indoor athletic facility. They will be open 5:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. Sunday. There are 1 hour time slots and a maximum of 2 trainers. There will be a maximum of 5 members on site at any time. This is allowable by Special Permit and there are no parking issues.

Mr. Sfara described the equipment which includes 14 different machines. Workouts will be 20 to 30 minutes. He commented he saw a demand when Gold's Gym went out. Ms. McKnight reviewed the hours of operation and clarified they are not closing mid-day. Ms. Grimes commented that the plan only shows one shower area. She asked if there was only one shower area. Mr. Sfara stated there will be one for the women and one for the men. Ms. Grimes asked how many they anticipate using it per hour. Mr. Sfara noted there would be about 5 members so there is not a large demand for a locker room.

Mr. Jacobs noted the following correspondence for the record: an email from Attorney Robert Smart with the hours of operation and comments; an email from Lt. John Kraemer, dated 5/13/14, with no safety concerns; an email from Town Engineer Anthony Del Gaizo, dated 5/8/14, with no comments or objections; an email from Janice Berns of the Board of Health with comments; an email from Fire Chief Paul Buckley with no comments or objections; and a draft decision.

The Board recessed the hearing and took a recess from the meeting at 8:30 p.m. for Ms. McKnight to take a phone call.

The Board resumed the meeting without Ms. McKnight.

8:30 p.m. – Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as Parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61).

Mr. Jacobs noted there is a request to continue this hearing to the August 6 meeting. Mr. Jacobs opened the hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to continue the hearing to Wednesday, August 6, 2014 at 7:30 p.m.

Request for Permanent Occupancy Permit: Major Project Site Plan Review No. 2013-03: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 51 and 59 Lincoln Street and 89 School Street, Needham, MA).

Ms. Newman stated they are looking for a permanent Certificate of Occupancy for the Lincoln Street and School Street parking lot. There is a letter from the DPW they are satisfied that all work is done.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy.

Request for Permanent Occupancy Permit: Amendment to Major Project Site Plan Review No. 98-6: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, and 37-39 Lincoln Street, Needham, MA).

Ms. Newman stated this is an extension of the municipal lot and all work is done.

Upon a motion made by Ms. Grimes, and seconded by Mr. Eisenhut, it was by the four members present unanimously:

VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy.

Request for Extension of Temporary Occupancy Permit: Amendment to Major Project Site Plan Review No. 2012-05: VO2 Max Elite, LLC, 23 Francine Road, Framingham, MA 01701 & MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-918 Great Plain Avenue, Needham, MA).

Ms. Newman noted the building is not done. They would like an extension and temporary Occupancy Permit to 10/30/14.

Upon a motion made by Mr. Warner, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to grant an extension of the temporary Occupancy Permit to 10/30/2014.

Board of Appeals – June 19, 2014.

Town Request for a Designee as the Monitoring Agent for Chapter 40B Comprehensive Permit Projects.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: "No comment."

Ellen Mahoney and Scott Pike – 345 Brookline Street, Needham, MA.

Mr. Eisenhut stated they need to call out the language in the By-Law. Mr. Jacobs stated he is unclear what they are being shown and told. The second paragraph is important. He does not think it was built in accordance with the building permit. He thinks that is the problem. Ms. Newman stated the relief can only be granted with a valid building permit.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to call out the language of zoning and comment it does not appear to comply with the first section of the second paragraph.

Ms. McKnight returned to the meeting at 8:45 p.m.

The Board continued the 8:00 p.m. Needham Health Club hearing. Mr. Smart stated he has one issue with the draft. He stated on page 5, Section 2.1 (a), they do not want to go back to the architect to get a formal revision of the plan. He asked if he can add numbers or can they put the numbers in the decision. Ms. Newman stated she can add the numbers to the decision. Ms. Grimes noted they should let him type the square footage right on it and add it to the decision. Ms. McKnight agreed it is only a question of subtraction. Mr. Smart stated the calculation is in his letter. Mr. Jacobs noted the dimensions were certified. Mr. Smart stated they should delete Section 2.1 and substitute somewhere else the square footage of the 3 uses.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to close the hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to adopt the draft decision with the edits discussed.

Ms. Newman stated it will be revised by a note provided by the petitioner.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to grant a Major Project site Plan Special Permit under Section 7.4; a Special Permit under Section 3.2.4.2(e) for an indoor athletic facility in the New England Business Center Zoning District; a Special Permit under Section 1.4.6 for the change or extension of a non-conforming structure; and further site plan approval pursuant to Section 4.2 of Special Permit No. 92-1.

Board of Appeals – June 19, 2014 – continued

S. Quinn Pertman and Micah Fleisig – 179 Whitman Road.

Mr. Eisenhut stated it is not clear it is the right zone. Ms. McKnight asked if any new non-conformities were created by this or is it just aggravating an existing non-conformity. Ms. Newman stated the front setback changed so it is newly non-conforming relative to the front setback. They should call that out. Mr. Eisenhut noted the bay window is an issue.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to the extent they are not providing a projection into a required setback, the Board has no comment but they call to the ZBA's attention that it appears, at least as it relates to the box window, there is a projection happening there and that would require a variance.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to call out what the rule is and let the ZBA interpret, as the Planning Board does not have enough data.

Rockets Restaurant Group, LLC – 669 Highland Avenue.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: "No comment."

Adjak Productions, Inc. d/b/a H.Y.P. Studio – 140 Gould Street.

Ms. Newman recommended they say "no comment." The use is new and is considered a personal fitness use. The existing business was classified as a private school. Ms. McKnight stated they are creating a bad precedent to continue an improperly classified use. Mr. Eisenhut agreed it is a bad precedent. Ms. Newman stated they could call out that it comes under another use.

32-34 Pleasant Street LLC – 32-34 Pleasant Street.

Ms. Newman stated they already commented on this.

43 Wexford Street LLC – 43 Wexford Street.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: "No comment."

Roadside Rescue & Transport, Inc. – 150 West Street.

Ms. McKnight stated the plan does not show the zoning line and information regarding where equipment will be is not shown. There is a real lack of information. Mr. Jacobs noted he does not see the use within the category. Mr. Warner stated the data is very unclear. Ms. McKnight stated they cannot access one zoning district to get to the other zoning district. Mr. Jacobs agreed that was not allowed. You cannot access through a district where the use is not allowed.

Vote to authorize Director of Planning and Community Development to authorize all Building Permits and Temporary and Permanent Occupancy Permits outside of a meeting in cases where all permit conditions have been met or where sufficient surety is provided to assure compliance.

Ms. Newman stated she would like authority when projects are built according to the specifications and she has all the plans. She would like to authorize without the applicant coming back. Mr. Eisenhut stated he thinks temporaries are a little different. They may be minor or have a bond involved and he would like to see them. He does not have an issue with permanent occupancy permits but would like to see temporaries. Ms. McKnight agreed.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to authorize the Planning Director to authorize Building Permits and Permanent Occupancy Permits outside of a meeting.

Planning Board Reorganization.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to approve Martin Jacobs as Chairman.

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to approve Jeanne McKnight as Vice-Chairman.

Minutes

Mr. Jacobs noted on the minutes of 1/28/14, page 5, it is not clear which article Mr. Eisenhut is talking about. Ms. Clee clarified on page 7, second paragraph, the Planning Board only has jurisdiction over façade changes under current law.

Report from Director of Planning and Community Development.

Ms. Newman stated Scott Ravelson contacted her. She distributed a table of where they were with his building. They established a maximum of 46 parking spaces that could be utilized in the existing building with the tenants. He was allowed, with the as-of-right tenants, in that building to switch them out without coming back and was allowed to put in a massage facility by right without coming back as long as the mix in the building does not go over 46 spaces. He has ABC Carpet, which is on the second floor of the space and occupies approximately 6,700 square feet. He wants to allocate 2,300 square feet to the massage facility. In order to make the parking work he has to keep 5,300 square feet of this building vacant. He has committed to doing that. He has indicated in a letter he has given her that he wants to lease to them and he will keep that space vacant.

Ms. Grimes stated there is no parking there. She goes there 2 times per week. They park in the middle of the road and cars park around them. There is no parking. Mr. Jacobs stated no use at all should be made of that space. He is ok as long as he does not go above the 46 space parking demand. They need to find out if he is in compliance first. He stated he would be willing to go along if he was assured it is not being used. He suggested Ms. Newman tell Mr. Ravelson the dance studio may have gone over the maximum number of students and they will be checking on him. He would allow her to proceed but Mr. Ravelson needs to give the Board an affidavit on a quarterly or monthly basis that no use is being made of the space. Ms. Newman stated she would authorize based on a Planning Board vote and request quarterly affidavits.

Discussion regarding Medical Marijuana Zoning and next steps.

Mr. Jacobs stated he has had some discussions with Ms. Newman. The Board has to decide what it is going to do. He was not sure what, if anything, would have passed at Town Meeting. There is one use category that is a catchall use category in Industrial, Industrial 1 Zoning District and the Business Zoning District. He stated it comes down to – the applicant currently can say they want a Registered Marijuana Dispensary (RMD) in Needham, and say that an RMD does not fit in any use category in the Zoning except the catchall category. The Board could say they are not barring RMDs in those districts, since the catchall could allow it by special permit. He noted under the By-Law in Section 3.1, they added to the By-Law the ability of the Planning Board to find a use not spelled out in the By-Law to be similar in kind and similar in impact to another use that is stated in the By-Law. They could make this determination tonight that an RMD is similar in use and similar in kind to another use in the by-law, without having to have a Town Meeting vote. He is not sure if they want to. If the Board could

come to a consensus on such a determination, they would need to make it clear that by failing to enact a controlling Zoning By-Law amendment, the Town is not barring them but allowing RMDs in specific districts without a vote at Town Meeting by means of such a determination.

Mr. Eisenhut stated he originally suggested treating RMDs as a medical clinic. Mr. Jacobs stated they could get out of the problem without a Town Meeting vote. Mr. Eisenhut stated they should make a determination it fits most closely to a medical clinic. Mr. Warner stated that is a useful solution to the present problem. Ms. Grimes commented she fears if they do not take it back to Town Meeting it will be a political nightmare.

Ms. McKnight noted there is an advantage to going back to Town Meeting and stated they did not previously adequately explain what happens if they do nothing. They need to explain. She asked if state buffer of 500 feet are required if RMDs are simply determined to be similar to medical clinics, or not. She might agree a dispensary that does not grow and dispense is like a medical clinic. Mr. Jacobs stated he wants to think of the process.

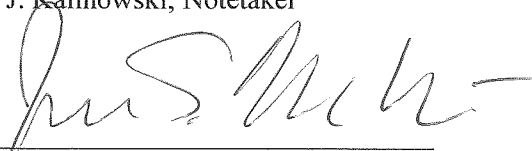
Ms. Newman noted the Town Manager is setting up a meeting with all departments to discuss next steps. Ms. McKnight stated they could have hearings of 2 different approaches. Ms. Grimes stated an underground group is forming to discuss the issue. Ms. Newman noted they will do a mailing to Town Meeting members if they have hearings. Mr. Jacobs noted he wanted people to start thinking about this. They do not have that much time. They need to know soon. Ms. Newman stated they need to know by September at the latest. Mr. Eisenhut commented anything can be challenged. They could call it retail if they chose to.

Mr. Jacobs stated he found 8 use categories that could arguably work. He noted "any lawful purpose" works. Ms. Grimes stated she does not see how the Planning Board cannot bring anything to Town Meeting. Town Meeting expects the Planning Board to bring something. Mr. Jacobs stated the Board could make a determination under Section 3.1 even after Town Meeting.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in dark ink, appearing to read "Jeanne McKnight", written over a horizontal line.

Jeanne McKnight, Vice-Chairman and Clerk