

NEEDHAM PLANNING BOARD MINUTES

April 5, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, April 5, 2022, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. 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 conference. He reviewed the rules of conduct for Zoom meetings. He noted this meeting includes 2 public hearings, one of which will be continued, and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearings:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality Inc., d/b/a The James, 18 Cliftdale Street, Roslindale, MA, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces. Please note: This hearing will not proceed on April 5, 2022 and will be re-noticed for a later date to be determined.

Ms. Newman noted this needs to be re-noticed. The applicant was required to send notices and he did not do that. This will be rescheduled for 5/3/22.

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

VOTED: to continue the hearing indefinitely.

ANR Plan – Gordon C. Russell, Petitioner (Property located at 18 and 62 Brookside Road, Needham, MA).

Attorney David Himmelberger, representative for the applicant, noted an ANR plan was submitted to create new lots 1 and 2. Each new lot has the required 150-foot frontage. Ms. Newman stated she asked that the 2 standard notes be put on the plan – the build factor calculation and the upland calculation for each lot. The applicant has not done that. She asked Town Counsel and he feels the Board cannot statutorily require it. Mr. Alpert asked why there is a separate Lot 3 with no frontage and is unbuildable. He is curious why it is not combined with one of the other lots. Mr. Himmelberger stated it is not required for these lots and at some future time may be part of another lot.

Mr. Alpert stated he spoke with Town Counsel. He found the ANR Handbook published by the Governor's Office. It points out an ANR Plan is not an indicator the lot meets zoning. Chapter 41, Section AP, suggests 3 comments for the Planning Board to make. He read the comments. He was going to suggest including those comments on the plan but after speaking with Town Counsel he decided not to. Mr. Jacobs stated there is already a comment under the endorsement section.

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

VOTED: to endorse the ANR Plan for 18 and 62 Brookside Road in Needham as subdivision approval not required.

De Minimus Change: Major Project Site Plan Special Permit No. 2019-03: PM Story Corporation, (President Apirak Chuenprapa), 952 Great Plain Avenue, Petitioner (Property located at 952 Great Plain Avenue, formerly 946 Great Plain Avenue, Needham, MA). Regarding request to allow deliveries to be made from the public way.

Apirak Chuenprapa, Petitioner, noted he wants to have deliveries from Dedham Avenue. Mr. Alpert stated this is an offshoot from the Planning Board allowing outdoor seating at Latina. That took away access for the rear door deliveries. The Board needs to allow an amendment to the Special Permit to allow deliveries from the street.

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

VOTED: to treat this as a de minimus change.

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

VOTED: to allow the requested relief.

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

VOTED: to accept the decision as drafted.

7:45 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-07: Carbon Health Medical Group of Florida, PA, 300 California St (Suite 799), San Francisco, CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, MA, Petitioners (Property located at 100 and 120 Highland Avenue, Needham, MA). Regarding request for a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care. Please note: This hearing has been continued from the March 15, 2022 meeting.

Rick Mann, attorney for the applicant, noted all issues had been reviewed at the last meeting but they did not get into the parking waiver issue. He submitted an updated parking evaluation dated 3/24/22 that is in the packet. Wayne Keefner, Traffic Engineer at BSC Group, noted he performed a parking evaluation for uses. It is a 4-step process. There was a 48-hour automatic traffic recorder (ATR) count done at each driveway. This was done Friday and Saturday. A parking occupancy observation was done on site to determine the existing parking demand on site, parking demand estimates were collected related to changes in use and an analysis of impacts of the change in uses was completed. He showed the updated site plan. He described the ATR counts. He noted the weekend peak around noon had 72% of vehicles coming from Second Avenue and 28% from Highland Avenue. He noted there are 97 parking spaces with one used for the dumpster. The peak was 1:45 p.m. on Friday with 78 cars parked.

Mr. Keefner described the parking counts. He noted the Land Use Code was used and gross square footage was utilized as it is more conservative. The parking demand from the Carbon Health use is expected to be about 16 vehicles. He noted that, for the analysis of impacts, the peak future demand for weekdays is 89 and the peak demand on weekends is expected to be 71. He showed a graph with the supply and usage. Mr. Alpert noted he took out parking demand from the FW Webb use, and the calculations assume the former FW Webb space is vacant. That only leaves 7 spaces for the FW Webb space during the peak time. The new tenant may have a problem with that. Mr. Mann stated they are aware of that.

Ms. Espada noted this was done in October 2021. She asked if there was any kind of percentage added to the numbers to account for traffic that may be different next year. Mr. Keefner stated he did not add anything. Ms. Espada asked if there were any counts taken before the pandemic that could be compared to. Mr. Keefner stated he was not aware of any, but the conclusion is the parking to be provided can handle the expected peak. Mr. Block stated Mr. Keefner said the state guidance on Covid-era traffic and parking went away. He asked what that meant. Mr. Keefner stated the state had guidance one or 2 years ago but that went away. Mr. Block asked the date the guidance went away. Mr. Keefner will find that for the Board.

Mr. Block stated he would like to see revisions to the parking and traffic counts per the previous guidance from the state. He noted traffic counts were done on Friday and Saturday, 10/29 and 10/30. He asked why not Monday and Wednesday also. Mr. Keefner explained they typically do not do counts on Mondays. Mr. Block noted he would expect the Highland Avenue and Second Avenue traffic would be higher during the week than a weekend. Mr. Keefner stated he did a parking occupancy study and did not do a traditional traffic study. Mr. Block asked if it would be necessary to have a traffic study as well as a parking study. Ms. Newman noted the change does not warrant a traffic study. Mr. Block asked how many additional cars are expected and was informed Mr. Keefner did not look at trip generation, only parking. Mr. Block asked how many parking spaces are expected for this use and was informed 16 spaces.

Mr. Block asked for the total number of staff. Mr. Mann noted typically 4 to 6 with a maximum of 8 staff. He does not expect it to be on the high end. There will be approximately 20 patients per day and no patients are seen noon to 1:00 p.m., which is a lunch break. Ms. McKnight asked what tenants were there when the parking studies were done. Mike Moskowitz,

Property Manager, noted FW Webb, Omaha Steak, Panera Bread and Geico. Super Cuts has closed. Ms. Newman noted there would need to be condition that does not allow reuse of the FW Webb premises without a parking study. Mr. Alpert stated the Board is amending the permit for the entire property. It will be carefully drafted and written.

Mr. Jacobs stated the big problem will be when the next applicant comes in for a permit. Mr. Block had definition questions and noted the Building Inspector may have a different opinion. He noted the opinion by Foley and Lardner did not find that conclusion. He asked if Carbon Health has over 100 locations across the country and was informed it does. He asked if they will continue to open more offices in the next 8 months. Dr. Ayobami Olufadeji, of 3686 Washington Street, Jamaica Plain, stated they will continue to open new offices. He is not sure about the next 8 months. Mr. Block stated the practice is not regarded as a clinic and would not need to be licensed as a clinic because of the exemption. He commented it seems to him the practitioner so associated would be the doctor that is actually providing care at the operation. How is that possible when the doctor oversees over 100 clinics throughout the country and possibly 180 clinics? Dr. Olufadeji noted Mr. Block is referring to Carbon Health Medical Group of Florida. He is with Carbon Health Technologies. It is not a franchise like McDonalds. He stated he worked at the clinic in Boston last week. Mr. Mann stated “associated with” does not mean on hand with everything. The focus is on performance of the medical care as the only element.

Mr. Block stated he wants an opinion from the Massachusetts Board of Registration in Medicine (BORIM). He does not hold much water in the Foley and Lardner opinion. He is very concerned with this. The owner/doctor is associated as one of the practitioners. Practitioner implies providing care. The challenge is if the practitioner who is associated with the practice is effectively there. He is leaning toward having BORIM validate this operation. Mr. Alpert noted Mr. Block is saying, because the owner of the LLC is not associated with the Needham office, it needs to be licensed as a clinic. He is not sure that is the case. He feels they are parsing the words.

Mr. Jacobs commented Mr. Block is saying the simple way to find out if it needs to be licensed as a clinic is to ask BORIM. What is the problem with asking the licensing authority to give an opinion? Mr. Mann stated an opinion from counsel was already asked for and received. His client has moved forward with this on counsel’s advice that this is proper and appropriate. He will discuss this with his client. Mr. Alpert noted there are other facilities that Carbon Health has opened based on the opinion. They have gone under the assumption they are not a clinic and do not need to get a license. He noted those facilities are already operating. Dr. Olufadeji stated one is open and functioning and another is all signed, sealed and delivered. He is already going forward based on the opinion reached. Mr. Alpert noted the Foley opinion does not go to our By-Law at all. Zoning is a different issue.

Ms. McKnight stated she recalled making a similar statement regarding the rules for this zoning district and what the Board wants to allow in it. The Board wanted to congregate the largest medical facilities by the hospital and did not want such facilities elsewhere. This troubles her if this is a group practice since that is not an allowed use in this zoning district. The Building Inspector said it is not a group practice but simply a professional office. Mr. Alpert noted the By-Law makes a distinction. It is either a large group practice which is more than two professionals or a small group practice with no more than two professionals. Ms. McKnight stated the definition of professional says “such as...” She looked up the definition and physicians, nurses and physician assistants are included as professionals. She stated she does not agree with the opinion. Mr. Mann noted the district allows this use that is nowhere near hospitals. They all spent quite a bit of time going through the definitions on 3/15 and he thought most agreed. Mr. Alpert noted it was discussed but they did not take a vote on reaching a conclusion.

Mr. Block stated the Board needs to resolve itself whether it is going to request an opinion and interpretation of the term “professional office”. He noted his nurse practitioner takes blood, orders blood work and prescribes treatment. She has every bit as much authority under medicine that a doctor does and can prescribe any medical treatment. Ms. Espada stated a professional would be seeing a number of patients. Support people would not increase the number of people in the office. That is the difference. A professional would increase the number of patients and increase the parking. Ms. McKnight stated she has the Building Inspector’s letter and is questioning it. She asked if the Board should seek an interpretation from Town Counsel on our By-Law.

Mr. Block asked if it was appropriate to have BORIM provide guidance. Is it fair to say the client may not want to provide a letter from BORIM as BORIM may determine it is a clinic? Mr. Mann stated he is not sure it would be BORIM. He feels it is the Department of Health. He stated he will not comment without consulting his client but will discuss it with him. As

far as going to Town Counsel, if the Board wants that, he is happy to do that. This was discussed robustly at the last meeting. He feels it should be wrapped up and move on. Ms. Espada asked how many people will be working there in total. Dr. Olufadeji stated a physician or nurse practitioner, a medical assistant, support staff and front desk. Ms. Espada asked for clarification as to whether there will be 2 or less medical professionals at any time and was informed there would not be more than 2 at any time. Mr. Alpert asked if the applicant was ok with a condition that read “at no time would there be more than 2 (a) physician, (b) nurse practitioner or (c) physician’s assistant. Dr. Olufadeji stated he was comfortable with that as long as it says, “delivering medical care.” There may be more than 2 in the building but only 2 delivering care.

Mr. Alpert stated he would like to have Town Counsel provide an understanding on whether he would recommend a determination by BORIM be obtained. Mr. Mann stated he does not have an issue with this. Town Counsel should make a determination as to whether the Foley opinion is a credible determination. He would not have an issue with that. He feels it is probably the right way to go. Mr. Alpert stated he was confused by Section 3.2.4.1. of the Zoning By-law. Mr. Block noted they are not coming in as a group practice. The separate definition is fairly consistent with an urgent care facility. There would never be more than 2 medical professionals providing care. Ms. McKnight asked if the Board members are satisfied with the parking study. Mr. Alpert is satisfied. Mr. Jacobs reminded everyone that this is his last full meeting.

Jill Kahn, of 44 Brookline Street stated nurse practitioners have at least 2 years and sometimes 3 years of post-bachelor degree. She does not think the Building Inspector has 2 or 3 years post bachelor’s degree so he is not a professional. There is not a one size fits all easy answer. It is 6 or 7 years of professional study to become a nurse practitioner. The definition of a professional is an important issue. Carbon Health is not licensed in Massachusetts, but you are considering allowing them to open in Needham. Mr. Mann stated each professional is licensed. They are not licensed as a clinic. Ms. Kahn stated there was an issue with a clinic that was not licensed in Needham across from Town Hall that was shut down after many issues. Anything not licensed should not be allowed. She asked why there is a rush to get this up and running. It should be looked at more prudently and slowly. Mr. Block clarified the Needham Center clinic was providing testing and not treatment. It is different.

Elizabeth Kaponya, of 27 Highland Terrace and Town Meeting member Precinct J, completely agrees with Ms. Kahn. She noted there is a lot of traffic as this lot gets high use. There is a medical office behind where she lives. All the patients had appointments, so it was not crazy. Carbon Health will have walk-ins which makes parking unpredictable. We need to err on the side of needing more parking and not less. The little plaza would not be able to handle it. Dr. Olufadeji stated it is all appointment-based except for walk-ins. In the Boston office they only see about 20 people a day. When they are at capacity, they request people to make an appointment or come back later. He noted 80% have appointments.

Mr. Block asked how long the Boston office has been open and was informed they opened in January. Mr. Block requested that the applicant provide, for the next meeting, a summary of the total appointments a day and how many are walk-ins and how many are by appointment. Dr. Olufadeji stated he would do that, but they are in Downtown Crossing where there is no parking and people walk in. He feels it is 70% appointments and 30% walk-ins. Mr. Block would like a condition that no more than 65 or 70% of appointments would be based on scheduled appointments as opposed to walk-ins. Joni Schokett, of 174 Evelyn Road, has the same concerns as the previous speakers. If not a clinic, what are they? They look like a clinic. They said the peak traffic would be weekdays and not weekends, but she spoke with Partners in Newton and their peak is on the weekends. She is concerned with their rush to get a permit without identifying what they are. She urges the Board to be very careful and see the traffic issues. There is not good flow in the parking lot. She is concerned about when they will have the biggest traffic and what they say they are.

Artie Crocker, of 17 Fairlawn Street, asked how many exam rooms there will be and the hours of operation. Dr. Olufadeji stated there will be 7 exam rooms and the hours will be 9:00 a.m. to 7:00 p.m. Mr. Crocker stated there will be 2 patients per hour during 9 hours of operation and they have 7 rooms where patients could be. Mr. Alpert noted only 2 professionals are allowed on premises at any time. There could be a lab tech with someone. Dr. Olufadeji stated there is usually one physician and one medical assistant. Mr. Crocker stated the math does not work for him with 7 rooms. The goal is to get businesses in the buildings. There is a neighborhood next door. He does not want to have an issue with parking when the building owner wants to put something else in later. Ms. Espada noted although there will only be 2 professionals, they have the capacity to increase that, and that is troubling. Dr. Olufadeji stated there is the capacity but they are not pushing to fill it. Mr. Alpert commented, even at 30 patients a day, they are at 50% capacity for parking. Dr. Olufadeji noted they assumed 16 for parking but the odds they would hit 16 are not there.

Mr. Crocker stated they talked about how many professionals and then trainee was brought up. He needs the definition of trainee. Dr. Olufadeji stated when there are new staff members, they have them there for 3 to 5 days to train to learn how the office operates. This in onboarding new staff. Mr. Crocker agrees with earlier comments to see what the state thinks the definition of this is. He feels the Board should get a definition of a clinic. John Negoshian, of South Street, asked, if there are 2 professionals, does that mean the doctor cannot come and work for the day because they would be over the limit? Mr. Alpert stated the doctor would be one of the two professionals. Mr. Negoshian asked if the calculations were done based on the premise of 20 people served per day. Mr. Keefner noted there are 2 criteria – gross square footage or number of people. He used gross square footage as it was more conservative. The number of parking spaces required would have been only 5 or 6 if the number of people was used.

Mr. Negoshian stated the numbers would not be correct if another pandemic came around and there was a line. Mr. Keefner stated there is no way to calculate for that. Mr. Negoshian asked how many extra spaces would be available for the Webb site after this. Mr. Keefner stated, if consistent, 7 at peak on weekdays and 25 on weekends. Mr. Alpert noted it was discussed earlier that there may be an issue for a new tenant coming to the FW Webb site and parking. Mr. Negoshian asked, if approved, is it possible to put trash cans in the parking lot so people can use them. He commented he sees lines at the urgent care in the Heights every day. Mr. Alpert noted there are trash cans at Panera Bread. Janice Epstein, of 75 Highland Terrace and Town Meeting member Precinct J, asked if the proponent went in front of any Boards when the Boston office opened and was informed not that the doctor knows of. Ms. Epstein agrees with Ms. Schockett that weekends are busier.

David Rushka, of 21 Rosemary Street, stated traffic is generated when people drive. The more parking spaces you have the more cars. If there is no parking, people would not go there. He sees no problem if the business thinks parking is sufficient. Mr. Alpert noted the problem is this property borders a residential area. If the lot is full people would park in the neighborhood. That is the experience. Mr. Rushka noted people park in front of his house all the time. He thinks it is a tremendous disservice when everything is planned around parking. Mr. Jacobs stated he is describing what Waltham has. He is not opposed to that. Mr. Moskowitz stated he has not been notified that anyone parks on Highland Terrace and has not seen anyone parked there when he has been there. Mr. Alpert noted the hearing would need to be continued to 4/12/22. Ms. Newman noted the 4/12/22 meeting was a special meeting to vote the decision after the hearing was closed. The 4/19/22 meeting is full so the next meeting would be 5/3/22. Mr. Mann noted he would like it sooner than one month.

Ms. Newman stated she will draft a decision but is not clear on what the Board wants. Ms. McKnight noted there would be a limit of 2 professionals. It could be “Carbon Health shall not have more than any 2 of the following: a, b or c.” That clarifies the definition of professional and satisfies what the Board is trying to do. Mr. Alpert noted they could have a condition of not more than 2 professionals as defined in our By-Laws. Mr. Block asked if the question for Town Counsel was limited to review of the Foley and Lardner opinion. What is inferred by practitioners so associated? Mr. Jacobs asked why Mr. Block is so concerned. Is he concerned with quality of care? All the risk will be on the tenant and landlord. Ms. McKnight noted it cannot be operated as a medical clinic. Mr. Jacobs feels it should say “professional means doctor, nurse practitioner and physician’s assistant.” Ms. Newman clarified they are not getting a legal opinion, professional is being defined and there will be a limit in the number of professionals.

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

VOTED: to close the hearing.

Mr. Alpert noted there will be a special meeting on Tuesday, 4/12/22, at 10:30 a.m.

Decision: Major Project Site Plan Special Permit No. 2022-01: Needham Farmer’s Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02492 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at Greene’s Field, Needham, Massachusetts, shown on Assessor’s Plan No. 50 as Parcel 31-02 containing 108,278). Regarding request to operate a farmer’s market on a portion of Green’s Field on Sundays during the renovation of the Town Common.

Ms. Newman noted the Board voted the decision at the last meeting. Jeff Friedman, President of Needham Farmer's Market, was not able to speak and raised a concern with one condition. The decision as voted will need to be amended. Mr. Jacobs stated he raised an issue with Planning Director, Lee Newman and Assistant Planner Alexandra Clee. When this first started the Board set forth some language for the farmer's market. On page 20, the first use category, the Zoning By-law says a farmer's market "may take place on existing parking areas." The first venue applied for was the church lawn. He raised the question then and voted against it. He does not know why existing parking areas are specified there, but it is there and has been the whole time. Then the farmer's market moved to Garrity's Way, which is a parking area and now Green's Field. He thinks this takes it out of this use category. In Section 1.2, second sentence, any use not enumerated shall be prohibited. That is the problem having it on a lawn. He asked Ms. Newman and Ms. Clee to alert Mr. Friedman to this. The Farmer's Market is being forced to move this year so he feels it is a special case and he could go along with it. The way to remedy this is to take those words out of the use definition.

Mr. Alpert stated he disagrees with Mr. Jacobs. It does not say "shall take place on existing parking space." Ms. McKnight thanked Mr. Jacobs for raising the issue. She agrees with Mr. Alpert's and Mr. Eisenhut's original interpretation, but she is happy the issue was raised. Mr. Alpert noted 16 food vendors were represented to the Board out of the 18 total vendors. What percentage does Mr. Friedman think is predominantly food? Mr. Friedman stated the license agreement is 18 vendors and up to 9 for artists and such. There will be 2 produce and 13 food vendors with one meat and egg truck. He stated he would not be able to get 13 food vendors and never had that many ever. Ms. McKnight suggested saying "no more than 3 booths for the sale of arts and crafts." Mr. Friedman suggested saying that the main activity at the farmers market would be food products. Lisa Cherbuliez, Board member of the Market, stated they could take Ms. McKnight's suggestion with a caveat that it needs more food than artists. There will be up to 3 vendors selling handmade crafts. She wants to make this work. It was agreed to say 75% would be food vendors. Ms. Newman will revise the decision.

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

VOTED: to amend the decision to change Condition 3.5 to reflect 75% and clarify food trucks are only for meat and eggs.

The Board took a 5-minute break.

Planning Board Vote and Recommendation on Article 1 – Amend Zoning By-Law – Schedule of Use Regulations Brew Pub and Microbrewery for the May 2022 Special Town Meeting.

Mr. Block stated they are looking to adjust 3 areas of the By-Law – function of the definition, further restrictions on geography and tasting room. Under the definition there is beer, ale and hard ciders. Hard cider is not a malt beverage. Hard cider should be removed in the brew pub production of malt beverages or leave it and say such as beer and ale. Microbreweries say malt, wine and hard cider. Wine and hard cider should be removed to keep it consistent with a brew pub. There is an interest in protecting residents with the characteristic of the area around Riverside Street and Highland Terrace. He would allow the use, but west of Second Avenue. It could be north and south of Highland Avenue but west of Second Avenue. The other change is Chestnut Street. It would be permitted west of Chestnut Street and south of Keith Place. This would protect Lincoln Street and Chestnut Street.

Mr. Block noted he spoke with a resident, Louis Wolfson, who owns industrially-zoned property on Crescent Road. He would like this use included for that area. At this point, the proposed zoning amendment that was advertised cannot be expanded but, after Town Meeting, it could be looked at in the future. The final change would be to strike, under microbrewery, any reference to a tasting room. At a current restaurant that sells draft beer you can taste and sample at your table. He thinks to include a tasting room complicates this. Mr. Alpert noted there are some places you can get a flight of 5 samples to try. He does not think it is being excluded by removing it. Ms. McKnight does not feel the Industrial District on Crescent Road or Hillside Avenue are appropriate as they abut residences. The only industrial zone that was proposed too allow brew pubs was a certain distance from Arbor Street. She noted Arbor Street has a large condo building next to it.

Mr. Alpert took a drive down Crescent Road. There is residential then it opens up to a large industrial area. He thought that was a perfect place for either of them. He decided Mr. Wolfson had a legitimate gripe and feels it is a better place than Arbor Street. Mr. Alpert stated he will approve the amendment to this Zoning By-Law that is being discussed, but when it

gets to a vote he is going to vote no. He sees it as a solution in search of a problem. He suggested a while ago it should go to Town Meeting in the Fall rather than now. He feels this has been rushed and an amendment to the Zoning By-Law needs to be made carefully. He does not think it should be presented now but at a later date after it is discussed. The Board needs to take time to do that.

Ms. McKnight thanked Mr. Block for bringing this to the Board. She feels it has been well thought through and frequently there are changes after discussion. She went to her daughter's house in Western New York and she was so excited to have brew pubs in her suburban town. It brought an energy to the downtown. She was excited for this idea and does not feel it has been rushed. Mr. Alpert stated he loves brew pubs. He has an issue with the process that has been done. Someone in town decided this had to be brought to this Town Meeting. He objects to the process and feels it should be brought in the Fall or next year. He is not objecting to a brew pub and would love to have one in town. Even if it went to Town Meeting and was turned down, so what. He would like to finalize the language. All Mr. Block's changes are fine with him. He would propose editing Section 6 of the By-Law with the only change being to add (q) "allowable only in the portion of the Highland Commercial-128 District located north of Highland Avenue and south of Highland Avenue and west of Second Avenue."

Ms. McKnight noted there should be the same change in Section 5. Mr. Jacobs does not think it should be done there. Ms. Espada stated she appreciates Mr. Alpert saying this is being rushed. The Board is rushing it, but she also appreciates all Mr. Block's work on this. She feels people want this in time. It is definitely worth doing. Mr. Jacobs agrees with Mr. Alpert that Crescent Road should be included. Mr. Block stated, to Mr. Alpert's point, they are singling out one district. He feels it is ok to include that and he would support the change. Ms. McKnight noted a typo in the chart in Section 4. The "3" should be moved over so it is "A-1, 2 & 3."

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

VOTED: to approve the amendments tonight shown in the red line draft proposed with further changes discussed at this meeting.

Mr. Block stated there is no hidden agenda in setting up a brew pub and he has no financial interest. He apologized to Mr. Alpert if he feels it was rushed.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of four of the five members present (Mr. Alpert voted in the negative):

VOTED: to recommend passage of this By-Law as amended to Town Meeting.

Planning Board Report on Article 7 referral from the May 2021 Annual Town Meeting, Citizen's Petition Map Change to Single Residence B District. Property bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the southeast by Cheney Street and to the southwest by Hunting Road.

Mr. Alpert noted they had not heard from Attorney George Giunta Jr. Ms. Newman noted this is the Board's responsibility to report back to Town Meeting its recommendation on the zoning article. Mr. Alpert stated his reaction is they have not heard from Mr. Giunta Jr. Town Meeting voted last year that the Planning Board should report back now to the 2022 Annual Town Meeting. Ms. McKnight stated the Board has a responsibility to study it. The issue at Town Meeting was the proponent was not being forthright in the written materials the proponent put out. We had a meeting with the developer prior to the 2021 Annual Town Meeting, and he was forthright about the possibility of additional lots being created, but he did not talk about that in his Town Meeting presentation, and Town Meeting had a different impression. To study it the Board would need some staff help. This should come from the Planning Board. There is a potential number of lots that could be created, and we should make that our report.

Mr. Block asked if they should go back to Mr. Giunta Jr., mention the Board has not heard from him or his client, and ask if they intend to go forward. It could be the Petitioner has withdrawn from his intention to put forth the Citizen's Petition again. Ms. McKnight noted the change from SRA to SRB could be considered in other areas in town also. Mr. Alpert noted the Board did this across from the Dwight School. It was noted again that Town Meeting referred this back. Mr. Alpert

stated he is not clear if it was being referred to the Planning Board, Select Board, Finance Committee or all three. Ms. McKnight stated it was referred to all three per the minutes. Mr. Block stated he has not studied it. Clearly there is a move in town to enable more affordable housing. Changing these lots from SRA to SRB would allow greater density.

Ms. McKnight noted it needs some study. Mr. Alpert noted the Board has one month to do something. They need to find out from Mr. Giunta Jr. what the petitioner intends to do. If they want to move forward, there would have to be a Chair/Vice-Chair meeting to discuss it with the Select Board and Finance Committee. Ms. McKnight feels a count of potential lots should be done by town staff to let the Boards know what the maximum could be. Mr. Alpert wants to make sure the Citizen's Petition is still on before the staff does the work. Ms. Newman will get in touch with Mr. Giunta Jr.

Request to Release Performance Bond: Hunter Ridge Definitive Subdivision: Southfield Associates c/o Petrini Corporation, 187 Rosemary Street, Needham, MA 02494, Petitioner (Property located at 1135 Webster Street, Needham, MA).

Ms. Newman noted this is on the Warrant for Town Meeting for street acceptance. The property owner has requested the subdivision be looked at, and the performance bond, to verify that all work has been completed and is in good shape. Engineering has recommended the performance bond be brought down to a \$10,000 maintenance bond. There is a letter to that effect.

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

VOTED: to release the bond for roadway improvements except for \$10,000.

Minutes

Ms. McKnight noted on page 2, the property owner was "Simon" and not "Solomon." On Page 5, second paragraph, last line, she feels "mixed-use" there is misplaced. It was decided to remove "mixed-use."

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

VOTED: to accept the minutes as redlined with the 2 additional changes.

Report from Planning Director and Board members.

Ms. Newman stated legal counsel has been found to represent them in the 1688 Central Avenue case. The attorney is Jay Tillerman. She noted there will probably be an executive session soon to go over it. Ms. McKnight stated he is a good choice and will be an appropriate attorney for this case.

The Board chose Precinct assignments for the League of Women Voters Warrant meeting on 4/25/22.

Correspondence

Mr. Alpert noted an email from Kim Marie Nichols regarding the Hunting Road Citizen's Petition. Mr. Alpert noted he found he was served with a complaint regarding 1688 Central in his mailbox. Ms. Espada also received one.

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

VOTED: to adjourn the meeting at 12:05 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk