NEEDHAM PLANNING BOARD
Tuesday May 5, 2020
7:15 p.m.

Virtual Meeting using Zoom
Meeting ID: 394240461
(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 394240461

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click "Join a Meeting" and enter the following ID: 394240461

1. De Minimus 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, Massachusetts).

2. Public hearing:

   7:30 p.m. Article 1: Map Change to General Residence B Zoning District

   Article 2: Amend Zoning By-Law – Pediatric Medical Facility in New England Business Center District

   Please note: This hearing has been continued from the April 15, 2020 meeting.

3. Request to Withdraw Application on ANR Plan – 766 Chestnut Street, LLC, Petitioner, (Property located at 766 Chestnut Street, Needham, MA).

4. Request to Extend Action Deadline: 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner, (Property located at 390 Grove Street, Needham, MA).

5. Minutes.

6. Correspondence.

7. Report from Planning Director and Board members.

(Items for which a specific time has not been assigned may be taken out of order.)

TOWN OF NEEDHAM

MASSACHUSETTS

500 Dedham Avenue
Needham, MA 02492

PLANNING BOARD

APPLICATION TO AMEND SITE PLAN REVIEW SPECIAL PERMIT

APPLICATION NO. 2009-06 (APRIL 25, 2017)

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property: Garrity's Way and part of Town Common next to central walkway, 1471 Great Plain Avenue, Needham, MA 02492

Applicant's' names, addresses, phone numbers:

Needham Farmers Market ("NFM"), 28 Perrault Road, Apt. #1, Needham, MA 02494; 781.241.2037

Applicants are: Owner _ Tenant

Agent/Attorney x_ Purchaser

Property Owners' Names, Addresses, Telephone Numbers:

Town of Needham, 1471 Highland Avenue, Needham, MA 02492, tel. 781.455.7500

Characteristics of Property: Lot Area 59,221 sq. ft. Present Use: Driveway & parking, Town Common
Map # 51 Parcel #1
Zoning District: Center Business

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

1. For 2020, NFM will expand from Garrity's Way to include a small part of the Town Common beside the central walkway leading to Garrity's Way. See attached Market Diagram for 2020.

2. NFM will have a maximum of fifteen (15) food vendors per market. This is an increase of two food vendors per market.

3. NFM will have a maximum of four (4) artists per market. This is an increase of two artists per market. NFM will have up to four canopies (booths) for artists, musicians, NFM Market Manager, and Needham nonprofits (which share a canopy with the Market Manager).
4. Setup time for vendors and artists will start at 9:00 a.m. (previously 10:00 a.m.) and end at 12:00 noon, when NFM opens for business.
5. Temporary parking for two vehicle spaces on Highland Avenue next to Garrity's Way during setup and breakdown for vendors and artists. See Market Diagram for 2020.

Signature of Applicant (or representative)

Needham Farmers Market

4/16/20

Jeffrey M. Friedman, President
781.241.2037

Owner's permission if other than applicant:

Town of Needham
781.455.7500

4-22-2020

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board_____Date

Hearing Date _____ Parties of Interest Notified of Public Hearing _

Decision Required by_____ Decision/Notices of Decision sent

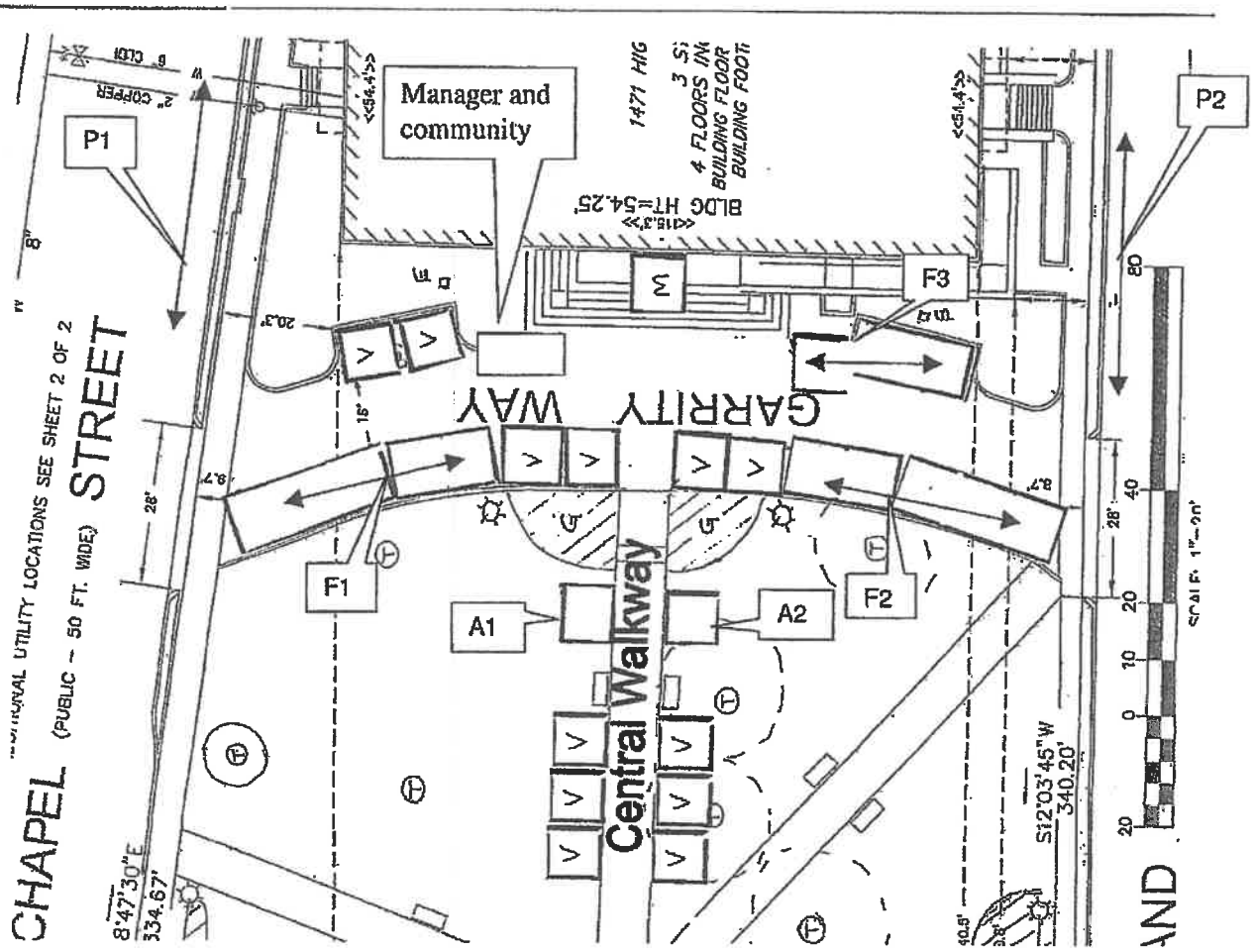
Granted_____

Denied_____ Fee Paid _____ Fee Waived_

Withdrawn_____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

Needham Farmers Market 2020



F1 – MacArthur Farm (produce)

F2 – Neighborhood Farm (producc)

F3 – Chestnut Farm (meat)

V – Food Vendors

A1 – Artists (2)

A2 - Artists (2)

P1 – Existing temporary parking on Chapel Street for vendors and artists during setup and breakdown

P2 - Proposed temporary parking on Highland Avenue for vendors and artists during setup and breakdown

M - Musicians

April 23, 2020

Needham Planning Board
PSAB
500 Dedham Ave.
Needham, MA 02492

Re: Application to Amend Special Permit by Needham Farmers Market
Major Project Site Plan Review Special Permit, App. No. 2009-06 (April 25, 2017)

Dear Planning Board Members:

The purpose of this letter is to provide the Planning Board with additional information for the Application of Needham Farmers Market ("NFM" or the "Market") to amend its Special Permit to operate in Needham for its ninth season. These amendments, limited in scope, are explained as follows:

1. For its 2020 season on Sundays, NFM will continue to use Garrity's Way and additionally to use a small part of the Town Common beside the central walkway leading to Garrity's Way. See attached Market Diagram for 2020.

Under the amended Special Permit, there is a unity and commonality of Garrity's Way and the Town Common area beside the central walkway. Both of these are adjacent to each other and both are located in Parcel 1 on Assessors Plan No. 51. See Special Permit Decision on page 1, first paragraph.

2. Four existing vendors will move from Garrity's Way in front of the stairway at Town Hall to beside the central walkway. Due to the musicians playing directly behind them, these vendors during the past three seasons have had great difficulty talking to their customers. Two new vendors will also be located beside the central walkway. NFM will then have a maximum of fifteen (15) food vendors per market for 2020. See Market Diagram.

NFM has attracted many new Needham shoppers in the last three seasons due to its central location on Garrity's Way. Our shoppers have asked for more vendors, and with a greater variety of food.

3. The two artists existing under the Special Permit, who are usually Needham adults or teenagers, will move from Garrity's Way to beside the central walkway. Two new artists will join these artists for a maximum of four (4) artists per market. Artists might share a tent. See Market Diagram.

In the past three seasons, the artists have complained about very limited space to exhibit and sell. Also, their Needham customers dislike the cramped space for the same reason.

Many residents, including a group of seniors, regularly attend the Market to see what the artists make and sell. Needham artists at NFM are very popular, and the shoppers have continually asked for more artists.

4. Vendor setup on Sunday mornings occurs from 10 a.m. to 12 noon. Under this schedule, the produce vendors do not have sufficient time to unload, erect tents, and arrange produce on tables. NFM would change setup hours to begin at 9:00 a.m. NFM will stagger setup time to allow for an orderly and safe process.

5. Logistics and a safe process during setup and breakdown would greatly improve if some vendors and artists would have temporary parking available for two vehicle spaces on Highland Avenue next to Garrity's Way. See Market Diagram.

Relevant to this amendment, vendors at the Needham Harvest Fair are directed to offload tents and equipment on Highland Ave. at Garrity's Way during setup and reload during breakdown at the same location.

6. NFM will work with the Needham DPW and Ed Olson, Superintendent of Parks and Forestry, to protect the grass on the Town Common. I met briefly with Ed to discuss the expanded location on the Town Common. He was agreeable for 2020, and he will review the effect during this season. The Town Common is scheduled for renovation in 2021.

7. NFM vendors bring to Needham: fresh, locally sourced, healthy, and safe products, e.g. produce, meat, seafood, bread and other baked goods, etc. NFM benefits local agriculture with three farm vendors.

At its weekly markets, NFM offers additional benefits to the Needham community including live music from local musicians and Needham nonprofits at our community table.

8. For Needham residents on unemployment compensation and public welfare, seniors on fixed incomes (Social Security), and public housing residents, they all rely upon NFM as an important food source. They might utilize the state SNAP EBT and WIC programs. Eligible residents may use state funded Senior Coupons to buy produce from NFM farm vendors.

9. On March 23, 2020, Governor Baker recognized the essential function that farmers markets provide to Massachusetts residents in order for them to obtain fresh and locally sourced food (including Massachusetts farms), especially now, when he deemed them "Essential Services" exempt from workplaces required to close due to COVID-19. Three local farms are vendors at NFM at every market.

10. On March 26, 2020, the Massachusetts Department of Agricultural Resources issued the attached Guidance Memo #5 for farmers markets, farm stands, and CSAs, involving the coronavirus and COVID-19. Guidance Memo #5 states the following on page 1:

> Farmers' markets and farm stands (including Community Supported Agriculture farm stands (CSAs)) are primary sales outlets for many Massachusetts farms. Maintaining and increasing access to local food is essential, particularly in times of unsteadiness. Local farming may fill a critical void in food distribution patterns if the response to COVID-19 increases and growing areas located in the Western U.S. experience production and distribution challenges. The Massachusetts Department of Agricultural Resources, along with its State and Federal partners, are focused on enabling farm stands and farmer markets to sell safe, healthy and local products during the COVID-19 response. Our aim continues to be the support of the many farms that will be entering he production season so they are able to provide fresh farm products to the residents, retail markets and restaurants in the Commonwealth.

11. NFM has discussed specific, operational safety procedures for vendors and customers and how these procedures will implement the MDAR Guidance Memo #5 with the Needham Public Health Department. It determined that NFM complied with Guidance Memo #5.

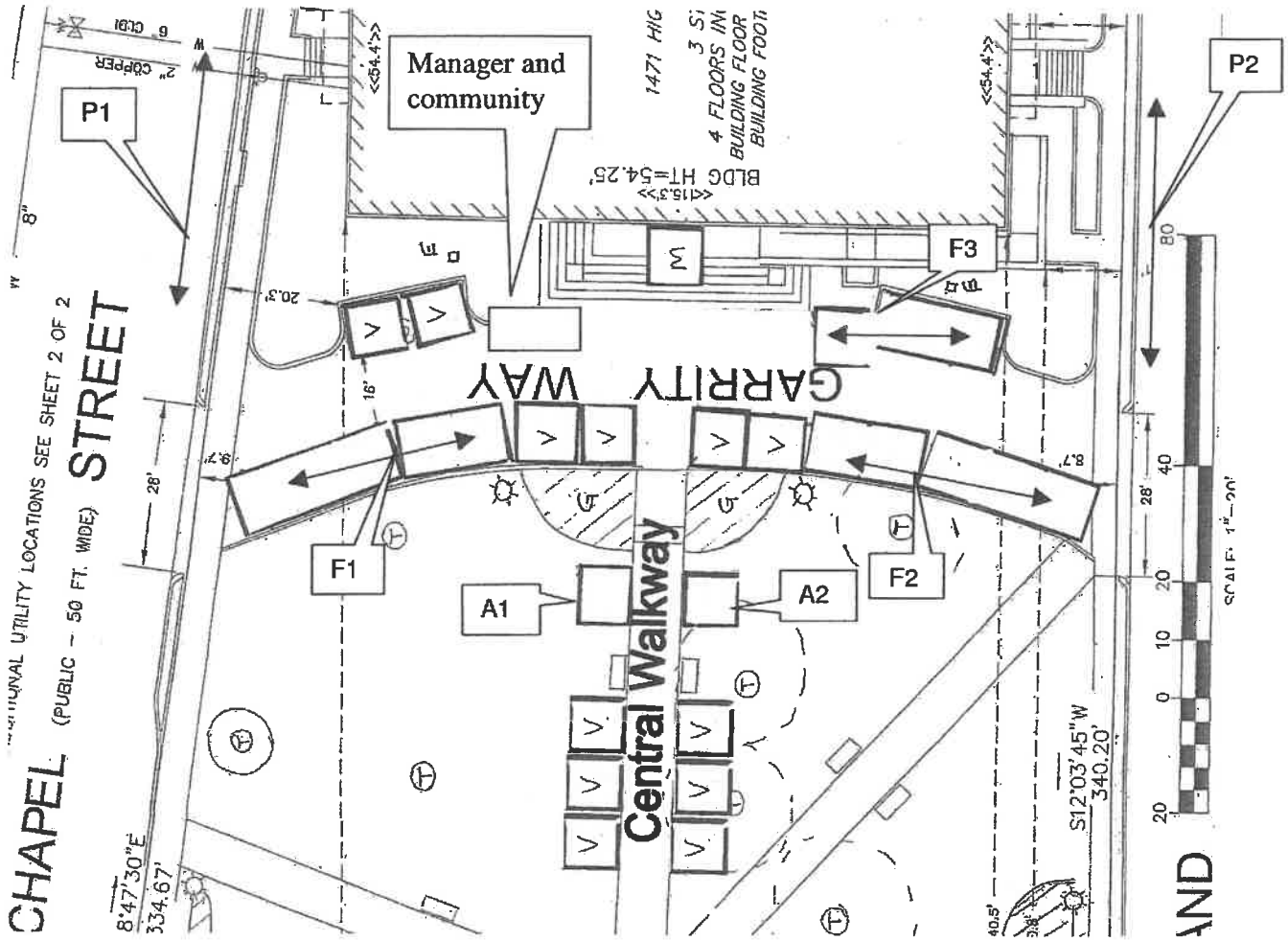
12. For its ninth season, NFM is scheduled to open on Sunday, June 14, 2020 and close on the Sunday before Thanksgiving, November 22, 2020.

13. The License Agreement between the Town of Needham and Needham Farmers Market will be forthcoming.

Sincerely,

Jeffrey M. Friedman
President, Needham Farmers Market

Needham Farmers Market 2020



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M - Musicians

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr

MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

CHARLES D. BAKER, Governor
KARYN E. POLITO, Lt. Governor
KATHLEEN A. THEOHARIDES, Secretary
JOHN LEBEAUX, Commissioner

Bulletin: 2020-05

FARMERS' MARKETS, FARM STANDS, & CSAs Guidance Memo #5

Considerations for Fruit and Vegetable Growers Related to Coronavirus & COVID-19

The current COVID-19 pandemic is a common concern and many are wondering what they can and should do. The information here is intended to help guide the fruit and vegetable farming community. If you have concerns or suggestions please contact the MDAR Produce Safety Team at Michael.Botelho@mass.gov or via phone at (508) 985-8751, or UMASS Agricultural Extension Vegetable Program at lmckeag@umass.edu or via phone at (413) 545-1051.

Background
COVID-19 is the disease caused by the SARS-CoV-2 virus ("the novel coronavirus"). Symptoms include fever, cough, and shortness of breath and may appear 2-14 days after exposure. While the majority of COVID-19 illnesses are mild, it can result in severe and fatal illness, particularly in the elderly and among those with severe underlying health conditions. Federal and State agencies are working hard to better understand the virus, how to control its spread, and how to treat those infected. One of the key things we can all do is to limit and slow the spread of COVID-19 to provide time for this understanding to develop and to not overwhelm the medical system. Much more information is available at the CDC Situational Summary page.

Foodborne Exposure to COVID-19 (As of 3/24/20)
Unlike foodborne gastrointestinal (GI) viruses like norovirus and hepatitis A that often make people ill through contaminated food, SARS-CoV-2, which causes COVID-19, is a virus that causes respiratory illness. Foodborne exposure to this virus is not known to be a route of transmission.

The virus is thought to spread mainly from person-to-person. This includes between people who are in close contact with one another (within about 6 feet), and through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads. Please visit www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19 for further information on COVID-19 and food.

Farmers' Markets/Farm Stands/CSAs in Massachusetts
Farmers' markets and farm stands (including Community Supported Agriculture farm stands (CSAs)) are primary sales outlets for many Massachusetts farms. Maintaining and increasing access to local food is essential, particularly in times of unsteadiness. Local farming may fill a critical void in food distribution patterns if the response to COVID-19 increases and growing regions located in the Western U.S. experience production and distribution challenges. The Massachusetts Department of Agricultural Resources, along with its State and Federal partners, are focused on enabling farm stands and farmer markets to sell safe, healthy and local products during the COVID-19 response. Our aim continues to be the support of the many farms that will be entering the production season so they are able to provide fresh farm products to the residents, retail markets and restaurants in the Commonwealth.

What are some best practices for farmers' markets/farm stands and other local produce/farm product disbursement sites to limit the spread of COVID-19?

1. **Social Distancing:** Market managers should increase the space between vendors to assist in patron flow and reduce crowding at vendor stations. Setting up vendor tables in a straight run or "L" formation should assist visitors in maintaining a safe distance as they visit the market. Market managers may also consider limiting the number of customers who can enter the market space at one time based on visitation rates. Markets are strongly encouraged to remind customers of "social distancing", maintaining a space of at least six feet from one another while shopping at farmers markets, through signage at prominent locations and vendor tables and through verbal reinforcement. As a reminder, Market staff, vendors and customers should:
    1) Avoid close contact with people who are sick.
    2) Avoid touching your eyes, nose, and mouth.
    3) Stay home from the market when you are sick.
    4) Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
    5) Clean and disinfect frequently touched objects and surfaces.

2. **Product Samples:** Farmers' markets should eliminate the offer of samples of products to reduce opportunities for contamination during COVID-19 response in the Commonwealth.

3. **Minimize the Number of Touches:** Market managers and vendors should minimize the handling of produce and products by both staff and customers disallowing the touching of produce at vendor tables and sales points. Vendors are encouraged to facilitate reduced handling by utilizing small produce/product displays and lists on signage or chalkboards to communicate product lists and availability while keeping produce for sale in larger bins that are covered and out of reach of customers. Online ordering via email or pre-bagged orders are options that can be considered by markets/vendors as well as drive-up systems.

4. **The use of reusable bags:** Farmers' market managers, market staff, as well as vendors and their employees, shall not perform bagging of produce if reusable bags are utilized until further notice. Vendors may choose to use recyclable paper bags, compostable plastic bags or single-use plastic bags during COVID-19 response operations in the Commonwealth.

5. **Should farms/vendors be disinfecting produce?** As noted above, there is no indication that COVID-19 is transmitted via produce. The virus is thought to be spread mainly from person to person according to the CDC. For most farms the level of operational change and amount of disinfectant needed to disinfect produce is unrealistic. If you are using a disinfectant on produce, please follow the instructions located on the label of the product to find directions on the proper use of the product.

6. **Market/Vendor Display cleaning/sanitizing:** Vendors are encouraged to limit the use of tablecloths in order to make it easier to clean and sanitize table surfaces, or utilize a sheet of clear plastic over the top of the tablecloth to facilitate increased cleaning and sanitizing of contact surfaces. Vendors should clean and sanitize their displays, including their tables and items used to display produce in, at the end of every market and at intervals during market operation. Markets are recommended to discontinue the use of display items that cannot be cleaned and sanitized. The virus that causes coronavirus disease (COVID-19) can be stable for several hours to days on surfaces, up to 24 hours on cardboard and up to two to three days on plastic and stainless steel https://www.nih.gov/news-events/news-releases/new-coronavirus-stable-hours-surfaces.

7. **Can Markets/vendors use bleach as a sanitizing agent on contact surfaces?** Yes, you can also follow the CDC guidance and use a mixture of bleach and water (5 tbsp per gallon or 4 tsp per quart).

8. **What should Markets/CSAs and vendors use for disinfection and sanitizing?** The EPA has provided a list of disinfectants for use against SARS-CoV-2, the virus causing COVID-19. Very few of these products are common on the farm and may be hard to find. If you are currently using a sanitizer as part of a standard cleaning and sanitizing procedure for hard surfaces on your farm, you can use the produce at Market or on bins and containers

used for CSA deliveries. Consider reviewing the label for that product and using it for disinfection of specific high-touch surfaces if applicable.

9. **Hand washing/hygiene:** Markets are encouraged to make available supplies for event staff and participants to promote personal hygiene practice during COVID-19 response, including but not limited to portable sinks equipped with soap and paper towels, hand sanitizers and paper towels. Hand washing stations can be brought in by the market for customer and vendor use. Hand sanitizer stations can be useful, though should not be used as a replacement for handwashing. (Masks are not recommended for healthy adults unless they are caring for someone with COVID-19.)

10. **Gloves:** Market managers, staff and vendors must utilize disposable gloves at all times during market/CSA operations. Gloves can provide a barrier between hands and produce, preventing transmission of pathogens. They can also be a good reminder not to touch your face. Remember however, that gloves can be a source of contamination if not used properly. Follow CDC glove removal guidelines. Please remember to follow hand washing guidelines recommended by the CDC before putting on gloves and between glove change-outs.

11. **Money Handling:** Markets and vendors should minimize cash transactions. If more than one person is working the table, vendors should designate one person to handle money and another to handle produce/product. Vendors can round their prices to the nearest dollar so they can reduce the acceptance of coins, and minimize the handling of change. Wipe down credit card readers and POS equipment periodically and between transactions. Online payment application platforms used on smartphones, such as Venmo or PayPal, are a viable option to facilitate transactions at markets and farm stands.

12. **Establish Relationships:** Communicate with key community partners such as local health departments and the site host of your market and collaborate with them on broader planning efforts during COVID-19 response.

13. **Plan for Cancellations:** Identify actions to take if you need to cancel the market, such as communications with customers and vendors. Share planned closure communication strategy and channels with vendors in advance. If you do need to close, consider alternative ordering and distribution methods. Consider suspending penalties for last minute vendor cancellations.

14. **Customer/Consumer Education and Outreach:** Keep market staff, vendors and customers updated on market information and guidelines and ensure folks who are sick stay home. Emphasize that protecting public health is paramount to your market and describe any changes to market procedures to prevent the spread of infection. Use health messages and materials developed by credible public health sources such as your local public health department, the Massachusetts Department of Agricultural Resources, the Massachusetts Department of Public Health or CDC/NIH to encourage your event staff and participants to practice good personal health habits. Let your customers know what steps you are taking to keep them and your market venue/farm stand/CSA safe.

Future Updates

This information is based on what we know now and will be updated as we learn more.
Please visit www.mass.gov/resource/information-on-the-outbreak-of-coronavirus-disease-2019-covid-19 for updates.

License Agreement
Between
Needham Farmers Market, Inc.
and
The Town of Needham

This License Agreement is made this 31st day of January, 2018, by and between the Needham Farmers Market Inc., a not for profit corporation, with it principal place of business at 28 Perrault Rd, Apt.1, Needham, MA 02494, (LICENSEE), and the Town of Needham, Massachusetts, a municipal corporation with its usual place of business at 1471 Highland Ave., Needham, MA 02492 (LICENSOR).

1. USES

a. In consideration of the full and faithful performance by LICENSEE of all covenants and agreements contained herein and subject to the following terms and conditions, the LICENSOR grants to LICENSEE and LICENSEE takes from the LICENSOR the non exclusive right to use, to operate a Farmers Market in Garrity Way (paved driveway in front of Town Hall – "Licensed Area") for four (4) hours every Sunday, opening at 12:00 noon and closing at 4:00 p.m. from the last Sunday in May through the last Sunday in November. The LICENSEE will be allowed up to two (2) hours before opening to allow its vendors to set up and up to two (2) hours after closing to break down and clean up.

b. Vendors will use booths, tables, canopies or other temporary structures on the site, with a maximum of thirteen (13) vendors. In addition to the vendors there shall be allowed five tables, booths or canopies for the Needham Community Farm or other Needham not for profit organizations, artists, artisans, musicians and the LICENSEE which are to be located solely in Licensed Area.

c. Free musical entertainment will be allowed. Amplification will be allowed as long as it is reasonable, not disruptive to neighbors and sound does not extend beyond the property.

d. All trash and waste will be confined to the Licensed Area, and the LICENSEE will be responsible for its removal and cleaning of the Licensed Area before the end of the breakdown time.

e. LICENSEE is responsible to see that the physical layout of the market is kept within Licensed Area and does not enter the Town Common.

f. LICENSEE will ensure that no public vehicular access to Garrity Way is allowed during Market hours. This can be achieved by blocking off the Chapel Street and Highland Avenue entrance/exits with yellow tape, traffic cones or other similar means.

g. LICENSEE is responsible to see that the Licensed Area is used in a lawful manner and in compliance with all laws, by-laws, rules, regulations, permit requirements, orders and directives of any government official, agency or entity of competent jurisdiction. LICENSEE will not engage in or allow any of its vendors or invitees to

engage in any unlawful or dangerous activities that may cause personal injury or physical damage to the Licensed Area.

h. LICENSEE agrees to suspend Market activities in the event that the Town requires use of Garrity Way. The LICENSOR will endeavor to provide as much prior notice as possible to the LICENSEE. Except in extraordinary circumstances, the LICENSOR will provide the LICENSEE two weeks' notice of the need for Market activity suspension. The Town will work with the Market to attempt to locate an alternative site for the Market during any period of suspension

2. PLANS
The LICENSEE shall provide the LICENSOR with a plan (PLAN) of the layout of Garrity Way to be used for the market which shall be the Licensed Area and be attached to this agreement.

3. TERM OF AGREEMENT
The term of this License Agreement shall be May 27, 2018 through November 24, 2019.

4. FEE
LICENSEE shall pay the Town of Needham the sum of $25.00 per market day, for each day, payable in advance. The Town of Needham reserves the right to terminate this License Agreement if LICENSEE'S payment becomes more than five (5) days overdue.

5. TERMINATION
In addition to the LICENSOR'S right in paragraph 4 above to terminate for cause, any party may terminate this License Agreement without cause, effective at the end of each monthly period, upon 30 days written notice to the other party of its intention and election to terminate.

6. MAINTENANCE
It is agreed the Town of Needham will patch, plow and sweep the Licensed Area as needed and at reasonable times. The LICENSEE shall not permit the Licensed Area to be overloaded, damaged, stripped or defaced, nor suffer any waste. The LICENSEE shall not allow any holes to be made in the Licensed Area.

7. OWNERSHIP OF PROPERTY
It is agreed that the Licensed Area is and shall remain the property of the LICENSOR and the LICENSEE shall not make any improvements on, alter or remove any part of the Licensed Area without the LICENSOR'S express prior written consent.

8. CONDITION OF LICENSED AREA
LICENSEE acknowledges that: a) it has inspected the Licensed Area; b) the Licensed Area shall be available under this License Agreement to LICENSEE and its vendors in an "as is" condition; and c) the LICENSOR makes no representations or warranties as to the condition of the Licensed Area.

9. RISK OF LOSS
LICENSEE agrees to use the Licensed Area at its sole risk. All merchandise, property and effects of the LICENSEE, its vendors, and of all persons claiming by, through or

under LICENSEE, which may be on the Licensed Area during the Term of this License Agreement shall be at the sole risk and hazard of the LICENSEE, its vendors, or its invitees. LICENSEE further agrees that the LICENSOR shall not be responsible or liable to LICENSEE, its vendors, or to those claiming by, through or under LICENSEE, for any loss or damage resulting to LICENSEE, its vendors, or those claiming by, through or under LICENSEE or its or their property, that may be occasioned by or through the acts or omissions of persons for whose conduct the LICENSOR is not responsible. The LICENSEE shall be responsible for any damage done to the Licensed Area resulting from the activities allowed by this License Agreement.

10. INSURANCE

LICENSEE and its vendors shall, at their own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the LICENSOR and shall have the LICENSOR as an additional named insured on the policies. General liability coverage shall be in the amount of at least $1,000,000 per occurrence, and $2,000,000 aggregate for bodily injury liability and property damage liability. Motor vehicle coverage shall include coverage for owned, hired and non-owned vehicles and shall be in the amount of at least $1,000,000 single limit.

11. INDEMNIFICATION

LICENSEE shall pay, protect, indemnify and save harmless the LICENSOR from and against all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever that may be imposed upon or incurred by or asserted against the LICENSOR by reason of any of the following acts occurring or arising during the term of this License Agreement:

a. Any accident, injury to, or death of any person or damage to property occurring on the Licensed Area or any part thereof in which the negligence of LICENSEE, its employees, any of its employees, vendors or any person acting under color of this license is a causative factor and in which the negligence of the LICENSOR, its employees and agents is not a causative factor; or

b. Any failure by LICENSEE, its vendors, its employees, or anyone acting under color of this License Agreement to perform or comply with any of the terms hereof or any contracts, agreement, or restrictions, statutes, laws, ordinances or regulations affecting the Licensed Area or any part thereof or the ownership, occupancy or use thereof.

12. NON-ASSIGNABLE

LICENSEE shall not assign this License Agreement or any rights hereunder without the prior written consent of the LICENSOR.

13. LICENSE ONLY

LICENSEE acknowledges that this is a License Agreement and the rights to use of the licensed area hereunder shall be deemed to be a license only and shall not be construed to be a lease, joint venture, partnership or as evidencing any relationship between LICENSEE and the LICENSOR other than as LICENSEE and LICENSOR. No interest in real property is hereby conveyed by the LICENSOR to the LICENSEE.

14. ENTIRE AGREEMENT
This document forms the entire agreement between the parties and there are no other agreements between the parties. Any amendment or modification to this License Agreement must be in writing and signed by an official with the authority to bind the Town.

15. GOVERNING LAW
This License Agreement and performance hereunder are governed in all respects by the laws of the Commonwealth of Massachusetts and all other applicable by-laws and administrative rules, regulations and orders.

16. CONSENT TO VENUE
The parties hereto agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated exclusively in the Dedham District Court located in the County of Norfolk, State of Massachusetts, subject to the Transfer rules of the Norfolk Superior Court. The aforementioned choice of venue is intended by the parties to be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the parties with respect to or arising out of this Agreement in any court or forum other than that specified in this paragraph. It is further agreed that the parties to this Agreement hereby waive their rights to a jury trial.

IN WITNESS WHEREOF the parties hereto have executed two copies of this License Agreement as of the date first above written.

LICENSOR,

Town of Needham,

By: Town Manager 1-31-2018

LICENSEE,

Needham Farmers Market, Inc.

By: President, Needham Farmers Market, Inc.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

ORDER OF THE COMMISSIONER OF PUBLIC HEALTH FOR FARMERS MARKETS, FARM STANDS AND CSAs

On March 10, 2020, Governor Charles D. Baker declared a state of emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G. L. c. 17, § 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

On March 23, 2020, the Governor issued an Order Assuring Continued Operation of Essential Services in the Commonwealth. As designated in the list of "COVID-19 Essential Services," farmers markets, farm stands and CSAs are essential and will remain open. Additionally, farmers' market employees, farm stand employees and CSA employees are deemed essential workers.

Therefore, in order to ensure access to a strong local food supply and enable farms to continue to grow, harvest and market safe, healthy and local fruits and vegetables, while additionally reducing exposure of shoppers and employees to COVID-19, and pursuant to the authority granted by G. L. c. 17, § 2A and with the approval of the Governor and the Public Health Council, I hereby issue the following Orders:

1) As indicated in the list of "COVID-19 Essential Services", farmers markets, farm stands and CSAs may remain open.

2) Managers of Farmers' Markets must limit the number of customers who can enter the market space at one time. Market Managers and individual vendors operating within a Farmers' Market must remind customers of "social distancing", maintaining a space of at least six (6) feet from one another while shopping at indoor or outdoor Farmers Markets, through signage at prominent locations and vendor tables, at access points and through verbal reinforcement.

3) Market managers and staff should cordon off farmers' market perimeters to allow for clear entry and egress points.

4) Market managers and staff must monitor and control the number of customers allowed within farmers' market areas and must allow no more than10-15 customers per 1,000 square feet at any one time.

5) Lines that form outside of market entry points must be monitored and set-up in a way that customers maintain recommended distances between each other while waiting.

6) Market managers must employ signage, floor marks and cones to direct customers to maintain spacing requirements.

7) Local law enforcement should be notified and consulted if any issues arise concerning distancing or other physical security concerns at the market.

8) Signs must be posted to remind staff and customers that they should not visit the market when they are sick.

9) Market managers, staff and vendors must clean and disinfect frequently touched objects and surfaces.

10) Farmers' markets, retail stands and CSAs are encourage to promote transactions that employ pre-bagging of produce, online-orders and other methods that limit public interaction and minimize the time customers spend at vendor tables to enable customer flow and the maintenance of distancing guidelines.

11) Farmers' markets may not offer product samples for on-site use or tasting in order to reduce opportunities for contamination and transmission of the virus.

12) Market managers and vendors should minimize the handling of produce and products by both staff and customers, and prohibit the touching of produce by customers at vendor tables and sales points.

13) Farmers' market managers, market staff, as well as vendors and their employees, shall not perform bagging of produce if reusable bags are utilized until further notice. Vendors may choose to use recyclable paper bags, compostable plastic bags or single-use plastic bags during COVID-19 response operations in the Commonwealth

14) Vendors should not use tablecloths in order to make it easier to clean and sanitize table surfaces. Vendors must clean and sanitize their displays, including their tables and items used to display produce at the end of every market during market operation. Markets are recommended to discontinue the use of display items that cannot be cleaned and sanitized.

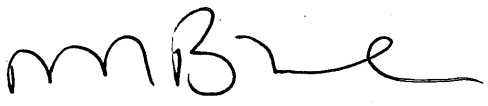
15) Markets are encouraged to provide access to handwashing facilities, including those available in public restrooms, and alcohol based hand sanitizers for event staff and participants.

16) Market managers, staff and vendors must utilize face coverings or masks, as well as disposable gloves, at all times during market/CSoA operations. Customers are strongly encouraged to use masks or face coverings as per the CDC guidance.

17) Markets and vendors should minimize cash transactions. If more than one person is working the table, vendors should designate one person to handle money and another to handle produce/product.

This Order shall be effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health
April 27, 2020

TOWN OF NEEDHAM, MA
PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2009-06

Needham Farmers Market, Inc.
Town of Needham
April 25, 2017
(Original Decision dated November 17, 2009,
amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011 and May 1, 2012)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at 1471 Highland Avenue, Needham, Massachusetts. Said property is shown on Assessors Plan No. 51 as Parcel 1 containing 59,221, square feet in the Center Business District.

This Decision is in response to an application submitted to the Board on March 16, 2017 by the Petitioner for: (1) a Major Project Site Plan Special Permit amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009; (2) a Special Permit under Section 3.2.2 of the Needham By-Law for a farmers market in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for more than one use on a lot; and (4) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit Amendment would permit the operation of a farmers market on Garrity's Way on Sunday afternoons. The farmers market would operate on Sundays beginning at the end of May through the last day of November, inclusive, from 12:00 p.m. to 4:00 p.m. The farmers market would have a maximum of 13 vendors, who will use booths, canopies or other temporary structures on site. In addition to the vendors, there will be tables, booths or canopies for nonprofit organizations, two artists, artisans, musicians, and NFM's Market Manager. The property is the subject of Major Project Site Plan Special Permit No. 2009-06, issued to Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated November 17, 2009 and amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011 and May 1, 2012.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairman, Elizabeth J. Grimes, on Wednesday, April 12, 2017 at 7:15 PM in the Powers Hall of the Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members, Elizabeth J. Grimes, Paul S. Alpert, Martin Jacobs, Jeanne S. McKnight, and Ted Owens were present at the April 12, 2017 public hearing. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

Exhibit 1 Application Form for Further Site Plan Review completed by the applicant dated March 16, 2017.

Exhibit 2 Two letters from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated March 8, 2017 and March 9, 2017.

Exhibit 3 Plan prepared by Needham Department of Public Works, Engineering Division, entitled "Proposed Farmer's Market", dated March 7, 2017.

Exhibit 4 Plan showing depiction of location of vendors on Garrity's Way, undated.

Exhibit 5 Plan prepared by John A. Hammer III P.L.S. Professional Land Surveyor, 39 George Brown Street, Billerica, MA, 01281, entitled "1471 Highland Avenue, Zoning As-Built Plan of Land, in Needham Massachusetts", dated September 30, 2011.

Exhibit 6 License Agreement between the Needham Farmers Market, Inc. and the Town of Needham, dated April 12, 2017.

Exhibit 7 Letter from Jeffrey Friedman, President, Needham Farmers Market, Inc., dated April 7, 2017 transmitting the following correspondence that was originally directed to the Selectmen: (1) Letter from the Environmental Ministry Team of the Congregational Church of Needham, undated; (2) Letter from Eleanor Rosellini and Katrina Kipp, Co-Chairs, Green Congregation Committee, First Parish in Needham, dated January 14, 2017; (3) Letter from Kevin Ruddy, Christ Episcopal Church, Green Committee, dated January 11, 2017; (4) Letter from Steve and Karen Waller, the Center Café, dated January 25, 2017; (5) Letter from Brenda Stark, Owner, Closet Exchange, dated January 16, 2017; (6) Letter from Sandra Robinson, Needham Community Council, dated January 13, 2017; (7) Email from Donna DeMaria, Teacher, Hillside School, dated February 12, 2017; (8) Statement from Needham Business Association, undated; (9) Letter from Sandra Rizkallah and Tom Pugh, Plugged In Band Program, dated January 19, 2017; and (10) Letter from Joseph Leghorn, undated.

Exhibit 8 Email from Tom Gehman, Market Manager, dated April 11, 2017.

Exhibit 9 Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated April 7, 2017; IDC to the Board from Lieutenant Kraemer, Police Department, dated April 5, 2017; IDC to the Board from Chief John Schlittler, Needham Police Department, dated April 7, 2017 and April 12, 2017.

Received after the close of the public hearing:

Exhibit 10 Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated April 13, 2017.

EXHIBITS 1, 2, 3, 4, 5 and 6 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

1.1 The subject property is located in the Center Business zoning district at 1471 Highland Avenue, Needham, MA, 02492, owned by Town of Needham. Said property is shown on Needham Town Assessors Plan No. 51 as Parcel 1 containing 1.23 acres.

1.2 The property is the subject of Major Project Site Plan Special Permit No. 2009-06, issued to Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated November 17, 2009 and amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011 and May 1, 2012.

1.3 On November 17, 2009, under Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, issued to the Town of Needham, the Board approved the expansion of the existing Town Hall by approximately 13,836 square feet, and the renovation of approximately 20,989 square feet of the existing facility for a total of 34,825 square feet.

1.4 The Needham Farmers Market, Inc. (NFM) is a nonprofit corporation and civic organization based in Needham with the purpose of operating a farmers market in Needham and advancing community goals of healthy food and diet, especially for children, as well as providing a meeting place for Needham residents.

1.5 The Town of Needham has agreed to allow the Needham Farmers Market to use Garrity's Way for the operation of a farmers market on Sunday afternoons from Sunday, May 28, 2017 through the Sunday, November 19, 2017. This is pursuant to a License Agreement dated April 12, 2017 detailed under Exhibit 6 of this Decision. The application for Special Permit is for a two year period renewable every two years as described under Section 4.6 of this Decision.

1.6 The Needham Farmers Market proposes to operate a farmers market on Garrity's Way, in front of Needham Town Hall, for four hours every Sunday, opening at 12:00 noon and closing at 4:00 p.m. Operation will begin on Memorial Day Sunday and will extend through the last day of November.

1.7 The Needham Farmers Market has proposed to have a maximum of 13 vendors on each market day, who will use booths, tables, canopies or other temporary structures on the site. Each vendor will have approximately one person selling at its location. The Needham Farmers Market has stated that at least eighty percent of all vendors will sell food items. The Needham Farmers Market will have a staff of approximately two people on each market day. In addition to the vendors, the Market will have tables, booths or canopies (which might be shared) on Garrity's Way for Needham nonprofit organizations, two artists, musicians, and NFM's Market Manager.

1.8 Set-up time is proposed to begin two hours before the start of the market and break down time is proposed to be for two hours after the market closes. The hours of operation shall be from 12:00 p.m. to 4:00 p.m.

1.9 The 13 vendors (maximum proposed to be present at any one time) will be located only on Garrity's Way. The physical layout of the Market shall be entirely located within the licensed area and not at all on the Town Common itself.

1.10 During setup and breakdown, vendors may use parking spaces on Chapel Street to unload and load if the spaces are available. During Market hours, the vendors will be parked in the Chapel Street Municipal Parking Lot. During NFM's use of Garrity's Way, it will be blocked off with yellow tape, traffic cones, or by other means.

1.11 The Needham Farmers Market acknowledges that all food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met.

1.12 The Needham Farmers Market and its vendors propose to have liability insurance in effect during the farmers market as well as motor vehicle insurance.

1.13 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (off-street parking design requirements).

1.14 Under the By-Law Section 5.1.2, in the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of "Required Parking" (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. Based on the Department of Public Works' recommendation, as recommended in Report 432 of the Planning Advisory Service for Off Street Parking Requirements for Farm Stands, the use requires 3 parking spots per every 1,000 square feet. The area of the property where the vendors will be stationed is calculated to be approximately 4,767 square feet. Therefore, the Board recommends a total parking requirement of 14 spaces (4,767/1,000 x 3 = 14). Accordingly, a waiver of 14 parking spaces is required as all available on-site parking spaces have been previously allocated to Town Hall use.

1.15 The Petitioner proposes to operate the farmers market after the main activities of the Town Hall have concluded for the week. During the operation of the Market, parking for motor vehicles will be at the Chapel Street, Eaton Square, and Chestnut Street Municipal Parking Lots. The vendors will park at the Chapel Street Lot. The Board finds that the parking lots in the vicinity, as noted above, will satisfy the parking demands for the Needham Farmers Market.

1.16 The Planning Board finds that no parking study is required for the farmers market use as proposed, due to its being held on Sundays, when parking in the Center of Town is least scarce and the Town Hall is closed.

1.17 The Needham Farmers Market proposes to have free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle or guitar players. Amplification, if any, would be limited and noise will not extend beyond the site.

1.18 Vendors will be permitted to use the restrooms of Center Café and Bagels Best.

1.19 Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Additionally, the Petitioner has stated that the farmers market staff will assist in picking up and removing all trash from the site.

1.20 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The farmers market is proposed to utilize Garrity's Way on Sunday afternoons from Memorial Day Sunday through the last day of November. The Petitioner proposes no construction and no permanent site changes. The Needham Farmers Market proposes to have musical entertainment that will either be un-amplified or slightly amplified where the noise will not extend beyond Garrity's Way and Town Common.

1.21 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly has been assured. During the operation of the Needham Farmers Market, parking for motor vehicles will be at the Chapel Street, Eaton Square, and Chestnut Street Municipal Parking Lots. The vendors will park at the Chapel Street Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, thus no traffic congestion. When the Needham Farmers Market was previously located at the front lawn of First Parish at Dedham and Great Plain Avenues and later at the Eaton Square Municipal Parking Lot, there was no traffic congestion due to the operation of the Market. The Needham Farmers Market will be solely located on Garrity's Way. During Market hours, this road will be blocked to vehicular traffic at Chapel Street and Highland Avenue. Town Hall is closed on Sundays. This location is centrally located in Needham and thus very accessible and convenient to go to by vehicle, walking, jogging, or bicycling. This location is convenient for residents already shopping at Downtown stores. The Market will stimulate retail business. Market shoppers can also eat at local restaurants in the Downtown. Residents out for a walk with their family or dog, jogging, relaxing at the Town Common, bicycling, or shopping can stop at the Market. The handicapped and the elderly can access the Market from the surrounding main arteries, i.e. Chapel Street, Highland Avenue, Great Plain Avenue, and from the Town Common. Bagel's Best and the Center Cafe will allow vendors to use their bathrooms.

1.22 Adequate methods for disposal of refuse and waste will be provided. Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Needham Farmers Market staff will additionally assist in picking up and removing all trash from the site. Vendors may use the bathrooms at Bagel's Best and the Center Café. The waste water system for these restaurants is connected to the municipal sewer system.

1.23 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-law has been assured. The Petitioner has not proposed any alteration to the structure or the scope of its operations. The relationship of structures and open spaces to the natural landscaping, existing buildings and other community assets will remain unchanged.

1.24 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed use will not have an adverse impact on surrounding businesses. The existence of the Needham Farmers Market is an asset for Needham and will be a source of community in Needham.

1.25 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit amendment may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board

finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

1.26 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.

1.27 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a farmers market in the Center Business District. On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.

1.28 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design and parking spaces requirements, but that a waiver of certain design and parking spaces requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances justifying the reduction in the number of required parking spaces and design requirements of the By-Law, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009; (2) the requested Special Permit under Section 3.2.2 of the Needham By-Law for a farmers market in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one use on a lot; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner

shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

2.1 No Plan Modifications.

CONDITIONS

3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.23 hereof.

3.1 The conditions and limitations set forth in Major Project Site Plan Special Permit No. 2009-06, issued to Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated November 17, 2009 and amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011 and May 1, 2012, as further amended by this Amendment are ratified and confirmed.

3.2 The Board approves the use by Needham Farmers Market of a farmers market on Garrity's Way, as shown on the Plan, as modified by this Decision, from the Sunday of Memorial Day Weekend to the last Sunday in November.

3.3 The hours of operation shall be limited to four hours every Sunday, opening at 12:00 noon and closing at 4:00 p.m. from Memorial Day Sunday through the last day of November.

3.4 The operation of the farmers market in the parking lot area of Garrity's Way, Needham, Massachusetts shall be as described in Sections 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.17, 1.18, and 1.19 of this Decision and as further described under the support materials provided under Exhibits 2, 3, 4 and 6 of this Decision.

3.5 The maximum number of vendors at any given time shall not exceed thirteen (13).

3.6 In addition to the vendors, up to two tables, booths or canopies may be available for the Community Farm, other Needham nonprofit organizations, artists, artisans, musicians and the Needham Farmers Market Manager.

3.7 The thirteen (13) vendors shall be located on Garrity's Way only. There shall be no vendors located in the Town Common.

3.8 At least eighty (80) percent of all vendors shall sell fresh produce and other food products from booths, tables, or other temporary structures.

3.9 In addition to vendors, the Needham Farmers Market may provide up to two tables, booths or canopies for use by nonprofit corporations or organizations and local artists or artisans. Selling by such groups may occur at no more than two tables and shall be restricted to Garrity's Way.

3.10 All food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met. Any ice used at the site shall be disposed of at a location approved by the Board of Health and in compliance with Board of Health and Town regulations. Disposal of ice within the Town's drainage system shall not be permitted.

3.11 Sale of alcoholic beverages by Needham Farmers Market vendors shall be prohibited. The drinking of alcoholic beverages on Garrity's Way where the farmers market is located shall be prohibited.

3.12 Set-up time shall begin no earlier than 10:00 a.m., two hours before the start of the market and break down time shall last no longer than two hours after the market closes at 4:00 p.m. During setup and breakdown, vendors may use parking spaces on Chapel Street to unload and load if the spaces are available. The spaces shall not be reserved for this purpose, but rather utilized if vacant.

3.13 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of the farmers market in Garrity's Way and the recognition that Town Hall is closed on Sunday and not utilizing the subject parking spaces. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall be entitled to evaluate the parking demand of the building as a whole.

3.14 Due diligence must be exercised at all times to avoid excessive off-site parking traffic, tie-ups and unnecessary noise and congestion.

3.15 Needham Farmers Market vendors shall be directed to park in the Chapel Street Municipal parking Lot and patrons shall be directed to park in the Chapel Street, Eaton Square, and Chestnut Street Municipal Parking Lots. The musicians may be located on Garrity's Way in the area designed for use by the farmers market.

3.16 Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Garrity's Way. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision.

3.17 Vendors shall be permitted to use the restrooms of Center Café and Bagel's Best restaurants. If vendors at any time are no longer allowed or able to use these restrooms, the Petitioner shall find other suitable arrangements and notify the Planning Board.

3.18 All trash and waste shall be confined to the site and shall be removed from the site promptly during the breakdown timeframe. No trash or waste shall be left on the site at the end of the breakdown at 6:00 p.m. The Petitioner shall also examine the vicinity adjacent to the market area and shall be responsible for the cleanup of any market trash or waste inadvertently left by patrons in that location. During the operation of the farmers market, trash receptacles shall be provided for the use of patrons.

3.19 This Special Permit to operate a farmers market at Garrity's Way is issued to Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and may not be transferred, set over, or assigned by Needham Farmers Market, Inc. to any other person or entity without the prior written approval of the Board following such notice and hearing, if any as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

3.20 The Needham Farmers Market may at its discretion exercise its rights under Major Project Site Plan Review Special Permit No. 2012-04, dated April 16, 2014 for the 2018 season in the event that the renovation of the Town Common makes the Garrity's Way location unsuitable. Nothing within this permit shall preclude the use of the alternative Needham Bank site if so selected by the Petitioner in the alternative.

3.21 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

3.22 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.

3.23 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

4.0 The authority granted to the Petitioner by this permit is limited as follows:

4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.

4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.

4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.

4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.

4.6 This special permit is subject to renewal by the Planning Board on an every 2-year basis upon letter request to the Board with adequate proof of continued permission from the Town of Needham for the continued use of Garrity's Way and Petitioner's request for specific dates and times of operation at the site.

4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 25th day of April, 2017.

NEEDHAM PLANNING BOARD

Elizabeth J. Grimes, Chairman

Paul S. Alpert, Vice Chairman

Jeanne S. McKnight

Martin Jacobs

Ted Owens

COMMONWEALTH OF MASSACHUSETTS

April 25 2017

On this 25 day of April, 2017, before me, the undersigned notary public, personally appeared Elizabeth Grimes, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public
My Commission Expires: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Board of Selectmen
Engineering
Fire Department
Police Department
Jeff Friedman
Parties in Interest

TOWN OF NEEDHAM, MA
PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT
500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2009-06

Needham Farmers Market, Inc.
Town of Needham
May 1, 2018
(Original Decision dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012 and April 25, 2017)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at 1471 Highland Avenue, Needham, Massachusetts. Said property is shown on Assessors Plan No. 51 as Parcel 1 containing 59,221, square feet in the Center Business District.

This Decision is in response to an application submitted to the Board on April 2, 2018, by the Petitioner. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit a change to paragraph 3.8 of the Special Permit to allow the truck of a new meat vendor, Chestnut Farms, to park on Garrity's Way during the Farmers Markets business hours. In addition to using a canopy and table to sell at the Market, Chestnut Farms proposes to use its truck for refrigeration and storage of frozen meat. The meat product will be kept in freezers in the truck until removed for customers.

Chestnut Farms proposes to occupy one of the two parking cutouts on Garrity's Way, in front of the Needham Town Hall. The parking cutout closest to Highland Avenue is the preferred location. The vendor layout for the location of Chestnut Farms truck on Garrity's Way is detailed on the plan described under Exhibit 3 below.

Chestnut Farms further proposes to use the truck's batteries with a converter to power its freezers for meat. In the alternative Chestnut Farms has further proposed to use the Town's electrical outlets behind the parking cut-out on Garity's Way to power its freezers for meat if so approved by the Town Manager. Whichever power source Chestnut Farms uses its truck's engine will be turned off during market hours and said truck will not be moved during market hours.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on April 24, 2018 at Needham Town Hall (Highland Room), 1471 Highland Avenue, Needham, MA at 7:30 p.m. Board

members Jeanne S. McKnight, Elizabeth J. Grimes, Paul S. Alpert and Ted Owens were present throughout the proceedings. Testimony and documentary evidence were presented and the Board took action on the matter.

EVIDENCE

Submitted for the Board's review are the following exhibits:

Exhibit 1 Application for Amendment to Major Project Site Plan Special Permit 2009-06, dated April 2, 2018.

Exhibit 2 Letter from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated April 9, 2018.

Exhibit 3 Plan showing depiction of location of vendors on Garrity Way, undated.

Exhibit 4 Interdepartmental Communications (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated April 19, 2018; IDC to the Board from Dennis Condon, Chief of Department, Needham Fire Department, dated April 17, 2018; and IDC to the Board from Tara E. Gurge, Assistant Public Health Director, dated April 9, 2018.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012 and April 25, 2017 were ratified and confirmed except as follows:

1. The Board hereby approves the modifications as described under Exhibits 1, 2, and 3.

2. Paragraph 3.8 on page 7 of the Decision is modified to read as follows: "At least eighty (80) percent of all vendors shall sell fresh produce and other food products from booths, tables, trucks or other temporary structures. If a truck is utilized it shall be parked in one of the two parking cutouts on Garrity's Way, in front of the Needham Town Hall with the parking cutout closest to Highland Avenue being the preferred location. Truck engines shall be turned off during the market's business hours and no truck shall be moved during the market's business hours."

3. The proposed changes are deemed minor in nature and do not require public notice of a hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the

Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit four copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

No plan modifications are required.

DECISION

NOW THEREFORE, the Board voted 4-0 that:

1. The proposed changes are deemed minor in nature and do not require a public notice or public hearing. No 20-day appeal period from this Amendment of Decision is required.

2. The requested modifications are granted.

Witness our hands this 1 day of May, 2018.

NEEDHAM PLANNING BOARD

Ted Owens, Chairperson

Paul S. Alpert

Elizabeth J. Grimes

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 1 day of May, 2018, before me, the undersigned notary public, personally appeared Ted owens, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: Alexandra Clee
My Commission Expires: March 18, 2022

Copy sent to:

- Petitioner – Certified Mail #
- Town Clerk
- Building Inspector
- Director, PWD
- Board of Health
- Conservation Commission
- Design Review Board
- Board of Selectmen
- Engineering
- Fire Department
- Police Department
- Jeffrey M. Friedman
- Parties In Interest

From:	John Schlittler
To:	Alexandra Clee
Subject:	RE: Request for comments on Planning Board application - FW: Needham Farmers Market - Special Permit Application
Date:	Tuesday, April 28, 2020 11:45:15 AM

The police department has no issues

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, April 27, 2020 4:51 PM
To: John Schlittler <JSchlittler@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Request for comments on Planning Board application - FW: Needham Farmers Market - Special Permit Application

Please find attached the application for a De Minimus Change for the Farmer's Market. Among the proposed changes are:

- Slight increase in number of vendors and number of artists
- Use of small portion of Town Common
- Earlier set up time
- Temporary parking of two vehicles on Highland Avenue next to Garrity Way during set up and breakdown.

Details of the proposal are in the attached materials.

Please note that the Town Manager has signed the application as well as the Farmer's Market representative. However, there is no executed license agreement yet (we understand it is forthcoming).

The Planning Board will be reviewing this application at its meeting of May 5. If you can review the materials and provide your comments, that would be very helpful. If possible, please get your comments to us by end of business day Thursday April 30 in order for your comments to be in the Board's packet. However, we understand everyone is busy and working under unusual circumstances; so if Thursday is not possible, please get us your comments by May 5.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham

From: friedmanesq@aol.com <friedmanesq@aol.com>
Sent: Thursday, April 23, 2020 3:29 PM
To: Theodora Eaton <TEaton@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>; Kate Fitzpatrick <KFitzpatrick@needhamma.gov>; Sandy Cincotta <scincotta@needhamma.gov>
Subject: Needham Farmers Market - Special Permit Application

Tedi Eaton, Town Clerk
1471 Highland Ave.
Needham, MA 02492

Re: Application to Amend Special Permit by Needham Farmers Market
Major Project Site Plan Review Special Permit, App. No. 2009-06 (April 25, 2017)

Dear Tedi:

I have attached for filing: Needham Farmers Market's Application to Amend its Special Permit, referenced above; scan of $250 check to Town of Needham for Application fee; and NFM letter to the Needham Planning Board supporting the Application.

If you have any questions involving the filing, etc., please contact me.

Sincerely,
Jeffrey M. Friedman
President, Needham Farmers Market

28 Perrault Road, Apt. #1
Needham, MA 02494
cell: 781.241.2037

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2009-06

Needham Farmers Market, Inc.
Town of Needham
May 5, 2020
(Original Decision dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012 and April 25, 2017 and May 1, 2018)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at 1471 Highland Avenue, Needham, Massachusetts. Said property is shown on Assessors Plan No. 51 as Parcel 1 containing 59,221, square feet in the Center Business District.

This Decision is in response to an application submitted to the Board on April 23, 2020, by the Petitioner. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit a change to the Special Permit to allow: (1) an increase in the maximum number of vendors from 13 to 15 per market and the maximum number of artists from 2 to 4 per market; (2) the use of a small portion of Town Common beside the central walkway leading to Garrity's Way, as shown on the diagram submitted with the application; (3) the set up time to start at 9:00 a.m. instead of 10:00 a.m.; (4) temporary parking of two vehicles on Highland Avenue next to Garrity's Way during set up and breakdown; and (5) renewal of Special Permit No. 2009-06 by the Board from June 14, 2020 through November 22, 2020 as amended herein.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on May 5, 2020 via remote meeting using Zoom ID 394240461. Board members Martin Jacobs, Jeanne S. McKnight, Paul S. Alpert, Bruce Eisenhut and Ted Owens were present throughout the proceedings. Testimony and documentary evidence were presented and the Board took action on the matter.

EVIDENCE

Submitted for the Board's review are the following exhibits:

Exhibit 1 Application for Amendment to Major Project Site Plan Special Permit 2009-06, dated April 23, 2020.

Exhibit 2 Letter from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated April 23, 2020.

Exhibit 3 Plan showing depiction of location of vendors on Garrity's Way, titled "Needham Farmers Market, 2020," undated.

Exhibit 4 Order of the Commissioner of Public Health for Farmers Markets, Farm Stands and CSAs, dated April 27, 2020.

Exhibit 5 License Agreement between the Needham Farmers Market Inc., a not for profit corporation, with it principal place of business at 28 Perrault Rd, Apt. 1, Needham, MA 02494, (Licensee), and the Town of Needham, Massachusetts, a municipal corporation with its usual place of business at 1471 Highland Ave., Needham, MA 02492 (Licensor), dated January 31, 2018.

Exhibit 6 Interdepartmental Communications (IDC) to the Board from John Schlittler, Chief of Police, Needham Police Department, dated April 28, 2020; Thomas Ryder, Assistant Town Engineer, dated April xx, 2020; IDC to the Board from Dennis Condon, Chief of Department, Needham Fire Department, dated April xx, 2020; and IDC to the Board from Tara E. Gurge, Assistant Public Health Director, dated April xx, 2020.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012, April 25, 2017 and May 1, 2018 were ratified and confirmed except as follows:

1. The Board hereby approves the proposed changes: (1) an increase in the maximum number of vendors from 13 to 15 per market and the maximum number of artists from 2 to 4 per market; (2) the use of a small portion of Town Common beside the central walkway leading to Garrity's Way, as shown on the diagram submitted with the application; (3) the set up time to start at 9:00 a.m. instead of 10:00 a.m.; and (4) temporary parking of two vehicles on Highland Avenue next to Garrity's Way during set up and breakdown, all as described in more detail under Exhibits 1, 2, and 3.

2. The Board hereby approves the renewal of Special Permit No. 2009-06 from June 14, 2020 through November 22, 2020, contingent upon renewal of the License Agreement dated January 31, 2018 between the Town and Needham Farmers Market (Exhibit 5) permitting such use as authorized herein during the noted time period. The Petitioner acknowledges that this Decision is not active until such time as the above-named License Agreement renewal is executed with the Town and submitted to the Planning Board.

3. The Needham Farmers Market shall work with the Parks and Forestry Department to ensure the protection of the grass in the Town Common. Currently, the Town Common is expected to be renovated in 2021. Therefore, the Petitioner is only requesting the use of the Common for the season of 2020. Future use will require future consideration.

4. Farmers Markets are considered to be Essential Services, under the Governor's order during Covid-19 Emergency that all non-essential businesses be closed. Needham Farmers Market commits to taking all precautions as prescribed by law in effect. (See Exhibit 4).

5. The proposed changes are deemed minor in nature and do not require public notice of a hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit four copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

No plan modifications are required.

DECISION

N0W THEREFORE, the Board voted 5-0 that:

1. The proposed changes are deemed minor in nature and do not require a public notice or public hearing. No 20-day appeal period from this Amendment of Decision is required.

2. The requested modifications are granted.

Witness our hands this _____ day of _____, 2020.

NEEDHAM PLANNING BOARD

_____
Martin Jacobs, Chairperson

_____
Jeanne S. McKnight

_____
Ted Owens

_____
Paul S. Alpert

_____
Bruce T. Eisenhut

Copy sent to:
- Petitioner – Certified Mail #
- Town Clerk
- Building Inspector
- Director, PWD
- Board of Health
- Conservation Commission
- Design Review Board
- Board of Selectmen
- Engineering
- Fire Department
- Police Department
- Jeffrey M. Friedman
- Parties In Interest

LEGAL NOTICE
Planning Board,
TOWN OF NEEDHAM
NOTICE OF HEARING
Revised March 20, 2020 to Accommodate Conversion from On-Site to Remote Participation

In accordance with the provisions of M.G.L., Chapter 40A, S.5, the Needham Planning Board will hold a public hearing on Wednesday, April 15, 2020 at 7:05 p.m. regarding certain proposed amendments to the Needham Zoning By-Law to be considered by the May 2020 Annual Town Meeting.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Needham Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view and participate in this meeting while in progress by remote access following the instructions detailed below. The subject hearing had previously been noticed for the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, MA.

To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 394240461

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click "Join a Meeting" and enter the following ID: 394240461

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment through the zoom app.

Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information. A copy of the complete text of the proposed article is detailed below. The article designation given has been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Select Board for the Warrant.

ARTICLE 1: MAP CHANGE TO GENERAL RESIDENCE B ZONING DISTRICT

To see if the Town will vote to amend the Needham Zoning Bylaw by amending the Zoning Map as follows:

Place in the Single Residence B Zoning District (i) all that land now zoned Single Residence A bounded generally to the northwest by a point at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66, to the northeast by the State Circumferential Highway, to the southeast by Kendrick Street, and to the northwest by Hunting Road; said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58; as well as (ii) all that land now zoned Single Residence A 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, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows:

Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

Be any or all of said measurements, more or less.

ARTICLE 2: AMEND ZONING BY-LAW – PEDIATRIC MEDICAL FACILITY IN NEW ENGLAND BUSINESS CENTER DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Hospital, Community" and before the existing definition of "Hotel or Motel":

> Hospital, Pediatric: A Hospital in which not less than three-quarters of its patients are Pediatric Patients as defined in 105 CMR 130.700 and which provides a broad range of ambulatory and inpatient services to children and young adults under the age of twenty-six (26).

2. In Section 1.3 Definitions, by adding the following after the existing definition of "Medical Clinic", and before the existing definition of "Medical Laboratory":

> Medical Facility, Pediatric shall mean a facility with one or more of the following uses each primarily (not less than three-quarters) for children and young adults under the age of twenty-six (26), where, in each case, the uses are owned, operated or managed directly by a Pediatric Hospital or through a corporate affiliate controlled by a Pediatric Hospital (excluding any affiliate which is a hospital whose primary purpose is the provision of health care services to adults): (i) doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) a medical clinic or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals; (iv) facility for the provision of testing, analytical, diagnostic, pharmaceutical or other health care support services, equipment or procedures; (v) Determination of Need Required Equipment or Determination of Need Required Services as each is defined in 105 CMR 100; (vi) cell generation, gene therapy, and infusion treatment; (vii) medical offices; (viii) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; (ix) accessory uses customarily conducted in coordination with any of the foregoing, including, without

limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

3. In Section 3.2.4 Uses in the New England Business Center District, by adding a new subsection (j) to subsection 3.2.4.2 Uses Permitted by Special Permit, to read as follows:

(j) Medical Facility, Pediatric

4. In Section 5.1.2. Required Parking, by adding a new subsection (19), to read as follows:

(19) Medical Facility, Pediatric	One (1) parking space per 290 square feet of floor area

5. In Section 5.1.2. Required Parking, by renumbering existing subsection (19) "Mixed Uses" as subsection (20), and renumbering existing subsection (20) "Any use permitted by this Zoning By-Law" as a new subsection (21).

Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (http://masspublicnotices.org/).

Needham Times, March 26, 2020 and April 2, 2020.

Memorandum

To: Paula Quan, VP of Capital Planning and Design
Boston Children's Hospital
300 Longwood Avenue
Boston, MA 02115

Date: January 24, 2020
Revised March 30, 2020
Project #: 14631.00

From: Sean Manning, PE
Ryan White, PE

Re: BCH Founders Park Estimated/ Comparative Parking Demand Analysis

---

Note:

This revised memorandum takes into account the following adjustments that have been made since the initial submission to the Town of Needham on January 24, 2020:

- **380 1st Street Building size has been increased by 10 KSF (from 235 KSF to 245 KSF).**
- **37 A St Building size has been decreased by 10 KSF (from 90 KSF to 80 KSF).**
- **Total GSF proposed by BCH has not changed and is still reflective of previously approved cumulative building envelope for these three subject sites in Founder's Park (452 KSF).**
- **380 1st Street now assumed to by 100% Pediatric Medical Center use (small office/admin component eliminated).**
- **37 A Street now assumed to be 100% Office use (consistent and unchanged assumption for this site with approved Founder's Park).**

Overview

Boston Children's Hospital (BCH) is proposing to construct, in one or more buildings, a Pediatric Medical Facility at Founders Park in Needham, Massachusetts. As currently contemplated, the Project will be constructed in phases over time with only a single building in the first phase. A key element needed to support a premier arrival experience is ensuring that adequate parking is provided to accommodate expected patient and employee demands. This assessment outlines the approach utilized to help conservatively estimate the parking needs for the proposed BCH Pediatric Medical Facility. Included herein is an operational parking needs assessment based on national benchmarked ratios and the proposed building program and a comparable facility parking assessment based on a review of similar BCH satellite campuses in eastern Massachusetts. The Project is required to accommodate all parking on-site and the goal of the study is to ensure the recommended parking ratio is appropriate to accommodate expected demands and limit any unintended parking and traffic impacts.

This memorandum refers to the Founder's Park development as described in the Supplement Draft Environmental Impact Report (SDEIR) submitted to the Massachusetts Environmental Policy Act on August 31, 2015. As illustrated in **Figure 1**, the Founder's Park site was separated into three components for filing/permitting purposes: Center 128 West, Center 128 East and the 2nd Avenue Residences. As shown in **Figure 2**, five development sites within the total Founder's Park development are still undeveloped. Three sites (all permitted as office buildings) are located in Center 128 West and two sites (one permitted as office and the other as hotel with retail) are located in Center 128 East. BCH

99 High Street
10th Floor
Boston, MA 02110-2354
P 617.728.7777

Memorandum

is looking to develop the three sites (380 1st Avenue, 37 A Street, and 2 B Street) in Center 128 West and modify the approved land use to a combination of pediatric medical facility and general office.

Overall, this assessment recommends a proposed parking ratio for a Pediatric Medical Facility land use of one parking space per 290 SF of floor area (or 3.45 spaces per 1,000 SF).

Figure 1: Founder's Park Site

99 High Street
10th Floor
Boston, MA 02110-2354
P 617.728.7777

Memorandum

Figure 2: Undeveloped Sites within Founder's Park

Program

BCH Founders Park will contain approximately 452,000 SF of building program across three sites. **Table 1** outlines the program and land use for each site as currently proposed.

Table 1 BCH Proposed Development Program

Location	Land Use	Program Size (KSF)
380 1st Ave	Pediatric Ambulatory Center	245
37 A St	Office	80
2 B St	Office	127
Total		452

Note: 2 B Street size and program based on DSEIR 2 B St building program, dated August 31, 2019

Operational Parking Assessment

Multiple methods were utilized to help quantify the estimated parking demand needed to support the Proposed Project. The first method involved the use of benchmarked ratios developed for various programmatic elements and applied them to the proposed BCH building program. These benchmarked ratios are based on a review conducted by

99 High Street
10th Floor
Boston, MA 02110-2354
P 617.728.7777

Memorandum

VHB of peer healthcare institution's program and parking needs to support the demand. This includes institutions from around the country but focuses on local peer facilities.

Unlike a typical office space, not every area of the pediatric medical facility will generate a parking demand at the same ratio. For example, areas for patient care will generate a higher parking demand than employee support area within the same building. Some building areas will have no real parking need. Space generator types and their associated parking metric used for this study are listed below:

- Patient Care Area: 5.0 spaces/KSF
- Office Area: 3.0 spaces/KSF
- Employee Support Area: 2.0 spaces/KSF
- Building Support Area: 0.0 spaces/KSF

A detailed review of each building's program was conducted, and spaces were classified into one of these four spaces types. A summary of the estimated parking need for the Proposed Project, based on this methodology, is presented in **Table 2**.

Table 2 Operational Parking Assessment Summary

Space Type	Size (KSF)	Parking Metric (spaces/KSF)	Parking Demand
Patient Care Area	191	5.0	955
Office Area	127	3.0	381
Employee Support Area	74	2.0	148
Building Support Area	60	0.0	0
Total	452		1,484

The operation parking assessment method estimates that the Proposed Project will require a parking demand of approximately 1,484 spaces. This equates to an equivalent parking ratio of 3.28 spaces/KSF.

Comparable Facility Parking Assessment

The second method utilized to estimate the BCH parking need was based on a review of comparable satellite pediatric facilities that BCH operates at other eastern Massachusetts locations, including Brookline, Waltham and Peabody. These campuses offer similar types of pediatric medical services, currently operate similar to expected operations at the Proposed Project and provide on-site parking to accommodate the associated demand. **Table 3** outlines the facilities characteristics and parking ratio.

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Table 3 Estimated Demand based on Comparable Facility Assessment

Location	On-Site Parking (spaces)	Building Size (KSF)	Parking Ratio (spaces/KSF)
Brookline	674	228	2.96
Waltham	1,132	390	2.90
Peabody	1,079	389	2.77

Note: Peabody is shared facility. Values are inclusive of all building uses, both BCH and non-BCH (office use).

Based on the parking ratios presented in **Table 3**, the average parking ratio of other BCH pediatric medical facilities was determined to be 2.87 spaces/KSF. By applying this metric to the 452,000 SF Proposed Project, the comparable facility method yields a parking need of approximately 1,298 spaces.

Recommendation

As mentioned previously, providing adequate on-site parking needed to accommodate the expected patient and employee demand is a key element of the Proposed Project. The operational parking assessment, based on national benchmarked ratios and the proposed building program, yields an estimated parking ratio of 3.28 spaces/KSF (or one space per 305 SF) and the comparable facility assessment, based on a review of similar BCH satellite campuses, yields an estimated parking ratio of 2.87 spaces/KSF (or one space per 350 SF). As a goal of the study is to ensure a recommended parking ratio is conservatively higher than these comparative assessments, it is recommended that the operational assessment ratio be used, with a 5% factor of safety applied. Following this logic, the recommended proposed parking ratio for Pediatric Medical Facility land use has been calculated to be one parking space per 290 SF of floor area (or 3.45 spaces per 1,000 SF).

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Memorandum

To: Lee Newman
Director of Community Planning and Development
Town of Needham, MA

Date: April 28, 2020

Project #: 14631.00

From: Ryan White, PE
Samantha Lathrop
Sean Manning, PE, PTOE

Re: Re-Response to Peer Review Parking Generation Evaluation – Boston Children's Hospital – Needham, MA

Boston Children's Hospital ("BCH" or the "Applicant") is seeking to acquire the undeveloped portions of the so-called Center 128 West project in the Town of Needham, which are identified as the Building 1 Site, the Building 2 Site, the Building 4 Site and Garage A on the plan attached hereto (each a "Building Site" and, collectively, the "Building Sites"). In connection therewith, the Applicant has proposed an amendment to the Town's Zoning Bylaw (the "Amendment"), which, if approved, would allow for a "Pediatric Medical Facility" by special permit in the New England Business Center. The Amendment also proposes a parking ratio applicable to the new special permit use.

The existing special permit governing the Center 128 West project currently allows a hotel (128 rooms), 740,000 square feet (sf) of office use and 3,642 parking spaces. The hotel, approximately 288,000 sf of office use and approximately 2,200 parking spaces have been constructed. If the Amendment is approved at Town Meeting, the Applicant will seek to amend the existing special permit to construct a Pediatric Medical Facility of approximately 245,000 sf on Building Site 1 along with Garage A (the "Project"). The remainder of the development program under the special permit (approximately 207,000 sf) would continue to remain office use, as currently approved.

We understand that BETA has been engaged as a Peer Review for the Town of Needham to review the parking ratio proposed in the Amendment. The purpose of this memorandum is to provide responses to BETA regarding the Founder's Park Estimated/Comparative Parking Demand Analysis Memorandum that was prepared by VHB on behalf of the Applicant (dated January 24, 2020) in support of the proposed parking ratio. In their Peer Review dated March 11, 2020 (and attached for reference), BETA has delineated and numbered specific questions and comments where they seek a response and/or supplemental information. The following sections reiterate those questions and comments, followed by applicant responses. Additionally, the Founder's Park Estimated/Comparative Parking Demand Analysis Memorandum has been revised and updated (dated April 2, 2020) and is included with this submission of Peer Reviewer Comment Responses.

T1. The proposed land uses for the 380 1st Avenue building in the Estimated/Comparative Parking Demand Analysis Memo lists 20,000 SF as Office space and 215,000 SF as Pediatric Ambulatory Center, while the Trip Generation Estimate Summary Memo lists 117,500 SF of Pediatric Ambulatory Center and 117,500 SF of Hospital space. Please clarify the difference in land use between documents.

Applicant Response: There are multiple challenges when attempting to accurately quantify the parking and trip generation characteristics of a less typical land use, such as Pediatric Ambulatory Center, with the support of standardized reference documents (Institute of Transportation Engineer's (ITE) *Trip Generation* and *Parking Generation* manuals). In order to address the various considerations within the Town, the applicant has proposed a "Pediatric Medical Facility" as a new defined use within the New England Business Center. A Pediatric Medical Facility is an ambulatory medical facility affiliated with a pediatric hospital. Accordingly, Pediatric Medical

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Facility/Pediatric Ambulatory Center is not a land use already defined in the Town of Needham Zoning by laws, nor is it defined in the ITE *Parking Generation Manual* or *Trip Generation Manual*.

Since the land use proposed in the Amendment is not already defined, other alternative analytical methods were devised and utilized to estimate parking demand and trip generation for the Project. Specifically, to estimate the parking demand, parking facility supply data for specific, comparable satellite BCH sites were used as data points and compared to the size and scale of the Project – and the program elements to be included within those buildings using the latest detailed program and floor plans provided by the Project Architect (Payette). Other parking ratios summarized in current Town of Needham Zoning Bylaws were determined to not be applicable for the purposes of accurately calculating an appropriate quantity of parking to support his specific component of the Project. To estimate trip generation, typical ITE methodology was used, but based on input from BCH and their goals/vision for the Project, the development program was broken down into the applicable, usable ITE land use codes with the intention to more accurately emulate the trip generating characteristics of the envisioned Pediatric Medical Facility. The Pediatric Medical Facility is intended to include and support patient visits, diagnostics and testing, ambulatory medical procedures and pre-scheduled day surgeries. The facility will not have overnight beds and will not be equipped with emergent care services. Taking all of these factors into consideration, it was determined that a measurable component of the facility would function similarly to a combination of the ITE Medical-Dental Office use and/or Hospital use. Utilization of either of these uses solely would have the effect of either significantly overestimating or underestimating the trip generating characteristics of the Project. The remaining 207,000 sf on Building Site 2 (2B street) and Building Site 4 (37A street) will remain office under the special permit, and therefore, have been modeled to function as a typical office use as defined by ITE Trip Generation (i.e., no change vs. the Approved Project).

BETA's Response: The differences in development programs between the Parking Generation Memo and the Trip Generation Memo have been clarified and are shown in Table 1. BETA has no further comment.

T2. The proposed total square footage of the 2 B Street building is listed as 127,000 SF in the Estimated/Comparative Parking Demand Analysis Memo, while the in the Trip Generation Estimate Summary Memo it is listed as 127,145 SF. Please clarify the difference between documents.

Applicant Response: The square footage of the 2 B Street building will be updated in the Trip Generation Estimate Summary Memo to match the square footage in the Estimated/Comparative Parking Demand Analysis Memo (127,000 SF).

BETA's Response: The differences in development programs between the Parking Generation Memo and the Trip Generation Memo for the 2 B Street building has been updated to 127,000 SF in both memos and is shown in Table 1. BETA has no further comment.

T3. Please provide a list of similar healthcare institutions and locations that were surveyed.

Applicant Response: VHB has been retained by many prominent local and national academic medical centers to help them devise appropriate parking system strategies in connection with the planning, design and construction

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of large, long-term capital improvement and campus transformation programs (both pediatric and adult healthcare facilities). An identical approach has been utilized in each of these cases listed below to provide clarity and guidance as to what the most appropriate and reasonable parking need could be expected given the anticipated program and a deep dive assessment of those respective programs conceptually. These studies have supported respective regulatory review and approval processes – but more importantly – have served as an important tool in benchmarking and confirming appropriate parking quantities to support anticipated patient, staff and physician needs. Major hospitals and academic medical centers where this methodology has been applied and accepted over the past five years include the following:

1. Boston Children's Hospital (Main Campus)
2. Boston Children's Hospital (Waltham)
3. Massachusetts General Hospital
4. Brigham and Women' Hospital
5. Brigham and Women's Faulkner Hospital
6. Newton-Wellesley Hospital
7. Spaulding Rehabilitation Hospital
8. Dana-Farber Cancer Institute
9. Beth Israel Deaconess Medical Center (Main Campus)
10. Beth Israel Deaconess Medical Center (Lexington)
11. St Elizabeth's Medical Center
12. Boston Medical Center
13. South Shore Hospital
14. Cape Cod Hospital
15. University of Pennsylvania Health System
16. Washington University of St Louis Health System
17. St Louis Children's Hospital
18. University of Rochester Medical Center
19. Johns Hopkins Medicine
20. Dartmouth-Hitchcock Medical Center
21. Maine Medical Center

BETA's Response: While this satisfies our original comment, the intent of this comment was to understand the sites surveyed and verify if the size, type and services provided at each facility were an appropriate comparison to the Founder's Park site. Please provide information as to whether all these sites were used in the Benchmarked Ratio calculations as some of these uses appear to be different than the uses proposed at the Founder's Park Site as well as differing geographic locations. In addition, please provide the overall size (KSF), total parking spaces, parking demand ratios and provided services at all sites used in the calculations.

Applicant Re-Response: The list provides an abbreviated outline of locations where an identical approach has been taken using the benchmark parking metrics noted in the Operations Parking Assessment, as well as other

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benchmark rates for medical services that are not part of the children's proposal in Needham. The intent was to qualify this as an alternative approach to assessing parking needs – separate from the assessment of comparable satellite pediatric facilities. This analysis has also been conducted, yielding a similar outcome in terms of quantifying expected parking need. The ratios developed to support this discrete analysis have been developed by VHB through years of working with a variety of healthcare providers to right size parking and fit their needs for various developments and are based on observed/measured utilization and an understanding of parking zoning requirements nationally. For example, the patient care area ratio generally includes patient parking at 3.0 spaces/KSF and employee parking at 2.0 spaces/KSF (in line with the employee support area ratio). While none of the facilities listed exactly match the program of the Proposed BCH Project, elements and services present at many of these locations are similar to BCH Needham. For reference, we have included in Attachment B some more detailed examples of these supportive studies that have been conducted for other large academic medical centers – including parking assessments for capital program planning at other Boston Children's facilities in Massachusetts. VHB agrees that the Comparable Facility Parking Assessment, which are specifically based on other BCH comparable facilities, provides the most accurate estimate of expected parking demand at the Proposed pediatric medical facility. However, the parking estimates based solely on existing BCH satellite locations are lower than the Operational Parking Assessment estimate. The intent of conducting and including this secondary analysis set is to provide increased reassurance that the Comparables Assessment is reasonably accurate – and that ultimately – the proposed parking ratio supporting the zoning petition is reasonable and will support sufficient parking for BCH patients, staff, and physicians, and not create any unintended parking or traffic impacts

T4. Clarify/provide supporting documentation as to how these building space types were classified and why there is no rate for building support area.

Applicant Response: The building space types were classified using the latest detailed program and floor plans provided by the Project Architect (Payette). There is no parking rate for "building support area" as it delineates space within the building that has no trip generating value on its own. A more detailed response is summarized below in response to Comment T5.

BETA's Response: While no direct parking uses are attributed to the "building support area," these areas are commonly included in overall gross floor area, when estimating overall parking demand. Please provide supporting documentation from surveyed sites showing this ratio and how each of the square footages where determined for Founder's Park.

Applicant Re-Response: While "building support area" is traditionally included in the overall gross floor area (GFA), the Town tasked the Proponent to provide a more detailed analysis of expected parking need based on the building use/program – beyond the general GFA ratios currently in the Zoning By-Laws. To help compile this proposed Pediatric Medical Facility parking ratio, ratios were developed, based on VHB's experience working with healthcare providers (as discussed in the T3 response above), and applied to each generally type of use within the proposed development. No additional detailed program information about the example locations can be shared at this time due to confidential and proprietary concerns. VHB agrees that the Comparable Facility Parking Assessment, based on other BCH comparable facilities, provides the most accurate estimate of expected parking

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demand at the Proposed pediatric medical facility. However, the estimate based on existing BCH satellite locations is lower that the Operational Parking Assessment estimate.

T5. Please clarify what constitutes "Building Support Area" and how the size of this area was calculated.

Applicant Response: Building Support Area is non-generating space such as mechanical support areas, back-of-house storage, a large lobby/entrance area, back-of-house circulation areas, stair wells, elevator cores, etc. These spaces do not directly generate trips and only provide support space for the other, actively generating space/uses in the building. The size of this area was calculated using the latest detailed program and floor plans provided by the Project Architect (Payette).

BETA's Response: Response provides clarification. BETA has no further comment.

T6. Hospital parking requirements per the Town's By-laws are conservative using the general description for Hospital land use as no further information was provided as to the intended use for the Hospital type (i.e. bed, employees, type of procedures/surgery). Upon providing more information, this parking ratio could be reduced; however, it has been calculated as 7 spaces/KSF for the purposes of this review.

Applicant Response: During initial conversation with the Town regarding the transportation elements of this Project, the Project Team was tasked with looking at alternatives methods to calculate the estimated parking demand, separate from established Zoning By-laws. The goal of this effort was to determine what a reasonable and appropriate parking ratio should be to support a Pediatric Medical Facility land use.

If the Town's By-laws were applied, the parking ratios for Pediatric Ambulatory Center (380 1st Avenue) could potentially be based on Section 3.6.7. The previous sections (Sections 3.6.7.a and 3.6.7.b) would not be appropriate for the proposed land use, as it does not solely contain a Medical Service Building, Medical Clinic, or Health Care Facility. The proposed land use will most closely resemble a combination of Hospital use with a Medical Service Building, Medical Clinic and/or Health care Facility as defined in Section 3.6.7.c. The proposed Pediatric Ambulatory Center will not be used for short ambulatory visits and therefore the ratios under Section 3.6.7.c.1 are not applicable. Section 3.6.7.c.2.i-iii provides a possible method to reasonably determine the number of parking spaces required for the Project as it most closely represents the proposed land use. No beds will be provided at the Project (Section 3.6.7.c.2.i) therefore, one parking space will be provided for each two full-time equivalent employees (Section 3.6.7.c.2.ii) (assuming 1 employee per 1,000 sf), and 2.5 parking spaces per 1,000 sf of GFA (Section 3.6.7.c.2.iii). Table 1 below shows the parking spaces required using this method. In connection with the rezoning petition, a blended parking rate was specifically quantified for Pediatric Medical Facility taking these discrete, measurable elements of the Project into consideration. As seen in the table, the parking need based on a blended rate using established Zoning Bylaw rates works out to be slightly below the recommended parking supply presented in the memo of 1,560 spaces. The proposed rate for a Pediatric Medical Facility was specifically established and is proposed based on this, and other parallel analyses summarized in our January 24, 2020 memorandum.

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Table 1: Parking Spaces Required by Zoning

Address		SF	Rate	Unit	Total Spaces
380 1st Avenue	MOB	245	0.5	spaces per employee	245
			2.5	spaces per ksf	612
	Subtotal	**245**			**857**
37 A St	Office	80	3.3	spaces per ksf	264
2 B St	Office	127	3.3	spaces per ksf	419
	Total	**452**			**1,540**

BETA's Response: Since there are no beds provided for this site, BETA agrees that Section 3.6.7.b would not be appropriate for use in determining parking demand. While the term "site" in the Town By-Laws could refer to the overall Founder's Park site, this could also be interpreted as the entire site of the 380 1st Avenue building and therefore Section 3.6.7.a (7 parking spaces per 1,000 square feet) could be applicable. In addition, Section 3.6.7.c.1 could also be applicable to the site. The applicant states that "The proposed Pediatric Ambulatory Center will not be used for short ambulatory visits and therefore the ratios under Section 3.6.7.c.1 are not applicable;" however, the second paragraph of the memo describing the site states "The Pediatric Medical Facility is intended to include and support patient visits, diagnostics and testing, ambulatory medical procedures and pre-scheduled day surgeries." BETA recommends clarification from the Town's Planning Board as to their interpretation of the By-Law. Additionally, please provide clarification of where the assumption of 1 employee per 1,000 SF is derived from.

Applicant Re-Response: VHB welcomes clarification on the existing zoning regulations by the Town processes.

As it related to Section 3.6.7, the Proponent believes that neither subsection should be applied to a Pediatric Medical Facility Use for the following reasons:

- Section 3.6.7 sets forth off-street parking requirements for hospitals, health care facilities, medical clinics, and medical services in the Medical Overlay District within the Chestnut Street Business District. These standards are meant to apply to the Beth Israel Deaconess Hospital and these requirements do not apply to any uses within the New England Business Center Zoning District, which is the zoning district within which a Pediatric Medical Facility would be allowed.
- Section 3.6.7.a applies when a site contains only a Medical Services Building or Medical Clinic. A Pediatric Medical Facility is neither a Medical Services Building or a Medical Clinic. While some portion of a Pediatric Medical Facility will contain uses similar to a Medical Services Building or Medical Clinic, it will be a completely different use comprised of multiple complementary medical uses.
- Section 3.6.7.c sets forth off-street parking requirements for a site containing a Hospital or a combination of Hospital with a Medical Service Building, Medical Clinic, and/or Health Care Facility. This does not apply because a Pediatric Medical Facility is not a Hospital, in whole or in part. A Pediatric Medical Facility will not have an emergency department, overnight beds or inpatient services. Accordingly, Section 3.6.7.c.1 does not apply to a Pediatric Medical Facility.

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A Pediatric Medical Facility Use is a new use proposed on behalf of Boston Children's Hospital that reflects the multi-disciplinary and complementary medical uses that will occur in the facility. The proposed use does not exist currently in the Needham Bylaw and, therefore, an appropriate parking ratio does not currently exist in the Bylaw. While the ratios in Section 3.6.7 of the Zoning Bylaw do relate to medical uses, these uses are completely different than the use proposed and are not applicable within the New England Business Center. Given the absence of an appropriate parking ratio within the Bylaw, the zoning amendment proposes a parking requirement tailored to the proposed use, which was developed based on benchmark data, analyses of actual parking demand and usage from multiple facilities with similar mixes of uses.

The assumption of one employee per 1,000 SF is actually two employees per 1,000 SF and with a parking rate of 0.5 spaces per employee (effectively one spaces per 1,000 SF). This assumption has been provided by the development team.

T7. Clarify/provide how many of the 2,785 approved parking spaces for Center 128 West are currently in use and how many remaining spaces are available for use by the three proposed buildings.

Applicant Response: The special permit for Center 128 West approved 3,642 parking spaces of which 857 are allocated to the Center 128 East project, leaving 2,785 for Center 128 West. 1,101 of the 2,785 spaces are need to satisfy the zoning requirement for the hotel and office use, which leaves 1,684 approved spaces available to satisfy the zoning requirement for the 452,000 of undeveloped area approved for Building Sites 1, 2 and 4. Garage B (380R First) is constructed and contains approximately 2,070 spaces. As noted above, the Applicant intends to construct Garage A (925 spaces) in connection with the Project. These available and future spaces will provide sufficient parking on-site to accommodate the expected BCH parking demand. As described in the memo, the estimated parking demand was calculated conservatively by using a parking ratio above the highest empirical estimation method and, as described below, there are also expected to be additional parking spaces available due to the underutilization by other uses within the development.

The 380R First St parking garage, which has a capacity of about 2,070 spaces, was observed to reach a peak mid-day occupancy of approximately 60 percent based on observations made during site visits (Fall 2019). Upwards of 800 parking spaces on the upper levels of the garage are currently not used. A comparative assessment of actual parking utilization to building occupancy in Founder's Park indicates approximate utilization of about 2.5 spaces/KSF (versus a zoning-compliant allocation of 3.3 spaces/KSF). We believe the following are key reasons for the observed gap between the allocated parking supply and the observed demand:

- 3.3 spaces/KSF for an office use provides enough parking, generally, for all staff (100 percent) to drive alone to a suburban site at the same time.
- Founder's Park employs strong TDM strategies – most notably transit pass subsidies and strong shuttle bus connectivity to major nearby transit nodes.
- Current, modern work practices provide for measurable opportunity for some staff to elect to work remotely for some percentage of the work week, work part-time, work longer days and less days per week, etc.

For reference, VHB has encountered similar parking demand outcomes at other Class A office parks on Route 128 in Waltham and Lexington.

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These approximately 800 available spaces in Garage B, along with approval to add another 520-space addition to that facility, plus the aforementioned 925-space parking garage at 400R First St, will result in there being more than enough parking spaces to support the BCH Project and other components of Founder's Park that require parking.

BETA's Response: While Garage B was observed to have a mid-day occupancy of 60 percent, resulting in approximately 800 unused spaces, many of these spaces are permitted for use with the existing developments on site. While these parking spaces are unused currently, many of them are allocated for existing uses and could be utilized in the future if tenants change or a reduction in mode shares is seen. A summary of the Center 128 West approved parking, based on Data provided in the SDEIR is shown below:

Total Approved Parking Spaces for Center 128 West	3,642 spaces
Parking Spaces Allocated to Center 128 East	- 857 spaces
Total Approved Parking Spaces for Center 128 West Use	2,785 spaces
Parking Spaces allocated to Hotel and Trip Advisor Buildings	-1,101 spaces
Total Remaining Approved Spaces for Center 128 West	1,684 spaces

In total, there are 1,684 approved spaces remaining for use with the proposed Boston Children's Hospital development program. Additionally, the existing on-site parking for Center 128 West is shown below:

Total Existing Parking Space Provided for Center 128 West:	
Garage B	2,070 spaces
Surface Lot for Residence Inn Hotel	117 spaces
Total Existing Parking Spaces	2,187 spaces
Parking Spaces Allocated to Center 128 East	- 857 spaces
Parking Spaces allocated to Hotel and Trip Advisor Buildings	-1,101 spaces
Total Remaining Existing Parking Spaces for Center 128 West	229 spaces

A total of 229 existing parking spaces remain on site to be used for any additional development program. With the addition of the planned expansion to Garage B and the construction of Garage A, the total proposed parking will be as follows:

Total Remaining Existing Parking Spaces for Center 128 West	229 spaces
Proposed Expansion of Garage B	528 spaces
Proposed Construction of Garage A	925 spaces
Total Proposed Parking Spaces for Center 128 West	1,682 spaces

With the expansion of Garage B, the construction of Garage A and the existing spaces on-site, there would be a proposed total of 1,682 spaces for Center 128 West. This results in two less spaces than approved. It was noted in the applicant's response that observations of existing parking occupancy were done in the Fall of 2019. Please clarify when in the Fall these observations were done as the Occupancy Permit for 189 B Street was issued on November 1, 2019 and was scheduled to slowly build-up occupancy. As 857 spaces of Center 128 West are allocated to Center 128 East, these occupancy counts may not reflect any increases from the occupancy of 189 B

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Street. It should also be noted that vehicles park along both sides of 1st Avenue rather than in Garage B. Parking on 1st Avenue has since been restricted on the west side of the street; however, this on-street parking would have an additional affect on the occupancy of Garage B. Lastly, a change to the approved Residence Inn Hotel (Major Site Plan Special Permit Amendment, dated January 29, 2019) resulting in the approved 128 guest rooms increasing to 180 guest rooms, increases the parking requirement from 140 spaces to 195 spaces. This increase of 55 paces would reduce the total existing parking on site from 229 spaces to 174 space, resulting in 1,629 remaining approved spaces for future development. Additionally, based upon the addition/expansion of garages the total proposed parking spaces for Center 128 West would decrease from 1,682 to 1,627.

Applicant Re-Response: VHB observations of the existing parking garage occupancy were collected in October 2019. VHB generally agrees with the BETA response. The BCH proposal, taking into consideration the rates of parking that would be needed to support the Pediatric Medical Facility at 380 1st Street, and maintaining office uses at the other two sites, would result in an overall requirement of 1,560 parking spaces. As noted above, there are approved 1,682 undesignated spaces available within the New England Business Center, which is more than what would be required to support the zoning petition and future BCH projects. In addition, observations suggest that the site has excess capacity. This may be something to consider monitoring over time as part of a future Traffic and Parking Monitoring program for the site – as described separately in the Trip Generation Response Memorandum that has been submitted for your review.

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Appendix B

- **Boston Children's Hospital Needham**
- **Boston Children's Hospital Waltham**
- **Howard County General Hospital**
- **Barnes-Jewish Hospital**

Boston Children's Hospital Needham

Founders Park Estimated/Comparative Parking Demand Analysis

December 2019

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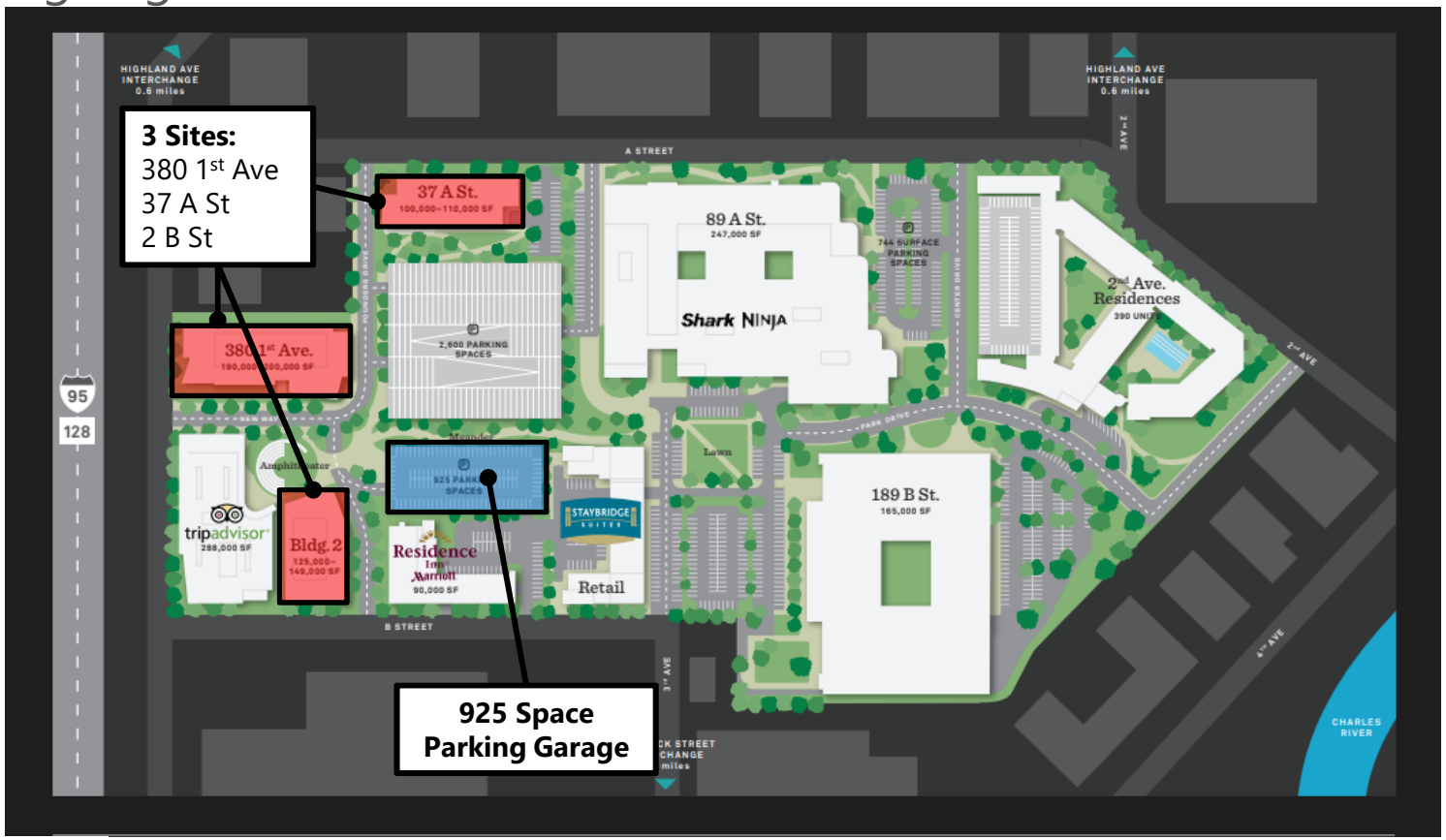
Founders Park Site Plan

- BCH to acquire three development sites and one parking garage site as illustrated below



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Proposed Parking Standard

- One (1) parking space per 290 SF of floor area in a Pediatric Medical Facility

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Boston Children's Hospital
Proposed Development at Founder's Park

- Estimate parking requirements based on:
  - Operational Assessment: based on National Benchmark Rates and the Proposed Building Program
  - Comparables Assessment: Review of existing BCH Satellite Campuses

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Boston Children's Hospital Proposed Development at Founder's Park

- Assumed program per BCH on September 13, 2019

Location	Land Use	Program Size (ksf)
380 1st Ave.	Pediatric Ambulatory Center	215
	Office	20
37 A St.	Pediatric Ambulatory Center	36
	Office	54
2 B St.	Office	127*
Total		**452**

*SF and program based on DSEIR 2 B St building program, dated August 31, 2019

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Operational Parking Assessment
(Based on National Benchmarked Rates)

- Estimated parking demand is about **1,484** parking spaces
  - Based on analysis of program into patient-generating space, employee-generating space, or non-generating space

Space Generator	Size	Parking Metric[1] (spaces/ksf)	Parking Demand
Patient Care Area	191 ksf	5.0	955 spaces
Employee Area	74 ksf	2.0	148 spaces
Support Area	60 ksf	0.0	0 spaces
2 B Street (Office)	127 ksf	3.0	381 spaces
Total			**1,484 spaces**

[1]Parking metrics are based on extensive in-house dataset of other peer medical facilities nationally studied by VHB

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Boston Children's Hospital
Satellite Campus Parking System Summary

Building Type	Location	Parking Supply (spaces)	Building Size (ksf)	Parking Rate (spaces/ksf)
Pediatric Ambulatory Center	Brookline	674	228	2.96
	Waltham	1,132	390	2.90
	Peabody[1]	1,079	389	2.77

Note:
1. This is a shared facility. Values are inclusive of all building uses, both BCH and non-BCH.

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Estimated Parking Requirements Based on Satellite Campus Parking

- Pediatric Ambulatory Centers within BCH network have an average parking rate of **2.87** spaces/ksf
- Using these metrics, the proposed BCH Needham facility would have an estimated parking need of **1,298** spaces

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Estimated Parking Requirements Summary

	Estimated Parking Supply[1]	
Metric	**Spaces**	**Rate (spaces/ksf)**
Proposed Zoning Standard[2]	1,559	3.45
Operational Assessment	1,484	3.28
Satellite Campus/ Comparable Assessment	1,298	2.87

Note:
1. Includes 380 1st Avenue, 37 A Street and 2 B Street, for a total development envelope of 452ksf.
2. One (1) parking space per 290 SF of floor area in a Pediatric Medical Facility

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Estimated BCH Needham Parking Requirements Summary

- Application of Proposed Parking Standard results in a requirement of **1,559** parking spaces to support the proposed development (at full build-out)

- Operational assessment of parking needs per proposed building program components and national benchmarks confirms the Proposed Standard is conservative.

- Comparable assessment of parking needs per review of other peer BCH satellite campuses also confirms the Proposed Standard is conservative.

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Boston Children's Hospital Waltham

Boston Children's at Waltham

New Parking Garage Supply/Demand Analysis – May 2017

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Parking Occupancy Observations
Key Assumptions

- Existing parking demand based on detailed occupancy observations (June 2015)
- Updated observations made to confirm / verify previous parking occupancy counts (May 2017)
- Assumes existing level of parking demand associated with third party leased space within BCHW and adjacent MOB remains constant into the future

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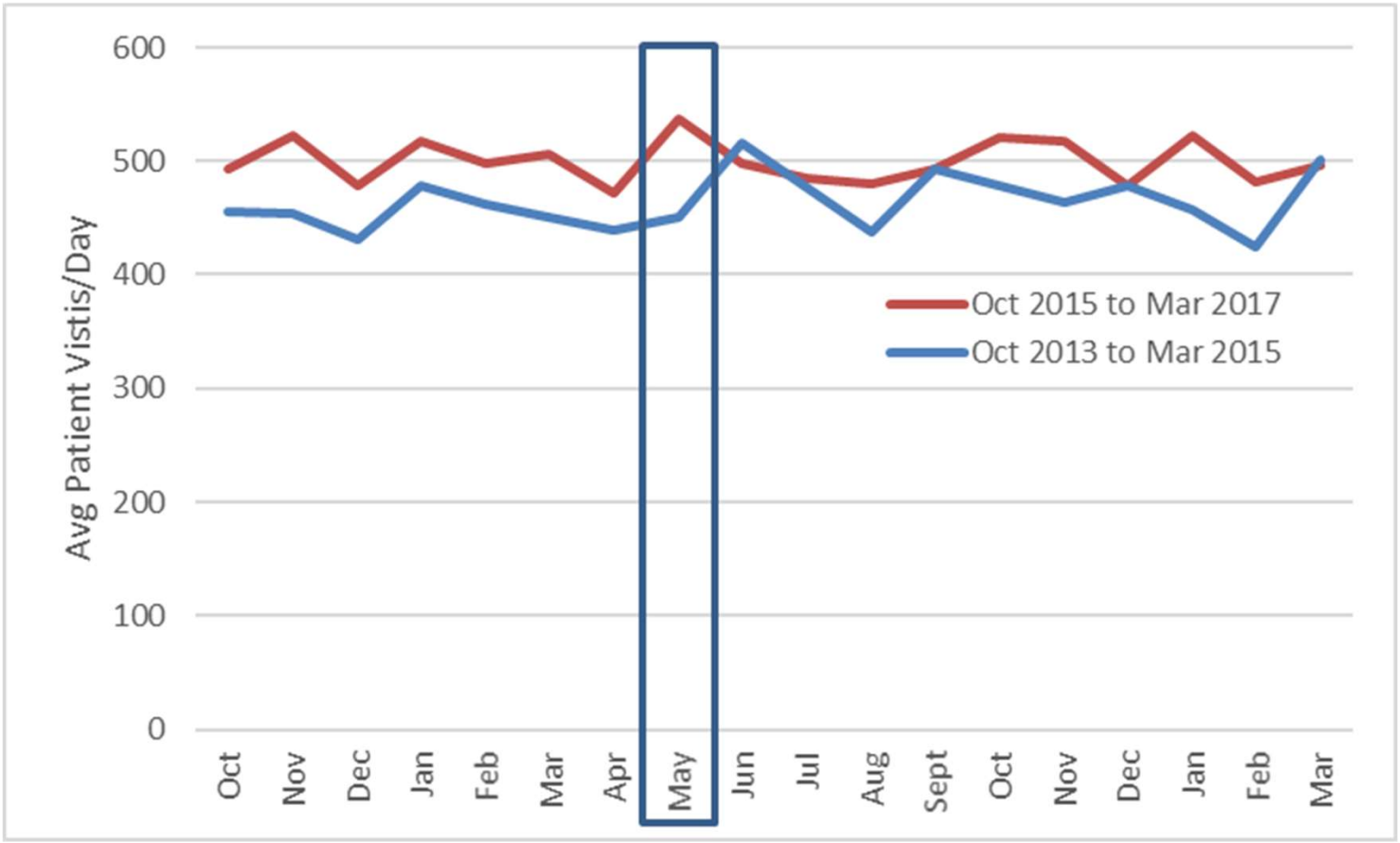
BCHW Daily Patient Visits by Month



Data provided by BCHW and includes all clinical and surgical visits.

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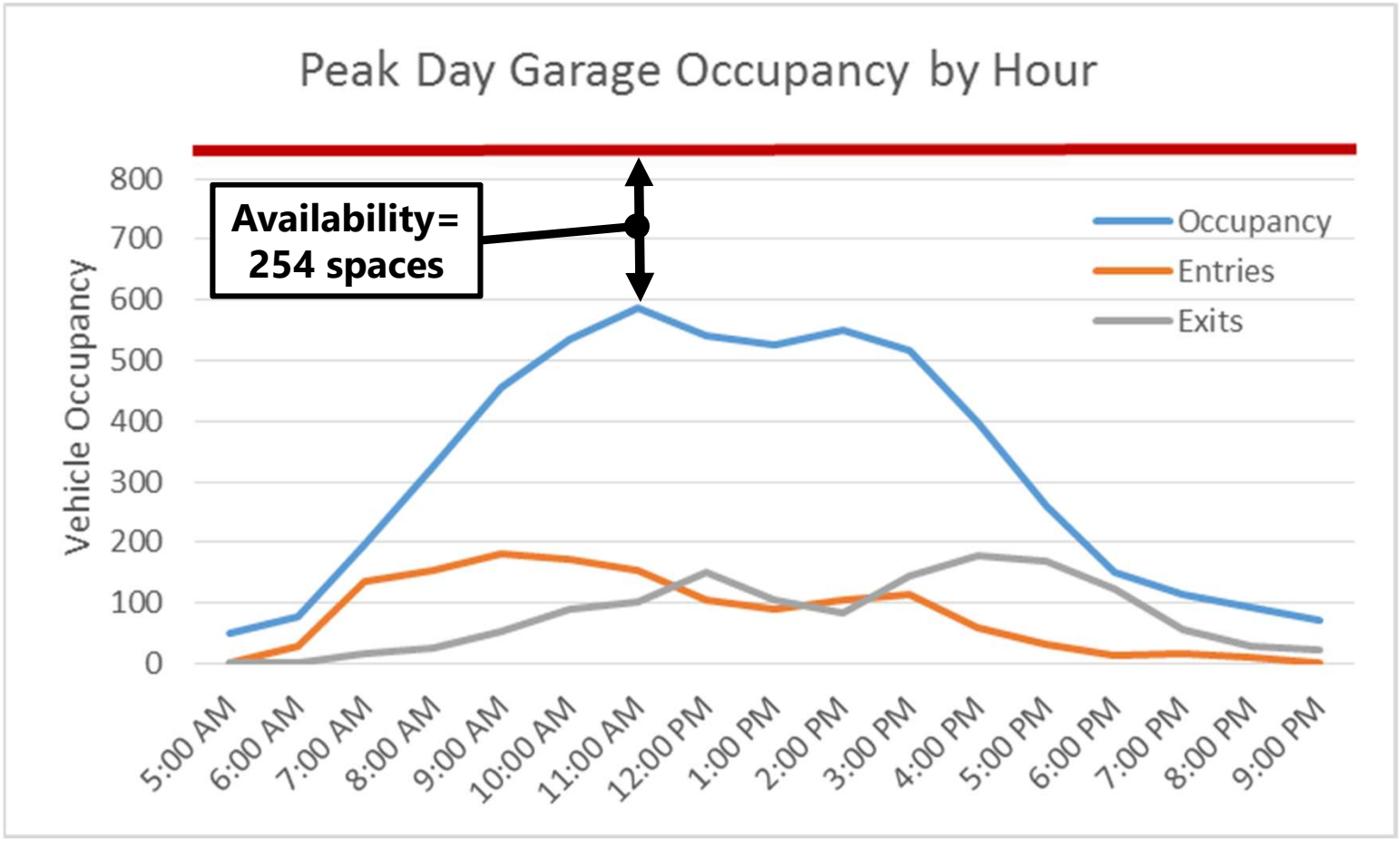
Existing Garage Weekday Occupancy



Data from Tuesday, June 9, 2015.

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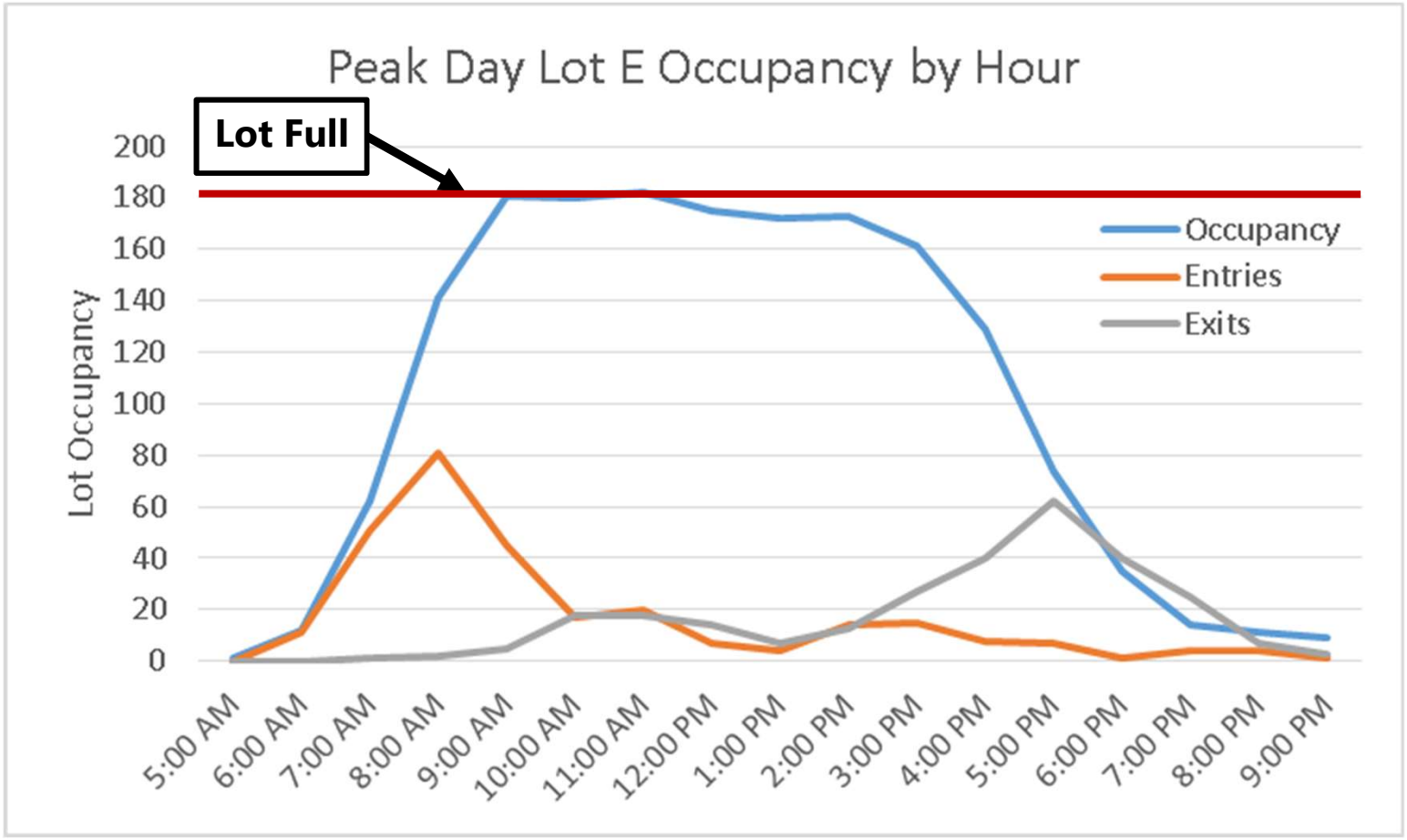
Lot E Weekday Occupancy



Data from Tuesday, June 9, 2015.

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Summary of Historical Peak Demand

Parking Location	October 2011	June 2015	May 2017
Parking Garage[1]	504	586	547
Surface Lot E[2]	125	183	156
Lower Surface Lot[3]	50	58	25[4]
Upper Surface Lot	26	27	29
Total	**705**	**854**	**757**

Notes:
1. Includes mix of patients, visitors, employees, and MOB staff
2. Staff/employees parking
3. Physician and accessible parking
4. Physician spaces removed to enable loading dock improvements

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Leased Parking Utilization Summary (In Existing Garage)

	Transients (Patients)	Day-Long (Employees)	Est. Peak Demand	Spaces Leased
Medical Office Building	6	49	55	**200**
Walden	6	39	45	**35**
Newton-Wellesley	19	21	40	**84**
Micheli	17	23	40	**20**
Total	**48**	**132**	**180**	**339**

For information only. From BCHW parking survey conducted by VHB on June 5-6, 2015

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Updated 2017 Children's Waltham Clinical Building Program

- "Full Master Plan" Program with all space fit out
- Total Building Size: 262,000 SF
- Total Hospital Space: 200,000 SF
  - 8 new IP beds added to campus
  - 12 new ORs added to campus
  - 140,000 sf of new ambulatory space
- 42.5ksf of demo to support the new building

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Clinical Building Program v. 2015 Program

- Program from October 2015 TIS
- Total Building Size: 253,500 SF *(8,500 SF less than 2017)*
- Total Hospital Space: 172,500 SF *(27,500 SF less than 2017)*
  - 48 new IP beds added to campus *(40 more IP beds than 2017)*
  - 6 new ORs added to campus *(6 more ORs than 2017)*
  - 63,500 sf of new ambulatory space (76,500 sf less than 2017)
- 42.5ksf of demo to support the new building

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Future Parking Demand
Based on Existing BCHW Operations

Demand Generator	Size	User	Parking Metric	Parking Demand
OP/Ambulatory Space	140.0 ksf	Patient	1.6 spaces/ksf	224 spaces
		Employee	1.1 spaces/ksf	154 spaces
IP Beds	8 beds (6.0 ksf)	Patient	1.25 spaces/bed	10 spaces
		Employee	1.1 spaces/ksf	7 spaces
ORs	12 rooms (31.0 ksf)	Patient	2.0 spaces/room	24 spaces
		Employee	1.1 spaces/ksf	35 spaces
Minus Demo	(-42.5 ksf)	--	2.2 spaces/ksf	(-94 spaces)
Total				**360 spaces**

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Future Parking Demand
Based on Benchmarked Metrics

Demand Generator	Size	User	Parking Metric	Parking Demand
OP/Ambulatory Space	140.0 ksf	Patient	3.0 spaces/ksf	420 spaces
		Employee	2.0 spaces/ksf	280 spaces
IP Beds	8 beds (6.0 ksf)	Patient	1.5 spaces/bed	12 spaces
		Employee	2.0 spaces/ksf	12 spaces
ORs	12 rooms (31.0 ksf)	Patient	2.0 spaces/room	24 spaces
		Employee	2.0 spaces/ksf	62 spaces
Minus Demo	(-42.5 ksf)	--	2.2 spaces/ksf	(-94 spaces)
Total				**716 spaces**

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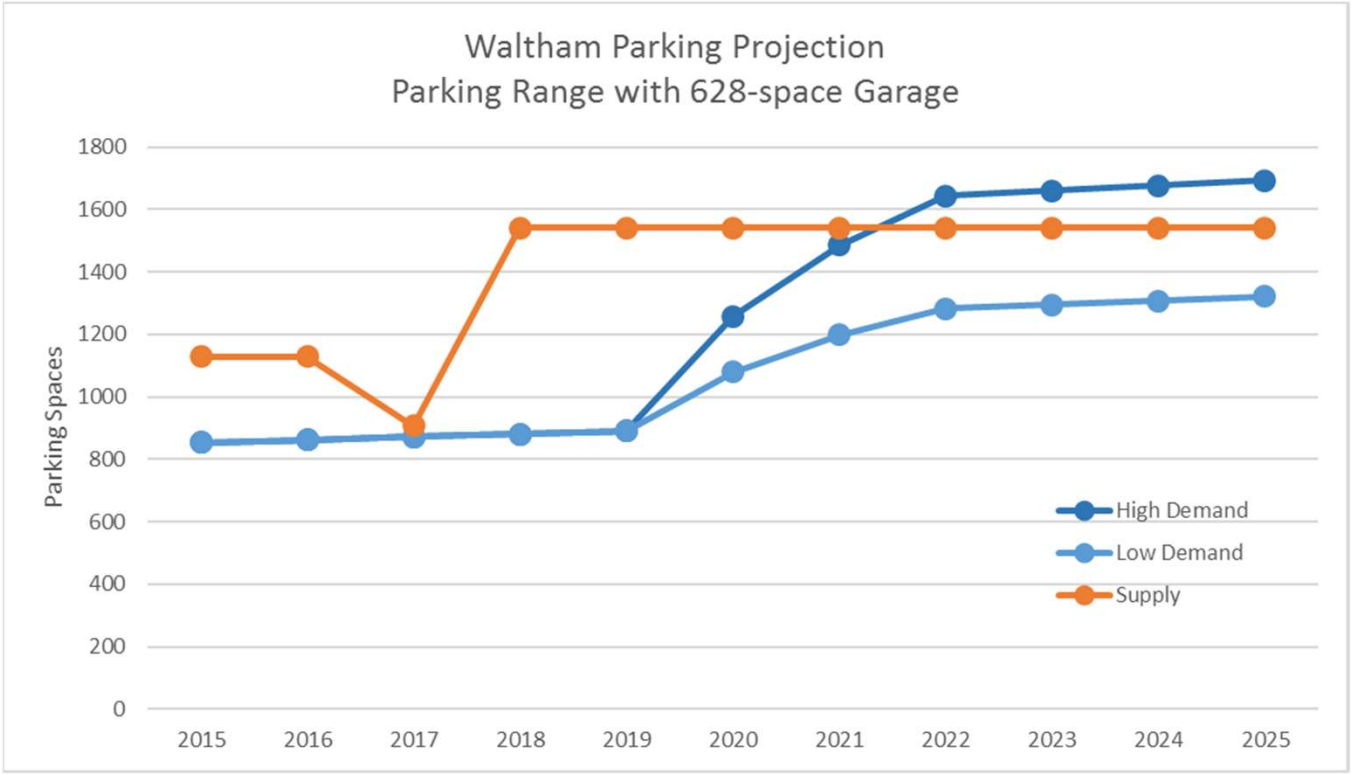
Waltham Parking Projection Parking Range with 628-space Garage



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Parking Projection Summary & Shortfall

	513-Space Garage	628-Space Garage
Future Parking Supply	1,425	1,545
Low Range Surplus[1]	104	219
High Range Shortfall[2]	(-268)	(-148)

Notes:
1. Low Range Parking Demand = 1,321 spaces
2. High Range Parking Demand = 1,693 spaces

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Howard County General Hospital

Howard County General Hospital Parking Assessment

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

HCGH Existing Parking Supply

Name	Patient/Visitor	Employee	Total
Lot A	62	0	62
Lot B	75	0	75
Lot C	334	0	334
Lot D	0	75	75
Lot E	0	24	24
Lot F	0	78	78
Lot G	80	0	80
Garage	0	551	551
LPSCC*	32	33	65
MAB*	105	105	210
Total	**688**	**866**	**1,554**

Source: Howard County General Hospital Facilities Dept.
*Staff/Patient parking spaces allocation assumed by VHB

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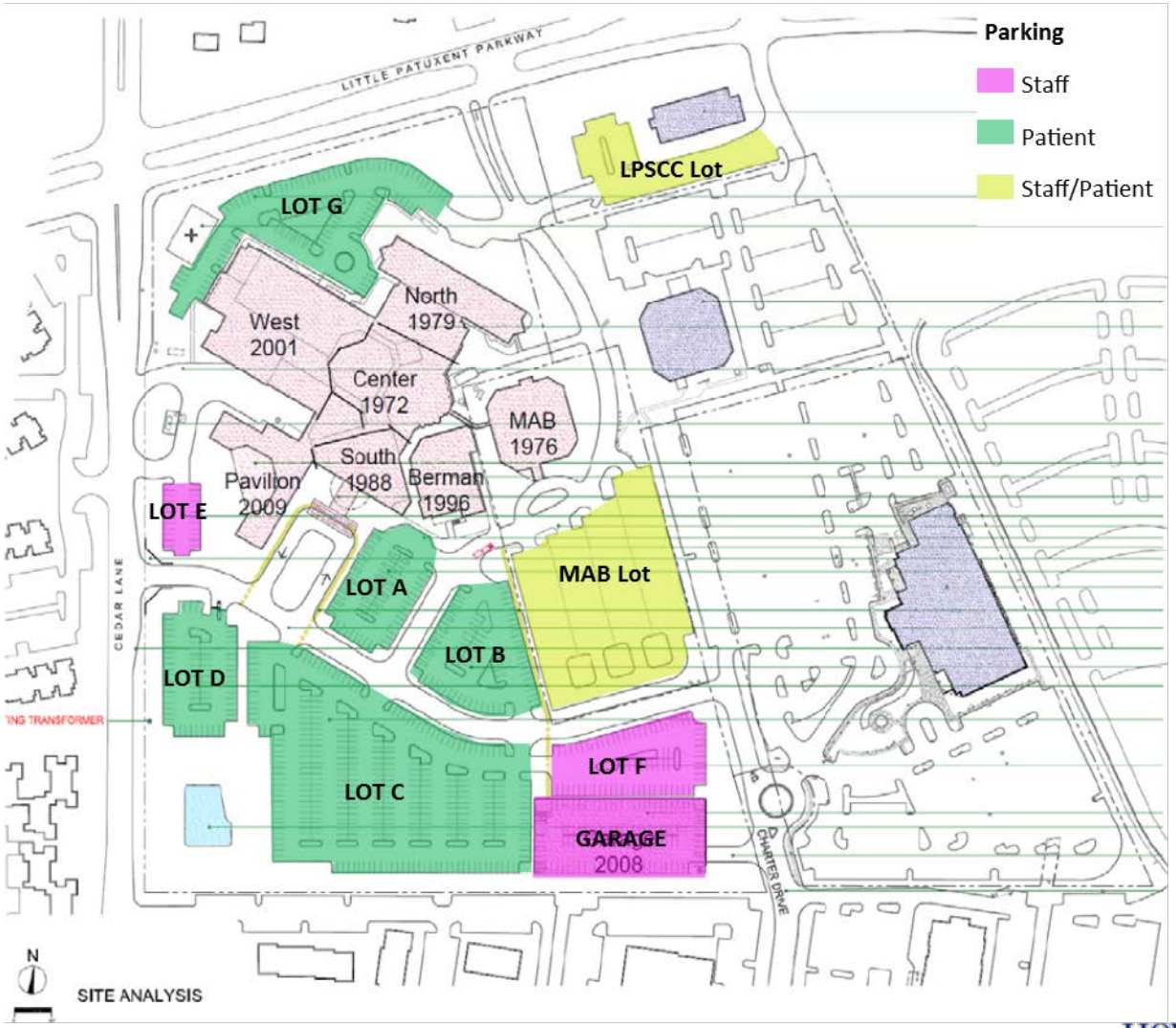
HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

HCGH Existing Parking Supply Locations



HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

HGCH Expansion Projects – Phase 1A
2022 Horizon Year

- New Ambulatory Building
  - Total Building Size: 124,000 DGSF
  - Includes relocation of 62,000 DGSF existing Hospital space
    - MAB, LPSCC and 1 Pavilion users
  - Net-New Program: 62,000 DGSF

				Area:
4	HCGH Admin (Future Physician Office)			35,000
3	Physician Office			35,000
2	Ambulatory Surgery - 8 Rooms			35,000
1	Education/Wellness	Cardiac Rehab/Exercise/1 Pav. Clinics	Amenities	35,000
0	Support	Imaging		20,000
			BGSF:	**160,000**

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

HGCH Expansion Projects – Phase 1B
2025 Horizon Year

- Demolition of MAB (48,900 DGSF)

- New Bed Tower
  - Total Building Size: 7 stories
    - Lobby and 6 bed floors above
  - 3 floors are planned to be shelled
  - Includes relocation of 64 beds
    - MCU and ICU
  - Net-New Beds to Campus: 32

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

HGCH Expansion Projects – Phase 1C

2028 Horizon Year

- Bed Tower Fit-Out
  - Outfit the three shelled floors
  - New Beds to Campus: 96 (max)
- Demolition of North Tower (41,860 DGSF)
- Demolition of LPSCC (16,880 DGSF)
- Campus Backfill Initiatives
  - 30 new beds in the 1 Pavilion

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

Initial Phase:
Estimated Future Parking Demand

Parking demand is comprised of 3 components:

1. Accommodating existing hospital parking shortfall
2. Master Plan Initial Phase future parking demand
3. Replicating lost surface parking due to construction

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

Estimated Existing Parking Demand

Based on Nationally Benchmarked Standards

- Current HCGH parking supply = 1,554 spaces
- Estimated existing HCGH parking demand = 1,607 spaces
  - Assumes 40% of diagnostic & treatment area used for OP services
- Operational capacity (95% of total supply) = 1,692 spaces
  - To support improved parking access, circulation, and overall patient arrival experience
- Estimated Existing HCGH parking shortfall = **138 spaces**

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Initial Phase Program: Estimated Future Parking Demand

- Estimated future incremental parking demand
  - Method 1: based on existing HCGH parking demand characteristics
  - Method 2: Second based on nationally benchmarked demand characteristics

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Initial Phase:
Estimated Future Parking Demand
Based on Existing HCGH Operations

Demand Generator	Size	User	Parking Metric	Parking Demand
OP/Ambulatory Space	62 ksf	Patient	1.40 spaces/ksf	87
		Employee	1.77 spaces/ksf	110
IP/Bed Tower	158 beds (92 ksf)	Patient	1.40 spaces/ksf	129
		Employee	1.77 spaces/ksf	163
Total				**489 spaces**

Based on existing campus parking allocation

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HOWARD COUNTY GENERAL HOSPITAL
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Initial Phase:
Estimated Future Parking Demand
Based on National Standards

Demand Generator	Size	User	Parking Metric	Parking Demand
OP/Ambulatory Space	62 ksf	Patient	3.0 spaces/ksf	186
		Employee	2.0 spaces/ksf	124
IP/Bed Tower	158 beds (92 ksf)	Patient	1.0 space/bed	158
		Employee	2.0 spaces/ksf	184
Total				**652 spaces**

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

Initial Phase:
Replicating Lost Campus Parking Supply

Location	Total
Lot A	165
Lot B	-75
Lot C	-344
Lot F	-78
MAB Lot	-210
Total	-759

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

Initial Phase:
Estimated Future Parking Garage Size

Parking Demand Components:

1. Existing Hospital Parking Shortfall	138 spaces
2. Master Plan Initial Phase Future Parking Demand	489-652 spaces
3. Recover Lost Surface Parking due to Construction	(-759) spaces
Recommended New Garage Capacity	**1,386-1,549 spaces**

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HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS MEDICINE

Next Steps/Discussion

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Offices located throughout the east coast

HOWARD COUNTY GENERAL HOSPITAL

JOHNS HOPKINS MEDICINE

Barnes-Jewish Hospital

Patient/Visitor Parking Update

	New/Shelled Beds		Parking Demand	
	Previous	Current	Previous	Current
BJHN/Adult	202	160	202 - 210	160 - 178
St Louis Children's	100	64	150 - 212	96 - 136
NICU	109	72	148 - 164	98 - 108
Women & Infants	86	60	127 - 130	81 - 90
Total New Demand	497	356	646 - 697	454 - 493

Note:
1. Lower range estimate based on national study of hospital parking space per bed rates.
2. Higher range estimate based on existing BJC patient parking activity.

BJC Comparable Patient Parking Demand Ratios

	Facility Name	Location	Total Beds	Total Patient Parking Spaces	Parking Ratio (space/bed)
Adult	Massachusetts General Hospital	Boston, MA	902	2,057	2.28
	Beth Israel Deaconess Medical Center	Boston, MA	632	1,302	2.06
	Brigham and Women' Hospital	Boston, MA	793	1,564	1.97
	Steward St. Elizabeth's Medical Center	Boston, MA	376	469	1.25
	New Spaulding Rehabilitation Hospital	Boston, MA	132	230	1.74
	UPenn Health System	Philadelphia, PA	695	1,155	1.66
	Cape Cod Hospital	Hyannis, MA	225	268	1.19
	Florida Hospital Orlando – Ginsburg Tower	Orlando, FL	440	1,726	3.92
	Advocate Illinois Masonic Medical Center	Chicago, IL	211	292	1.38
	Rush University Medical Center	Chicago, IL	674	1,249	1.85
	Loyola University Medical Center	Maywood, IL	536	1,018	1.89
	Central DuPage Hospital	Winfield, IL	361	965	2.67
	Edward Hospital	Naperville, IL	357	1,425	3.99
Pediatric	Boston Children's Hospital	Boston, MA	436	1,047	2.40
	Children's Hospital of Philadelphia	Philadelphia, PA	516	1,040	2.02
	St. Louis Children's Hospital	St. Louis, MO	250	560	2.24

- Gross on-campus patient parking spaces to total inpatient beds.
- Includes any related outpatient demand at each respective facility.
- Ginsburg Tower (Orlando) includes some staff parking on-campus. Unable to separate out.

Parking Demand Calculation Method #1
Benchmarked Hospital Parking/Bed Rate

	New/Shelled Beds	Parking Spaces Per Bed	Parking Demand
BJHN/Adult	160	1.0/bed	160
St Louis Children's	64	1.5/bed	96
NICU	72	1.5/bed	108
Women & Infants	60	1.5/bed	90
Total New Demand	356		454

Note:
Parking spaces per bed rate based on national study of hospital parking space per bed rates.

Parking Demand Calculation Method #2
Existing BJC Facilities Patient Parking Rate

	Parking Demand
BJHN/Adult	178
St Louis Children's	136
NICU	98
Women & Infants	81
Total New Demand	493

Note:
1. Demand based on existing BJC patient parking activity.
2. Calculations done by the transportation team as seen in "BJC Parking Calc Sheets.pdf"

Memorandum

To: Paula Quan
Vice President of Capital Planning and Design
Boston Children's Hospital
300 Longwood Avenue
Boston, MA 02115

Date: January 24, 2020
Revised April 15, 2020

Project #: 14631.00

From: Sean M. Manning, P.E.
Samantha Lathrop, EIT

Re: Boston Children's Hospital Needham at Founders Park
Trip Generation Estimate Summary

Note:

This revised memorandum takes into account the following adjustments that have been made since the initial submission to the Town of Needham on January 24, 2020:

- **380 1st Street Building size has been increased by 10 KSF (from 235 KSF to 245 KSF).**
- **37 A St Building size has been decreased by 10 KSF (from 90 KSF to 80 KSF).**
- **Total GSF proposed by BCH has not changed and is still reflective of previously approved cumulative building envelope for these three subject sites in Founder's Park (452 KSF).**
- **380 1st Street now assumed to by 100% Pediatric Medical Center use (small office/admin component eliminated).**
- **37 A Street now assumed to be 100% Office use (consistent and unchanged assumption for this site with approved Founder's Park).**
- **Trip Generation estimates for BCH proposed Projects have been calculated using ITE Trip Generation 10th Edition**

Overview

VHB has conducted an updated estimated trip generation analysis for the Founder's Park site in Needham, MA on behalf of Boston Children's Hospital (BCH). BCH is looking to acquire three sites within the Founder's Park development and modify the approved land use from general office to a combination of pediatric medical facility and general office. This memorandum presents a comparative trip generation analysis of the Founder's Park development as previously approved and the proposed project by BCH (referred to herein as the "Project").

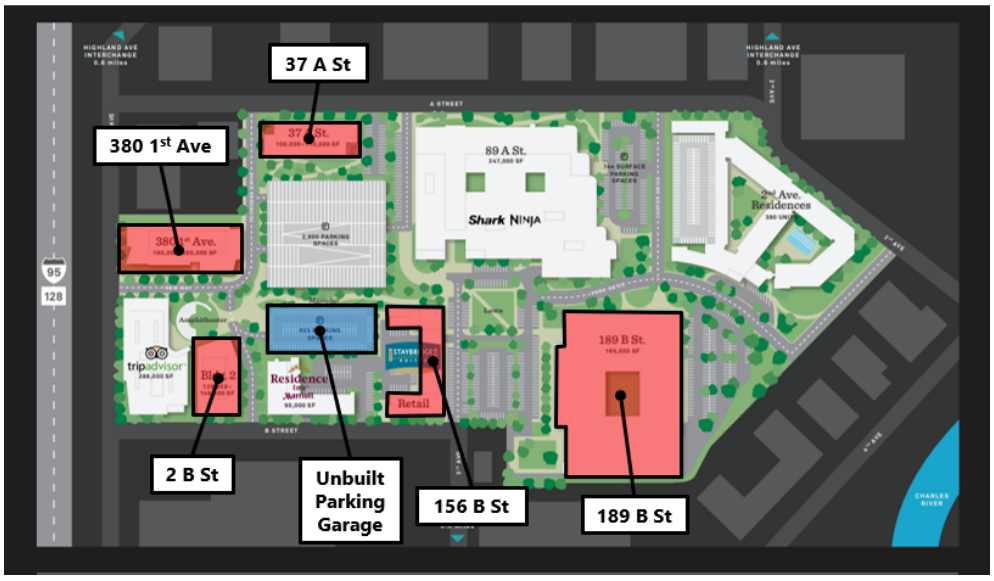
This memorandum refers to the Founder's Park development as described in the Supplement Draft Environmental Impact Report (SDEIR) submitted to the Massachusetts Environmental Policy Act on August 31, 2015. The Founder's Park site was separated into three components for the filing/permitting purposes: Center 128 West, Center 128 East and the 2nd Avenue Residences as depicted in **Figure 1** below. Five development sites within the total Founder's Park development are still yet to be built. Three sites (all permitted as office buildings) are located in Center 128 West and two sites (one permitted as office and the other as hotel with retail) are located in Center 128 East as shown in **Figure**

99 High Street
10th Floor
Boston, MA 02110-2354
P 617.728.7777

2. BCH is looking to acquire the three sites located within Center 128 West and modify the lane use to a combination of pediatric medical facility and general office.

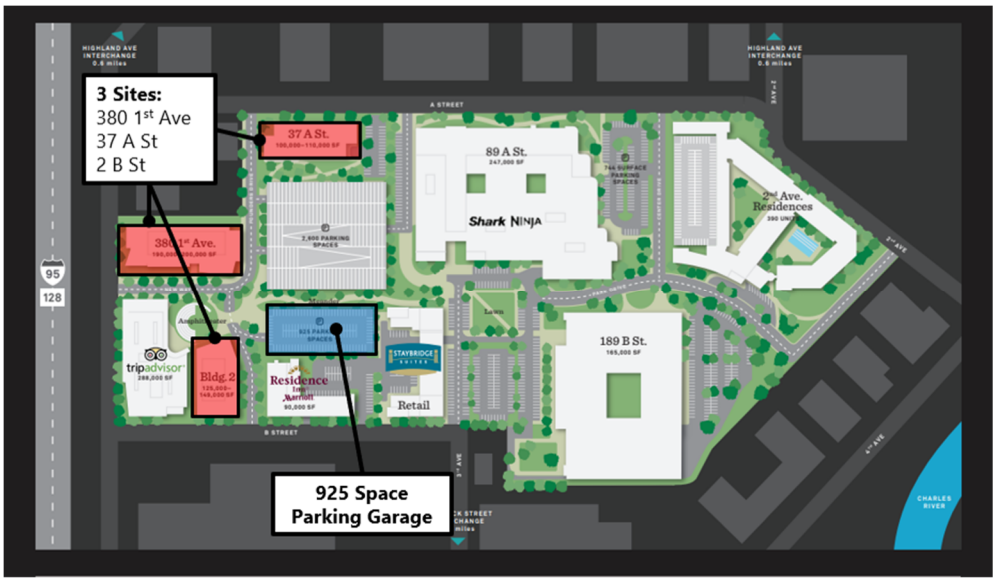
Figure 1: Founder's Park Site

Figure 2: Undeveloped Sites within Founder's Park



The development sites BCH is looking to acquire include 380 1st Avenue, 37 A Street, and 2 B Street as shown in **Figure 3**. The unbuilt hotel with retail is located at 156 B Street. The unbuilt office building is located at 189 B Street. For this analysis, all other buildings within Founder's Park are assumed to be built and fully occupied.

Figure 3: BCH Development Sites



Previously Approved Development

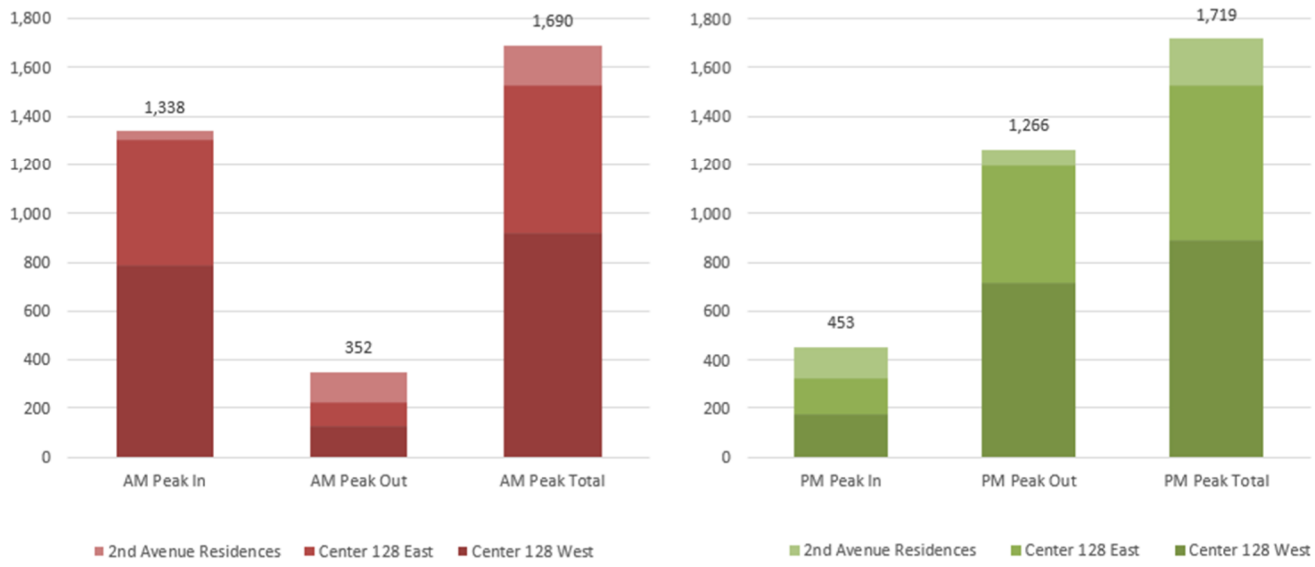
The previously approved Founder's Park trip generation for the morning and evening peak hours is presented below in **Table 1** and **Figure 4**. As described in the SDEIR, trip estimates are based on the standard Institute of Transportation Engineers (ITE) trips rates and methodology published in ITE's *Trip Generation Manual*, 9th edition.

Table 1: Previously Approved Trip Generation[1]

	AM Peak			PM Peak		
Location	In	Out	Total	In	Out	Total
Center 128 West	789	130	919	177	714	891
Center 128 East	517	93	610	151	485	636
2nd Ave. Residences	32	129	161	125	67	192
Total	**1,338**	**352**	**1,690**	**453**	**1,266**	**1,719**

[1]Approved Trips taken from SDEIR submitted to MEPA on August 15, 2015

Figure 4: Previously Approved Trip Generation



Trip Generation Comparison

ITE trip generation estimates are generally conservative in estimating the actual number of trips generated by a development, and thus can often times tend to result in a higher trip generation estimate versus actual volumes generated by that studied development once built and occupied. In the case of Founder's Park, as the many of the buildings are constructed/occupied, the Project team was able to conduct traffic counts and compare the estimated/permitted trips vs the actual trips generated. Counts were collected on October 10, 2019 using ATRs set up at each parking garage and parking lot entrance. The actual/counted trips were then compared to the estimated/permitted trips - accounting for only sites that are built and occupied. A summary of this comparative analysis is provided in **Table 2** and **Figure 5**.

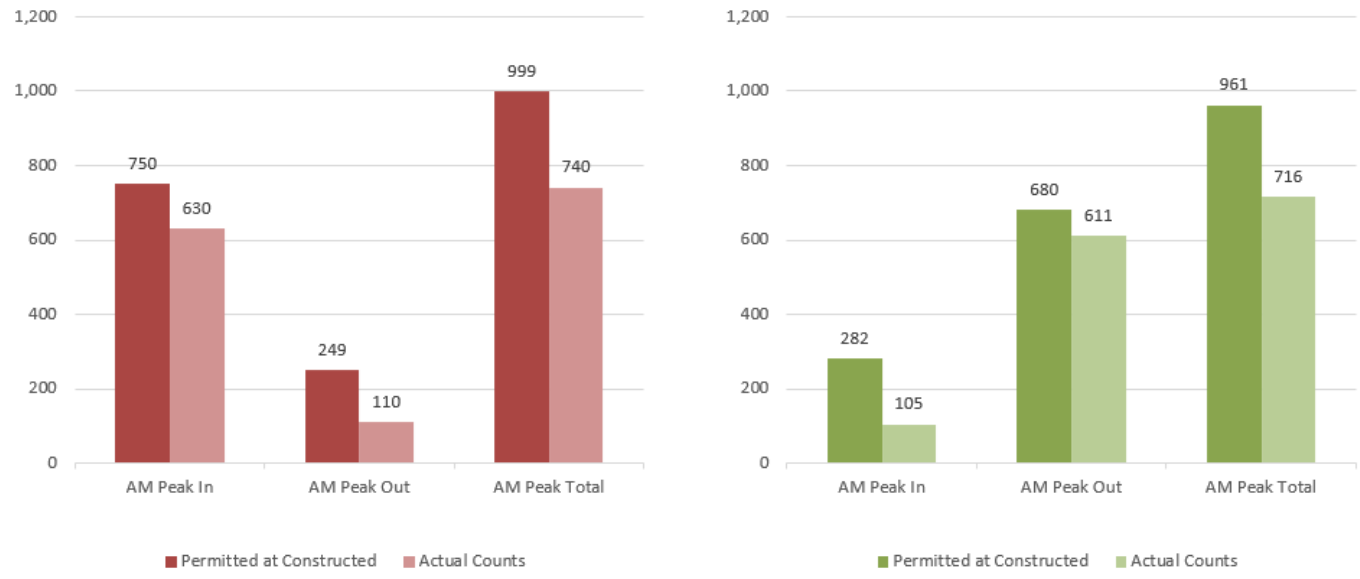
The results of these counts indicate that the trips, as approved in the SDEIR, are an overestimation of the actual number of trips generated by Founder's Park under current 2019 conditions.

Table 2: Comparison of Actual Trips and Estimated Trips

	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Estimated Trips[1]	750	249	999	282	680	962
Actual Trips[2]	630	110	740	105	611	716
Difference (Actual - Approved)	**(-120)**	**(-139)**	**(-259)**	**(-177)**	**(-69)**	**(-246)**

[1]Estimated Trips taken from SDEIR submitted to MEPA on August 15, 2015, subtracting out trips generated by unconstructed buildings (380 1st Ave, 37 A St, 2 B St, 189 B Street, 156 B St)
[2]Actual trips from counted conducted on October 10. 2019

Figure 5: Comparison of Actual Trips and Estimated Trips



As summarized in **Table 2**, the results of these counts indicate that the trips, as approved in the SDEIR, are an overestimation of the actual number of trips generated by Founder's Park. During the morning and evening peak commuter periods, actual trip making was determined to be about 26 percent lower than that characterized during the permitting effort in 2015. The constructed/occupied buildings on-site are not producing trips at the permitted rate and actual trips to the site are below the permitted estimates.

Proposed Change of Use

The permitted and proposed uses and associated area for each building BCH is looking to develop is described in **Table 3**. BCH is looking to change the permitted office use into a combination of pediatric medical facility and office use. The pediatric medical facility portion of the development will consist of a variety of medical services for children including but not limited to outpatient care, day surgeries, orthopedics and sports medicine, rehabilitation center, and radiology laboratories. These spaces will be supported by the office portion of the development which will also include administrative space. The total square footage proposed by BCH for all three buildings is comparable to that previously approved in the DSEIR.

Table 3: Comparison of Permitted and Proposed Use

Address	**Permitted**		**Proposed**	
	Use	SF	Use	SF
380 1st Avenue	Office	189,509	Pediatric Medical Facility	245,000
37 A Street	Office	135,000	Office	80,000
2 B Street	Office	127,145	Office	127,000
Total		451,654		452,000

Proposed Trip Generation

the latest edition (10th Edition) of the ITE *Trip Generation Manual* will be used to calculate estimated trips for the proposed BCH Project. For consistency with the SDEIR, the 9th Edition of the ITE *Trip Generation Manual* will be used to calculate estimated trips associated with the permitted buildings that are unbuilt or unoccupied at Founder's Park. These buildings include 189 B Street (Office), and 156 B Street (Hotel and Retail). There is no pediatric medical facility use within the ITE *Trip Generation Manual*. Therefore, a detailed study of what comprises this land use was conducted in order to find a comparable land use with trip generation data within the ITE *Trip Generation Manual*. Upon further research, it was determined that the medical-dental office building and hospital land uses would be most appropriate in estimating the number of trips generated by a pediatric medical facility. As defined by the *ITE Trip Generation Manual*, 10th Edition, a medical-dental office building is "a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care" and a hospital is "any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients." A combination of the medical-dental office building and hospital uses as outlined below seem to be the best for the pediatric medical facility use for the Proposed Project. The trips associated with the office portion of the Project are an incremental increase in total office square footage within the Center 128 West development area. To calculate the estimated trips associated with the office portion of the Project, the total office square footage of Center 128 West is used (including 400 1st Avenue, 37 A Street, and 2 B Street). Then, to understand the number of trips associated with the BCH Project only, the trips associated with 100 1st Avenue are subtracted from the total number of office trips, leaving the incremental trips between the existing building and the proposed total development. The

estimated trips for each building is outlined in **Table 4** below. It is assumed that all medical trips will use a 100% auto mode share and consistent with the previously approved SDEIR all office uses will assume a 90% auto mode share.

Table 4: Estimated BCH Trip Generation

				Estimated Auto Trips					
				AM Peak			PM Peak		
Address	**Proposed Use**	**ITE Land Use Code**	**SF**	Enter	Exit	Total	Enter	Exit	Total
380 1st Avenue	Pediatric Medical Facility	Medical-Dental Office Building	122,500	266	75	341	119	305	424
		Hospital	122,500	148	69	217	65	138	203
37 A Street	Office	General Office Building	80,000	58	9	67	12	61	73
2 B Street	Office	General Office Building	127,000	92	15	107	18	97	115
Total			**452,000**	**563**	**169**	**732**	**214**	**601**	**815**

Trip Generation Comparison

A comparison of the approved 2015 SDEIR trip estimates and the proposed Founders Park with BCH trip estimates is shown below. The trips associated with the proposed Founders Park with BCH are estimated by various sources:

- Actual/counted trips from the constructed/occupied Founders Park buildings (Table 2)
- BCH Trips (Table 4)
- Unbuilt buildings in Center 128 East (189 B Street and 156 B Street) (estimate from 2015 SDEIR)

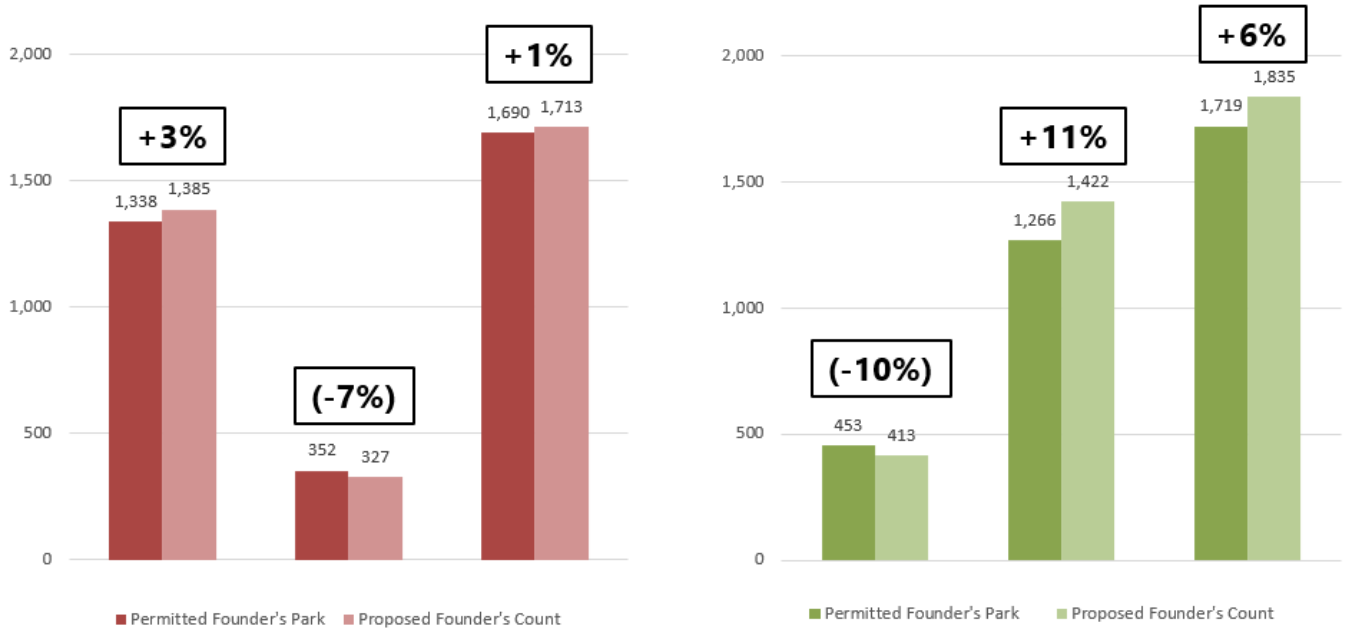
The BCH trips and unbuilt portion of Center 128 East are added to the actual counted trips to provide a comparison from the original 2015 SDEIR Forecast. **Table 5** and **Figure 6** provide a comparison of the trip generation estimates for the proposed Founders Park with BCH to the original SDEIR program.

Table 5: Trip Generation Comparison

Time Period/ Direction	**Permitted[1]**	**Proposed Project[2] +Actual Trips[3]**	**Difference**
Morning Peak Hour			
Entering	1,338	1,385	47
Exiting	352	327	(-25)
Total	1,690	1,712	22
Evening Peak Hour			
Entering	453	413	(-40)
Exiting	1,266	1,422	156
Total	1,719	1,835	116

[1]Approved Trips taken from SDEIR submitted to MEPA on August 15, 2015
[2]ITE Trip Generation Manual 10th Edition used for trip generation estimates per BCH program as previously noted
[3]Actual trips from counted conducted on October 10. 2019, also includes estimated trips associated with the unbuilt buildings in Center 128 East

Figure 6: Approved vs. Proposed Trip Generation



As shown in **Table 5** and **Figure 6**, the Proposed Project is expected to generally have similar trip generation characteristics when compared to the 2015 SDEIR permitted estimates, dependent on the time period and directionality. During the morning peak hour, the Project is expected to generate 23 more trips than the permitted estimate in the 2015 SDEIR. During the evening peak hour, the Project has been estimated to generate 116 more trips than the permitted estimate in the 2015 SDEIR. The Proposed Project is expected to have comparable impact to the area transportation infrastructure and mitigation commitments as the permitted project in the 2015 SDEIR.

Memorandum

To:	Lee Newman Director of Community Planning and Development Town of Needham, MA	Date:	April 22, 2020
		Project #:	14631.00
From:	Ryan White, PE Samantha Lathrop Sean Manning, PE, PTOE	Re:	Re-Response to Peer Review Trip Generation Evaluation – Boston Children's Hospital – Needham, MA

Boston Children's Hospital ("BCH" or the "Applicant") is seeking to acquire the undeveloped portions of the so-called Center 128 West project in the Town of Needham, which are identified as the Building 1 Site, the Building 2 Site, the Building 4 Site and Garage A on the plan attached hereto (each a "Building Site" and, collectively, the "Building Sites"). In connection therewith, the Applicant has proposed an amendment to the Town's Zoning Bylaw (the "Amendment"), which, if approved, would allow for a "Pediatric Medical Facility" by special permit in the New England Business Center. The Amendment also proposes a parking ratio applicable to the new special permit use.

The existing special permit governing the Center 128 West project currently allows a hotel (128 rooms), 740,000 square feet (sf) of office use and 3,642 parking spaces. The hotel, approximately 288,000 sf of office use and approximately 2,200 parking spaces have already been constructed. If the Amendment is approved at Town Meeting, the Applicant will seek to amend the existing special permit to construct a Pediatric Medical Facility of approximately 245,000 sf on Building Site 1 along with Garage A (the "Project"). The remainder of the development program under the special permit (approximately 207,000 sf) would remain office use. The Applicant anticipates submitting a traffic report in connection with the amendment to the existing special permit.

The purpose of this memorandum is to provide responses to questions and comments raised by the Town of Needham through their selected Peer Reviewer (BETA) regarding the Founder's Park Estimated/Comparative Trip Generation Analysis Memorandum that was prepared by VHB on behalf of Boston Children's Hospital (dated January 24, 2020). **We note that this memorandum was prepared as a planning tool in connection with the Amendment and was not intended to be a substitute for the complete transportation analysis that will be required when Children's seeks to amend the special permit to allow the Project**. **Using ITE's *Trip Generation Manual,* 10th Edition for BCH proposed uses and taking into account other approved but unconstructed/unoccupied buildings during the time of the counts, the memorandum demonstrates that, for planning purposes, the Proposed Project is expected to have generally similar trip generation characteristics as the 2015 SDEIR approved estimates. As shown in Attachment A, when compared to the previously approved project, the Proposed Project yields a one percent increase in trips during the morning peak hour and a six percent increase in trips during the evening peak hour.**

In their Peer Review dated March 11, 2020 (and attached for reference), BETA has delineated and numbered specific questions and comments where they seek a response and/or supplemental information. The following sections reiterate those questions and comments, followed by applicant responses. Where necessary and applicable, revisions to trip generation calculations have been made and are provided in **Attachment A**. Additionally, the Founder's Park

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Memorandum

Estimated/Comparative Trip Generation Analysis Memorandum has been revised and updated (dated April 2, 2020) and is included with this submission of Peer Reviewer Comment Responses.

T1. The proposed land uses for the 380 1st Avenue building in the Estimated/Comparative Parking Demand Analysis Memo lists 20,000 SF as Office space and 215,000 SF as Pediatric Ambulatory Center, while the Trip Generation Estimate Summary Memo lists 117,500 SF of Pediatric Ambulatory Center and 117,500 SF of Hospital space. Please clarify the difference between documents.

Applicant Response: There are multiple challenges when attempting to accurately quantify the parking and trip generation characteristics of a less typical land use, such as Pediatric Ambulatory Center, with the support of standardized reference documents (Institute of Transportation Engineer's (ITE) *Trip Generation* and *Parking Generation* manuals). In order to address the various considerations within the Town, the applicant has proposed a "Pediatric Medical Facility" as a new defined use within the New England Business Center. A Pediatric Medical Facility is an ambulatory medical facility affiliated with a pediatric hospital. Accordingly, Pediatric Medical Facility/Pediatric Ambulatory Center is not a land use already defined in the Town of Needham Zoning by laws, nor is it defined in the ITE *Parking Generation Manual* or *Trip Generation Manual*.

Since the land use proposed in the Amendment is not already defined, other alternative analytical methods were devised and utilized to estimate parking demand and trip generation for the Project. Specifically, to estimate the parking demand, parking facility supply data for specific, comparable satellite BCH sites were used as data points and compared to the size and scale of the Project – and the program elements to be included within those buildings using the latest detailed program and floor plans provided by the Project Architect (Payette). To estimate trip generation, typical ITE methodology was used, but based on input from BCH and their goals/vision for the Project, the development program was broken down into the applicable, usable ITE land use codes with the intention to more accurately emulate the trip generating characteristics of the envisioned Pediatric Medical Facility. The Pediatric Medical Facility is intended to include and support patient visits, diagnostics and testing, ambulatory medical procedures and pre-scheduled day surgeries. The facility will not have overnight beds and will not be equipped with emergent care services. Taking all of these factors into consideration, it was determined that a measurable component of the facility would function similarly to a combination the ITE Medical-Dental Office use and/or Hospital use. Utilization of either of uses solely would have the effect of either significantly overestimating or underestimating the trip generating characteristics of the Project. The remaining 207,000 sf on Building Site 2 (2B street) and Building Site 4 (37A street) will remain office under the special permit, and therefore, have been modeled to continue to function as a typical office use as define by ITE Trip Generation. (i.e., no change vs. the Approved Project).

BETA's Response: The differences in development programs between the Parking Generation Memo and the Trip Generation Memo have be clarified and are shown in Table 1. BETA has no further comment.

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T2. The proposed total square footage of the 2 B Street building is listed as 127,000 SF in the Estimated/Comparative Parking Demand Analysis Memo, while the in the Trip Generation Estimate Summary Memo it is listed as 127,145 SF. Please clarify the difference between documents.

Applicant Response: The square footage of the 2 B Street building has been updated in the Trip Generation Estimate Summary Memo to match the square footage in the Estimated/Comparative Parking Demand Analysis Memo (127,000 SF).

BETA's Response: The differences in development programs between the Parking Generation Memo and the Trip Generation Memo for the 2 B Street building has been updated to 127,000 SF in both memos and is shown in Table 1. BETA has no further comment.

T3. Calculations do not agree with the SDEIR. Please provide calculations for Estimated trip numbers.

Applicant Response: Calculations for the trip generation estimates are attached to this response memorandum (see **Attachment A**). Consistent with the permitting documents supporting the Approved Project, trip estimates are calculated by summing the total square footage for each unique land use within each of the three respective development areas (Center 128 East, Center 128 West, and 2nd Avenue Residences). As an example, Center 128 West, as currently approved, has four office buildings within the development area. The trip generation estimate for the office land use within Center 128 West is calculated by summing up all four buildings into one combined office area. The regression equations allow for the effect of "rate leveling" within entire development clusters containing larger components of similar land uses. When regression equations are used, total trips for the Project are estimated and then the total is then parsed/allocated to the intended individual phase/buildings. Trips should not be estimated for each phase/building individually using the regression equation as it has the un-intended effect of severely overestimating the total trips by use (i.e. the sum of the parts cannot be greater than the sum of the whole). Per BETA Comment T4, trip estimates herein have been updated to appropriately account for 189 B Street not being occupied at the time that traffic counts were conducted during the Fall of 2019. Trip generation estimates were calculated using the following technical methods for constructed and occupied building within the respective development areas. It should also be noted that regression analysis for each respective development cluster was applied to buildings not yet developed taking into consideration the regression analysis done for those buildings that are already constructed and occupied.

Development Area	Building	Land Use	ITE *Trip Generation Manual* Method and Edition
Center 128 West	400 1st Avenue	Office	Regression (9th)
	80 B Street	Hotel	Average (9th)
Center 128 East	77 A Street	Office	Regression (9th)
2nd Avenue Residences	2nd Avenue	Apartments	Regression (9th)

BETA's Response: Response provides clarification and calculations. BETA has no further comment.

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T4. ATR counts were taken prior to Occupancy Permit issued for 189 B Street on November 1, 2019. Counts do not reflect traffic generated by this building and should be retaken. Occupancy will increase gradually for this building and VHB should coordinate with the Town of Needham as to when this building will be fully occupied or identify the percentage of occupancy of the building at the time of the new counts.

Applicant Response: The trip generation estimates have been updated to reflect 189 B Street as not yet being occupied at the time the counts were conducted. The trip estimates associated with the Center 128 East have been updated to only include 77 A Street (Office) which was the only building in the Center 128 East development area of Founder's Park that was constructed and occupied during the time of the counts on October 10, 2019. As outlined in the response to BETA Comment T6, trip estimates for 189 B Street have been made with ITE *Trip Generation Manual* (9th Edition), which is consistent with the SDEIR.

BETA's Response: Response is acceptable. 189 B Street has been incorporated as the original proposed trip generation and is not assumed to be part of Actual Counts. The comparison table in the revised VHB memo (Table 2) reports the wrong "Difference" for all three values of the PM Peak. The values should read: -177 In, -69 Out and -246 Total to be consistent with Attachment A. In addition, it appears that a rounding calculation results in the "In" and "Out" trips not equaling the "Total" trips for the PM Peak under the "Estimated Trips." The value should be updated to 962 for consistency purposes. Table 4 of this memo displays the correct trip numbers for documentation.

Applicant Re-Response: The VHB Trip Generation Memorandum and Attachment A to BETA Response have been revised to reflect corrected numbers as noted.

Additional BETA Comment: In discussions with the Applicant, it was stated that Automated Traffic Recorder (ATR) counts were collected for a single day at each of the garage and parking lot entrances at Founder's Park. It is recommended a longer period of data collection be conducted (beyond a single day) to ensure the 26% reduction in trips reported within this memo is realistic. BETA recommends a week-long count program to confirm these traffic volume trends.

Applicant Response: Boston Children's is open to discussing the conduct of supplemental counts in the future in connection with the administration of a future annual Traffic and Parking Monitoring Program as a future condition of approval and occupancy of the BCH buildings.

T5. Please provide calculations for Estimated trip numbers. It appears that the average rate was used for some of these calculations where the equation is recommended.

Applicant Response: Calculations for the trip generation estimates are attached to this response memorandum. These results are calculated used ITE *Trip Generation Manual* (10th Edition) as addressed in comment T6. The trip generation estimates associated with the Project are calculated using a similar methodology used in the SDEIR. The total trip generation is estimated for the project (by defined development area) and then is parsed out by individual building in those respective areas. In the case of

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Memorandum

the office land use, the trips associated with the Project are an incremental increase in total office square footage within the Center 128 West development area. To calculate the trips associated with the office portion of the Project, the total office square footage of Center 128 West is used (including 400 1st Avenue, a portion of 37 A Street, and 2 B Street) to estimate trip generation. Then, to understand the number of trips associated with the BCH Project only, the trips associated with 400 1st Avenue are subtracted from the total number of office trips, leaving the incremental trips between the existing building and the proposed total development. Consistent with the SDEIR, the office trips assume a 90% auto mode share. In an effort to be conservative, the hospital and medical office building trips have been assumed to carry 100% auto mode share.

BETA's Response: Response is acceptable. Attachment A provides calculations/clarifications for Estimated trip numbers. BETA has no further comment.

T6. These trip generation calculations use the ITE Trip Generation Manual, 9th Edition. It is recommended to use the latest edition (10th Edition) to account for changes in development types and expanded study locations.

Applicant Response: The latest edition (10th Edition) of the ITE *Trip Generation Manual* will be used to calculate estimated trips for the proposed BCH Project. For consistency with the SDEIR, the 9th Edition of the ITE *Trip Generation Manual* will be used to calculate estimated trips associated with the approved buildings that are unbuilt or unoccupied at Founder's Park. These buildings include 189 B Street (Office), 156 B Street (Hotel and Retail).

BETA's Response: Response is acceptable. Attachment A provides documentation of the use of the 10th Edition, where applicable. BETA has no further comment.

Additional BETA Comment: The comparison table in the revised VHB memo (Table 5) reports the wrong "Proposed Trips + Actual Trips" value for the Morning Peak Hour Entering. The value should be 1,385 instead of 1,338 to be consistent with Attachment A. Table 7 of this memo displays the correct value for documentation.

Applicant Response: The VHB Trip Generation Memorandum has been revised to reflect corrected numbers as noted.

T7. Overall, the trip generation estimates between the VHB memo and ITE's Trip Generation Manual, 9th Edition, vary when they should be identical. This could be a result of using the Average Rate calculation as opposed to the Equation, when calculating trips based on ITE guidelines. In the AM peak hour, the comparison shows an increase in trips from VHB's memo, while in the PM peak hour the comparison shows a decrease in trips from VHB's memo.

In the comparison between VHB's memo and ITE's Trip Generation Manual, 10th Edition, many of the trips decrease, especially for General Office Space and Medical-Dental Office Space, while Hospital trips are increased. The trip generation results should be updated based on ITE's Trip Generation Manual, 10th.

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Applicant Response: VHB has updated the proposed BCH development trip generation estimates to reflect ITE's Trip Generation Manual (10th Edition). The proposed trip generation will calculate the trips using the sum of the square footage for each land use, which is consistent with the methodology used in the permitting documents. The updated proposed trip generation calculations are attached.

BETA's Response: Response is acceptable. Attachment A provides documentation of the use of the 10th Edition, where applicable. BETA has no further comment.

In Conclusion, using ITE's *Trip Generation Manual,* 10th Edition for BCH proposed uses and taking into account other approved but unconstructed/unoccupied buildings during the time of the counts, the Proposed Project is expected to have similar trip generation characteristics as compared to the 2015 SDEIR approved estimates. As shown in Attachment A, when compared to the previously approved project, the Proposed Project yields a one percent increase in trips during the morning peak hour and a six percent increase in trips during the evening peak hour.

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Table A: Founder's Park Program (Approved vs. Proposed)

	Approved Founder's Park		Proposed BCH Program at Founder's Park	
Building	KSF	Land Use	KSF	Land Use
380 1st Avenue	190	Office	245	Pediatric Medical Facility
37 A Street	135	Office	80	Office
2 B Street	127	Office	127	Office
Total	**452**		**452**	

Source: Center 128 SDEIR

Table B: Proposed BCH Program by Building Used for Trip Generation

Building	KSF	Land Use
380 1st Avenue	122.5	MOB
	122.5	Hospital
37 A Street	80	Office
2 B Street	127	Office
Total	**452**	

Notes: Land Uses consistent with ITE LUCs have been determined based on input from BCH and their goals/vision

Table C: Proposed BCH Program by Building Used for Parking

Building	KSF	Land Use
380 1st Avenue	245	Pediatric Medical Facility
37 A Street	80	Office
2 B Street	127	Office
Total	**452**	

Notes: Land Uses consistent with ITE LUCs have been determined based on input from BCH and their goals/vision

Table D: Approved Founder's Park Trip Generation

	Auto Trips					
	AM Peak			PM Peak		
Development Area	In	Out	Total	In	Out	Total
Center 128 West	789	130	919	177	714	891
Center 128 East	517	93	610	151	485	636
2nd Avenue Residences	32	129	161	125	67	192
Total	**1,338**	**352**	**1,690**	**453**	**1,266**	**1,719**

Source: Center 128 SDEIR - Table 2-10-13A Weekday Trip Generation Summary - Center 128 Proposed Auto Trips

Table E: Center 128 West - Constructed and Occupied Buildings Estimated Trip Generation

			Auto Trips					
			AM Peak			PM Peak		
Building	Size	Land Use	In	Out	Total	In	Out	Total
400 1st Avenue (Trip Advisor)	288 KSF	Office	353	48	401	61	299	360
80 B Street (Residence Inn)	128 keys	Hotel	40	28	68	39	38	77
	Total		**393**	**76**	**469**	**100**	**337**	**437**

Source: Center 128 SDEIR - Table 2-10-13A Weekday Trip Generation Summary - Center 128 Proposed Auto Trips,
ITE Trip Generation (9th Edition) - LUC 710 Office - Regression formula was used to calculated office trips associated with 400 1st Avenue
90% auto mode share was used for office trips

Table F: Center 128 East - Constructed and Occupied Buildings Estimated Trip Generation

			Auto Trips					
			AM Peak			PM Peak		
Building	KSF	Land Use	In	Out	Total	In	Out	Total
77 A Street	260	Office	325	44	369	56	276	332

Source: ITE Trip Generation Manual (9th Edition)
LUC 710 Office - Regression formula was used to calculate office trips associated with 77 A Street
90% auto mode share was used for office trips

Table G: 2nd Avenue Residences - Constructed and Occupied Buildings Estimated Trip Generation

			Auto Trips					
			AM Peak			PM Peak		
Building	Units	Land Use	In	Out	Total	In	Out	Total
2nd Avenue Residences	390	Apartments	32	129	161	125	67	192

Source: Center 128 SDEIR - Table 2-10-13A Weekday Trip Generation Summary - Center 128 Proposed Auto Trips

Table H: Founder's Park Constructed and Occupied Buildings Estimated Trip Generation

	Auto Trips					
	AM Peak			PM Peak		
Development Area	In	Out	Total	In	Out	Total
Center 128 West	393	76	469	100	337	437
Center 128 East	325	44	369	56	276	332
2nd Avenue Residences	32	129	161	125	67	192
Total	**750**	**249**	**999**	**282**	**680**	**962**

Source: Estimated trips associated with the constructed and occupied buildings at Founder's Park at the time of counts (October 10, 2019)
Sum of Tables E, F and G above (Table E + Table F + Table G)

Table I: Actual Counted Trips from Constructed and Occupied Buildings

	Auto Trips					
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Actual Counts	630	110	740	105	611	716

Source: ATR counts conducted on October 10, 2019

Table J: Comparison of Estimated and Actual Trips

	Auto Trips					
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Estimated Trips	750	249	999	282	680	962
Actual Trips	630	110	740	105	611	716
Difference	**(-120)**	**(-139)**	**(-259)**	**(-177)**	**(-69)**	**(-246)**
			25.93%			25.61%

Source: Tables H and I. Difference is (Actual - Estimated)

Table K: Proposed BCH Project Trips by Land Use

		Auto Trips					
		AM Peak			PM Peak		
Land Use	KSF	In	Out	Total	In	Out	Total
Medical-Dental Office	122.5	266	75	341	119	305	424
Hospital	122.5	148	69	217	65	138	203
Office	207	150	24	175	30	158	188
Total		**563**	**169**	**732**	**214**	**601**	**815**

Source: BCH Program Outlined in Table B above
ITE Trip Generation Manual (10th Edition)
LUC 720 Medical-Dental Office Building - Average Rate was used for total square footage
LUC 610 Hospital - Regression formula was used for total square footage
LUC 710 Office - Regression formula was used for the incremental increase in office space at Center 128 West
For the office trips the regression formula was used for the entire office square footage in Center 128 East (469.5 KSF (including 400 1st Avenue)) and then the trips associated with the existing building at 400 1st Avenue were estimated using the regression formula. The difference between the trips associated with the total office square footage and those associated with 400 1st Avenue is equal to the trips associated with the office portion of the Proposed Project.

Table L: Proposed BCH Project Trip Distribution by Land Use

		Auto Trips					
		AM Peak			PM Peak		
Land Use	Mode Share	In	Out	Total	In	Out	Total
Medical-Dental Office	100%	78%	22%	100%	28%	72%	100%
Hospital	100%	68%	32%	100%	32%	68%	100%
Office	90%	86%	14%	100%	16%	84%	100%

Source: ITE Trip Generation Manual (10th Edition)
Medical-Dental Office and Hospital mode shares are assumed (conservative). Office mode share is consistent with SDEIR office mode share.

Table M: Proposed BCH Project Trips by Building

			Auto Trips					
			AM Peak			PM Peak		
Building	KSF	Land Use	In	Out	Total	In	Out	Total
380 1st Avenue	122.5	MOB	266	75	341	119	305	424
	122.5	Hospital	148	69	217	65	138	203
37 A Street	80	Office	58	9	67	12	61	73
2 B Street	127	Office	92	15	107	18	97	115
		Total	**563**	**169**	**732**	**214**	**601**	**815**

Source: Table K above

Table N: Center 128 East - Total Approved Trips by Land Use

			Auto Trips					
			AM Peak			PM Peak		
Building	Size	Land Use	In	Out	Total	In	Out	Total
189 B Street, 77 A Street	420 KSF	Office	477	65	542	83	409	492
156 B Street	128 Keys	Hotel	40	28	68	39	38	77
	19 KSF	Retail	0	0	0	29	38	67
		Total	**517**	**93**	**610**	**151**	**485**	**636**

Source: Center 128 SDEIR - Table 11A Weekday Trip Generation Summary - Center 128 East

Table O: Unbuilt Approved Founders Park Estimated Trips

			Auto Trips					
			AM Peak			PM Peak		
Building	Size	Land Use	In	Out	Total	In	Out	Total
189 B Street	160 KSF	Office	152	21	173	27	133	160
156 B Street	128 Keys	Hotel	40	28	68	39	38	77
	19 KSF	Retail	0	0	0	29	38	67
		Total	**192**	**49**	**241**	**95**	**209**	**304**

Source: Difference between Center 128 East Total Approved Trips and Center 128 East Constructed and Occupied Buildings Estimated Trip Generation
Difference between Tables D and Table N above (Table N - Table D)

Table P: Proposed Founder's Park (per BCH program)

	Auto Trips					
	AM Peak			PM Peak		
Component	In	Out	Total	In	Out	Total
Actual Trips	630	110	740	105	611	716
Proposed BCH Trips	563	169	732	214	601	815
Unbuilt Center 128 East Trips	192	49	241	95	209	304
Total	**1,385**	**327**	**1,713**	**413**	**1,422**	**1,835**

Source: Tables I, M and O above (Table I + Table M + Table O)

Table Q: Approved vs. Proposed Project Comparison

	Auto Trips					
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Approved Founder's Park	1,338	352	1,690	453	1,266	1,719
Proposed Founder's Park	1,385	327	1,712	413	1,422	1,835
Difference	47	(-25)	22	(-40)	156	116
% Difference	**3%**	**(-7%)**	**1%**	**(-10%)**	**11%**	**6%**

Source: Tables D and P above. Difference is (Proposed - Approved)

IMPROVING COMMUNITIES TOGETHER

MEMORANDUM

Date:	March 11, 2020 Revised April 14, 2020 Revised April 30, 2020	Job No.:	7073
To:	Lee Newman, Director of Planning and Community Development		
Cc:	Alex Clee, Assistant Planner		
From:	Jeff Maxtutis Justin Curewitz, P.E., PTOE, RSP		
Subject:	REVISED Parking Generation Evaluation – Boston Children's Hospital – Needham, MA		

Responses to peer review comments of the Parking Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by BETA Group, Inc., dated March 11, 2020 were received from the Applicant, dated April 2, 2020 and dated April 28, 2020. BETA Group, (BETA) reviewed the submitted response documents to the parking demand of the proposed Boston Children's Hospital (BCH) Pediatric Medical Facility at Founder's Park (Center 128 West) in Needham, MA. This memorandum is provided to outline evaluations, comments and conclusions. Comments that were adequately addressed in previous memoranda have not been included in this Memorandum.

BASIS OF REVIEW

The following response documents were received by BETA and will form the basis of the review:

- BCH Founder's Park Estimated/Comparative Parking Demand Analysis Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated January 24, 2020 and revised March 30, 2020
- Re-Response to Peer Review Parking Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 28, 2020
- Boston Children's Hospital Needham at Founder's Park Trip Generation Estimate Summary Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated January 24, 2020 and revised March 30, 2020 and April 22, 2020
- Re-Response to Peer Review Trip Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 22, 2020
- Founder's Park BCH Needham Trip Generation – Attachment A, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 2020
- Founder's Park BCH Needham Parking Demand – Attachment B, prepared by Vanasse Hangen Brustlin, Inc. (VHB)

PROJECT OVERVIEW

The project site is located within Founder's Park in Needham, Massachusetts and proposes to construct three new buildings in phases located at 380 1st Avenue, 37 A Street and 2 B Street. As proposed, the buildings would consist of a mix of Pediatric Ambulatory Center and General Office Space land uses, totaling approximately 452,000 square feet (SF):

- 380 1st Avenue – Pediatric Ambulatory Center (245,000 SF)
- 37 A Street – Office (80,000 SF)
- 2 B Street – Office (127,000 SF)
- Total = 452,000 SF

Access to the three new buildings would be provided from 1st Avenue, A Street and B Street. An existing 2,072 space parking garage (Garage B) and a 117-space surface lot have been constructed on the property. A new 925 space parking garage (Garage A) has been approved for the site, along with an addition of 528 spaces to Garage B. In total, 3,642 parking spaces have been approved for the Center 128 West property, of which 857 are allocated to Center 128 East. Boston Children's Hospital is proposing to modify the current approved land use to a combination of Pediatric Medical Facility and General Office and accommodate all parking on-site.

PARKING EVALUATION

ESTIMATED/COMPARATIVE PARKING DEMAND ANALYSIS MEMORANDUM

The Revised Memorandum prepared by Vanasse Hangen Brustlin, Inc. (VHB) provides a general overview to the proposed project's parking generation and calculation based on benchmarked ratios of similar healthcare facilities and comparable Boston Children's Hospital (BCH) sites. The revised development program for the three proposed site buildings is shown in Table 1.

Table 1 – Revised BCH Proposed Development Program

Location	Land Use	Program Size (KSF)
380 1st Avenue	Pediatric Ambulatory Center	245
37 A Street	Office	80
2 B Street	Office	127
Total		452

Source: Revised VHB Estimated/Comparative Parking Demand Memo

This revised development program consolidates uses of each building from the previous memo. The changes to the development program are the follows:

- 380 1st Street Building size has been increased by 10 KSF (from 235 KSF to 245 KSF).
- 37 A St Building size has been decreased by 10 KSF (from 90 KSF to 80 KSF).
- 380 1st Street now assumed to by 100% Pediatric Medical Center use (small office/admin component eliminated).

- 37 A Street now assumed to be 100% Office use (consistent and unchanged assumption for this site with approved Founder's Park).
- Total GSF proposed by BCH has not changed and is still reflective of previously approved cumulative building envelope for these three subject sites in Founder's Park (452 KSF).

Based upon this development program, two methods were used to calculate estimated weekday peak parking demand for the proposed project: Benchmarked Ratios and Comparable BCH sites.

OPERATIONAL PARKING ASSESSMENT

The first method of estimating parking demand involved the use of benchmarked ratios based on a review, conducted by VHB, of similar healthcare institutions. This results in specific space generator types based on square footage as opposed to a general land use type to calculate the entire use. The space generator types, and their associated parking demand rates are listed below:

- Patient Care Area: 5.0 spaces/KSF
- Office Area: 3.0 spaces/KSF
- Employee Support Area: 2.0 spaces/KSF
- Building Support Area: 0.0 spaces/KSF

T3. Please provide a list of similar healthcare institutions and locations that were surveyed.

Applicant Response: VHB has been retained by many prominent local and national academic medical centers to help them devise appropriate parking system strategies in connection with the planning, design and construction of large, long-term capital improvement and campus transformation programs (both pediatric and adult healthcare facilities). An identical approach has been utilized in each of these cases listed below to provide clarity and guidance as to what the most appropriate and reasonable parking need could be expected given the anticipated program and a deep dive assessment of those respective programs conceptually. These studies have supported respective regulatory review and approval processes – but more importantly – have served as an important tool in benchmarking and confirming appropriate parking quantities to support anticipated patient, staff and physician needs. Major hospitals and academic medical centers where this methodology has been applied and accepted over the past five years include the following:

1. Boston Children's Hospital (Main Campus)
2. Boston Children's Hospital (Waltham)
3. Massachusetts General Hospital
4. Brigham and Women' Hospital
5. Brigham and Women's Faulkner Hospital
6. Newton-Wellesley Hospital
7. Spaulding Rehabilitation Hospital
8. Dana-Farber Cancer Institute
9. Beth Israel Deaconess Medical Center (Main Campus)
10. Beth Israel Deaconess Medical Center (Lexington)
11. St Elizabeth's Medical Center
12. Boston Medical Center
13. South Shore Hospital
14. Cape Cod Hospital

15. University of Pennsylvania Health System
16. Washington University of St Louis Health System
17. St Louis Children's Hospital
18. University of Rochester Medical Center
19. Johns Hopkins Medicine
20. Dartmouth-Hitchcock Medical Center
21. Maine Medical Center

BETA's Response: While this satisfies our original comment, the intent of this comment was to understand the sites surveyed and verify if the size, type and services provided at each facility were an appropriate comparison to the Founder's Park site. Please provide information as to whether all these sites were used in the Benchmarked Ratio calculations as some of these uses appear to be different than the uses proposed at the Founder's Park Site as well as differing geographic locations. In addition, please provide the overall size (KSF), total parking spaces, parking demand ratios and provided services at all sites used in the calculations.

Applicant Re-Response: The list provides an abbreviated outline of locations where an identical approach has been taken using the benchmark parking metrics noted in the Operations Parking Assessment, as well as other benchmark rates for medical services that are not part of the children's proposal in Needham. The intent was to qualify this as an alternative approach to assessing parking needs – separate from the assessment of comparable satellite pediatric facilities. This analysis has also been conducted, yielding a similar outcome in terms of quantifying expected parking need. The ratios developed to support this discrete analysis have been developed by VHB through years of working with a variety of healthcare providers to right size parking and fit their needs for various developments and are based on observed/measured utilization and an understanding of parking zoning requirements nationally. For example, the patient care area ratio generally includes patient parking at 3.0 spaces/KSF and employee parking at 2.0 spaces/KSF (in line with the employee support area ratio). While none of the facilities listed exactly match the program of the Proposed BCH Project, elements and services present at many of these locations are similar to BCH Needham. For reference, we have included in Attachment B some more detailed examples of these supportive studies that have been conducted for other large academic medical centers – including parking assessments for capital program planning at other Boston Children's facilities in Massachusetts. VHB agrees that the Comparable Facility Parking Assessment, which are specifically based on other BCH comparable facilities, provides the most accurate estimate of expected parking demand at the Proposed pediatric medical facility. However, the parking estimates based solely on existing BCH satellite locations are lower than the Operational Parking Assessment estimate. The intent of conducting and including this secondary analysis set is to provide increased reassurance that the Comparables Assessment is reasonably accurate – and that ultimately – the proposed parking ratio supporting the zoning petition is reasonable and will support sufficient parking for BCH patients, staff, and physicians, and not create any unintended parking or traffic impacts.

BETA's Response: The detailed examples provided for the benchmarked ratios have parking demand rates based mainly on patients and beds. While the proposed Founder's Park site will not include hospital beds, this metric is not a one-to-one comparison. Our main comment from the beginning of this benchmark ratio review was to understand how the ratios of each of the parking metrics (i.e. Patient Care Area = 5.0, Office Space = 3.0, Employee Support Area = 2.0 and Building Support Area = 0.0) was calculated. Attachment B does not provide this explanation or data that shows these ratio

calculations. While BETA agrees that the Benchmark Ratio of 3.28 spaces/KSF (particularly when an added 5% factor of safety is applied) is more conservative than the comparable sites ratio of 2.88 spaces/KSF and appears reasonable for this analysis; BETA cannot verify how these parking metric ratios have been calculated.

In general, the benchmarked ratio (3.28 spaces/KSF) is higher than that of the comparable Boston Children's Hospital satellite sites ratio (2.88 spaces/KSF) which are similar to the one proposed in Founder's Park. With the additional 5% factor of safety, BETA is acceptable to using this parking ratio.

From this breakdown, each building's associated space was classified into one of these four categories and parking demand was estimated accordingly. This breakdown results in a parking demand of 1,484 total spaces (3.28 spaces/KSF) as shown in Table 2.

Table 2 – Operations Parking Assessment Summary

Space Type	Size (KSF)	Parking Metric (spaces/KSF)	Parking Demand
Patient Care Area	191	5.0	955
Office Space	127	3.0	381
Employee Support Area	74	2.0	148
Building Support Area	60	0.0	0
Total	452		1,484

Source: VHB Estimated/Comparative Parking Demand Memo

T4. Clarify/provide supporting documentation as to how these building space types were classified and why there is no rate for building support area.

Applicant Response: The building space types were classified using the latest detailed program and floor plans provided by the Project Architect (Payette). There is no parking rate for "building support area" as it delineates space within the building that has no trip generating value on its own. A more detailed response is summarized below in response to Comment T5.

BETA's Response: While no direct parking uses are attributed to the "building support area," these areas are commonly included in overall gross floor area, when estimating overall parking demand. Please provide supporting documentation from surveyed sites showing this ratio and how each of the square footages where determined for Founder's Park.

Applicant Re-Response: While "building support area" is traditionally included in the overall gross floor area (GFA), the Town tasked the Proponent to provide a more detailed analysis of expected parking need based on the building use/program – beyond the general GFA ratios currently in the Zoning By-Laws. To help compile this proposed Pediatric Medical Facility parking ratio, ratios were developed, based on VHB's experience working with healthcare providers (as discussed in the T3 response above), and applied to each generally type of use within the proposed development. No additional detailed program information about the example locations can be shared at this time due

to confidential and proprietary concerns. VHB agrees that the Comparable Facility Parking Assessment, based on other BCH comparable facilities, provides the most accurate estimate of expected parking demand at the Proposed pediatric medical facility. However, the estimate based on existing BCH satellite locations is lower that the Operational Parking Assessment estimate.

BETA's Re-Response: Providing supporting documentation from Founder's Park Site as to how each of the total square footage for Patient Care Area, Office Space, Employee Support Area and Building Support Area were calculated would be beneficial. In discussion with the Applicant, these areas were based upon architectural plans for the proposed sites, with all 452,000 SF accounted for. The overall parking ratio of 3.45 spaces/KSF appears reasonable.

COMPARATIVE FACILITY PARKING ASSESSMENT

The second method of estimating parking demand involved a review of comparable satellite pediatric facilities that BCH operates at other eastern Massachusetts locations, including Brookline, Waltham and Peabody. The campuses offer similar types of pediatric medical services and operate similar to the expected operations at the proposed Needham campus. These comparative facilities characteristics and their associated parking ratios result in an average parking demand ratio of 2.88 spaces/KSF and is shown in Table 3.

Table 3 – Estimated Demand based on Comparable Facility Assessment

Space Type	On-Site Parking (spaces)	Building Size (KSF)	Parking Ratio (spaces/KSF)
Brookline	674	228	2.96
Waltham	1,132	390	2.90
Peabody	1,079	389	2.77

Source: VHB Estimated/Comparative Parking Demand Memo

Based upon the above average ratio of 2.88 spaces/KSF, the proposed site would result in a weekday peak parking demand of 1,300 spaces for the combined three buildings.

VHB RECOMMENDATION

To ensure a conservative parking ratio, it was recommended that the operational assessment ratio (3.28 spaces/KSF) be used when calculating the proposed site's parking demand plus a 5% increase. This results in a 3.45 spaces/KSF ratio and when applied to the overall 452,000 SF development program, resulting in a weekday peak parking demand of 1,560 spaces.

INSTITUTE OF TRANSPORTATION ENGINEER'S, PARKING GENERATION MANUAL ANALYSIS

As a comparison to the assessment provided by VHB, parking demand was estimated based on the Institute of Transportation Engineer's (ITE) Parking Generation Manual, 5th Edition, for the proposed site's revised development program. As stated in the Trip Generation Memo, there is no ITE land use for Pediatric Ambulatory Center and for the purposes of this assessment, the Medical-Dental Office Building

land use will be used for consistency. Based upon this categorization the site's development program was assessed using the following ITE Land Use Codes:

- Land Use Code 710: General Office Building
- Land Use Code 720: Medical-Dental Office Building (in lieu of Pediatric Ambulatory Center)

Using the revised development program, the following proposed parking demand was calculated using the land use codes is shown in Table 4.

Table 4 – Revised Development Program Parking Demand

Location	Land Use	Program Size (KSF)	Parking Ratio* (spaces/KSF)	Parking Demand (spaces)
380 1st Avenue	720: Medical-Dental Office Building	245	3.32	813
37 A Street	710: General Office Building	80	2.32	294
2 B Street	710: General Office Building	127	2.32	186
Total		452	2.86	1,293
* Equations were used for 710: General Office Building and 720: Medical-Dental Office Building				

Based upon the revised development program, the total parking demand of the site would result in 1,293 spaces or a ratio of 2.86 spaces/KSF.

Town of Needham, Zoning By-Laws

In a review of the Town of Needham Zoning By-Laws, parking rates required by zone, land use and overlay district were assessed to ensure parking demand is accommodated on-site. Two documents within the Zoning By-Laws were used: the existing Medical Overlay District and the Proposed Zoning Amendment to amend the zoning by-law for Pediatric Medical Facility in New England Business Center District.

Existing Medical Overlay District By-Laws

The existing Medical Overlay District, as stated in the Town's By-Laws, is intended for the following allowed uses:

1. Community Hospital
2. Medical Clinic
3. Medical Services Building
4. Any of the following, but only if ancillary to and contained within a common structure with a community hospital:
    a. Health Care Facility
    b. Medical Laboratory

c. Pharmacy

5. All uses allowed by right in the underlying zoning district at that location.
6. Building and uses accessory to 1-5 above, such as parking garage, gift shop, cafeteria, and day care facilities.

As the primary land use for the proposed project is Pediatric Ambulatory Center, this would be classified as a Medical Services Building per the definition of the By-Laws. A Medical Services Building is defined as premises with occupancy limited to doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, radiology and laboratory services, sale, and repair of medical devises and equipment or other health care or health care services, whether or not owned or affiliated with a hospital, but not including those licensed as a clinic. As such the parking requirements for a Medical Services Building would be applied to all Pediatric Ambulatory Center uses. It should also be noted that the Hospital land use would not provide overnight stays for patients; however, there is no differentiation in the Zoning By-laws for hospital with or without overnight stays. Therefore, the parking demand rate remains unchanged. Using the requirements of the Zoning By-Laws, parking demand was assessed for the revised development program, and is shown in Table 5.

Table 5 – Zoning By-Laws Revised Parking Demand

Location	Zoning By-Law Use	Program Size (KSF)	Required Parking (spaces/KSF)	Parking Demand (spaces)
380 1st Avenue	Pediatric Ambulatory Center	245	7.0	1,715
37 A Street	Office	80	3.33	266
2 B Street	Office	127	3.33	423
Total		452	5.32	2,404

Based upon the revised development program, the total parking demand of the site would result in 2,404 spaces or a ratio of 5.32 spaces/KSF.

T6. Hospital parking requirements per the Town's By-laws are conservative using the general description for Hospital land use as no further information was provided as to the intended use for the Hospital type (i.e. bed, employees, type of procedures/surgery). Upon providing more information, this parking ratio could be reduced; however, it has been calculated as 7 spaces/KSF for the purposes of this review.

Applicant Response: During initial conversation with the Town regarding the transportation elements of this Project, the Project Team was tasked with looking at alternatives methods to calculate the estimated parking demand, separate from established Zoning By-laws. The goal of this effort was to determine what a reasonable and appropriate parking ratio should be to support a Pediatric Medical Facility land use.

If the Town's By-laws were applied, the parking ratios for Pediatric Ambulatory Center (380 1st Avenue) could potentially be based on Section 3.6.7. The previous sections (Sections 3.6.7.a and 3.6.7.b) would not be appropriate for the proposed land use, as it does not solely contain a Medical Service Building, Medical Clinic, or Health Care Facility. The proposed land use will most closely resemble a combination of Hospital use with a Medical Service Building, Medical Clinic and/or Health care Facility as defined in Section 3.6.7.c. The proposed Pediatric Ambulatory Center will not be used for short ambulatory visits and therefore the ratios under Section 3.6.7.c.1 are not applicable. Section 3.6.7.c.2.i-iii provides a possible method to reasonably determine the number of parking spaces required for the Project as it most closely represents the proposed land use. No beds will be provided at the Project (Section 3.6.7.c.2.i) therefore, one parking space will be provided for each two full-time equivalent employees (Section 3.6.7.c.2.ii) (assuming 1 employee per 1,000 sf), and 2.5 parking spaces per 1,000 sf of GFA (Section 3.6.7.c.2.iii). Table 1 below shows the parking spaces required using this method. In connection with the rezoning petition, a blended parking rate was specifically quantified for Pediatric Medical Facility taking these discrete, measurable elements of the Project into consideration. As seen in the table, the parking need based on a blended rate using established Zoning Bylaw rates works out to be slightly below the recommended parking supply presented in the memo of 1,560 spaces. The proposed rate for a Pediatric Medical Facility was specifically established and is proposed based on this, and other parallel analyses summarized in our January 24, 2020 memorandum.

Table 1: Parking Spaces Required by Zoning

Location	Zoning By-Law Use	Program Size (KSF)	Required Parking (spaces/KSF)	Parking Demand (spaces)
380 1st Avenue	Medical-Office Building	245	0.5 (per employee) 2.5	245 612
37 A Street	Office Building	80	3.33	264
2 B Street	Office Building	127	3.33	419
Total		452	3.40	1,540

Source: Revised VHB Estimated/Comparative Parking Demand Memo

BETA's Response: Since there are no beds provided for this site, BETA agrees that Section 3.6.7.b would not be appropriate for use in determining parking demand. While the term "site" in the Town By-Laws could refer to the overall Founder's Park site, this could also be interpreted as the entire site of the 380 1st Avenue building and therefore Section 3.6.7.a (7 parking spaces per 1,000 square feet) could be applicable. In addition, Section 3.6.7.c.1 could also be applicable to the site. The applicant states that "The proposed Pediatric Ambulatory Center will not be used for short ambulatory visits and therefore the ratios under Section 3.6.7.c.1 are not applicable;" however, the second paragraph

of the memo describing the site states "The Pediatric Medical Facility is intended to include and support patient visits, diagnostics and testing, ambulatory medical procedures and pre-scheduled day surgeries." BETA recommends clarification from the Town's Planning Board as to their interpretation of the By-Law. Additionally, please provide clarification of where the assumption of 1 employee per 1,000 SF is derived from.

Applicant Re-Response: VHB welcomes clarification on the existing zoning regulations by the Town processes.

As it related to Section 3.6.7, the Proponent believes that neither subsection should be applied to a Pediatric Medical Facility Use for the following reasons:

- Section 3.6.7 sets forth off-street parking requirements for hospitals, health care facilities, medical clinics, and medical services in the Medical Overlay District within the Chestnut Street Business District. These standards are meant to apply to the Beth Israel Deaconess Hospital and these requirements do not apply to any uses within the New England Business Center Zoning District, which is the zoning district within which a Pediatric Medical Facility would be allowed.
- Section 3.6.7.a applies when a site contains only a Medical Services Building or Medical Clinic. A Pediatric Medical Facility is neither a Medical Services Building or a Medical Clinic. While some portion of a Pediatric Medical Facility will contain uses similar to a Medical Services Building or Medical Clinic, it will be a completely different use comprised of multiple complementary medical uses.
- Section 3.6.7.c sets forth off-street parking requirements for a site containing a Hospital or a combination of Hospital with a Medical Service Building, Medical Clinic, and/or Health Care Facility. This does not apply because a Pediatric Medical Facility is not a Hospital, in whole or in part. A Pediatric Medical Facility will not have an emergency department, overnight beds or inpatient services. Accordingly, Section 3.6.7.c.1 does not apply to a Pediatric Medical Facility.

A Pediatric Medical Facility Use is a new use proposed on behalf of Boston Children's Hospital that reflects the multi-disciplinary and complementary medical uses that will occur in the facility. The proposed use does not exist currently in the Needham Bylaw and, therefore, an appropriate parking ratio does not currently exist in the Bylaw. While the ratios in Section 3.6.7 of the Zoning Bylaw do relate to medical uses, these uses are completely different than the use proposed and are not applicable within the New England Business Center. Given the absence of an appropriate parking ratio within the Bylaw, the zoning amendment proposes a parking requirement tailored to the proposed use, which was developed based on benchmark data, analyses of actual parking demand and usage from multiple facilities with similar mixes of uses.

The assumption of one employee per 1,000 SF is actually two employees per 1,000 SF and with a parking rate of 0.5 spaces per employee (effectively one spaces per 1,000 SF). This assumption has been provided by the development team.

BETA's Re-Response: BETA recommends clarification from the Town's Planning Board as to their interpretation of the By-Law based upon the previous comment and the Applicant's Re-Response.

PROPOSED ZONING AMENDMENT

The Proposed Zoning Amendment to amend the zoning by-law for Pediatric Medical Facility in New England Business Center District would result in a one parking space per 290 square feet of floor area or a ratio of 3.45 spaces/KSF for all Pediatric Medical Facilities. When using the requirements of the Zoning By-Laws, with the Proposed Zoning Amendment, parking demand was assessed for the revised development program, and is shown in Table 6.

Table 6 – Zoning Amendment Revised Parking Demand

Location	Zoning By-Law Use	Program Size (KSF)	Required Parking (spaces/KSF)	Parking Demand (spaces)
380 1st Avenue	Medical Facility, Pediatric	245	3.45	845
37 A Street	Office Building	80	3.33	266
2 B Street	Office Building	127	3.33	423
Total		452	3.39	1,534

Based upon the Revised Building Program, the total parking demand of the site would result in 1,534 spaces or a ratio of 3.39 spaces/KSF.

ENVIRONMENTAL IMPACT REPORTS (SDEIR & SFEIR) REVIEW

In a review of the Supplemental Draft Environmental Impact Report (SDEIR) and the Supplemental Final Environmental Impact Report (SFEIR), parking demand was calculated based upon the Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition, for the previously approved development program. While the methodology used to calculate parking demand is in line with today's practices, it was based upon the previous approved land uses and square footages. These calculations would require adjustment for the newly proposed development program. In addition, the re-calculation of parking demand should include the latest edition (5th Edition) of the ITE Parking Generation Manual.

It is stated that, in total, 3,642 parking spaces have been approved for the Center 128 West property and that 857 of these spaces are allocated to the Center 128 East property. This results in 2,785 spaces remaining for use on the Center 128 West property. It is unclear how many of these remaining parking spaces are currently used by the Trip Advisor building or the Residence Inn hotel.

T7. Clarify/provide how many of the 2,785 approved parking spaces for Center 128 West are currently in use and how many remaining spaces are available for use by the three proposed buildings.

Applicant Response: The special permit for Center 128 West approved 3,642 parking spaces of which 857 are allocated to the Center 128 East project, leaving 2,785 for Center 128 West. 1,101 of the 2,785 spaces are need to satisfy the zoning requirement for the hotel and office use, which leaves

1,684 approved spaces available to satisfy the zoning requirement for the 452,000 of undeveloped area approved for Building Sites 1, 2 and 4. Garage B (380R First) is constructed and contains approximately 2,070 spaces. As noted above, the Applicant intends to construct Garage A (925 spaces) in connection with the Project. These available and future spaces will provide sufficient parking on-site to accommodate the expected BCH parking demand. As described in the memo, the estimated parking demand was calculated conservatively by using a parking ratio above the highest empirical estimation method and, as described below, there are also expected to be additional parking spaces available due to the underutilization by other uses within the development.

The 380R First St parking garage, which has a capacity of about 2,070 spaces, was observed to reach a peak mid-day occupancy of approximately 60 percent based on observations made during site visits (Fall 2019). Upwards of 800 parking spaces on the upper levels of the garage are currently not used. A comparative assessment of actual parking utilization to building occupancy in Founder's Park indicates approximate utilization of about 2.5 spaces/KSF (versus a zoning-compliant allocation of 3.3 spaces/KSF). We believe the following are key reasons for the observed gap between the allocated parking supply and the observed demand:

- 3.3 spaces/KSF for an office use provides enough parking, generally, for all staff (100 percent) to drive alone to a suburban site at the same time.
- Founder's Park employs strong TDM strategies – most notably transit pass subsidies and strong shuttle bus connectivity to major nearby transit nodes.
- Current, modern work practices provide for measurable opportunity for some staff to elect to work remotely for some percentage of the work week, work part-time, work longer days and less days per week, etc.

For reference, VHB has encountered similar parking demand outcomes at other Class A office parks on Route 128 in Waltham and Lexington.

These approximately 800 available spaces in Garage B, along with approval to add another 520-space addition to that facility, plus the aforementioned 925-space parking garage at 400R First St, will result in there being more than enough parking spaces to support the BCH Project and other components of Founder's Park that require parking.

BETA's Response: While Garage B was observed to have a mid-day occupancy of 60 percent, resulting in approximately 800 unused spaces, many of these spaces are permitted for use with the existing developments on site. While these parking spaces are unused currently, many of them are allocated for existing uses and could be utilized in the future if tenants change or a reduction in mode shares is seen. A summary of the Center 128 West approved parking, based on Data provided in the SDEIR is shown below:

Total Approved Parking Spaces for Center 128 West	3,642 spaces
Parking Spaces Allocated to Center 128 East	- 857 spaces
Total Approved Parking Spaces for Center 128 West Use	2,785 spaces
Parking Spaces allocated to Hotel and Trip Advisor Buildings	-1,101 spaces
Total Remaining Approved Spaces for Center 128 West	1,684 spaces

In total, there are 1,684 approved spaces remaining for use with the proposed Boston Children's Hospital development program. Additionally, the existing on-site parking for Center 128 West is shown below:

Total Existing Parking Space Provided for Center 128 West:	
Garage B	2,070 spaces
Surface Lot for Residence Inn Hotel	117 spaces
Total Existing Parking Spaces	2,187 spaces
Parking Spaces Allocated to Center 128 East	- 857 spaces
Parking Spaces allocated to Hotel and Trip Advisor Buildings	-1,101 spaces
Total Remaining Existing Parking Spaces for Center 128 West	229 spaces

A total of 229 existing parking spaces remain on site to be used for any additional development program. With the addition of the planned expansion to Garage B and the construction of Garage A, the total proposed parking will be as follows:

Total Remaining Existing Parking Spaces for Center 128 West	229 spaces
Proposed Expansion of Garage B	528 spaces
Proposed Construction of Garage A	925 spaces
Total Proposed Parking Spaces for Center 128 West	1,682 spaces

With the expansion of Garage B, the construction of Garage A and the existing spaces on-site, there would be a proposed total of 1,682 spaces for Center 128 West. This results in two less spaces than approved. It was noted in the applicant's response that observations of existing parking occupancy were done in the Fall of 2019. Please clarify when in the Fall these observations were done as the Occupancy Permit for 189 B Street was issued on November 1, 2019 and was scheduled to slowly build-up occupancy. As 857 spaces of Center 128 West are allocated to Center 128 East, these occupancy counts may not reflect any increases from the occupancy of 189 B Street. It should also be noted that vehicles park along both sides of 1st Avenue rather than in Garage B. Parking on 1st Avenue has since been restricted on the west side of the street; however, this on-street parking would have an additional effect on the occupancy of Garage B. Lastly, a change to the approved Residence Inn Hotel (Major Site Plan Special Permit Amendment, dated January 29, 2019) resulting in the approved 128 guest rooms increasing to 180 guest rooms, increases the parking requirement from 140 spaces to 195 spaces. This increase of 55 paces would reduce the total existing parking on site from 229 spaces to 174 space, resulting in 1,629 remaining approved spaces for future development. Additionally, based upon the addition/expansion of garages the total proposed parking spaces for Center 128 West would decrease from 1,682 to 1,627.

Applicant Re-Response: VHB observations of the existing parking garage occupancy were collected in October 2019. VHB generally agrees with the BETA response. The BCH proposal, taking into consideration the rates of parking that would be needed to support the Pediatric Medical Facility at 380 1st Street, and maintaining office uses at the other two sites, would result in an overall requirement of 1,560 parking spaces. As noted above, there are approved 1,682 undesignated spaces available within the New England Business Center, which is more than what would be required to support the zoning petition and future BCH projects. In addition, observations suggest that the site has excess capacity. This may be something to consider monitoring over time as part of a future

Traffic and Parking Monitoring program for the site – as described separately in the Trip Generation Response Memorandum that has been submitted for your review.

BETA's Re-Response: Response is acceptable. BETA has no further comment.

CONCLUSIONS

Based upon the review of the revised documents provided, a summary of all updated source data and parking demand information has been provided in Table 7. The data shows an average total parking demand of 1,605 spaces or an average ratio of 3.55 spaces/KSF.

Table 7 – Parking Demand Summary

Source	Weekday Parking Demand Rate	
	Required Parking (spaces/KSF)	Spaces Required
1. Benchmark	3.45	1,560
2. Comparative Method	2.88	1,300
3. ITE Parking Generation Manual, 5th Edition	2.86	1,293
4. Zoning By-Laws	5.32	2,404
5. Zoning By-Laws (VHB Revised Development Program Memo)	3.40	1,540
6. Zoning Amendment	3.39	1,534
Average	3.55	1,605

In general, the benchmarked ratio (3.28 spaces/KSF), with the additional 5% factor of safety (3.45 spaces/KSF) is more conservative than that of all of the additional source data reviewed, with the exception of the Zoning By-Law interpretation by BETA. Given that there is no specific zoning use for Pediatric Ambulatory Center, BETA is acceptable to using the Applicant's proposed parking ratio of 3.45 spaces/KSF.

IMPROVING COMMUNITIES TOGETHER

MEMORANDUM

Date:	March 11, 2020 Revised April 14, 2020 Revised April 30, 2020	Job No.:	7073
To:	Lee Newman, Director of Planning and Community Development		
Cc:	Alex Clee, Assistant Planner		
From:	Jeff Maxtutis Justin Curewitz, P.E., PTOE, RSP		
Subject:	REVISED Trip Generation Evaluation – Boston Children's Hospital – Needham, MA		

Responses to peer review comments of the Trip Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by BETA Group, Inc., dated March 11, 2020 were received from the Applicant, dated April 2, 2020 and again dated April 22, 2020. BETA Group, (BETA) reviewed the submitted response documents to the trip generation of the proposed Boston Children's Hospital (BCH) Pediatric Medical Facility at Founder's Park (Center 128 West) in Needham, MA. This memorandum is provided to outline evaluations, outstanding comments and conclusions. Comments that were adequately addressed in previous memoranda have not been included in this Memorandum.

BASIS OF REVIEW

The following response documents were received by BETA and will form the basis of the review:

- BCH Founder's Park Estimated/Comparative Parking Demand Analysis Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated January 24, 2020 and revised March 30, 2020
- Re-Response to Peer Review Parking Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 28, 2020
- Boston Children's Hospital Needham at Founder's Park Trip Generation Estimate Summary Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated January 24, 2020 and revised March 30, 2020 and April 15, 2020
- Re-Response to Peer Review Trip Generation Evaluation – Boston Children's Hospital – Needham, MA Memorandum, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 22, 2020
- Founder's Park BCH Needham Trip Generation – Attachment A, prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated April 2020
- Founder's Park BCH Needham Parking Demand – Attachment B, prepared by Vanasse Hangen Brustlin, Inc. (VHB)

PROJECT OVERVIEW

The project site is located within Founder's Park in Needham, Massachusetts and proposes to construct three new buildings in phases located at 380 1st Avenue, 37 A Street and 2 B Street. As proposed, the buildings would consist of a mix of Pediatric Ambulatory Center and General Office Space land uses, totaling approximately 452,000 square feet (SF):

- 380 1st Avenue – Pediatric Ambulatory Center (245,000 SF)
- 37 A Street – Office (80,000 SF)
- 2 B Street – Office (127,000 SF)
- Total = 452,000 SF

Access to the three new buildings would be provided from 1st Avenue, A Street and B Street. An existing 2,072 space parking garage (Garage B) and a 117-space surface lot have been constructed on the property. A new 925 space parking garage (Garage A) has been approved for the site, along with an addition of 528 spaces to Garage B. In total, 3,642 parking spaces have been approved for the Center 128 West property, of which 857 are allocated to Center 128 East. Boston Children's Hospital is proposing to modify the current approved land use to a combination of Pediatric Medical Facility and General Office and accommodate all parking on-site.

Table 1 – Revised BCH Proposed Development Program

Location	Land Use	Program Size (KSF)
380 1st Avenue	Pediatric Ambulatory Center	245
37 A Street	Office	80
2 B Street	Office	127
Total		452

Source: Revised VHB Estimated/Comparative Parking Demand Memo

TRIP GENERATION EVALUATION

TRIP GENERATION ESTIMATE SUMMARY MEMORANDUM

The Memorandum prepared by Vanasse Hangen Brustlin, Inc. (VHB) provides a general overview to the proposed project's trip generation and comparison to previously approved development (based upon the SDEIR, dated August 31, 2015) and actual collected trips based on traffic counts conducted on October 10, 2019.

PREVIOUSLY APPROVED DEVELOPMENT

The Founder's Park previously approved development site was separated into three components for filing/permitting purposed: Center 128 West, Center 128 East and the 2nd Avenue Residences. The previously approved development program is listed in Table 2.

Table 2 – Previously Approved Development Program

Location	Land Use	Program Size
Center 128 West	Office	740,000 SF
	Hotel	128 Rooms
Center 128 East	Office	420,429 SF
	Hotel	128 Rooms
	Retail	19,000 SF
2nd Avenue Residences	Apartments	390 Units

Source: VHB Trip Generation Estimate Summary Memo

Using this development program and attributing a vehicle mode split of 89.75% for Office, 82.9% for Residential and 100% for Retail/Hotel, the trip generation totals were calculated by VHB using the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th Edition. The previously approved weekday trip generation is shown in Table 3.

Table 3 – Previously Approved Trip Generation

Location	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Center 128 West	789	130	919	177	714	891
Center 128 East	517	93	610	151	485	636
2nd Avenue Residences	32	129	161	125	67	192
Total	1,338	352	1,690	453	1,266	1,719

Source: VHB Trip Generation Estimate Summary Memo

The trip generation calculations result in a total of 1,690 trips in the AM peak and 1,719 in the PM peak hour, when the three components are completed.

TRIP GENERATION COMPARISON

Currently, the 2nd Avenue Residences are completed, while the Center 128 West and East components are not fully built out to the originally proposed development program. The only buildings completed within the Center 128 West component are the Trip Advisor Office Building (288,346 SF) and the Residence Inn Hotel (180 Rooms), the rest of the Development Program remains unbuilt. The only building completed within the Center 128 East component is the 77 A Street office building (260,429 SF). The 189 B Street office building (160,000 SF) is built but was just recently issued an occupancy permit on November 1, 2019. The remaining development program remains unbuilt. The VHB memo uses the trip generation from the SDEIR and subtracts out the unbuilt portions of the Center 128 West and Center 128 East (including

189 B Street) to produce an "Estimated Trips" calculation based on the currently built portion of the site. In addition, "Actual Trips" were collected using Automated Traffic Recorder (ATR) counts during October 2019. These "Estimated Trips" and "Actual Trips" were compared to show that the actual number of trips generated by the site are less than the estimated trip generation. The results of this comparison are shown in Table 4.

Table 4 – Revised Comparison of Actual Trips and Estimated Trips

	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Estimated Trips	750	249	999	282	680	962
Actual Trips	630	110	740	105	611	716
Difference (Actual – Estimated)	-120	-139	-259	-177	-69	-246

Source: Revised VHB Trip Generation Estimate Summary Memo

T4. ATR counts were taken prior to Occupancy Permit issued for 189 B Street on November 1, 2019. Counts do not reflect traffic generated by this building and should be retaken. Occupancy will increase gradually for this building and VHB should coordinate with the Town of Needham as to when this building will be fully occupied or identify the percentage of occupancy of the building at the time of the new counts.

Applicant Response: The trip generation estimates have been updated to reflect 189 B Street as not yet being occupied at the time the counts were conducted. The trip estimates associated with the Center 128 East have been updated to only include 77 A Street (Office) which was the only building in the Center 128 East development area of Founder's Park that was constructed and occupied during the time of the counts on October 10, 2019. As outlined in the response to BETA Comment T6, trip estimates for 189 B Street have been made with ITE Trip Generation Manual (9th Edition), which is consistent with the SDEIR.

BETA's Response: Response is acceptable. 189 B Street has been incorporated as the original proposed trip generation and is not assumed to be part of Actual Counts. The comparison table in the revised VHB memo (Table 2) reports the wrong "Difference" for all three values of the PM Peak. The values should read: -177 In, -69 Out and -246 Total to be consistent with Attachment A. In addition, it appears that a rounding calculation results in the "In" and "Out" trips not equaling the "Total" trips for the PM Peak under the "Estimated Trips." The value should be updated to 962 for consistency purposes. Table 4 of this memo displays the correct trip numbers for documentation.

Applicant Re-Response: The VHB Trip Generation Memorandum and Attachment A to BETA Response have been revised to reflect corrected numbers as noted.

BETA's Re-Response: Response is acceptable. BETA has no further comment.

With the comparison in Table 4, the VHB memo determines that the actual trips to the site are approximately 26% below the permitted estimated trips.

Additional BETA Comment: In discussions with the Applicant, it was stated that Automated Traffic Recorder (ATR) counts were collected for a single day at each of the garage and parking lot entrances at

Founder's Park. It is recommended a longer period of data collection be conducted (beyond a single day) to ensure the 26% reduction in trips reported within this memo is realistic. BETA recommends a week-long count program to confirm these traffic volume trends.

Applicant Response: Boston Children's is open to discussing the conduct of supplemental counts in the future in connection with the administration of a future annual Traffic and Parking Monitoring Program as a future condition of approval and occupancy of the BCH buildings.

BETA's Response: Response is acceptable. BETA has no further comment.

PROPOSED CHANGE OF USE

As part of Boston Children's Hospital (BCH) development, the proponent is looking to change the permitted use of Office Space to Pediatric Ambulatory Center in the 380 1st Avenue Building. Table 5 summarize the comparison of permitted and proposed uses for BCH's development.

Table 5 – Comparison of Permitted and Revised Proposed Use

Location	Permitted		Proposed	
	Use	SF	Use	SF
380 1st Avenue	Office	189,509	Pediatric Ambulatory Center	245,000
37 A Street	Office	135,000	Office	80,000
2 B Street	Office	127,145	Office	127,000
Total		451,654		452,000

Source: Revised VHB Trip Generation Estimate Summary Memo

Under the proposed change of use, the total square footage would increase slightly (346 SF) but would change approximately 245,000 SF of Office Space to Pediatric Ambulatory Center Space.

PROPOSED TRIP GENERATION

Based on the proposed change of use, trip generation calculations were performed for the new use/change in use to estimate the projected trips, using the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Edition. As stated in the VHB Memo, there is no ITE land use for Pediatric Ambulatory Center and for the purposes of this assessment, the Medical-Dental Office Building will be used. In addition, the proposed use for 380 1st Avenue will be split evenly between Medical-Dental Office and Hospital, to more accurately account for its intended uses. Based upon this categorization the revised development program was assessed using the following ITE Land Use Codes:

- Land Use Code 610: Hospital
- Land Use Code 710: General Office Building
- Land Use Code 720: Medical-Dental Office Building (in lieu of Pediatric Ambulatory Center)

It should be noted that all medical trips would use a 100% vehicle trip share, while all office trips would use a 90% vehicle trip share, as previously approved in the SDEIR. The proposed uses and trip generation summary is shown in Table 6.

Table 6 – Revised Estimated BCH Weekday Vehicle Trip Generation

Location	Proposed Use	ITE Land Use Code	SF	Estimated Vehicle Trips					
				AM Peak			PM Peak		
				In	Out	Total	In	Out	Total
380 1st Ave	Pediatric Ambulatory Center	Medical-Dental Office	122,500	266	75	341	119	305	424
		Hospital	122,500	148	69	217	65	138	203
37 A St	Office	General Office	80,000	58	9	67	12	61	73
2 B St	Office	General Office	127,000	92	15	107	18	97	115
Total			452,000	563	169	732	214	601	815

Source: Revised VHB Trip Generation Estimate Summary Memo

The new proposed use with the added Medical-Dental Office Building land use results in a total of 732 trips in the AM Peak and 815 trips in the PM Peak.

PROPOSED TRIP GENERATION COMPARISON

Once the newly proposed trips were calculated, a comparison was made between the proposed trip generation and the previously approved (permitted) trip generation for the entire site. The permitted trips are taken from the SDEIR, while the proposed new project trips for BCH's development program were added to the actual site trips to create the future expected trips. This comparison is shown in Table 7.

Table 7 – Revised Trip Generation Comparison

Time Period/Direction	Permitted (SDEIR)	Proposed Project + Actual Trips	Difference
Morning Peak Hour			
Entering	1,338	1,385	+47
Exiting	352	327	-25
Total	1,690	1,712	+22
Evening Peak Hour			
Entering	453	413	-40
Exiting	1,266	1,422	+156
Total	1,719	1,835	+116

Source: Revised VHB Trip Generation Estimate Summary Memo

Table 7 shows the proposed project + actual trips would generate 23 more trips than the permitted project in the AM peak hour and 116 more trips in the PM peak hour.

Additional BETA Comment: The comparison table in the revised VHB memo (Table 5) reports the wrong "Proposed Trips + Actual Trips" value for the Morning Peak Hour Entering. The value should be 1,385 instead of 1,338 to be consistent with Attachment A. Table 7 of this memo displays the correct value for documentation.

Applicant Response: The VHB Trip Generation Memorandum has been revised to reflect corrected numbers as noted.

BETA's Response: Response is acceptable. BETA has no further comment.

CONCLUSIONS

Based upon the review of the revised documents provided, a summary of all source data and trip generation information has been provided in Table 8.

Table 8 – Trip Generation Summary

Source	Total Weekday Trips	
	AM Peak	PM Peak
Previously Approved Trips for Center 128 West Unconstructed Buildings (SDEIR)	450	454
BCH Proposed Trip Generation (VHB Revised Memo)	732	815
Additional Center 128 West Trips	282	361
Existing Trip Difference of Occupied Buildings (Estimated – Actual) from Table 4	-259	-246
Total Additional Trips from Proposed BCH Development Program	23	115

The data show that proposed BCH Development Program at Founder's Park will result in 282 additional trips in the AM peak hour and 361 additional trips in the PM peak hour than were previously approved in the SDEIR. When analyzing the existing trips observed at Founder's Park from the collected traffic counts in October 2019, it was determined that there was a 26% reduction in trips from the projected (previously approved) trips in the SDEIR. When the collected counts were compared with the projected trips, a reduction of 259 trips in the AM peak hour and 246 trips in the PM peak hour was reported. When factoring this reduction in previously approved trips to the increase in BCH proposed trips, the resulting additional trips expected at Founder's Park is 23 added trips in the AM peak hour and 115 added trips in the PM peak hour.

The Founder's Park Transportation Demand Management (TDM) strategies that include transit pass subsidies and shuttle bus connectivity to major nearby transit nodes, lend themselves to the overall reduction in trips from the original trip generation projections. If these strategies were to change, this 26% reduction trend could change. While the added 23 and 115 trips in the AM and PM peak hours, respectively, a change in the tenant or TDM strategies could result in the more of the originally projected

site trips returning. While a single day's data provides support of the overestimation of trips at the site, additional data will help to confirm this trend, it would be recommended that traffic counts be collected for a week-long period to ensure the 26% reduction in trips reported within this memo is realistic.

Overall, the Applicant provides supporting documentation that the site will add only 23 additional AM peak hour trips and 115 additional PM peak hour trips than were previously approved. These trips are based on the existing traffic conditions currently seen at the site. As previously stated, Founder's Park was approved for an additional 259 AM peak hour trips and an additional 246 PM peak hour trips; however, due to the TDM strategies and ability for some employees to work remotely or off-peak hours, these additional trips were not observed at the site, reducing the overall impact to the surrounding roadways, intersections and interchanges. It should be noted that while there is a reduction from the original trip generation projections, these trips could be seen in the future if tenants change or if TDM strategies retract.

The actual added trips to the Founder's Park Site under the BCH development program would be 732 additional trips in the AM peak hour and 815 additional PM peak hour trips. It is important to note that 450 of these AM peak hour trips and 454 of the PM peak hour trips were previously approved and had the Founder's Park site been built out completely, these trips would exist currently. While this is not the case, the impacts to surround roadways, intersections and interchanges will seem much more significant than if the site was completely built out today. Aside from these previously approved 450 AM peak hour trips and 454 PM peak hour trips, the total additional trips that could be seen as part of the BCH Development Programs would be 282 in the AM peak hour and 361 in the PM peak hour.

ROBERT T. SMART, JR., ESQ.
ATTORNEY AT LAW
399 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242
E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

E-Mail and Mail
April 28, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

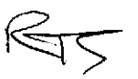
Re: 766 Chestnut Street, Needham

Dear Members of the Board:

By this letter, the applicant, 766 Chestnut Street LLC, withdraws its ANR application, which was filed with the Town Clerk on January 28, 2020, without prejudice.

Please confirm acceptance of the withdrawal.

Very truly yours,



Robert T. Smart, Jr.

Cc: Koby Kempel

TOWN OF NEEDHAM
MASSACHUSETTS

RECEIVED TOWN CLERK NEEDHAM, MA

2020 JAN 28 PM 3:09

PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7550

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Submit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapter 41 of the General Laws. This application must be accompanied by the **Original Tracing and three (3) copies of the plan.**

To the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Needham does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant 766 Chestnut Street LLC

   Address 292 Newbury Street PMB #485, Boston, MA 02115

2. Name of Engineer or Surveyor ~~Joyce E. Hastings, P.L.S, GLM Engi~~neering Consultants, Inc.

   Address 19 Exchange Street, Holliston, MA 01746

3. Deed of property recorded in Norfolk Registry,
   Book 36038, Page 67

4. Location and description of property 766 Chestnut Street, Needham, MA 02492, 6.445 acres ~~in RRC District~~

5. Reasons approval is not required (check as applicable):

   a) Every lot shown has the area and frontage required by the Zoning By-Law on a way, as defined by Section 81-L, Chapter 41 of the General Laws.

   b) Land designated _____ shall not be used as separate building lot(s) but only together with adjacent lots having the required area and frontage.

   c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded prior to 3/26/1925, no land is available to make up the deficiency and the frontage and land area of such lots are not being reduced by the plan.

   d) _____

(If the applicant is not the owner, written authorization to act as agent must be attached)

Signature of Applicant _____

Address ~~766 Chestnut Street, Needham, MA 02492~~

By Koby Kempel, Manager (agent)

Application accepted this 28 *day of* January 2020
as duly submitted under the rules and regulations of the Planning Board.

By _____

ROBERT T. SMART, JR., ESQ.
ATTORNEY AT LAW
399 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242
E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

By Hand
January 7, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

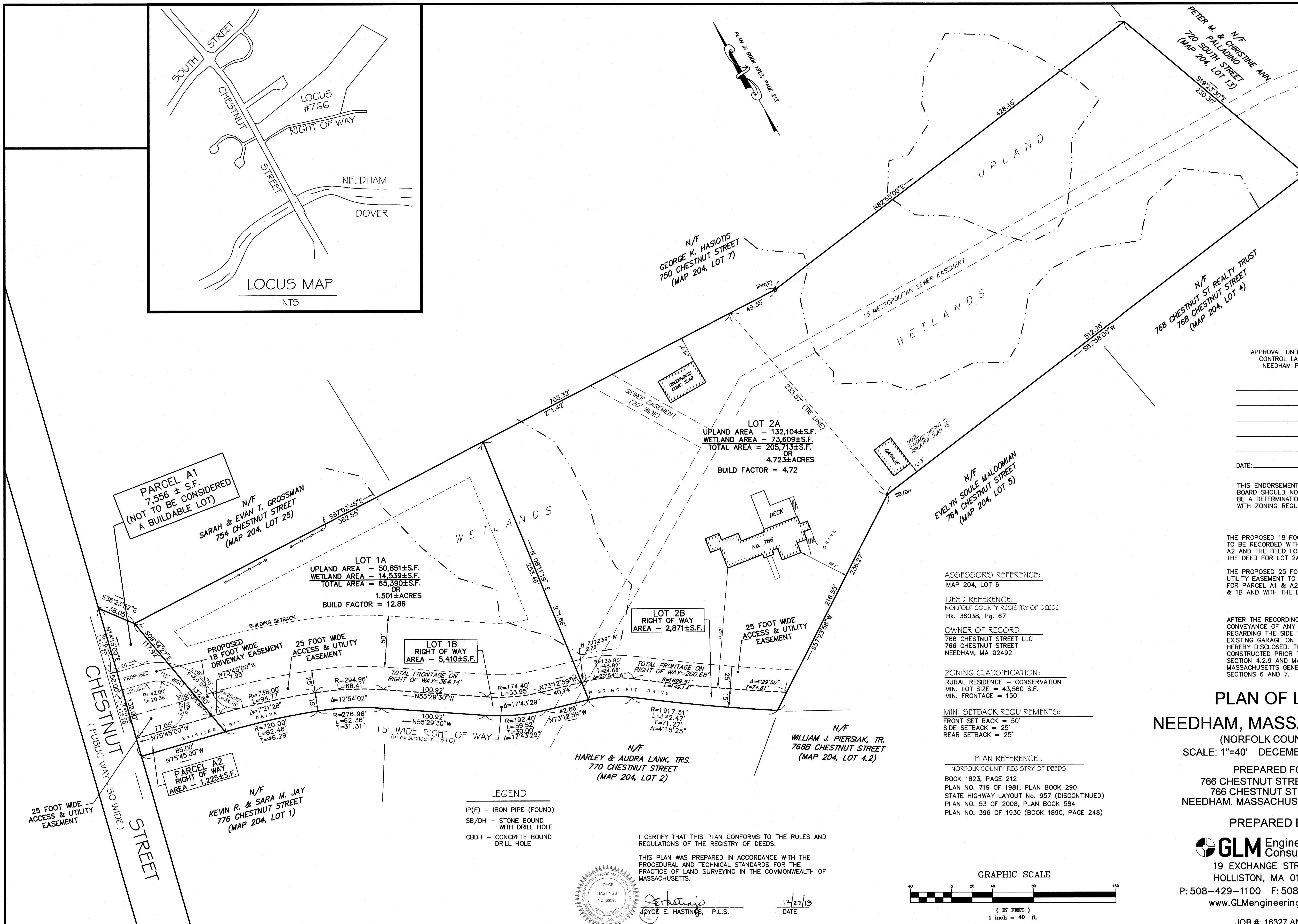
Re: 766 Chestnut Street, Needham

Dear Members of the Board:

This letter supports an application by Koby Kempel, Manager of 766 Chestnut Street LLC, for approval of a December 18, 2019 "Approval Not Required" (ANR) Plan, under General Laws Chapter 41, Section 81P. The Plan shows a division of his 6.6-acre lot in the RRC District into two lots. Lot 1A would have 65,390 square feet, and Lot 1B, on which the existing house is located, would have 205,713 square feet. The required lot area in the District is 43,560 square feet.

Both Lot 1A and Lot 1B would have frontage on a 15-foot wide right of way, which has been in existence since well prior to the 1962 adoption of the Subdivision Control Law in Needham.

The ANR plan shows an 18-foot wide driveway easement, as suggested by Town Engineer Anthony DelGaizo, allowing fire trucks to enter the right of way from Chestnut Street, but exit onto Chestnut Street. It also shows a non-buildable Parcel A1, created in order to solve a "lot width" problem, described below.



LEGEND

IP(F) – IRON PIPE (FOUND)
SB/DH – STONE BOUND WITH DRILL HOLE
CBDH – CONCRETE BOUND DRILL HOLE

ASSESSOR'S REFERENCE:
MAP 204, LOT 6

DEED REFERENCE:
NORFOLK COUNTY REGISTRY OF DEEDS
Bk. 36038, Pg. 67

OWNER OF RECORD:
766 CHESTNUT STREET LLC
766 CHESTNUT STREET
NEEDHAM, MA 02492

ZONING CLASSIFICATION:
RURAL RESIDENCE – CONSERVATION
MIN. LOT SIZE = 43,560 S.F.
MIN. FRONTAGE = 150'

MIN. SETBACK REQUIREMENTS:
FRONT SET BACK = 50'
SIDE SETBACK = 25'
REAR SETBACK = 25'

PLAN REFERENCE :
NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 1823, PAGE 212
PLAN NO. 719 OF 1981, PLAN BOOK 290
STATE HIGHWAY LAYOUT No. 957 (DISCONTINUED)
PLAN NO. 53 OF 2008, PLAN BOOK 584
PLAN NO. 396 OF 1930 (BOOK 1890, PAGE 248)

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
NEEDHAM PLANNING BOARD:

DATE:

THIS ENDORSEMENT BY THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

THE PROPOSED 18 FOOT WIDE DRIVEWAY EASEMENT TO BE RECORDED WITH DEED FOR PARCEL A1 & A2 AND THE DEED FOR LOT 1A & 1B AND WITH THE DEED FOR LOT 2A.

THE PROPOSED 25 FOOT WIDE ACCESS AND UTILITY EASEMENT TO BE RECORDED WITH DEED FOR PARCEL A1 & A2 AND THE DEED FOR LOT 1A & 1B AND WITH THE DEED FOR LOT 2A.

AFTER THE RECORDING OF THIS PLAN AND THE CONVEYANCE OF ANY LOT, A ZONING VIOLATION REGARDING THE SIDE YARD SETBACK OF THE EXISTING GARAGE ON LOT 2A WILL OCCUR AND IS HEREBY DISCLOSED. THE GARAGE WAS CONSTRUCTED PRIOR TO THE ADOPTION OF SECTION 4.2.9 AND MAY BE PROTECTED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTIONS 6 AND 7.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

COMMONWEALTH OF MASSACHUSETTS JOYCE E. HASTINGS NO. 39393 REGISTERED PROFESSIONAL LAND SURVEYOR

JOYCE E. HASTINGS, P.L.S. 12/27/19
DATE

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

PLAN OF LAND
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
SCALE: 1"=40' DECEMBER 18, 2019

PREPARED FOR:
766 CHESTNUT STREET LLC
766 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

PREPARED BY:
GLM Engineering Consultants, Inc.
19 EXCHANGE STREET
HOLLISTON, MA 01746
P: 508-429-1100 F: 508-429-7160
www.GLMengineering.com

JOB #: 16327 ANR

27,299

TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

Theodora K. Eaton
Town Clerk
1471 Highland Avenue
Needham, MA 02492

March 19, 2020

RE: ANR Plan – 766 Chestnut Street, Needham, MA

Dear Ms. Eaton:

At its March 19, 2020 meeting, the Planning Board voted to accept the applicant's request to extend the action deadline for the Approval Not Required Plan, (application filed with your office on January 28, 2020) from March 24, 2020 to May 31, 2020.

A copy of the applicant's request as outlined in a letter from Robert T. Smart, Jr. to Lee Newman and dated March 12, 2020 is attached to this memo.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD
Lee Newman A.C.

Lee Newman
Director of Planning and Community Development

cc: Robert T. Smart, Jr.

ROBERT T. SMART, JR., ESQ.
ATTORNEY AT LAW
399 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242
E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

E-Mail and Mail
March 12, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: 766 Chestnut Street, Needham

Dear Members of the Board:

It is requested that this matter, currently scheduled for discussion on March 17, 2020, be postponed to the Board's first meeting in May after Town Meeting.

The applicant hereby agrees to extend the action deadline on the ANR application to May 31, 2020.

Please confirm the extension.

Very truly yours,

RTS

Robert T. Smart, Jr.

Cc: Koby Kempel

George Giunta, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland
TELEPHONE (781) 449-4520 FAX (781) 449-8475

April 28, 2020

Lee Newman
Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

VIA EMAIL: LNewman@needhamma.gov

Re: Definitive Subdivision Application
Elisabeth Schmidt-Scheuber
390 Grove Street

Dear Lee,

Pursuant to our telephone conversation last week, due to the ongoing Covid-19 state of emergency, and in recognition of the Board's desire to have continued active public participation in the hearing, please accept this letter as a request to further continue the hearing on the Definitive Subdivision Application for 390 Grove Street until June 30 or the next earliest meeting of the Board.

While it is my understanding that action deadlines have been told pursuant to the relevant order of the Governor, to the extent necessary, in connection with the foregoing request, please also extend the applicable action deadline until July 30, 2020.

Sincerely,

George Giunta, Jr

February 18, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, February 18, 2020, at 7:00 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs informed the public there is a request to continue or postpone the ANR Plan for 766 Chestnut Street until the 3/17/20 meeting. If this agenda item is postponed, Mr. Jacobs will take an update on the Children's Hospital Citizens Petition.

Public Hearing:

7:05 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). ***Please note: this hearing has been continued from the February 4, 2020 meeting of the Planning Board.***

Mr. Jacobs noted the following additional materials for the record: a letter, dated 2/11/20, from Domenic Colasacco in opposition; a letter, dated 2/11/20, from James Curley in opposition; a letter, dated 2/11/20, from David Kelley, Senior Project Manager for Meridian Associates, attaching revised subdivision plans for the site and describing the vision; Planning Board comments from the last meeting; a 2/14/20 email from Domenic Colasacco and a letter dated today from Marsha Salette in opposition.

George Giunta Jr., representative for the applicant, reviewed the changes made to the plans due to comments from Engineering and comments from the last meeting. For the Engineering comments, the plan was revised to show the culvert under the driveway which are on Sheets 5 and 6. Also, the subsurface filtration basin was redrawn to be the size in the drainage calculations. A note was added at the Town Engineers' request regarding overflow into the town system.

Mr. Giunta Jr. noted the changes made due to the Planning Board comments included a change to Lot 2 to carve off a piece in the back (Parcel B), and an existing tree on the property line. A note was added that the tree was to remain and be protected. A note was also added that the filtermitt is to be one foot off the property line. Over 2 acres are to be donated to the town for conservation land. He clarified the list of waivers and the reasons for the requests. He noted this project could be done as of right. Sidewalks have been consistently waived but there is room to put sidewalks all the way around. The plans are showing a 40-foot wide road with 24 feet of pavement, a 4-foot sidewalk on one side and a planting grass strip on the other side.

Mr. Giunta Jr. stated it was not logical to have 24 feet of pavement to one house. The applicant has proposed a more attractive subdivision with a lot less pavement. This could be done without waivers but it does not make sense. The owner is giving away over 2 acres of land to the town to help preserve the environment. He feels it is an appropriate design with minimal impact and he is asking the Board to approve the request. Mr. Eisenhut noted an issue was raised that the way be moved over. He asked if there was any consideration given to that. Mr. Giunta Jr. stated the road is 11 feet off the property line. The request was the road be moved an additional 10 feet. The lot is being squeezed on the other side and it makes a significant negative impact. The applicant would need to completely redesign the circle and push the swail more into the lot making it difficult to work in that lot. Mr. Eisenhut asked if it would be manageable to move it 2 to 3 feet. Mr. Giunta Jr. stated it may be able to be moved 2 feet but he is not sure of the benefit.

Ms. McKnight noted the movement of the filtermitt lacks a foot mark. She asked if the dotted line near the rear of proposed Lot 2 is a utility easement right of way. Mr. Giunta Jr. noted it is an easement. It may be a drainage or sewer easements. Ms. McKnight feels the plan should indicate what the easement is for and who holds it. It

seems incomplete and should be shown. Mr. Giunta Jr. believes it may be an old private easement. Mr. Alpert stated there needs to be clarification on that. Ms. McKnight noted one condition is significant trees over a caliper need to be noted and saved to the extent possible. There was a discussion of the feasibility of that with these 2 houses. Mr. Giunta Jr. stated typically that is not done due to the cost and it is not required. It is a significant effort and takes days or weeks. He would not recommend his client to do that. The trees are all marked on Sheet 5 and it has the trees to be removed. Ms. McKnight asked if any trees were marked for removal that could be saved. David Kelley, of Meridian Associates, noted there may be a couple that could be saved.

Ms. McKnight noted the letter from Mr. Colasacco requesting as few trees as possible be removed and the Board consider fire access to the rear lot. This has already been considered. The Fire Department reviewed and approved. She asked if there are any fire hydrants. Mr. Jacobs noted one fire hydrant is being proposed. Mr. Alpert stated he is concerned with the comments made by Mr. Curley regarding trees and the property line. He asked if a field survey was done and the property line delineated on the ground. Mr. Giunta Jr. noted this was done recently. Mr. Alpert asked Mr. Giunta Jr. if he would meet with Mr. Curley regarding the property line and the trees and he agreed. Mr. Kelley stated the trees along the property line will be saved and are depicted on the plan.

Mr. Alpert asked if there could be a condition that is agreeable to the abutter regarding a landscape plan that provides screening for the abutter. Mr. Eisenhut stated there will be language. Ms. Newman stated the Board will require landscaping along the property line and that the requested plan be received before the subdivision to create a dialogue that would be satisfactory to all. It should be reflected in the decision. Ms. McKnight does not want to see rows of arborvitae. She would like some trees and plantings and some space for snow.

Mr. Alpert asked if the applicant has spoke to the Conservation Commission as to what they would like with Parcel B. Mr. Giunta Jr. noted either a deed or a restriction would be fine with the Conservation Commission. Ms. Newman noted a deed would be best. Mr. Owens stated there are benefits of all waivers. Parcel B is not buildable so there is no value of that piece. All the waivers are done to improve aesthetics and the environmental impact of the subdivision. He asked if there is no benefit to the current property owner. Mr. Giunta Jr. noted there is some benefit. The reduction of infrastructure costs is not significant but there is a benefit of reduced pavement.

Mr. Owens feels there is an attempt to disguise a road as a driveway. He is not swayed by the argument. Mr. Giunta Jr. has said the Board has made so many waivers as to be irresponsible and they have no meaning any longer. He disagrees with that. He would do away with 2 house lots. He does not think this is a good idea and would not vote in favor of the waivers. This is not beneficial to the town and is not aesthetically attractive to the abutters. Only 2 homeowners would benefit. Ms. McKnight noted the letter from Ms. Salette describes the easement as a gas easement.

Mr. Jacobs commented he heard what Mr. Owens said but he disagrees. If Mr. Giunta Jr. is correct this could be done as of right with a wider drive and a larger circle at the end. What is being shown is preferable. He has concerns with the landscaping to the north and south borders of the property. He would be in favor of moving the access drive 2 feet to the south with a slight jog to the right. That could save a couple of trees. He suggested the applicant think about that. All are in favor of reducing impermeability. He asked to what extent could the drive be made out of permeable material. Mr. Giunta Jr. noted there are sections of the drive that are permeable around the circle but not the rest. Engineering prefers not to see permeable pavers for the main drive.

Ms. McKnight stated she likes the suggestion of moving the drive to the south. She would like the drainage system explained and how it goes. Mr. Kelley state the road is super elevated to the south with a vertical granite curb with the water flowing westerly to the gutter to a double catch basin to a drain manhole to the large subsurface system.

James Curley, of 380 Grove Street and a direct abutter, stated he measured the street. If you take the proposed 8 foot buffer and add 4.5 feet of sidewalk and 3 feet of grass buffer after that you are at 7.5 feet. They have 4 feet

of tree that would block the sidewalk and that tree cannot be touched. He asked how the applicant could build the sidewalk. Mr. Jacobs noted that Mr. Giunta Jr. conceded that, as shown, Mr. Curley is probably right but the applicant can show it. Mr. Giunta Jr. stated essentially, and legally, because the Board has waived sidewalks so often to not do that now would be capricious.

Mr. Curley stated he is concerned with the placement of the road. The applicant has not shown an as of right plan. He does not want a road or driveway near his property line. He does not want the roots of the old trees dug up and disturbed. Mr. Jacobs noted the plan shows a single tree to be protected. Are there other trees on his property? Mr. Curley stated there were at least 3 or 4 with substantial root systems on his land. Mr. Kelley stated the impact to roots is minimal to none. Mr. Jacobs stated all efforts should be made to protect the trees. Mr. Curley stated one lot is entirely in the woods and would be clear cut. He is concerned with his privacy. Domenic Colasacco, a direct abutter on the south side, agrees with Mr. Owens remarks. He wants to reiterate the entire rear part of the property is tall mature trees. A house cannot be built without taking down trees and they will want a yard also. It would be an environmental detriment to the wetlands. The land being given is entirely wetlands and protected. He has been planting trees for 20 years on his property. He would not like to see the property next door clear cut. He feels the entire request is about money. It is far less to build a driveway than a road. This also increases the size of the lots and the value.

Mr. Giunta Jr. stated the buffer zone is halfway into the rear lot. There would be some cutting for the house and yard but there would be no clear cutting. Mr. Kelley stated the 20-foot buffer around the house would not be cut. Mr. Alpert discussed the Conservation Commission rules and regulations. He noted if this is mature growth the applicant would not be allowed to cut in the 50-foot buffer. Mr. Giunta Jr. stated there is no plan to cut within the 100-foot buffer. There is plenty of room to stay outside the buffer. There is a total 3,500 square foot footprint and yard outside with plenty of room. Mr. Colasacco stated the 3,500 square foot footprint is the foundation. He feels it would be cut. He understands there would be certain restrictions but providing the waivers to make the road into a driveway would make all this possible.

Ms. McKnight suggested there be a condition that no trees would be disturbed outside of the tree line shown on the plan. Mr. Colasacco stated the Board may put in a condition but he is concerned trees on his property may be cut. If the Board allows waivers the second house will be built. This should continue to be the single family lot it has been for 100 years. Mr. Alpert stated there is nothing right now to prevent the owner of the lot from tearing down the house, putting in a 7,500 square foot house, cutting down all the trees and putting a driveway to the back. This is always in the back of his mind. He feels the waivers, and putting in conditions, is the better alternative. It is basically a driveway as it is only going to one house. He is concerned with what they could do as of right without coming to the Board.

Mr. Colasacco stated the owner could not put 2 houses there. He is concerned with his privacy. He believes this is a good lot for one house in the front. Nicholas Kourtis, representative for the Badavas', agrees with all the comments. Grove Street is a beautiful street. The screening is a good concept but a low grade alternative. Two story houses would change the nature of the area. People deserve better than that and deserve some consideration in this single family area. The Planning Board should protect the rights they pay for. Mr. Jacobs reviewed the changes that had been talked about – moving the entrance "way" driveway paving 2 feet to the south; investigating a little jog in the road to the rear of the first house to save existing trees; landscape plan working with Mr. Curley and other abutters on the north and south; label the easement and saving trees outside the building envelope.

Mr. Alpert asked what the Planning Board could do if the applicant violates the tree restriction. Ms. Newman stated they would be called in and the Board would find a way to mitigate. Mr. Eisenhut noted it could be recorded as noncompliance. Mr. Alpert stated, subject to reasonability, the Board could hold up the decision if the discussion with the abutters is not done. Ms. McKnight commented the property line is labeled as the approximate property line. Mr. Kelley stated it is a true survey, stamped by a surveyor. He can remove the word "approximate." Ms. McKnight noted there is no tree line. Mr. Kelley will add the tree line to the plan. He could

have that done in 2 weeks. Ms. Newman stated she would need to get the plans back so she could prepare the decision.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to continue the hearing on 390 Grove Street to 3/17/20 at 8:30 p.m.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter from Attorney Robert Smart requesting to postpone until the 3/17/20 meeting and extend the action deadline to 3/24/20.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to extend the action deadline to 3/24/20 and postpone the meeting until the 3/17/20 meeting.

Report from Planning Director and Board members.

Tim Sullivan, representative for Children's Hospital, stated he has a Citizen's Petition to allow pediatric medical facility use and has also proposed a parking standard. The Board desired a special permit use. The expectation is before the public hearing he would submit information on the parking standard, then it would be sent to a peer reviewer. For traffic, he expects to submit a trip generation analysis to be reviewed by the Board. Then he would come in to amend the special permit and will have the traffic study. He wants to make sure all are on the same page.

Mr. Jacobs stated Ms. Newman met last Friday with Board members and Town Engineer Anthony DelGaizo, who has concerns regarding traffic at Third Avenue and Kendrick Street. There would need to be a substantial upgrade. They spoke about what the scope of work would be with Beta. Ms. Newman asked Beta to do a scope of work for a parking peer review and traffic analysis with use and trip generation. They are collecting new data as the other data is 5 years old. They are looking at the impact of development, what improvements would need to be done and the cost of those improvements. Mr. Jacobs stated Beta came up with a proposal. The second part has a significant cost. Children's Hospital would prefer not to do that now. What does the Board want to say at Town Meeting?

Mr. Sullivan stated Beta cannot do a traffic study on information they do not have. He feels this is the right level of analysis. Mr. Alpert is concerned where the Finance Committee will come down if they cannot get a traffic study. Mr. Eisenhut suggested it be explained at Town Meeting there is no special permit application but a zoning change and show the existing use and what the proposed would do. It is at the applicant's risk. Mr. Alpert is confident the traffic could be mitigated at the special permit level.

Ms. McKnight noted the concern was that questions would be asked about what traffic improvements would be needed. Normandy said they would pay for the Kendrick Street improvements. Mr. Jacobs noted that was an oral representation by someone that is no longer there. Mr. Alpert stated the town needs to spend $1.5 million to $2 million to fix the intersection. Someone has to spend it. He asked if it has anything to do with what Children's Hospital needs to do. It needs to be reconfigured. It could be said to Town Meeting that they could pass the zoning but it would not force a reconfiguration at Third Street and Kendrick Street.

Mr. Owens stated if Mr. Sullivan is willing to accept the risk that is fine. He is willing to let Children's Hospital accept the risk but he has no idea what will happen. Mr. Sullivan stated he is submitting a trip analysis. There is a traffic study they are comparing this use to. Mr. Alpert suggested Children's Hospital address the issue when they are making their presentation. Ms. Newman noted Task 3 needs to be modified a little. One question was

how much was general office as opposed to medical office. Mr. Jacobs stated, as guidance for the Planning Director, the parking evaluation is Task 1 and Task 3 needs to be reevaluated a little bit.

Determination of Proposed Use – Self Storage (Property located at 77 Charles River Street, Needham, MA.

Paul Ferreira, of Blue Hawk, stated he was here many months ago to see if they had an acceptable use. He came across a use application and came to get some guidance if the use is acceptable. He prepared an analysis and submitted it recently. He noted the project has not changed. He got an inquiry by a telecommunication carrier recently and configured it to be identical to the self storage because the use is similar but there is no parking definition in. He would like a determination that the portion of the project that is self storage would be a use allowed by special permit in this district. Self storage has not been a use enumerated in the By-Law.

Mr. Jacobs noted he was looking at (e), the last paragraph in Section 3.1 in the By-Law. The Planning Board could determine similar in kind and similar in use. What use allowed by special permit, in this use, are you comparing to? Greg Sampson, of Brown Rudnick LLP, noted (e), which is equipment rental services, and he would also compare it with the telecommunication use which is a passive use. The traffic impacts are benign. A parking garage is allowed by use and consumer services establishment is acceptable. Also, (i) wholesale distribution facilities.

Mr. Alpert stated the word "storage" was purposely removed in the Mixed Use 128 District. People said they did not want to see facilities like Gentle Giant. Mr. Sampson stated Watertown just approved storage use. The opponents were about aesthetics. When you look at uses traffic needs to be looked at closely. In Watertown the design and low passivity of the use was what passed it. He feels a self storage facility is similar in kind. Mr. Jacobs noted the following correspondence for the record: the minutes of 10/22/19; a memo from Ronald Ruth dated 2/15/19 and 10/17/01 minutes from the New England Business Center Sub Committee meeting. Mr. Alpert stated those are the minutes where the word "storage" was taken out. Mr. Jacobs also noted the Council of Economic Advisors (CEA) minutes of 12/5/18, CEA minutes from 5/1/19 and a letter received today from William Curtis from Cresett Group.

Mr. Eisenhut stated he appreciates the aesthetics of design but there are many reasons storage is not intended in this district. Mr. Sampson stated Mr. Curtis does not own any property in the Mixed Use 128 District. He has spoken with the abutters and received support. There are only 4 landowners in Block A. He has reached out to 40% of the landowners and all owners in Block A and could not make a deal. He is not sure why this use is not acceptable and similar. Mr. Ferreira stated he is not looking to get it approved as an as of right use.

Mr. Jacobs noted, speaking for himself, he likes this and thinks it would work but they need to find a way to make it fit in the By-Law. After a discussion Mr. Ferreira asked, in the Board's view, if they scrap storage and come forward with telecommunication would that be ok. Mr. Alpert stated that was an allowed use. Mr. Eisenhut stated storage use is not called out and he could not get past that. Mr. Ferreira commented he is relying more on similar in impact. He feels it is hard to believe anyone would say telecommunication is similar in impact to self-storage. Mr. Alpert noted storage was deliberately taken out and it is hard to get past that. He likes the design and wishes it could work.

Mr. Ferreira asked if going to Town Meeting with a Citizen's Petition is a potential option and was informed it was. He asked if the Board would support a zoning change. Mr. Jacobs stated if the details are there the Board would support it. What would the zoning change be? Would they be adding storage or specifically self-storage? He stated there would have to be meetings and the applicant would have to make a request to the Board in some form that they adopt as the Planning Board Article at the next Town Meeting. That would start the process. He feels there should be discussion about retail on the first floor.

Ms. McKnight stated, in her view, she does not feel any of the uses mentioned are similar in kind to self-storage. The argument is that storage was purposely taken out because no one intended that use. She does not feel anyone felt this use is appropriate. That is a use allowed by right in many areas of town but not this area. Mr. Jacobs

stated the applicant should submit the proposed zoning amendment language, then something in writing that convinces the Board it is a good idea and the aesthetic standards. This will be continued to the April 7 meeting.

Discussion of Highland Commercial 1 Zoning initiative.

Ms. Newman stated she wanted to have Mr. Owens in on this conversation. There was a discussion last week on next steps. The discussion regarded taking the current foundation, making the change that had been discussed and going with the traffic and fiscal impacts. She feels it would be important to have more conversation. Mr. Owens noted it was decided not to go forward in the Spring or Fall. He wants to make sure the Board keeps working on it and not put it aside. The Finance Committee was updated on the Planning Board's decision and emphasized they want a timely and complete traffic study.

Ms. McKnight asked if the Board knew what the state will be doing and, if so, will there be a presentation on it. Ms. Newman noted the Planning Board has the plans for that. She can have Town Engineer Anthony DelGaizo come in and inform the Board. Adam Block, of the Needham Heights Business Association, stated the Association has organized a community meeting with Town Manager Kate Fitzpatrick and the Mass Department of Transportation to update. They are on schedule to begin later this year. The community meeting will be Monday, March 23 at 7:00 p.m. at Powers Hall. Ms. McKnight noted there should be a presentation to tell what the state is going to do. Mr. Block will discuss with the Town Manager what materials are needed and what the presentation will be. Mr. Owens stated he would like to hear the state tell the Board what they are doing. Mr. Jacobs commented the state installed cameras on the town lights without approval.

Update on Economic Development Director.

Mr. Jacobs noted this was discussed at the last meeting. The position description needs to be finalized. Town Manager Fitzpatrick does not want this to be supervisory and wants to put it under her own purview. Mr. Alpert thinks it is the Town Managers' decision. The position does not work for the Planning Board but reports to the Council of Economic Advisors (CEA) and the CEA reports to the Select Board. Ms. Newman stated towns have both structures and she is fine either way. Ms. McKnight agrees. Her view is she feels it belongs in the Planning Department but if Ms. Newman is ok with it that is fine. Mr. Jacobs stated he has no strong objection for the Planning Board.

Appointment to Emery Grover Working Group.

Ms. Newman stated this is almost done but the working group wants Planning Board input. It is not a large time commitment. Mr. Alpert stated he cannot be the representative but would like to see the draft report. Ms. McKnight asked why not have the whole Board involved? She will be available if they want to follow up.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to accept the minutes of 10/28/19 and 12/3/19.

Ms. McKnight noted a change on the 10/22 minutes, 4th page under the 7:40 p.m. discussion, it should say "He asked if a special permit process is what they should embrace." On the 2nd page, under the 7:20 p.m. discussion, remove the sentence that says "He has about 6,000 square feet of retail in the area." On the 3rd page, 2nd paragraph, 3rd line, add "has" before "very few employees." On the 4th page, 2nd paragraph, it should say "a pilot agreement would be a condition of that," and 3rd paragraph, last line, it should say "7 spaces per thousand square feet."

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

VOTED: to accept the minutes of 10/22/19 with the changes discussed.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 6, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, March 6, 2020, at 8:32 a.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

ANR Plan – Rami Assaad and Rania Assaad, 348 West Street, Needham, MA, Petitioner (Property located at 348 West Street, Needham, MA).

Evans Huber, Counsel for the applicant, stated his clients own 2 pieces of property. The small unimproved lot is 10,000 square feet. The larger lot is ell shaped and has an existing 2 family house. This application will reconfigure the lots so a section behind the smaller lot becomes part of the larger lot. The effect will be the now smaller lot would become larger and be better suited to building a house. This would allow the house to be set further back from the street. Both lots are conforming to size requirements. He noted the exiting house and garage are staying.

Mr. Jacobs clarified there is a note on the plan that says the endorsement is not a determination as to conformance with zoning regulations. He noted the following correspondence for the record: a letter, dated 1/3/20, from Town Counsel David Tobin regarding 12 & 18 Brookside Road and a letter, dated 2/28/20, from Town Counsel David Tobin regarding this property. Both letters say ANR endorsement is appropriate. He commented the front porch is within the 14 foot setback of the side lot line and he added comments. Mr. Alpert noted, for full disclosure, he represented the prior owner of this property. The existing house is pre-existing, nonconforming due to its 2 family status. Town Counsel Tobin's letter concludes that the ANR does not affect the pre-existing, nonconformity.

Ms. McKnight stated she is concerned that if the pre-existing, nonconformity is preserved the owner could go to the Zoning Board of Appeals (ZBA) with a proposal for reconstruction of the 2 family house. Could there be a condition? Mr. Alpert noted that, if an application were made, the ZBA needs to find the proposed 2 family is not more detrimental and the Planning Board would have input. Mr. Eisenhut stated he would defer to Town Counsel. Attorney Huber stated he understands the concern but Town Counsel has made his determination and the applicant has no further plans.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to accept the application for the Approval Not Required plan.

Minutes

Mr. Jacobs noted there were 3 sets of draft minutes. If the members had any changes the changes should be passed to Ms. Clee.

Correspondence

Mr. Jacobs noted a copy of a letter from Planning Director Lee Newman to Assistant Town Manager Dave Davison regarding the Gift from Children's Hospital to the Town to cover the cost of a Parking and Trip Generation Evaluation for Children's Hospital, Founder's Park. Ms. Newman stated she has the check and has contacted BETA. They have begun a peer review traffic study. Technically she is waiting the Town's acceptance of the gift, which will be approved next Tuesday.

Ms. Newman stated she attended a meeting with Town Manager Kate Fitzpatrick, and the attorneys representing the Town, who recommended the Planning Board include a condition that links the Special Permit to the Terms of the Pilot Agreement. They feel it is important to run with the land and be perpetual in nature with a 30 year time line. That is the goal and the Town Manager wanted to know if the Planning Board is ok with that. Mr. Jacobs asked if Children's Hospital is aware offooter that condition. Ms. Newman stated Children's is not aware of the details. They understand what is trying to be accomplished but there has not been a meeting yet. All members of the Board are in favor that this should be a condition of the permit. Ms. McKnight stated she would like another means to have at least a 30 year enforcement in case there is an issue with that. Mr. Eisenhut noted it should be 30 years or as may be extended. All agree. Mr. Jacobs noted a memo to Rachel Glisper, Director of Human Resources for Needham, from Town Manager Kate Fitzpatrick, regarding the Economic Development Manager posting.

Mr. Jacobs noted a copy of the proposed ADU-ZBA Special Permit Application. Ms. Newman stated Daphne Collins is working with Building Inspector David Roche to get all the information up front, specifically how the relationship issue has been handled. She would like the Board members to review and give her any comments by next week. Mr. Jacobs noted a copy of the By-Laws as approved by the Attorney General.

Report from Planning Director and Board members.

Ms. Newman stated she met with Jeff Friedman, of the Farmer's Market. He would like to expand the Farmer's Market onto the common and increase the number of vendors by four. This would be an amendment to the permit. They also want to do some unloading on Highland Avenue and start unloading an hour earlier. She asked if this would be a deminimus change or a full amendment. She feels it could be deminimus. The DPW is reviewing the off loading. Mr. Jacobs stated the applicant would need to negotiate the additional space with the Town. Ms. Newman noted it is being done concurrently. There needs to be a new agreement with the Town and the Special Permit needs to be changed. This is only being done for one year, then the common will be renovated and the market will be displaced. The Board members had no issue with this as a deminimus change.

Adam Block stated loading and unloading on the common could have a detrimental effect on the landscape. He asked if there is a responsibility on the part of the applicant to preserve and if they do not that they would be financially responsible to the Town. Mr. Jacobs stated that would have to be negotiated with the Town in their agreement with the Selectboard but he expects the Town will have that as a condition in their agreement. Ms. Newman stated there have already been some conversations held regarding where the tables would be and the customers would be on the walkways. Mr. Eisenhut noted the application is incorporated into the Special Permit.

Ms. Newman noted NBC has offered tours of the facility. She asked if any members would be interested. Ms. McKnight and Mr. Jacobs would like to tour the facility. Mornings are best for all members. Ms. Clee will schedule a date and time and notify the Board members.

Ms. McKnight noted an article in the Needham Times regarding the train quiet zone. There is a group of people, led by Carlos Rodriguez and his wife, Sara, who began a website to encourage people to get in touch with the Selectboard members and their state representative. This was on the Selectboard agenda and basically it was ended. She noted there are 2 ways to improve this – median barriers which the Selectmen vetoed. The other way is 4 way gates which is more costly. The cost was $1.3 million when it was discussed previously. The Selectmen have closed the door. She is receiving a lot of calls and there is a lot of upset in the town. She would like to know what the Board members feelings are on this. She feels this is a health issue for a lot of people as they cannot sleep through the horns that blast first thing in the morning and very late at night. She is surprised by the Selectboard's resistance and wants guidance from the Planning Board.

Mr. Eisenhut stated the hope is to connect the Rail Trail to the Newton line using the right of way as a pedestrian and cycle path. The train from Needham Heights through Needham Center would have to be discontinued. This is in the back of the Selectmen's minds. Mr. Alpert stated the intersections at Oak Street and Great Plain Avenue are very loud. Ms. McKnight noted the article has information from the MBTA who say they have no plans. Mr.

Jacobs stated the Planning Board is already on record as being in favor of pursuing the quiet zone. Guidelines for doing this are already in place. There is a question of doing it. Chances of it happening are slim in his view.

Mr. Block stated he met with Mr. Rodriguez and others who are strong advocates to form and implement a movement. They feel they have been aggrieved by the process. It would make sense to do an updated study. He attended the Selectboard meeting. There was a discussion and then a vote to take no action. It may be a misperception on the part of the group that the Selectboard voted to kill the issue in finality. Ms. McKnight noted Town Manager Kate Fitzpatrick informed her the Selectboard voted to take no action. Mr. Block thought it was to take no action at this time. The residents feel particularly aggrieved and are not getting any satisfaction from the town. Mr. Jacobs stated the question is, as a Board, do they want to take a position? He asked if there is time to get this on the 3/17 or 4/7 agenda to discuss. It will be put on the 4/7/20 agenda for discussion. Mr. Block will reach out to Mr. Rodriguez. Ms. Newman will also reach out and plan it.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:15 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk