*NEEDHAM PLANNING BOARD MINUTES*

May 20, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Wednesday, May 20, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 6/2/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

**DeMinimus Change: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).**

Mr. Jacobs noted the following correspondence for the record: an application dated 4/16/20; the first schematic drawing layout; a letter from the applicant, dated 4/23/20, that describes the project; a notice from the Commonwealth of Massachusetts with guidance on COVID 19 criteria; a second letter from the applicant, dated 5/12/20, with some modifications; a new drawing with a reconfigured layout, dated 5/13/20, with a list of vendors; a copy of the license agreement, dated 1/31/18, with the Town of Needham; a copy of the order of the Commissioner of Public Health; a copy of an earlier decision dated 4/25/17; a copy of an amendment to the base decision; a memo from the Police Chief, dated 4/28/20; a memo from Engineering, dated 5/4/20, noting no comments or objections; a letter from the Board of Health, dated 5/4/20, with concerns and a follow up letter from the Board of Health noting they were fine with the changes made.

Jeffrey Friedman, President of the Needham Farmers Market, noted this is for a one-year permit only. Farmer's Markets have been declared essential services by Governor Baker. They will work with the Health Department for health and safety. The Town Manager has signed off on the application. He has removed 2 new vendors and there will be no new artists. The Market will expand to a small part of the common and set up will start 1 hour earlier at 9:00 a.m. There will be temporary parking on Garrity Way. Tom Gehman, Board member and Operations Manager, described the layout of the Market. The layout has been expanded for social distancing. The walkway is part of the plan. Ten locations will be spaced on Garrity Way. The total vendor capacity is lower than previous. Spaces will be made with directionals for spacing and flow with the additional set up time. Staff members will be in the Market space to maintain order and spacing.

Mr. Friedman asked the Board to grant the Special Permit. The Market is scheduled to open on 6/14/20. He noted the Market has the support of the Health Department and the Town Manager. Mr. Jacobs asked if Mr. Friedman had seen a copy of the draft decision and was informed he had. Mr. Eisenhut stated he appreciated the presentation and the schematics. Mr. Alpert noted it appeared the work was done in cooperation with the Board of Health and there are no artists planned now. The Governor is phasing in a new normal. He asked if there are any plans, if the orders are modified, to allow artists or another vendor. Mr. Friedman stated it is difficult to speculate. They have not talked about any changes but it would have to be consistent with what the Health Department wants.

Ms. McKnight noted there is an ambiguity with regard to artists in the proposed decision and the schematic. If the intent is the Market does not need to come back to the Planning Board the decision implies that, but the schematic says artists are prohibited. What is the intention if the Governor allows artists? Mr. Friedman noted it

could be done either way. He is not sure what objection the Planning Board would have if the Governor and Board of Health allowed it, but what the Planning Board wants is important. Ms. McKnight feels the sketch plan should be more clear. A note should be added that says "Until such time as artists are clearly allowed under the Governor's orders, state agencies and the Needham Board of Health." The decision does say artists are allowed if allowed by the Governor. She would like the plan modification section modified to reflect that. She noted that on page 3 and page 4 the wording "vendors, artists and musicians" is there. Musicians are not allowed so it should just say "vendors and artists." There were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the application as a de minimus change.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the application as presented with the modification made after discussion with the Board of Health and the modification made after issues discussed this evening.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:
VOTED: to approve the draft decision with the amendment as presented by Ms. McKnight subject to the change to the schematic as discussed tonight.

**De Minimus Change: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA 02492).**

Mr. Jacobs noted the following correspondence for the record: an application dated 5/4/20; a letter from Attorney Elizabeth Gerlach, Senior Counsel for the hospital, dated 5/4/20; the As-Built plan for Beth Israel Deaconess Hospital, prepared by Feldman Land Surveyors, approved 9/6/06 and last reviewed 6/11/14; a plot plan dated 12/21/18; a memo from Fire Chief Dennis Condon, dated 5/5/20, with no issues; a memo from Assistant Town Engineer Thomas Ryder, dated 5/2020; a memo from Police Lt. Kraemer; a 2/15/20 sound study; a memo from Tara Gurge, dated 5/15/20, with comments, and a letter from Nancy Hoffmann, Chief Financial Officer for the hospital, dated 5/19/20, to the Needham Board of Health.

John Fogerty, President of Beth Israel Deaconess Hospital-Needham, noted this is a 2-part ask. There is now a temporary vestibule for a pharmacy for the cancer center. The first request will allow the installation of a temporary refrigeration unit, or alternate unit if needed, adjacent to the temporary vestibule to be used for COVID 19 if needed. The second request is to extend the deadline for removal of the temporary improvements. The refrigerated unit is there already. It was put in under an emergency basis as an expansion during the height of the crisis. We are on the downside of the pandemic but there are still spikes. He would like the deadline for removal to be extended to 11/15 or 60 days after the end of the Governor's State of Emergency, whichever is later.

Mr. Fogerty gave the background and rationale. He noted in the past 2 months 60 to 80% of patients were positive for COVID 19. It stressed the facilities and he felt they could not wait to obtain the refrigerated unit due to the crisis. There was competition for such equipment with other hospitals around the state and they needed to get it when it was available. The temporary unit is to be removed within one year unless there is good cause. The temporary pharmacy has been removed and the temporary vestibule remains. The temporary refrigeration unit is on site. He noted the rationale for the location was access to electrical connections in the vestibule, and it is shielded from view. He gave the dimensions and noted it is locked at all times. There is temperature monitoring. The refrigeration unit has not been used. He hopes to use it rarely if at all. Due to the inability to predict the rise and fall of the virus he would like flexibility to remove and reinstall an alternate unit if needed in the future.

Mr. Eisenhut stated he is unclear on the noise. He asked about the technical specifications of the refrigeration unit. Mr. Fogerty stated the unit meets all manufacturer specifications. There have been no complaints and the

unit has been there for weeks. Ms. McKnight noted 2 proposed conditions. A sound study change was made due to communication between the Board of Health and Ms. Hoffmann. She asked if the Planning Director was satisfied. Ms. Newman stated she was satisfied and the Board of Health was satisfied to delete the condition. Ms. McKnight noted the wording in Section 1.7, 2nd paragraph, regarding the canopy, was not correct. The pre-existing canopy is correct but then it says existing canopy. It should say "pre-existing canopy formerly located." and should be "were approximately" rather than "are approximately." The hospital had requested the existing entrance structure be made permanent. She asked for clarification that currently the entrance structure is still temporary and would be replaced later but not now. Mr. Fogerty stated that was correct. The thought was to use for CTs and such but the pandemic has pushed that aside. If in the future the hospital decided to make it permanent they will come back.

Mr. Alpert stated he had 2 concerns but both have been addressed to his satisfaction. His concerns had been noise and removal of language regarding the unit being properly vented. Mr. Jacobs asked if the hospital has reviewed the draft and is satisfied with it. Ms. Hoffmann stated they are satisfied. Adam Block, candidate for Planning Board, noted Mr. Fogerty referenced an alternate temporary unit. Is that a refrigeration unit or a potential unit that is not refrigeration? It is not clear what is proposed. Mr. Fogerty stated it could be another temporary refrigeration unit or a different type of unit needed to respond to the pandemic needs. It could be for personal protective equipment or a piece of diagnostic equipment. It would be temporary and solely focused for the crisis.

Ms. McKnight noted she had a similar concern. She is satisfied all access to the temporary unit will be through the hospital entrance. Mr. Eisenhut expressed concern about the noise. He asked if the noise would interfere with the neighbors. He would be more comfortable if the Planning Board reserves the right to conduct a formal noise study if necessary. Nancy Hoffmann, Chief Financial Officer for the hospital, stated there is an intention that if the noise becomes an issue it will be addressed. It makes more sense to address the issue rather than do a study. Ms. McKnight noted condition 3.4 at the end speaks to noise. In 4.2 there is a limitation. The Board retains jurisdiction to modify or amend the decision. It is general language but would apply if there is more than minimal noise.

Mr. Jacobs noted there were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the application as a minor modification.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the requested relief and accept and approve the amended decision which was presented to the Planning Board this afternoon as the decision approved for the requested relief with the minor modifications Ms. McKnight made.

**Presentation: proposed new use at 100 West Street. Redevelop and zoning change of the property to enable an 82 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.**

Mr. Jacobs noted there will be a presentation by the owners of 100 West Street. There will be a new use and zoning changes the owners want the Planning Board to propose and recommend to Town Meeting. Roy Cramer, representative for the applicant, noted this is a redevelopment at the corner of West Street and Highland Avenue that was occupied by 60 units of assisted living, 142 bed nursing and medical office that was approved in 1993. It is on 4.3 acres of land in the Avery Square Business District. There is a small part in the Single Residence B (SRB) District. None of the building is in the SRB District. The property is currently vacant. The applicant is proposing 83 assisted living units and 71 independent living apartments

Mr. Cramer noted the existing 3-story building will remain and the footprint will remain the same. A partial 4th story will be added to create 10 proposed independent living apartments on that floor. Visibility of the 4th floor is minimized. The proposal will need a zoning change. If successful, the applicant will come back with further site

plan review and some special permit requests. Ted Doyle, of LCB Senior Living, noted they are based in Norwood and have a 25 year history. He gave the company's background. They have 28 properties of higher end senior housing. There will be a pool, media room, library, roof deck, gym, covered park and a bocce court. There will be 3 meals a day and assistance with daily living. This is a for profit and taxes will be paid. He feels this will be a low impact on municipal services and a high impact on economics. They have always been a good neighbor for the local seniors. Usually the resident is within 3 to 5 miles of where their children live. The company's number one mission is to relieve isolation and have interactive opportunities.

Lee Bloom, of LCB Senior Living, stated the existing exterior of the building will be kept and the interior will be demolished. The proposed modifications to the exterior will be 10 units to the roof. Some of the ground floor windows will be opened up and a streetscape will be created on Highland Avenue. The 4th floor will be 33% of the roof. Gardens and terraces will be added to the roof. Anthony Vivirito, project architect with The Architectural Team, stated they have been working with LCB for about 9 years and have completed 14 projects together. This will be their first renovation together. He gave the history of the Carter Mill family. The building is a landmark due to its significant history.

Mr. Vivirito showed the existing conditions and renderings of the proposed project. He stated there is a lot of rooftop equipment today that goes across the entire footprint of the roof. He noted there will be internal courtyards in the penthouse; colors will be introduced and vegetative planters for residents. There will be outdoor patios. The project is keeping a lot of classical elements made in the 90s. The existing rooftop equipment is 41.9 feet in height. It is 44 feet to the top of the new penthouse and the elevator runs 49 feet. He showed the floor plans and described the project. There will be a dedicated entry for the individual living units with dedicated patios. It is roughly 189,000 square feet and the penthouse is roughly 16,000 square feet. The mechanical systems will be screened on the roof. There will be a VRF system of heating and cooling with a series of condensers. He stated he is looking forward to working with the town on this project and to getting feedback.

David Kelly, of Kelly Engineering Group, described the outside of the building's existing conditions and the proposed conditions. There is a zone line through the site on the south side. There is a 63,700 square foot footprint. There are currently 110 outside parking spaces and 83 inside spaces. There are 2 driveways into the site with one on West Street and one on Highland Avenue. There is parking on the left and right from West Street and a drop off. The old access to the garage will be closed. There will be parking on the left and right, the drive continues through the building into the south parking lot. The existing landscape buffers along the railroad will remain. There are 28 public parking spaces along Highland Avenue.

Mr. Kelly reviewed the proposed conditions. There will be 176 parking spaces that include the 28 spaces on Highland Avenue. There will be 114 outside spaces and 34 inside spaces, then the 28 on Highland Avenue. The south lot remains unchanged but will have substantial landscaping. All landscaping on site will remain but be enhanced. There will be an enhanced drop off area and a service area where the old entrance to the garage is. On the left from the entrance will be the memory care with an outdoor dining area that will be fenced. Further along will be another dining area, a bocce court and other amenities. From a grading standpoint West Street is higher by only a couple of feet so it is a fairly flat site. He sees no issues with providing utilities to this site. The storm water management will be upgraded.

Erin Fredette, traffic engineer for McMahon Associates, spoke of traffic impacts. She studied Highland Avenue and West Street as well as site driveways in accordance with Mass DOT guidelines with peak hours with existing and projected. This land use is a relatively low traffic generator. There will be less impact that previous. There is no substantial change to traffic operations around the site. She used the industry standards. The proposed redevelopment is projected to generate an average peak parking demand of 80 vehicles during a typical weekday. The project proposes to include 148 parking spaces: 34 interior garage spaces and 114 exterior spaces. Comparing the projected parking demand to the proposed parking supply shows that the site would have a peak period utilization rate of approximately 54%. There will be one space per unit for independent living and ½ space per unit in the elder services zone. They are showing more than that. She noted there are a lot of services nearby, including public transportation, which would limit the in and out vehicle trips to the site.

Mr. Cramer noted this is a proposed warrant article. They would like to create an overlay district and a map change. Mark Fougere, of Fougere Planning and Development, Inc., gave the fiscal impact report. He met with the Police and Fire to look at the project. There will be $550,000 gross revenue with real estate taxes, personal property taxes, excise tax and Community Preservation Act (CPA) revenue. The estimated municipal costs are $162,000, an increased value of $28,000,000 and the property tax will be $175,411 to $470,572. There will be approximately 87 new jobs and the construction will last approximately 18 months. This will be a significant economic boost.

Evans Huber, of Frieze Cramer Rosen & Huber, LLP, for LCB Senior Living, drafted the proposed zoning article for the Avery Square Overlay District (ASOD). The change in height will allow a maximum of 44 feet to the top of the 4th story with all mechanical, except the elevator over runs to 49 feet. The top of the penthouse will be 42 feet and is currently 35 feet. He drafted the article at 44 feet and the number of stories goes to 4. Currently it is 2 ½ stories with only 2 occupied. The 4th story is restricted with setbacks and maximum area. FAR has been increased from a current maximum of .7 to 1.1 in the overlay district. There is one parking space per bed in the assisted living and memory care units and 1 space per unit in the independent living. The proposal is for uses allowed by right in the overlay. The proposed use is similar to what has been in this site. Ten percent of the independent living apartments will be affordable in the ASOD By-Law. He asked if the boundaries of the ASOD should be limited to the property or the Avery Square Business District for the map change warrant article. He wrote it to the boundaries of the ASOD with some restrictions.

Mr. Eisenhut stated affordable housing is an issue for him and he is glad to see it. The affordable units need to be referenced somewhere. He asked if they would be taking advantage of environmental certificates. He would like some discussion regarding environmental sensitivity or LEED certified. Mr. Huber stated they do include a section on affordable housing to mimic other sections in the Town's Zoning Bylaw. Mr. Bloom stated it is premature, at this stage in the schematic design to seek LEED certification. They do a design that makes them certifiable but do not get certified. The goal is to achieve it. Mr. Eisenhut stated he has seen language that says LEEDS certified or equivalency.

Mr. Owens commented this is a good use, good location and an interesting project. Mr. Alpert sought clarification that the proposed overlay is just a portion of the underlying district and not the entire Avery Square District. Mr. Cramer noted it is just the portion of the subject property that is now in the Avery Square District. It was kept as narrow as possible. Mr. Alpert stated he is in favor of the project. It is a great use of the site. He thought it would be a Citizen's Petition. Mr. Cramer stated the intent was always to have the Planning Board bring it to Town Meeting.

Mr. Alpert noted the Board has been using 12½% for affordable housing for the 5 years he has been on the Board and he is concerned about the use and consideration of spaces on Highland Avenue as available for this building. He thinks that some of the spaces are special permit spaces for employees in businesses in the area. He does not know if it is fair to include those spaces in the available parking numbers. Mr. Huber stated the 148 spaces on site will be sufficient to meet the requirements of the warrant article as drafted. Mr. Cramer noted in Section 5.1.1.7 in the By-Law you are allowed to count spaces adjacent to you but the spaces are not needed.

Ms. McKnight stated she is pleased to see housing options limited to persons over 55. She questioned the fiscal impact. There is no impact on schools but what about seniors who sell houses to people with children? Also, this has been proposed as an as-of-right use. Issues should be addressed via special permits. She would like to see this as a special permit use and not as of right. The traffic impact study does not include Hillside and West Street. There would be an impact as it is right there. That intersection needs to be studied and needs improvements as it is dangerous. Mr. Cramer noted the traffic impact for the proposed uses is substantially less than previous uses with parking and traffic decreasing. Contributions to the traffic fund are to mitigate increased issues.

Ms. McKnight reiterated West Street/Hillside Avenue is a dangerous intersection and needs to be included. She noted it seems the project is including continuing care apartment units. She asked if the independent units are paying for food service for themselves. Mr. Doyle stated that is correct. There is an excellent food program but the units will have kitchens if residents want to cook their own. Ms. McKnight noted the landscaping along

Highland Avenue. Some large trees are proposed to be eliminated and decorative evergreens put in. She is not sure about patios on Highland Avenue. It does not strike her as appealing. Mr. Bloom stated there was a large hedge row he thinks was taken down. It is up to the individual to use the patio or not. He feels it activates the streetscape. The patios will be small with one table and 2 chairs. There are only patios on grade level.

Ms. McKnight noted the train horn noise is very loud at the West Street crossing. She asked if there was any noise reduction planned for the building. The applicant should think about that. She noted the wording says all buildings and uses currently allowed by right so they would be able to build the 4th story. She feels the focus should be more on the use of a special permit for this development. Mr. Huber stated some limitations built into this By-Law would limit the building of the 4th story.

Mr. Jacobs asked if there would be time to discuss this at the 6/2/20 meeting and suggested the presentation be adjourned to pick up at the 6/2 meeting. He likes the project but needs to go over the proposed By-Law. Mr. Cramer stated it would be helpful if any questions or comments were sent before the meeting. That would give them a chance to prepare.

**Discussion of Annual Town Meeting zoning articles.**

Ms. Newman noted there are Articles that are Citizen's Petitions. The change for the area near Hunting Road from Single Residence A to Single Residence B is being withdrawn. There is no recommendation from the Planning Board required. Children's Hospital is the other article. The Selectmen have not signed the Pilot Agreement. The Planning Board would vote at the 6/2 meeting. She would like a volunteer from the Planning Board to speak at Town Meeting about the article. Ms. McKnight volunteered to present. Adam Block stated he would help. Mr. Jacobs noted Ms. McKnight and Mr. Block should talk outside the meeting and decide what they would like to do. Ms. Newman noted Children's is making the presentation. The Planning Board only needs to make a recommendation as to the Planning Board's position and why that is their position. Moe Handel, of the Select Board, noted the Select Board took this up today and adopted it in principle. They support the article. Mr. Jacobs noted the Planning Board will vote once the Pilot Agreement is signed.

**Dining opportunities to support local restaurants: Review of regulatory hurdles and opportunities for expanded outdoor dining to restart the economy.**

Mr. Jacobs stated there has been a lot of discussion with Select Board members Mr. Handel and Ms. Cooley, himself, Ms. Newman, the Chiefs of the Police and Fire Departments, Tim McDonald and Sandy Cincotta about this issue. Currently the restaurants are suffering badly. The Governor has started to open up. The idea is to lend a hand in Needham to the restaurants and other retailers. The thought is to open up the public areas like the Common, the Heights Common and the area near Needham Bank, so restaurants could take food out and people could sit like in a food court. They got real push back that closing off streets would be problematic. Ms. Cincotta is checking to see if the restaurants are even interested. The idea is to act quickly. One idea is to adopt a policy of non-enforcement of any special permit condition or restrictions in existence that prevents outdoor seating, eating and drinking so long as it is on town-owned land with permission and the state and local health and safety requirements have been met. Mr. Jacobs feels it needs to be an adoption of a policy.

Ms. Cooley noted the Select Board discussed this today. They are hopeful the Planning Board would take action as they want to start this weekend. Ms. Cincotta reached out to the restaurants. Other businesses are also interested. The thought is to start with the restaurants and see what happens. This will support all businesses. It is a great option for people for outdoors. This is not "bring your own bottle" or "buy liquor at the store and go sit down". No one can walk around with open containers. Alcohol can be bought at the restaurant with take-out meals and they can go sit on the common and enjoy. Mr. Jacobs stated they talked about how to keep everything clean, how to clean after each use, should there be a tent somewhere, will there need to be a police presence crossing streets particularly in the downtown. Ms. Cooley asked if the Planning Board was willing to adopt some sort of policy quickly tonight.

Mr. Handel stated this is a work in progress. We will see problems that weren't anticipated and will address them. Advantages will be there that were not seen before. This is time sensitive and time limited. It needs to be done quickly. He hopes the Planning Board will support it. Ms. Newman stated the seating is being done on public spaces. The Select Board controls those areas and they should be put in charge of implementation in those areas. For the restaurants where the use might be in existing parking spaces or in front note the Board of Health may allow seating to be allowed in more spread-out areas. This gives the Planning Board the option to waive their restrictions.

Mr. Jacobs noted the time frame would be this weekend through Labor Day. Mr. Eisenhut stated there should be a time reference and it should be tied to the declaration of the Governors emergency. Mr. Jacobs stated that is arguable. There may still be quite a reluctance on the public's part to go out. Mr. Block stated he tends to agree with Mr. Jacobs that it should not be limited to an act by the Governor or the Legislature. It may be prudent to continue even after the Governor opens up. It will be a beneficial action. He asked how to balance the competing interests of the Farmers Market and the restaurants. Mr. Handel noted the Farmer's Market has no issue and would appreciate the seating there. It is a win win for all interests.

Mr. Alpert feels the Planning Board has the authority to waive its own regulations and rules. Parts of special permits can be waived for a period of time. Mr. Jacobs suggested adopting a 90 day policy of non-enforcement. Mr. Owens stated it is an unprecedented situation. He will support whatever the Planning Board can do to help the Select Board, restaurants and small businesses. He would not be overly concerned with details. He endorses this 100%. Ms. McKnight stated she endorsed the approach. A policy of non-enforcement can be done immediately. It should allow take-out. She would not enforce a condition that would not allow take-out. Ms. Newman stated the issue is if seating is put in parking areas and spaces which are part of the permit. Ms. McKnight asked if seats could be put on sidewalks and if going further and they want to use parking areas they would need to talk about that later. Mr. Handel stated this needs to be dealt with now. At some point some will want to use parking areas. Let's anticipate and move with it. If it does not work it can be revisited. Ms. Cooley noted they can only do what is allowed by the state. All available tools should be looked at and considered. Ms. McKnight stated there is a distinction between public parking lots owned by the town. She would like to wait to the 6/2 meeting to make a decision that goes beyond the Town Common areas.

Mr. Handel stated the Board is being asked to go beyond their comfort zone and look at this as an emergency. It needs to be done quickly and is an immediate emergency. It is not a permanent situation. Mr. Jacobs stated the Board is being asked to get out of the way for 90 days and not enforce anything that would prevent this going forward. Anything done will comply with state and health requirements. Mr. Eisenhut noted the justification is the emergency. Ms. McKnight has no problem with the time period. She asked if they could direct the Building Inspector to not enforce our Special Permit and not enforce any take-out conditions in decisions during this emergency. Mr. Handel noted they should not enforce outdoor eating restriction with respect to take out food for any restaurants and outdoor business activity for any retail subject to public safety and public health.

Ms. McKnight stated many permits do not allow any outdoor tables. Does that imply that outdoor eating is not allowed? Mr. Jacobs noted the Board should adopt a policy of non-enforcement for any of the Board's conditions such as take-out, outdoor eating and such. Mr. Handel noted a parking requirement needs to be added in. Tables could be provided in a parking space or more. He noted the Department of Health Director and the Assistant Town Manager will be coordinating with the Police and Fire for health and safety issues.

After discussion, Ms. Newman suggested "in order to promote social distancing during the reopening of the economy enforcement of take out, outdoor seating and parking requirements embedded in Planning Board Special Permits are hereby suspended." The order may suspend the above items for a period of 90 days to allow restaurants to provide outdoor seating for eating. She suggested the Board could say waivers conditioned upon approval by the Health Department, Fire Department and Police Department. Ms. Cooley suggested not using the 90 days but use the day after Labor Day. Mr. Jacobs noted if the condition is changed within this period prior to Labor Day this policy will be revisited. Mr. Eisenhut stated the Planning Board is not directing or enforcing conditions in their decisions.

Ms. McKnight commented she does not know how retail stores are being helped. Mr. Handel stated retail in downtown could sell wares outside their stores. They want to give the retail stores flexibility like Harvey's Hardware and the Garden Center who have altered their ways. The businesses need to be saved.

Upon a motion made by Mr. Owens, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present by a vote of four to one (Ms. McKnight voted in the negative):
VOTED: to support this concept and direct the Chair and the Planning Director to craft exact wording and see if we have 3 votes to approve the concept.

Mr. Alpert stated he is fully in favor. Ms. McKnight would like to assist with crafting the language.

Mr. Owens left the meeting at 10:40 p.m.

**Highway Commercial 1 Zoning Initiative: Next Steps.**

Ms. Newman stated one concern is the traffic study in the Fall with all new counts. Traffic is not going to approach normality in the Fall. The question is how to move forward. There will not be a new study. They could use the data collected by BETA 5 years ago, update it with new traffic counts done by the state and reframe the traffic study. Delaying work on this to the Fall will jeopardize the ability to get this done in the Spring. The Select Board will move the funds to the annual Town Meeting and if successful, work could be started in July. Mr. Jacobs stated his concern is if the Finance Committee would approve of that. They would like to sit down and think how to go forward. Using the existing data is the best way to go.

**Discussion of Summer Schedule**

Ms. Newman stated, in the past, there was one meeting in July and one in August. She would like to propose 2 times per month via zoom. All members agreed. Ms. Clee will send out dates via email to all members.

**Minutes**

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the minutes of 2/18/20.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the minutes of 3/6/20 asking the staff to look at Select Board and make sure it is consistent throughout.

**Correspondence**

There is no correspondence.

**Reports from Planning Director and Board members.**

Ms. Newman discussed the mechanics of getting documents signed. She could give signature sheets, the members could make a PDF of it and email it back to her. Then mail 2 originals to her home. She needs the originals for the registry. This was agreed. Ms. Clee noted de minimus change decisions do not need to be notarized. The 6/16/20 meetings will need a notary. Ms. Newman will send instructions.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 11:12 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

_____
Jeanne S. McKnight, Vice-Chairman and Clerk