## NEEDHAM PLANNING BOARD Tuesday, October 19, 2021 7:15 p.m.

### **Virtual Meeting using Zoom**

Meeting ID: 826-5899-3198 (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 <a href="www.zoom.us">www.zoom.us</a>. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 826-5899-3198

To view and participate in this virtual meeting on your computer, at the above date and time, go to <a href="https://www.zoom.us">www.zoom.us</a> click "Join a Meeting" and enter the following ID: 826-5899-3198

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 826-5899-3198

Direct Link to meeting: <a href="https://us02web.zoom.us/s/82658993198">https://us02web.zoom.us/s/82658993198</a>

- 1. Appointment:
  - 7:15 p.m. Discussion of Needham Housing Authority Modernization and Redevelopment Initiative.
- 2. De Minimus Change: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts). Regarding staffing at the Jack Cogswell Building.
- 3. De Minimus Change: Major Project Site Plan Special Permit No. 2016-01: 57 Dedham Ave LLC, 471 Hunnewell Street, Needham, MA, Petitioner. (Property located at 15 & 17 Oak Street, Needham, Massachusetts). Regarding proposed changes to the approved plan.
- 4. Public Hearing:
  - 7:45 p.m.

Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner. (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC). Please note: this hearing was continued from the June 14, 2021, July 20, 2021, August 17, 2021, September 8, 2021 and October 5, 2021 meetings of the Planning Board.

- 5. Request to Authorize Director to authorize Occupancy Permit or Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2018-04: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 707 Highland Avenue and 257 Webster Street, Needham, Massachusetts), regarding replacement of Fire Station 2.
- 6. Discussion of Warrant Articles for October 2021 Special Town Meeting.
- 7. Minutes.
- 8. Correspondence.
- 9. Report from Planning Director and Board members.

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



28 Captain Robert Cook Drive, Needham, Massachusetts 02494 (781) 444-3011 • Fax (781) 444-1089 • Chair@NeedhamHousing.org

## Briefing Packet NHA Modernization & Redevelopment Initiative (MRI)

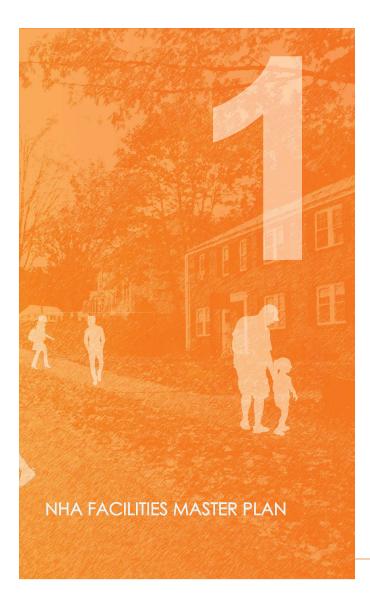
Needham Planning Board October 22, 2021 Meeting

### **Contents**

- 1. Background: Executive Summary 2019 NHA Facilities Master Plan
- 2. Summary of Projects under Consideration
- 3. Selection of MRI Consultant Team
- 4. MRI Phase 1: Key Deliverables
- 5. Introduction: Cambridge Housing Authority

### 1. BACKGROUND: EXECUTIVE SUMMARY – 2019 NHA FACILITIES MASTER PLAN

(Download a copy of the FMP: https://www.needhamhousing.org/modernization-redevelopment-2/)



### EXECUTIVE SUMMARY AND GUIDE TO THIS FACILITIES MASTER PLAN

This Facilities Master Plan identifies the Needham Housing Authority's (NHA) current facility maintenance, improvement and modernization needs. It also explores options for the replacement of some of the NHA's older properties, and assesses new development opportunities on land already owned by the NHA.

The master planning process included a series of public meetings to insure that a diverse range of viewpoints are reflected in the information provided and the recommendations made. NHA staff, residents and external reviewers all contributed significantly to the preparation efforts. The NHA Board approved the final draft of this Facilities Master Plan on February 21, 2019.

### WHY IS A MASTER PLAN NEEDED?

The NHA manages 160 units of state subsidized housing and 176 units of federally subsidized housing occupying over 42 acres of land in Needham. The 336 NHA housing units are distributed among 115 structures that range from single family residences to multi-unit apartment buildings, with two additional buildings used for community services and maintenance. The vast majority of the NHA buildings are quite old:

- 60 buildings are more than 70 years old
- · 25 buildings are more than 57 years old
- 10 buildings are more than 37 years old
- · 20 buildings are more than 11 years old

Few of the structures meet contemporary standards for accessibility, sustainability or resident amenities, and most need significant capital funds for improvements and modernization. The 6 Captain Robert Cook Drive buildings have major defects in their exterior wall construction requiring over \$1,100,000 in immediate repairs if the major water infiltration problems experienced at Seabeds Way – and now repaired – are to be avoided.

Additionally, since 2003 the Town of Needham has articulated a goal of redeveloping the Linden Street and Chambers Street properties, perhaps the most prominent of the NHA's dated facilities. The shortage of affordable housing in Needham for seniors has also received attention in the press and the community. All of these needs and conditions take place in a broader local and regional context where there is a severe shortage of affordable housing, especially for low income and very low income residents. This Facilities Master Plan is intended to provide a direction forward on addressing these very real challenges.

### NHA Modernization & Redevelopment Initiative Briefing Packet 10/22/2021 Planning Board Meeting

### **EXECUTIVE SUMMARY**

Prior to this report the NHA has never had a comprehensive inventory of its buildings, nor an assessment of their needs for their repair, improvement and modernization, urgent or otherwise. It has not had a vision for how to create new development or replace existing buildings to meet the needs of the community. This Master Plan is intended to address these issues, paving the way for intelligent planning and decision-making in the months and years ahead.

There is tremendous competition for funding for low income affordable housing modernization and new construction. This Master Plan provides an inventory of possible funding sources that could be applied to its facility improvement and development needs, and identifies which sources could be used for which purposes. This information will help the NHA establish priorities and assess which funding sources are most achievable so that urgent facilities needs can be mapped to funding realities.

The Master Plan identifies several promising and feasible modernization projects in the pages that follow, using Department of Housing and Urban Development (HUD) Rental Assistance Demonstration Program (RAD) funds:

- 1. Exterior envelope replacement at the six Capt. Robert Cook buildings as recommended by envelope consultants Russo Barr Associates.
- Major Modernization of Seabeds Way and Capt. Robert Cook Drive buildings and site incorporating recommendations outlined in Section 5 of this master plan.

The Master Plan identifies several promising and feasible projects with respect to new construction and replacement of existing building across the NHA's 42 acres of property:

- A new 61 unit senior apartment building at the Seabeds/Captain Robert Cook site, as outlined in Section 6, is possible given the higher income residents anticipated, but will require significant efforts for planning and applications.
- 2. Continued replacement of High Rock single family homes with duplexes is also possible, again requiring significant planning and application efforts.

The Master Plan identifies two highly desirable projects with respect to the NHA's State properties: (Unfortunately, funding for these projects is not readily identifiable at this time.)

 Major Modernization of the Linden Street and Chambers Street buildings and sites incorporating the recommendations in Section 5, or 2. The redevelopment of the Linden Street and Chambers Street sites as described in Section 6

Funding major modernization and redevelopment projects is very challenging. The availability of funding depends in part on whether the developments are State or Federal, and on the income levels of residents. Given the age and condition of its buildings and the growing need for affordable housing in Needham this report recommends that the NHA build the case for modernization as outlined in Section 5, or new construction/replacement as outlined in Section 6 of this master plan, in order to fulfill its mission as successfully as possible.

The Findings and Recommendations of this Master Plan (Section 9) lay out a number of key areas for the Board and executive staff to consider:

- Funding programs change; the NHA should monitor programs that may emerge and have priorities and plans in place to take advantage of them.
- Staffing and Governance changes will be required if the NHA pursues funding for major projects.
- Public and Regulatory Engagement is important if plans and applications are to be approved and funded.
- Preserving and Broadening the NHA's Knowledge Base will put the Authority in a
  position to plan more successfully, and secure the necessary funding.
- Planning Initiatives that include staff and consultants can clarify goals and opportunities that will form the basis for funding applications

### **GUIDE TO THIS REPORT**

The following is an annotated guide to the remaining sections of this report outlining the key content elements.

### Section 2: Background for This Report

To meet current the needs of current NHA residents and keep facilities in good repair, to significantly improve the character and quality of its housing, and to add affordable housing to its portfolio, it is helpful to understand the local and regional economic, social and physical context for the NHA's mission and the recommendations in this report. This

### NHA Modernization & Redevelopment Initiative Briefing Packet 10/22/2021 Planning Board Meeting

Section provides background information that will be helpful in evaluating the costs and benefits of options that the NHA can pursue.

### **Section 3: Description of Existing Developments**

Any repairs beyond the most minimal benefit from existing conditions site plans and plans. More comprehensive improvements that require an architect or engineer's input need scaled plans to begin the design effort. This Section includes a profile for each existing development. It also includes site plans and floor plans for the entire NHA portfolio prepared by Abacus based on original paper drawings. The accompanying text provides factual, photographic and subjective evaluations of the buildings and sites suggesting shortcomings that warrant consideration. This information provides a context for considering small repairs and larger changes that may be desired. Plans have also been provided to the NHA in digital form.

### **Section 4: Routine Repairs and Improvement Options**

Buildings and sites require ongoing maintenance and repairs, and HUD and DHCD provide ongoing funding so that this work can take place. NHA personnel have provided a description of the work that has recently been done and urgent repairs which need to be done in the foreseeable future. This Section documents this information to broaden the understanding of required work, provides an institutional record if there are changes in personnel, and puts individual work items in the context of overall building and site plans. These listings provide a basis for setting priorities.

#### **Section 5: Major Modernization Options**

The work and money required to maintain buildings and sites often precludes looking at the broader kinds of improvements that would improve the character, durability and functionality of its development. This Section outlines more comprehensive scopes of work that can make substantive improvements in resident quality of life and the character of their communities. Recommendations grow out of existing conditions documentation in Section 3. Illustrations suggest the kind of improvements being recommended.

### **Section 6: New Development Options**

The NHA owns underutilized land that could support the development of new housing and associated community and resident services facilities. Site plans, three dimensional views and the accompanying narratives suggest the kind of development that could be integrated into the surrounding community while meeting the growing need for affordable housing. The work being proposed is designed to minimize the impact on NHA residents

and abutters, and enable NHA properties to meet contemporary standards

### **Section 7: Funding Sources**

Although the demand for affordable housing funding greatly outstrips resources available, there are opportunities for funding major modernizations and new development that will allow the NHA to expand the benefits it provides its residents, the Needham community, and the region. In this section, funding programs and resources are laid out with an outline of the challenges, risks and rewards associated with each of them, and makes suggestion on how funding sources can be combined to meet needs in a more ambitious way.

### Section 8: Cost Estimates and Pro Formas

Section 8 applies the currently available funding sources identified in the previous Section to the modernization and redevelopment projects which could be undertaken by the NHA. This Section examines the costs and financial structure of proposed new developments to provide a very preliminary outline of the costs and benefits associated with the work recommended in Sections 4, 5, and 6.

### Section 9: Findings and Recommendations

In this Section, the consultants recommend that the NHA incrementally move forward to pursue a series of possible projects with a variety of funding sources to avail themselves of a full range of opportunities to improve their portfolio. These projects are summarized in narrative form, and build off of the work laid out in previous sections.

This work will require the input of a number of professionals and a sustained outreach effort by the NHA board and staff, but offers very significant rewards. This section also outlines the government staffing and public engagement initiatives needed to move forward.

### Section 9: Table of Acronyms

Names of affordable housing agencies and programs are often abbreviated with acronyms that are familiar to those in the industry. Those referenced in this Master Plan are noted.

#### Section 10: Table of Reference Documents

This Section contains a list of all the reference documents which were reviewed during the creation of this Facilities Master Plan. These documents are on file in the Needham Housing Authority Office.

### 2. Summary of Projects under Consideration

### \* Important Notes:

- 1. Projects are as conceptualized in NHA 2019 Facilities Master Plan. Project scope, phasing, priority, estimated costs and potential funding sources will be refined during MRI Phase 1, and are likely to change.
- 2. Estimated costs **DO NOT REFLECT** recent pandemic-induced construction cost increases, and likely to be underestimates.
- 3. Funding estimates are based on Federal, State, Local and Private funding sources available in 2018-2019, and are being updated to reflect 2022-2025 potential sources.
- 4. Numbers do not reflect potential opportunities from Federal infrastructure legislation currently under consideration.

	Project	BEFORE	AFTER	TOTAL	Potential Fu	nding Sources*
Project*	Type*	# of Units*	# of Units*	EST. COST*	Non-Needham	Needham (CPA)
1. Seabeds/Cook	Modernize/	46 Sr./30 Family	46 Sr./30 Family	\$16.5m	\$16.18m	\$0.32m
	Preserve					
2. High Rock I	Redevelop	30 Family	60 Family	\$22.7m	\$21.95m	\$0.75m
3. High Rock II	Redevelop	30 Family	60 Family	\$23.0m	\$22.25m	\$0.75m
4. Linden/Chambers	Redevelop	152 Sr.	152 Sr.	\$47.2m	\$45.20m	\$2.00m
5. Seabeds/Cook	New	-	61 Sr.	\$21.2m	\$20.25m	\$0.95m
	TOTALS	198 Sr./90 Family 288 units	259 Sr./150 Family 409 units	\$130.6m	\$125.83m	\$4.77m

### 3. Selection of MRI Consultant Team

### **Chapter 30b Compliant Process**

- 1. **April 28, 2020** RFP Issued: "Consulting Services for Modernization & Redevelopment of NHA Properties"
- 2. May 28, 2021 --
  - 3 Proposals Received and are deemed to be high quality and responsive
  - Technical Proposals are opened and distributed
  - Proposal Selection Committee (PSC) Formed (board, staff, tenant, neighbor, Town)
- 3. June 1–18, 2018 Technical proposals evaluated & ranked; reference checks
- 4. June 18-22, 2021 -- Price Proposals are opened, evaluated and ranked.
- 5. **June 22**, **2021** -- PSC Recommendation to the NHA Board: The Cambridge Housing Authority proposal is *Most Advantageous for the NHA*, weighing both their technical and cost proposals. The PSC found that the CHA is:
  - A highly qualified bidder,
  - With substantial, highly relevant verifiable prior experience,
  - Capable of providing the entire scope-of-services in the RFP,
  - Has the highest likelihood of delivering a successful engagement, relative to the other two respondents, and
  - Has the lowest, most reasonable price that can be expected.
- 6. June 24, 2021 NHA Board unanimously awards the consulting engagement to the Cambridge Housing Authority

## 4. Modernization and Redevelopment Initiative Phase 1 Key Deliverables

July 2021 - March 2022

- 1. A statement of guiding redevelopment/repositioning goals and objectives for NHA and each NHA property.
- 2. Memo of Comments and Considerations from Review of 2019 Facilities Master Plan and NHA Income and Expense Analysis.
- 3. RAD, RAD Blend, Section 18, and Section 22 Feasibility Report and Recommendation.
- 4. Powerpoint presentation outlining CHA's findings and recommendations with respect to available funding programs for the redevelopment of the state-subsidized properties.
- 5. Depending upon recommendation, RAD, RAD Blended, Section 18 and Section 22 Application(s).
- 6. Proposed CPA Funding Options.
- 7. CPA Funding Application(s) for Submission by December 1, 2021.
- 8. Due diligence materials including title runs, appraisals, environmental, survey, market study (Costs of these to be paid directly by NHA or as a reimbursable to CHA).
- 9. RFP for Legal Services.
- 10. Recommendations for Further Study of Redevelopments Options for each Property.
- 11. Repositioning and Recapitalization Plan.

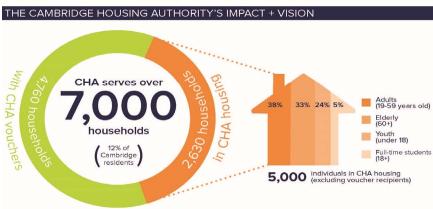
## 5. Introduction to The Cambridge Housing Authority Planning & Development Team



### **About Cambridge Housing Authority**







CHA is accredited by the Affordable Housing Accreditation Board

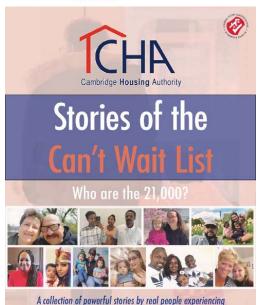


CHA has converted 96% of its federal public housing to project-based Section 8 either through RAD or Section 18, and 100% of its state public housing to either federal public housing or to project-based Section 8.

### Quick Facts:

- Nationally recognized and innovative housing authority; an original participant of HUD's Moving to Work (MTW) program
- Over 21,000 distinct applicants on its waiting list
- Manages approximately 3,000 units including over 2,600 formerly public housing units
- A staff of 220 with an annual operating budget over \$170 million





hardships and dwindling hopes from years spent on CHA

waiting lists to secure a home in one of the most in-demand

and expensive real estate markets in the country.

"Staying with family currently, but it may change very soon.
My great aunt owns this home, she is 96-years-old. It has
already been set in her will to sell the house upon her passing.
It is almost like a ticking time bomb waiting to go off. It's a
horrible feeling."

"Sleeping in a spare room at a friend's house. It's obviously not the ideal situation but rent is way too much in Mass."

"We rent and pay 80% of our income."

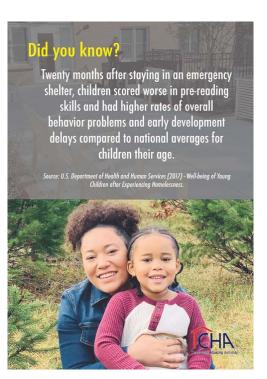
"Rent is more than I can afford. When COVID hit and school was out, I had to quit my job to do school with my kids. I am completely behind on bills and in danger of being homeless."

"I am paying more then 50% of my income to sleep on my sister's couch in the apartment that she rents."

"My freshman year of college was Fall 2020; I was a student living at UMass Boston. During COVID-19, the rates went up and my FASFA did not cover it. I lost my S.S.I. income when I began to work at Stop & Shop. I slept in a U-Hual storage, I rented for my dorm stuff. I could not afford rent prices in Cambridge without roommates. I was scammed by someone on Craigslist. He took my money but never gave me the key to the apartment. I had to go to a domestic violence shelter after I went to stay with my dad."

"I live in my son's friend's house who is helping us. We sleep in the living room on an airbed. We open it at night and close it during the day. I'm very grateful."









### **Planning and Development Department**

- CHA's Planning and Development Team consists of 25 people, including staff experienced in financial structuring, project management, project development, design and design review, energy and sustainability, and construction supervision.
- The Team is responsible for CHA's modernization and development activities, including the repositioning of public housing properties from state or federal public housing program to Section 8 Project-Based Vouchers, and the development of new affordable housing.
- Since 2010, CHA financed over \$590 Million to renovate or construct 2,053 units including 214 newly constructed family units (includes the \$255 Million of construction currently underway).
- CHA has used a variety of funding sources including ARRA, low-income housing tax credits, historic tax credits, State soft loans, CPA funds, tax exempt bonds, private debt and MTW funds.
- CHA has another \$565 Million of capital work in its pipeline which will include adding over 450 new units to CHA's portfolio while renovating an additional 529 units.
- Starting in 2019 CHA began to offer consulting services to other housing authorities interested in repositioning and developing new affordable housing. Clients include: Lewiston, ME, Medford, Brockton, Watertown, Belmont, Chicopee among others.





### **Key CHA Staff for NHA Engagement**



### Margaret Donnelly Moran, Principal for NHA Assignment, Director of Planning and Development

- Over thirty years experience working in public and affordable housing with much of it at the Cambridge Housing Authority.
- Provided consulting services to housing authorities and non-profits for twenty years including Needham, Wellesley, Fitchburg, New Haven, CT, New London, CT, Milford, CT and many others.
- Architect of CHA's repositioning and reinvestment strategy over the past fifteen years resulting in nearly \$1B investment in public housing in Cambridge since 2010.



### Nathalie Janson, Project Manager for NHA Assignment, CHA Senior Project Manager

- A graduate of the Harvard University's Graduate School of Design with over five years of experience working in affordable housing.
- Involved in all stages of development projects from pre-development through construction closing.
- Managed the development budges totaling \$167MM for CHA projects closing Winter 2019-2020
- CHA's Project Manager of its Medford Housing Authority engagement which recently secured a DHCD Public Housing Innovations grant.

Some of the rest of the CHA P&D Team







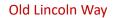






### Sample of our Work

A revitalization of a state public housing development











New Lincoln Way





## Revitalizing Senior Housing Units and Community Spaces



CHA has renovated almost 1,000 senior units in Cambridge since 2016. Improvements not only bring the buildings up to today's standards but also help seniors stay in place longer with greater accessibility in their units and potential access to services in their building. Perhaps the biggest transformation has been in the common areas -- we have created lots of different meeting and program spaces, and a welcoming, residential environment to help create community and a sense of home.















- Build high-quality, accessible senior housing
- Integrate the site's design into the surrounding neighborhood context and incorporate green design features.
- Optimize the number of affordable housing on site from 144 units to 238 units
- Create new affordable family housing, both in townhomes and in smaller accessible units in a mid-rise building
- Just received Phase 1 funding through DHCD's Public Housing Innovations Program





### **TOWN OF NEEDHAM**

2021 OCT -7 AN IO: 43 MASSACHUSETTS



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

PLANNING BOARD	APPLICATION FOR SITE PLAN REVIEW
Project Determination:	(circle one) Major Project Minor Project
his representative in acc	e completed, signed, and submitted with the filing fee by the applicant or cordance with the Planning Board's Rules as adopted under its jurisdiction nting Authority. Section 7.4 of the By-Laws.
Location of Property Name of Applicant Applicant's Address	1407 Central Avenue Town of Needham Select Board c/o Christopher H. Heep, Esq. Miyares and Harrington LLP, 40 Grove Street Wellesley, MA 02492
Phone Number	(617) 804-2422
Applicant is: Owner Agent/A	Tenant Attorney X Purchaser
Property Owner's Name Property Owner's Addre Telephone Number	
Characteristics of Prope	Present Use DPW Storage Facility Map 308 Parcel 2  Present Use DPW Storage Facility Zoning District Single Residence A
The Applicant red November 20, 20	or Site Plan Review under Section 7.4 of the Zoning By-Law: quests a minor modification of the Amendment Decision for this site dated 118, which authorized construction of the Jack Cogswell Building, to for DPW Staff to report to, and work from, the building.
Signature of Applicant (Address if not applicant Telephone # (617) 804-20 Owner's permission if o	: 40 Grove Street Suite 190, Wellesley MA 02482
SUMMARY OF PLAN	NNING BOARD ACTION
Received by Planning B Hearing Date Decision Required by Granted	Date Parties of Interest Notified of Public Hearing Decision/Notices of Decision sent
Denied Withdrawn	Fee Paid Fee Waived

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



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

September 30, 2021

### BY EMAIL (Inewman@needhamma.gov)

Town of Needham Planning Board 500 Dedham Avenue Needham, MA 02492

Re: <u>Jack Cogswell Building—1407 Central Avenue</u>
Request for Minor Modification of Major Site Plan Special Permit

Dear Planning Board Members:

On behalf of the Town of Needham Select Board (the "Applicant"), I hereby request an additional temporary minor modification of the Planning Board's Amendment Decision—Major Project Site Plan Special Permit dated November 20, 2018 (the "Decision"). This Amendment Decision authorized the construction and operation of the Jack Cogswell Building, the Department of Public Works' seasonal storage facility, on a portion of the 75.9 acre site located at 1407 Central Avenue.

The Planning Board amended the Decision on January 4, 2021 to temporarily allow approximately sixteen (16) DPW employees to work from the Jack Cogswell Building. This amendment was necessary because when the Jack Cogswell Building was originally permitted in 2018, it was understood that it would not be staffed on a regular basis, and the Decision included several findings of fact to that effect. Notwithstanding the original plans for the building, however, the COVID-19 pandemic forced the DPW to look for workspace beyond its headquarters at 470 Dedham Avenue for employees to report to at the beginning and end of each workday, and to work from during inclement weather. Accordingly, the Applicant sought the Planning Board's approval to allow DPW staff to work from the building during the state of emergency, and the Planning Board conditionally approved this request on January 4, 2021. The Planning Board's decision stated that this approval for staffing at the Jack Cogswell Building would automatically expire forty-five (45) days after the Governor lifted the COVID-19 state of emergency.

<sup>&</sup>lt;sup>1</sup> See Amendment Decision dated November 20, 2018 at Finding 1.5, Finding 1.8, Finding 1.14 and Finding 1.15.

Planning Board September 30, 2021 Page 2 of 2

The Applicant requests that the Planning Board issue an additional modification to allow current staffing levels at the Jack Cogswell Building to remain in place through April 30, 2022. Although the Governor has now lifted the state of emergency, the threat of COVID-19 remains ongoing. The DPW continues to need the Jack Cogswell Building as a base of operation in order to adequately space its staff and to provide for sufficient social distancing during the work day. The continued use of the building will allow for this, and it will not cause any negative impact to the site or to the surrounding neighborhood. As provided for in the Planning Board's January 2021 temporary approval, there is sufficient parking on site and the use of the building by DPW staff has been without incident or complaint since the onset of the COVID-19 pandemic.

Based on the foregoing, the Applicant hereby requests that the Planning Board grant an additional minor modification of the Amendment Decision for 1407 Central Avenue dated November 20, 2018 to allow for approximately sixteen (16) DPW staff to report to and/or work from the Jack Cogswell Building through April 30, 2022, subject to all of the same terms and conditions included in its prior January 4, 2021 approval.

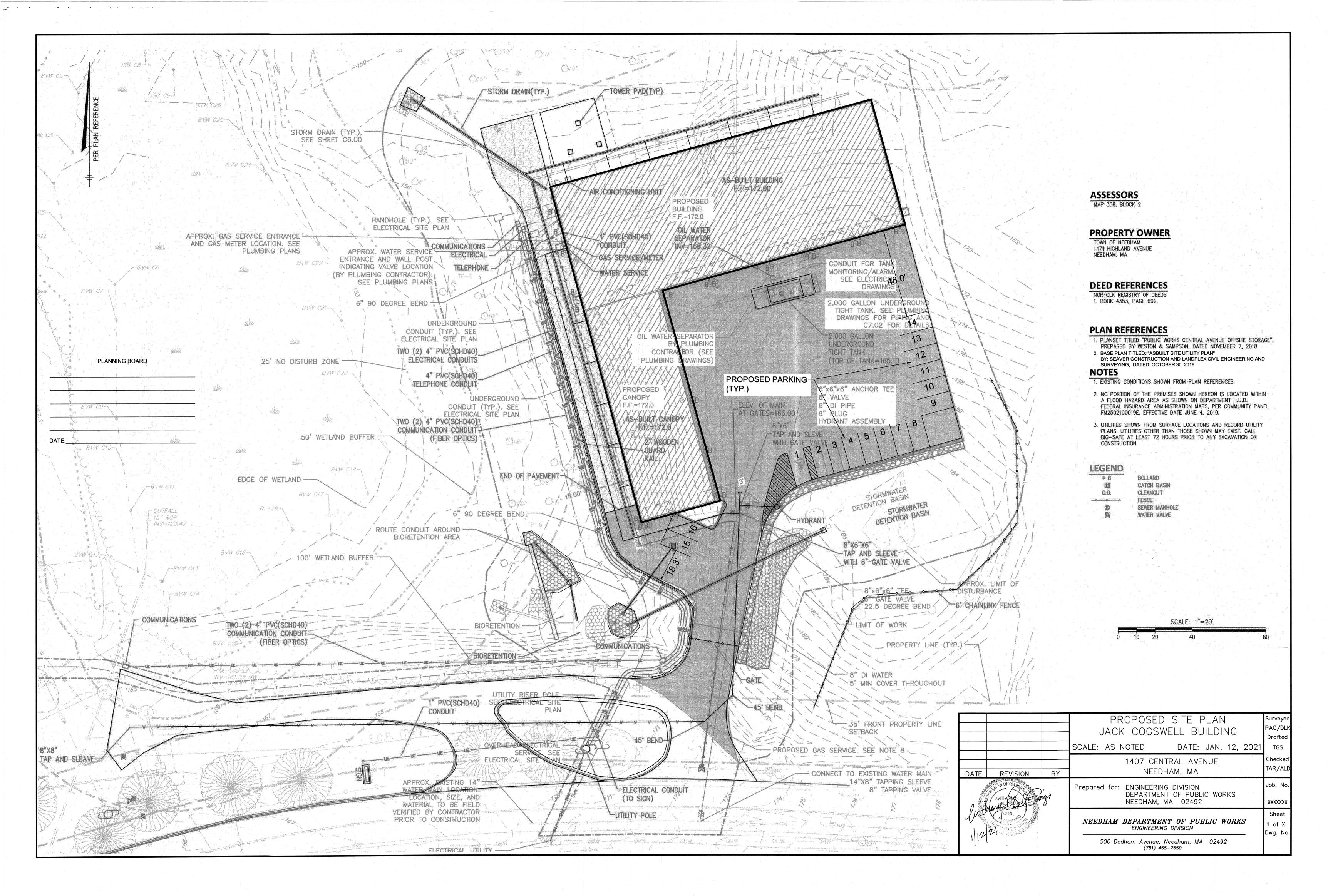
Sincerely,

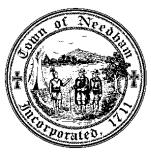
Christopher H. Heep

cc: K.

K. Fitzpatrick

C. Lustig





### PLANNING DIVISION Planning & Community Development

# DECISION MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT AMENDMENT October 19, 2021

Town of Needham Application No. 2013-02

(Original Decision April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021 and June 1, 2021, and Insignificant Change on September 15, 2020)

DECISION of the Planning Board (hereinafter referred to as the "Board") on the petition of the Town of Needham Select Board, 1471 Highland Avenue, Needham, Massachusetts, (hereinafter referred to as the "Petitioner") for property located at 1407 Central Avenue, Needham, MA. The property is shown on Assessors Plan No. 308 as Parcel 2 containing 75.9 acres in the Single Residence A Zoning District.

This Decision is in response to an application submitted to the Board on October 19, 2020, by the Petitioner. The requested Amendment would, if granted, allow Department of Public Works (DPW) staff at the Jack Cogswell Building to remain in place through April 30, 2022. The prior approval stated that staffing at the Jack Cogswell Building would automatically expire forty-five (45) days after the Governor lifted the COVID-19 state of emergency.

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 October 19, 2021 via remote meeting using Zoom ID 826-5899-3198. Board members Paul S. Alpert, Adam Block, Martin Jacobs, Jeanne S. McKnight, and Natasha Espada were present throughout the proceedings. Testimony and documentary evidence were presented, and the Board acted on the matter.

### **EVIDENCE**

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

- **Exhibit 1** Application form for Further Site Plan Review completed by the Applicant dated October 7, 2021.
- **Exhibit 2** Letter from, Christopher H. Heep, Attorney, Miyares Harrington, dated September 30, 2021.
- **Exhibit 3** Plan entitled "Proposed Site Plan Jack Cogswell Building", prepared by Engineering Division, Department of Public Works, Needham, MA, 02492, dated January 12, 2021.

### FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2013-02, dated April 2, 2013, amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021 and June 1, 2021, and Insignificant Change on September 15, 2020, were ratified and confirmed except as follows:

- 1.1 The Petitioner proposes to have the decision amended to allow Department of Public Works staff to temporarily report to and work from the Jack Cogswell building through April 30, 2022.
- 1.2 The Planning Board amended the Decision on January 4, 2021 to temporarily allow approximately sixteen (16) DPW employees to work from the Jack Cogswell Building. This amendment was necessary because when the Jack Cogswell Building was originally permitted in 2018, it was understood that it would not be staffed on a regular basis, and the Decision included several findings of fact to that effect. Notwithstanding the original plans for the building, however, the COVID-19 pandemic forced the DPW to look for workspace beyond its headquarters at 470 Dedham Avenue for employees to report to at the beginning and end of each workday, and to work from during inclement weather. Accordingly, the Petitioner sought the Planning Board's approval to allow DPW staff to work from the building during the state of emergency, and the Planning Board conditionally approved this request on January 4, 2021. The Planning Board's decision stated that this approval for staffing at the Jack Cogswell Building would automatically expire forty-five (45) days after the Governor lifted the COVID-19 state of emergency.
- 1.3 The Petitioner now requests that the Planning Board issue an additional modification to allow current staffing levels at the Jack Cogswell Building to remain in place through April 30, 2022. Although the Governor has now lifted the state of emergency, the threat of COVID-19 remains ongoing. The DPW continues to need the Jack Cogswell Building as a base of operation in order to adequately space its staff and to provide for sufficient social distancing during the work day. The continued use of the building will allow for this, and it will not cause any negative impact to the site or to the surrounding neighborhood. As provided for in the Planning Board's January 4, 2021 temporary approval of staffing levels, there is sufficient parking on site and the use of the building by DPW staff has been without incident or complaint since the onset of the COVID-19 pandemic.
- 1.4 The Petitioner has prepared a plan (Exhibit 3) showing the location of additional on-site parking. The Jack Cogswell Building has three (3) permanently approved parking spaces, as well as the additional 11 temporary spaces for the additional staffing during this interim period. To the extent that there is any parking demand beyond what can be accommodated in this area, DPW staff will temporarily use the available parking spaces located across Central Avenue at the Claxton Field House.
- 1.5 The Board hereby approves the modifications as described under Exhibits 1, 2 and 3 above.
- 1.6 The proposed changes are deemed minor in nature and do not require public notice or 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

<sup>&</sup>lt;sup>1</sup> <u>See</u> Amendment Decision dated November 20, 2018 at Finding 1.5, Finding 1.8, Finding 1.14 and Finding 1.15.

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.

- 2.0 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
  - a) No Plan Modifications required.

### CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2013-02, dated April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019 January 4, 2021 and June 1, 2021, and Insignificant Change on September 15, 2020, are ratified and confirmed except as modified herein.

- 3.1 The Board approved approximately 16 DPW employees temporarily reporting to the Jack Cogswell Building through April 30, 2022. Given that the DPW's core functions are based outdoors—including operations and maintenance of the public ways, fields, water and sewer facilities, etc.—these employees will then generally work at other locations (not within the building itself). At any given time, and mostly during inclement weather, one or more employees might be expected to work inside cleaning, prepping or making minor repairs to their equipment. While the above description is intended to be an accurate description of the DPW's needs as of the date of this writing, the Board recognizes that there is some need for flexibility as DPW responds to changing seasonal conditions.
- 3.2 Operation of the facility shall be as described under Exhibits 1, 2, and 3, and Sections 1.3, 1.4 and 1.5 above.
- 3.3 This Decision Amendment allowing DPW staff to report to and/or work from the Jack Cogswell Building during the COVID-19 state of emergency, as limited above shall automatically expire on April 30, 2022.

### **DECISION**

NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes 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	i October 2021.
NEEDHAM PLANNING BOARD	
Paul S. Alpert, Chair	
Adam Block	
Martin Jacobs	
Natasha Espada	
Jeanne S. McKnight	
COMMON	NWEALTH OF MASSACHUSETTS
Norfolk, ss	2021
Needham, Massachusetts, proved to	, 2021, before me, the undersigned notary public, personally, one of the members of the Planning Board of the Town of me through satisfactory evidence of identification, which was, to be the person whose name is signed on the cknowledged the foregoing to be the free act and deed of said Board
	Notary Public: My Commission Expires:
Copy sent to:     Town Clerk     Building Inspector     Director, PWD     Board of Health     Conservation Commission     Design Review Board     Board of Selectmen     Engineering     Fire Department     Police Department     Attorney Christopher Heep	

### TOWN OF NEEDHAM

MASSACHUSETTS





Room 20, Town Hall Needham, MA 02492 781-455-7526

### PLANNING BOARD

	APPLICATION I	FOR SITE PLAN 1	REVIEW	
Project Determination:	De Minimu	s Change		
This application must b his representative in acc as a Special Permit Gra	cordance with the Pla	unning Board's Rule	a the filing fee by the applicant or es as adopted under its jurisdiction Laws.	
Location of Property Name of Applicant Applicant's Address Phone Number	15-17 Oak Street, N 57 Dedham Ave, Ll 292 Reservoir Stree 781-760-7461	LC	2494	
Applicant is: Owner Agent/A	_X_ Attorney	TenantPurchaser		100.0
Property Owner's Name Property Owner's Addr Telephone Number:	ess:		· · · · · · · · · · · · · · · · · · ·	() ()
Characteristics of Prope		8,571 Sq Ft Parcel # 81 & 82	Present Use: Mixed Commercial / Residential Zoning District: Chestnut Street Business (CSB)	·'
Description of Project fo	or Site Plan Review	under Section 7.4 o	f the Zoning By-Law:	
construction pursuant to the I	Decision was substantially Although the error id incorrect location of the front for representative)	y completed, a survey encompleted, a survey encompleted for zoning lot line for the purposes	n, 2016-01, as amended. After tror was discovered relative to the purposes this de minimis application is of the Decision.  Trootol: MANGER	
Decision Required by Granted	Parties of Ir	Da terest Notified of P sision/Notices of De	ublic Hearingecision sent	
Denied Withdrawn NOTE: Reports on Mind	8		Fee Waived	

### George Giunta, Jr.

# ATTORNEY AT LAW\* 281 Chestnut Street Needham, MASSACHUSETTS 02492 \*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

October 5, 2021

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

Re: 57 Dedham Ave, LLC

15 & 17 Oak Street, Needham, MA

Major Project Site Plan Decision, SPMP 2016-01

De Minimis Modification Request

Dear Lee,

As you know, this office represents 57 Dedham Ave, LLC and its principal, Michael Tedoldi (hereinafter, the "Applicant") relative to the commercial properties numbered 15 and 17 Oak Street, Needham, MA (hereinafter, together, the "Premises"). Those properties are the subject of Major Project Site Plan Decision, SPMP 2016-01, as amended, which permitted the demolition of two prior existing buildings and the construction of one new building, containing both residential and commercial space, with associated parking and site improvements.

Following construction of the building and nearly all the improvements, an apparent error in the land survey was discovered, which led to an incorrect location of the front property line. Furthermore, in investigating that error, it was also discovered that the setback distances on the approved site plan were to the wall of the building, and not to the overhang. While the difference in front yard setback between what was approved and what was built is irrelevant for zoning purposes, further relief, in the nature of a de minimus change to the site plan is required to make the plans consistent with the as-built conditions. Therefore, submitted herewith please find the following:

- 1. Executed De Minimis Change application;
- 2. Plan entitled "As-Built of 15-17 Oak Street, Assessors Plat 47, Lots 81 & 82, Needham, Massachusetts", dated September 15, 2020, revised December 22, 2020, January 11, 2021, July 29, 2021, September 1, 2021, and September 28, 2021; and
- 3. Check no. 1704 in the amount of \$250 for the applicable fee.

In addition to correcting the location of the front property line, the plan submitted herewith also includes certain deviations from the approved plans, some of which were previously approved by the Board as de minimis changes when the Applicant requested permission for partial occupancy of the residential portion of the building. In as much as that approval was not issued in connection with any application for de minimis approval, same is included in this request to formalize such approval. The previously approved changes include the following:

- 1. Installation of transformer in alternate location, at the left property line;
- 2. Elimination of the walkway leading from Oak Street to the rear of the building;
- 3. Installation of new handicapped ramp and landing at rear entrance to building;
- 4. Reconfiguration of the surface parking area at the rear of the building, including elimination of one parking space; and
- 5. Installation of utility pole near left front corner of the property.

The following changes that are shown on the as-built plan were not previously approved, and Applicant requests de minimis approval relative thereto:

- 1. Reconfiguration and relocation of front landing and steps; and
- 2. Elimination of proposed handicapped ramp.

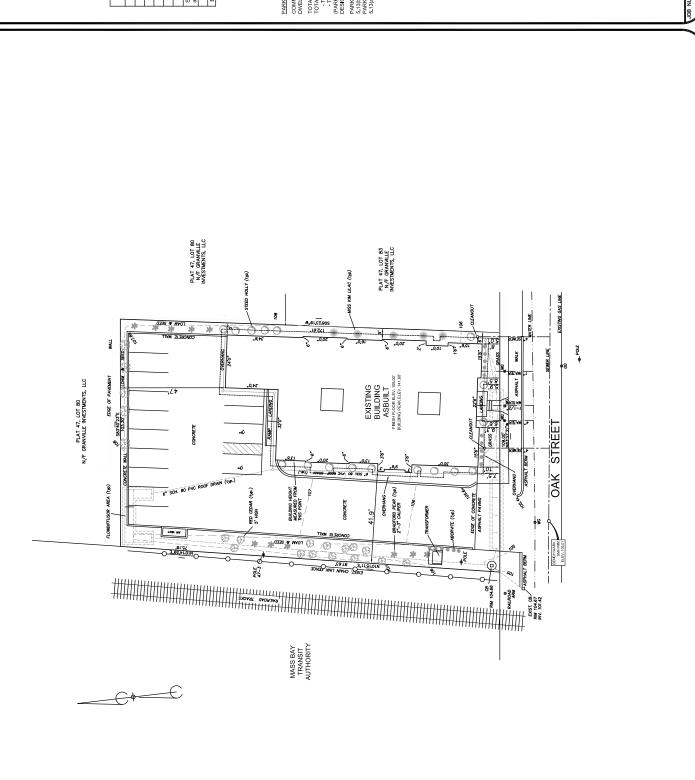
Please note, relative to the elimination of the proposed handicapped ramp in the front of the building, both that a ramp has been installed at the rear entrance, making same accessible, and that the Architectural Access Board has indicated (in email dated July 19, 2021, previously provided) that, provided directional signage is posted at the inaccessible front entrance, the lack of a ramp at that location will comply with 521 CMR relative to handicapped accessibility.

Please schedule this for a discussion at the next available meeting and let me know if you or the Board require anything further.

Sincerely,

George Giunta, Jr

Mu



**LEGEND** 

106 EXISTING CONTC

RED CEDAR 22 PLANTS TOTAL

BRADFORD PEAR 11 PLANTS TOTAL

STEED HOLLY 15 PLANTS TOTAL MISS KIM 5 PLANTS TOTAL ABORWTE
 FILANTS TOTAL

I HEREBY CERTIFY THE PLANTINGS HAVE BEEN INSTALLED AS PER PLANNING BOARD REQUIREMENTS. MARC N. NYBERG

CHESTIN	ZONING TABLE CHESTNUT STREET BUSINESS	LE BUSINESS	
PROVISION	REQUIRED	REQUIRED PROPOSED	EXISTING
LOT AREA	10,000 S.F	18,571 SF	18,571 SF
LOT FRONTAGE	80'	109'	109'
FAR	0.7	0.692	0.695
FRONT SETBACK	N/A	5.	10.5
REAR SETBACK	N/A	47.	47'
SIDE SETBACK (only adjacent to MBTA ROW)	10,	42'	41.9'
BUILDING HEIGHT	32.	34'	34,38
BUILDING STORIES	2.5	2.5	2.5

UILDING SI CO. ...

IMPERVIOUS AREA
PROPOSED IMPERVIOUS AREA; 4,525 SF (ROOF)
=8,771 SF TOTA. EXISTING IMPERVIOUS AREA: 14,525 SF - 5,754 SF (ROOF) =8,771 SF TOTAL

COMMERCIAL: 1 SPACE/200 SF - 7,048 SF/200 = 35.24 SPACES DWELLING UNITS: 1.5 SPACE/UNIT - 5 UNITS x 1.5 = 7.5 SPACES PARKING CALCULATIONS

TOTAL SPACES REQUIRED: 42.74

- TOTAL SPACES ABOTINGS 4.6 (2 HANDCAP)

- TOTAL SPACES ABONE GROUND: 4

- TOTAL SPACES PARKING GARAGE: 31

PARKING SPACE 1.2 IN THE PARKING GARAGE
DESIGNALTED AS EMPLOYEE PARKING GARAGE



501 Great Road Tel: (401) 762-2870 Unit 104 Fax: (401) 762-2871 North Smithfield, RI 02896 Web: InsiteEngineers.com

AS-BUILT

OF

15-17 OAK STREET

ASSESSOR'S PLAT A LOT'S 81 & 82

NEEDHAM, AM SACACHUSETTS

PREPARED FOR

7 DEDHAM AVE, LLC
POR SY 20208

NEEDHAM, MA 02.492

SCALE: 1" = 20 DATED: September, 15, 2020

REVISED: Develore 22, 2020

January 11, 2021

July 25, 2021

September 1, 2021

September 1, 2021

September 1, 2021

September 22, 2021

September 28, 2021

GRAPHIC SCALE

14-037

1 OF 1 SHEET NUMBER:



# TOWN OF NEEDHAM, MASSACHUSETTS PUBLIC WORKS DEPARTMENT 500 Dedham Avenue, Needham, MA 02492 Telephone (781) 455-7550 FAX (781) 449-9023

October 14, 2021

Needham Planning Board Needham Public Service Administration Building Needham, MA 02492

RE: Major I

Major Project Site Plan Special Permit No. 2016-01

Map 47 Parcel 81 & 82- 15 and 17 Oak Street

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced deminimus change of a Major Project Site Plan Special Permit. The applicant requests some deviations to the approved plan such as relocation of the transformer, removal of certain walkways and ramps with ABA approval, reconfiguration of parking elimination one space, and the installation of a utility pole on the property.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The additional documents submitted for review are as follows:

- 1. Application dated October 5, 2021.
- 2. Letter from George Giunta Jr., dated October 5, 2021.
- 3. Plan entitled "As-Built of 15-17 Oak Street," prepared by Insite Engineering Services, LLC, 501 Great Road, Unit 104, North Smithfield, RI, 02896, dated September 15, 2020, revised December 22, 2020, January 11, 2021, July 29, 2021, September 1, 2021 and September 28, 2021.

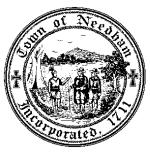
Our comments and recommendations are as follows:

• We have no comment or objection to the changes

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder Assistant Town Engineer



### PLANNING DIVISION Planning & Community Development

## AMENDMENT DECISION MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT October 19, 2021

### **Town of Needham**

Application No. 2016-01 (Original Decision dated March 29, 2016, amended by First Amendment and Restated Major Site Plan Special Permit dated November 1, 2016)

DECISION of the Planning Board (hereinafter referred to as the Board) on an Application for a De Minimus Change to Major Project Site Plan Review on the petition of the 57 Dedham Avenue LLC, 292 Reservoir Street, Needham, MA (to be referred to hereinafter as the "Petitioner") for that certain property located at 15 & 17 Oak Street, Needham, Massachusetts. Said property is located in the Chestnut Street Business Zoning District and is shown on Needham Town Assessors Plan No. 47 as Parcels 81 and 82 containing 18,571 square feet.

This decision is in response to an application filed with the Board on October 5, 2021, for approval to amend the prior permits, which had permitted the demolition of two prior existing buildings and the construction of one new building, containing both residential and commercial space, with associated parking and site improvements. Following construction of the building and nearly all the improvements, an apparent error in the land survey was discovered, which led to an incorrect location of the front property line. Furthermore, in investigating that error, it was also discovered that the setback distances on the approved site plan were to the wall of the building, and not to the overhang. While the difference in front yard setback between what was approved and what was built is irrelevant for zoning purposes, further relief, in the nature of a de minimus change to the site plan is required to make the setback distance shown on the approved site plan consistent with the as-built conditions. Additionally, the following changes that are shown on the as-built plan were not previously approved, and Petitioner requests de minimis approval relative thereto: (1) Reconfiguration and relocation of front landing and steps; and (2) Elimination of proposed handicapped ramp.

The change requested is deemed minor in nature and extent and does not require public notice or public hearing. Testimony and documentary evidence were presented to the Board on October 19, 2021 via remote meeting using Zoom ID 826-5899-3198. Board members Paul S. Alpert, Adam Block, Martin Jacobs, Jeanne S. McKnight, and Natasha Espada were present throughout the October 19, 2021 proceedings. After testimony and documentary evidence were presented the Board acted on the matter.

### **EVIDENCE**

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

Exhibit 1 - Completed Application for Site Plan Review, filed with the Board on October 5, 2021.

- Exhibit 2 Memorandum from Attorney George Giunta Jr. to Lee Newman, Director of Planning & Community Development, dated October 5, 2021.
- Exhibit 3 Plan entitled "As-Built of 15-17 Oak Street," prepared by Insite Engineering Services, LLC, 501 Great Road, Unit 104, North Smithfield, RI, 02896, dated September 15, 2020, revised December 22, 2020, January 11, 2021, July 29, 2021, September 1, 2021 and September 28, 2021.
- Exhibit 4 Inter-Departmental Communications (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated October 4, 2021.

### FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2016-01, dated March 29, 2016, amended and restated November 1, 2016, were ratified and confirmed except as follows:

- 1. The original decisions for Major Project Site Plan Special Permit No. 2016-01, dated March 29, 2016, amended and restated November 1, 2016 permitted the demolition of two prior existing buildings and the construction of one new building, containing both residential and commercial space, with associated parking and site improvements. Following construction of the building and nearly all the improvements, an apparent error in the land survey was discovered, which led to an incorrect location of the front property line. Furthermore, in investigating that error, it was also discovered that the setback distances on the approved site plan were to the wall of the building, and not to the overhang. While the difference in front yard setback between what was approved and what was built is irrelevant for zoning purposes, further relief, in the nature of a de minimus change to the site plan is required to make the plans consistent with the as-built conditions.
- 2. In addition to correcting the location of the front property line, the plan submitted herewith also includes certain deviations from the approved plans, some of which were previously approved by the Board as de minimis changes when the Petitioner requested permission for partial occupancy of the residential portion of the building. In as much as that approval was not issued in connection with any application for de minimis approval, same is included in this request to formalize such approval. The previously approved changes include the following:
  - 1. Installation of transformer in alternate location, at the left property line;
  - 2. Elimination of the walkway leading from Oak Street to the rear of the building;
  - 3. Installation of new handicapped ramp and landing at rear entrance to building;
  - 4. Reconfiguration of the surface parking area at the rear of the building, including elimination of one parking space; and 5. Installation of utility pole near left front corner of the property.
- 3. The following changes that are shown on the as-built plan were not previously approved, and Petitioner requests de minimis approval relative thereto:
  - 1. Reconfiguration and relocation of front landing and steps; and
  - 2. Elimination of proposed handicapped ramp.
- 4. The Board hereby approves the modifications as described under Exhibits 1, 2, 3 and 5.
- 5. The following Plan now represents the final site Plan for this project.

Plan entitled "As-Built of 15-17 Oak Street," prepared by Insite Engineering Services, LLC, 501 Great Road, Unit 104, North Smithfield, RI, 02896, dated September 15, 2020,

revised December 22, 2020, January 11, 2021, July 29, 2021, September 1, 2021 and September 28, 2021.

6. The proposed change is minor in nature and does not require public notice or hearing.

### **DECISION**

NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes that:

- 1. The proposed changes are minor in nature and do not require a public notice or a public hearing.
- 2. That the requested modifications are granted.

### 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.

1. No Plan Modifications required.

### **LIMITATIONS**

The provisions contained in the Major Project Site Plan Special Permit No. 2016-01, dated March 29, 2016, amended and restated November 1, 2016 are ratified and confirmed except as modified herein.

The provisions of this Major Site Plan Special Permit Amendment shall be binding upon every owner or owners 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 in accordance with their terms, in full force and effect for the benefit of and enforceable by the Town of Needham.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit Amendment Decision shall not take effect until the Petitioner has delivered written evidence of recording to the Board.

Witness our hands this day of	, 2021.
NEEDHAM PLANNING BOARD	
Paul Alpert, Chairperson	_
Adam Block	_
Martin Jacobs	_
Jeanne S. McKnight	_
Natasha Espada	_
COMMONWEA	LTH OF MASSACHUSETTS
Norfolk, ss	, 2021
appeared, on Massachusetts, proved to me through	2021, before me, the undersigned notary public, personally the of the members of the Board of the Town of Needham, satisfactory evidence of identification, which was, to be the person whose name is signed on the wledged the foregoing to be the free act and deed of said
N N	Notary Public:  My Commission Expires:
Copy sent to:  Petitioner - Certified Mail # Town Clerk Building Inspector Director, DPWD Board of Health Conservation Commission Board of Selectmen Engineering Fire Department Police Department George Giunta Jr., Attorney	

### **Exhibits received for 1688 Central Avenue**

All testimony received between March 1, 2021 and October 19, 2021

### Applicant submittals. Application, Memos, Plans, Traffic Studies, Drainage. Etc.

- 1. Properly executed Application for Site Plan Review for: (1) A Major Project Site Plan under Section 7.4 of the Needham By-Law, dated May 20, 2021.
- 2. Letter from Matt Borrelli, Manager, Needham Enterprises, LLC, dated March 16, 2021.
- 3. Letter from Attorney Evans Huber, dated March 11, 2021.
- 4. Letter from Attorney Evans Huber, dated March 12, 2021.
- 5. Letter from Attorney Evans Huber, dated March 16, 2021.
- 6. Architectural plans entitled "Needham Enterprises, Daycare Center, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 4 sheets: Sheet 1, Sheet A1-0, entitled "1st Floor Plan, dated Mach 8, 2021; Sheet 2, Sheet A1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A2-1 showing "Longitudinal Section," "Nursery/Staff Room Section," "Toddler 1/ Craft Section at Dormer," and "Playspace/Lobby Section," dated March 8, 2021; and Sheet 4, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021.
- 7. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 10 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting," dated June 22, 2021, all plans stamped January 21, 2021.
- 8. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated March 2021.
- 9. Stormwater Report prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, dated June 22, 2020, stamped January 26, 2021.
- 10. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised March 2021.
- 11. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021;

- Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021; Sheet 7, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, all plans stamped April 15, 2021.
- 12. Architectural plans entitled "Needham Enterprises, Daycare Canter, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 2 sheets: Sheet 1, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021, revised March 30, 2021; Sheet 2, Sheet A1-0, entitled "1st Floor Plan, dated March 8, 2021, revised March 30, 2021.
- 13. Letter from Attorney Evans Huber, dated April 21, 2021.
- 14. Memorandum from Attorney Evans Huber, dated May 5, 2021.
- 15. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 7, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021 and June 2, 2021; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021, all plans stamped June 2, 2021.
- 16. Architectural plans entitled "Needham Enterprises, Daycare Canter, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 2 sheets: Sheet 1, Sheet A1-0, entitled "1st Floor Plan, dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021, revised March 30, 2021 and May 30, 2021.
- 17. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised June 2021.
- 18. Letter from Attorney Evans Huber, dated June 14, 2021.
- 19. Presentation shown at the July 20, 2021 hearing.
- 20. Memorandum from Attorney Evans Huber, dated August 4, 2021.
- 21. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA,

02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 9, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021, all plans stamped July 28, 2021.

- 22. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated August 11, 2021.
- 23. Technical Memorandum, from John Gillon, prepared by Gillon Associates, Traffic and Parking Specialists, dated September 2, 2021.
- 24. Letter from Attorney Evans Huber, dated September 30, 2021.
- 25. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 9, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021, all plans stamped September 29, 2021.
- 26. Plan entitled "Appendix, Photometric and Site Lighting Plan, 1688 Central Ave in Needham," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021.
- 27. Memorandum from Attorney Evans Huber, dated October 13, 2021.
- 28. Email from Evans Huber, dated October 14, 2021 with two attachments: Vehicle Count for September 2019 and Vehicle Count for February 2020.

### **Peer Review on Traffic**

29. Letter from John W. Diaz, Greenman-Pedersen, Inc., dated July 15, 2021, regarding traffic impact peer review.

- 30. Memo prepared by John T. Gillon, Gillon Associates, Traffic and Parking Specialists, dated August 21, 2021, transmitting Response to Greenman-Pedersen, Inc. peer review.
- 31. Letter from John W. Diaz, Greenman-Pedersen, Inc., dated August 26, 2021, regarding traffic impact peer review.
- 32. Letter from John W. Diaz, Greenman-Pedersen, Inc., dated October 18, 2021, regarding traffic impact peer review.

### Staff/Board Comments.

- 33. Memorandum from the Design Review Board, dated March 22, 2021.
- 34. Memorandum from the Design Review Board, dated May 14, 2021.
- 35. Memorandum from the Design Review Board, dated August 13, 2021.
- 36. Interdepartmental Communication (IDC) to the Board from Tara Gurge, Health Department, dated March 24, 2021, April 27, 2021, August 9, 2021 and August 16, 2021 (with attachment "Environmental Risk Management Review," prepared by PVC Services, LLC dated March 17, 2021)
- 37. IDC to the Board from David Roche, Building Commissioner, dated March 22, 2021.
- 38. IDC to the Board from Chief Dennis Condon, Fire Department, dated March 29, 2021, April 27, 2021 and August 9, 2021
- 39. IDC to the Board from Chief John J. Schlittler, Police Department, dated May 6, 2021.
- 40. IDC to the Board from Thomas Ryder, Assistant Town Engineer, dated March 31, 2021, May 12, 2021, August 12, 2021 and September 3, 2021.

### **Abutter Comments.**

- 41. Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham, submitted by email from Holly Clarke, dated March 22, 2021, with excel spreadsheet of signatories.
- 42. Email from Robert J. Onofrey, 49 Pine Street, Needham, MA, dated March 26, 2021.
- 43. Email from Norman MacLeod, Pine Street, dated March 31, 2021.
- 44. Letter from Holly Clarke, 1652 Central Avenue, Needham, MA, dated April 3, 2021, transmitting "Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location," with 3 attachments.

- 45. Email from Meredith Fried, dated Sunday April 4, 2021.
- 46. Letter from Michaela A. Fanning, 853 Great Plain Avenue, Needham, MA, dated April 5, 2021.
- 47. Email from Maggie Abruzese, dated April 5, 2021.
- 48. Letter from Sharon Cohen Gold and Evan Gold, dated April 5, 2021.
- 49. Email from Matthew Heidman, dated May 10, 2021.
- 50. Email from Matthew Heidman, dated May 11, 2021 with attachment Letter directed to members of the Design Review Board, from Members of the Neighborhood of 1688 Central Avenue, undated.
- 51. Email from Rob DiMase, sated May 12, 2021.
- 52. Email from Eileen Sullivan, dated May 12, 2021.
- 53. Two emails from Eric Sockol, dated May 11 and May 12.
- 54. Email from Rob DiMase, sated May 13, 2021.
- 55. Email from Sally McKechnie, dated May 13, 2021.
- 56. Letter from Holly Clarke, dated May 13, 2021, transmitting "Response of Abutters and Neighbors of 1688 Central Avenue Project to the Proponent's Letter of April 16, 2021," with Attachment 1.
- 57. Email from Joseph and Margaret Abruzese dated May 17, 2021 transmitting the following:
  - Letter from Joseph and Margaret Abruzese, titled "Objection to Any Purported Agreement to Waive Major Project Review and/or Special Permit requirements with Regard to Proposed Construction at 1688 Central Avenue," undated.
- 58. Letter directed to Kate Fitzpatrick, Town Manager, from Joseph and Margaret Abruzese, dated April 5, 2021.
- 59. Email from Lee Newman, Director of Planning and Community Development, dated May 17, 2021, replying to email from Sharon Cohen Gold, dated May 15, 2021.
- 60. Email from Meredith Fried, dated May 18, 2021.
- 61. Email from Lori Shaer, Bridle Trail Road, dated May 18, 2021.
- 62. Email from Sandra Jordan, 219 Stratford Road, dated May 18, 2021.
- 63. Email from Khristy J. Thompson, 50 Windsor Road, dated May 18, 2021.
- 64. Email from Henry Ragin, dated May 18, 2021.
- 65. Email from David G. Lazarus, 115 Oxbow Road, dated May 18, 2021.

- 66. Email from John McCusker, 248 Charles River Street, dated May 18, 2021.
- 67. Email from Laurie and Steve Spitz, dated May 18, 2021.
- 68. Email from Randy Hammer, dated May 18, 2021.
- 69. Letter from Holly Clarke, dated May 24, 2021, transmitting comments concerning the Planning Board meeting of May 18, 2021.
- 70. Email from Robert Onofrey, 49 Pine Street, dated May 25, 2021, with attachment (and follow up email May 26, 2021).
- 71. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 8, 2021, transmitting document entitled "Needham Enterprise, LLC Application for Major Site Review Must be Rejected Because the Supporting Architectural Drawings are Filed in Violation of the State Ethics Code," with Exhibit A.
- 72. Email from Barbara Turk, 312 Country Way, dated April 3, 2021, forwarded from Holly Clarke on June 14, 2021.
- 73. Email from Patricia Falacao, 19 Pine Street, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.
- 74. Email from Leon Shaigorodsky, Bridle Trail Road, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.
- 75. Letter from Peter F. Durning, Mackie, Shae, Durning, Counselors at Law, dated June 11, 2021.
- 76. Revised list of signatories to earlier submitted petition, received on June 11, 2021.
- 77. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 11, 2021.
- 78. Email from Karen and Alan Langsner, Windsor Road, dated June 13, 2021.
- 79. Email from Stanley Keller, 325 Country Way, dated June 13, 2021. Email from Sean and Marina Morris, 48 Scott Road, dated June 14, 2021.
- 80. Letter from Holly Clarke, dated June 14, 2021, transmitting "Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location Concerning the Traffic Impact Assessment Reports."
- 81. Email from Pete Lyons, 1689 Central Avenue, dated June 14, 2021.
- 82. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 14, 2021.
- 83. Email from Ian Michelow, Charles River Street, dated June 13, 2021.
- 84. Email from Nikki and Greg Cavanagh, dated June 14, 2021.
- 85. Email from Patricia Falacao, 19 Pine Street, dated June 14, 2021.

- 86. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 6, 2021.
- 87. Email from David Lazarus, Oxbow Road, dated July 12, 2021.
- 88. Email from Maggie Abruzese, dated July 12, 2021.
- 89. Letter directed to Marianne Cooley, Select Board, and Attorney Christopher Heep, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 12, 2021.
- 90. Email from Barbara and Peter Hauschka, 105 Walker Lane, dated July 13, 2021.
- 91. Email from Rob DiMase, dated July 14, 2021.
- 92. Email from Lee Newman, Director of Planning and Community Development, dated July 14, 2021, replying to email from Maggie Abruzese, dated July 14, 2021.
- 93. Email from Leon Shaigorodsky, dated July 17, 2021.
- 94. Letter directed to Members of the Planning Board, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 28, 2021, regarding "Suspending Hearings Pending a Resolution of the Ethics Questions."
- 95. Letter directed to Members of the Planning Board, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 28, 2021, regarding "Objection to the Hearing of July 20, 2021."
- 96. Letter from Holly Clarke, dated August 12, 2021, transmitting "The Planning Board Must Deny the Application as the Needham Zoning Bylaws Prohibit More than One Non-Residential Use or Building On a Lot in Single Residence A."
- 97. Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 12, 2021, transmitting "The Authority of the Planning Board to Address Ethical Issues in the 1688 Central Matter."
- 98. Email directed to the Select Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 13, 2021, transmitting "The Power and Duty of the Select Board to Address Ethical Issues in the 1688 Central Matter."
- 99. Letter from Holly Clarke, dated August 13, 2021, transmitting "The Planning Board's Authority to Regulate the Proposed Development of 1688 Central Avenue Includes the Authority to Reject the Plan."
- 100. Letter from Patricia Falcao, dated August 30, 2021.
- 101. Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 25, 2021, with attachment regarding Special Municipal Employee status.
- 102. Email from Patricia Falcao, dated August 30, 2021.
- 103. Email from Daniel Gilmartin, 111 Walker Lane, dated August 30, 2021.

- 104. Email from Dave S., dated September 4, 2021.
- 105. Letter from Holly Clarke, dated September 7, 2021, transmitting "Neighbors' Comments on the Traffic Impact Analysis," with 2 attachments.
- 106. Email from Elizabeth Bourguignon, 287 Warren Street, dated September 5, 2021.
- 107. Letter from Amy and Leonard Bard, 116 Tudor Road, dated September 5, 2021.
- 108. Email from Mary Brassard, 267 Hillcrest Road, dated September 28, 2021.
- 109. Email from Christopher K. Currier, 11 Fairlawn Street, dated September 28, 2021.
- 110. Email from Stephen Caruso, 120 Lexington Avenue, dated September 28, 2021.
- 111. Email from Emily Pugach, 42 Gayland Road, dated September 29, 2021.
- 112. Email from Robin L. Sherwood, dated September 29, 2021.
- 113. Email from Sarah Solomon, 21 Otis Street, dated September 29, 2021.
- 114. Email from Lee Ownbey, 27 Powderhouse Circle, dated September 29, 2021.
- 115. Email from Emily Tow, dated September 29, 2021.
- 116. Email from Leah Caruso, dated September 29, 2021.
- 117. Email from Jennifer Woodman, dated September 29, 2021.
- 118. Email from Nancy and Chet Yablonski, dated September 29, 2021.
- 119. Email from Pamela and Andrew Freedman, 17 Wilshire Park, dated September 29, 2021.
- 120. Email from Dr. Jennifer Lucarelli, 58 Avalon Rd, dated September 29, 2021.
- 121. Email from Maija Tiplady, dated September 30, 2021.
- 122. Email from Ashley Schell, dated September 30, 2021.
- 123. Email from Kristin Kearney, 11 Paul Revere Rd, dated September 30, 2021.
- 124. Email from Dave Renninger, dated September 30, 2021.
- 125. Letter from Brad and Rebecca Lacouture, dated September 30, 2021.
- 126. Email from Kerry Cervas, 259 Hillcrest Road, dated September 30, 2021.

- 127. Letter from Holly Clarke, dated October 1, 2021, transmitting "The Past Use of the Property for Automobile Repairs and Other Non-Residential Purposes Merit Environmental Precautions to Insure the Safe Development and Use of the Property."
- 128. Email from Carolyn Walsh, 202 Greendale Avenue, dated September 30, 2021.
- 129. Email from Robert DiMase, 1681 Central Avenue, dated October 6, 2021.
- 130. Email from Elyse Park, dated October 6, 2021.
- 131. Email from R.M. Connelly, dated October 6, 2021.
- 132. Email from Eric Sockol, 324 Country Way, undated, received October 6, 2021.
- 133. Email from R.M. Connelly, dated October 9, 2021.
- 134. Email from Robert James Onofrey, 49 Pine Street, dated October 12, 2021 with attachment.
- 135. Letter from Holly Clarke, dated October 16, 2021, transmitting "Neighbor's Comments on the Application of Needham Zoning By-Law 3.2.1."
- 136. Email from R.M. Connelly, dated October 18, 2021.

# Misc.

- 137. Email from Attorney Christopher H. Heep, dated June 9, 2021.
- 138. Two Emails from Attorney Christopher Heep, dated July 16, 2021.
- 139. Letter from Attorney Christopher H. Heep, dated September 2, 2021.
- 140. Letter from Attorney Christopher H. Heep, dated September 8, 2021.
- 141. Letter from Stephen J. Buchbinder, Schlesinger and Buchbinder, LLP, dated October 1, 2021.
- 142. Letter from Eve Slattery, General Counsel, Commonwealth of Massachusetts, State Ethics Commission, dated September 30, 2021.
- 143. Email from Evans Huber, dated October 7, 2021.
- 144. Email from Lee Newman directed to Evans Huber, dated October 8, 2021.
- 145. Letter from Eve Slattery, General Counsel, Commonwealth of Massachusetts, State Ethics Commission, dated October 4, 2021.
- 146. Email from Lee Newman directed to and replying to R.M. Connelly, dated October 19, 2021.

# The following

- Applicant memos
- Plans
- Traffic memos; and
- Staff comments

have been previously distributed.



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

September 2, 2021

State Ethics Commission Attn: Attorney of the Day One Ashburton Place, Room 619 Boston, MA 02109

Re: Request for Written Advice
Town of Needham Planning Board

Dear Sir or Madam:

This office represents the Town of Needham Planning Board (the "Planning Board"). The Planning Board is presently conducting a public hearing on the application of Needham Enterprises, LLC for a Major Project Site Plan Review concerning property located at 1688 Central Avenue, for a use (child care facility) that is governed by the Dover Amendment, so called, M.G.L. c.40A, §3.

In the course of the public hearing on this application, Maggie and Joe Abruzese of 30 Bridle Trail Road in Needham have submitted a series of letters to the Planning Board asserting that two representatives of the applicant LLC are acting in violation of the *State Ethics Law*, M.G.L. c.268A. Mr. and Mrs. Abruzese have stated in their correspondence that they have lodged a complaint concerning this matter with the Ethics Commission. Mr. and Mrs. Abruzese have also stated that the Planning Board possesses the legal authority to stop the public hearing, and its review of the Major Project Site Plan Review application, on this basis, and have specifically requested that the Planning Board do so. In their most recent filing with the Planning Board titled "The Authority of the Planning Board to Address Ethical Issues in the 1688 Central Matter", Mr. and Mrs. Abruzese state that "the Planning Board can and must continue all hearings in this matter until such time as the ethical issues are definitively resolved." A copy of this correspondence is attached.

The Planning Board notes that M.G.L. c.268A, §21 allows a municipal agency to request rescission of its prior action after a finding by the Ethics Commission, but it is not aware of any authority indicating that it can suspend its public hearing on a pending zoning application based upon its receipt of allegations that the applicant's representatives are acting in a manner inconsistent with the *State Ethics Law*. The Planning Board wishes to ensure that it responds appropriately to Mr. and Mrs. Abruzese's filing, and that it otherwise acts in accordance with the *State Ethics Law* when hearing and deciding the application.

Ethics Commission Attorney of the Day September 2, 2021 Page 2 of 2

Accordingly, the Planning Board respectfully requests written guidance from the Ethics Commission as to whether it possesses the legal authority and/or obligation to suspend its public hearing on the Major Project Site Plan Review application based on its receipt of written complaints that the applicant's representatives are acting in violation of M.G.L. c.268A, or whether the Planning Board otherwise has any authority or obligation to address these complaints when hearing and deciding the pending application.

Thank you very much for your attention to this matter.

Sincerely,

Christopher H. Heep

M.Az

cc: Town of Needham Planning Board

# The Authority of the Planning Board to Address Ethical Issues in the 1688 Central Matter

The Planning Board has the authority to take measures to ensure that the proceedings before it are conducted in a manner that gives the appearance of being fair and is in fact fair. Board of Selectmen of Barnstable v. Alcoholic Beverages Control Commission, 373 Mass 708 (1977). The Planning Board review depends on the input of several municipal employees from many different departments and boards. There is no appearance of fairness if Needham employees and officials are put in a position, as they are here, where they may consciously or unconsciously defer in their input to the interests of a conflicted Needham official (Select Board Chair Matthew Borrelli and/or DRB Chair Mark Gluesing) who is their supervisor, colleague, or fellow board member. See id. at 712-713. When deliberations proceed in spite of a conflict of interest – even a conflict of interest that does not rise to the level of the criteria of G.L. c. 268A - the procedure is faulty and the result lacks integrity. Id. at 714 and 718. This is true regardless of whether the outcome of the proceedings would have been the same if the conflict had not existed. Id. Whether actions would be different if there were no conflict is not even part of the inquiry. Id. What is to be avoided is even the suspicion of impropriety.

When unethical behavior is not called out, it hurts all of Needham. It was a sad day for the integrity of Needham government when the Chair of the Design Review Board, Mark Gluesing, was permitted to appear before the Planning Board on July 20, 2021 regarding the 1688 Central Project on behalf of his private client. The 1688 Central Project is pending before Mr. Gluesing's own board, the Design Review Board. The Design Review Board is charged with reviewing the matter and advising the Planning Board on it.

The reason for prohibiting even the appearance of a conflict of interest was illustrated quite clearly at this hearing. The appearance of a conflict of interest – that Mr. Gluesing's position on the DRB would influence deliberations in this matter – quickly crossed over into Mr. Gluesing actively drawing on his position of Chair of the DRB to (wrongly) explain the absence of DRB comment to new plans in favor of Mr. Gluesing's private client. Mr. Gluesing (misleadingly) advocated that the Planning Board should infer, from the absence of DRB comment, that the DRB felt the new plans met the concerns the DRB had previously expressed. He talked with the authority of being the Chair of the DRB about what "we" (meaning the DRB) usually do and what, therefore, one can infer based on that. See Meeting Video at 1:48:00: <a href="https://www.needhamchannel.org/2021/07/needham-planning-board-7-20-21/">https://www.needhamchannel.org/2021/07/needham-planning-board-7-20-21/</a> In fact, there was no comment on the new plans by the DRB because the new plans had not been given to the DRB for review. We believe the Planning Board is wise enough to see the error in Mr. Gluesing's argument, but the comment was heard by not only the Planning Board, but citizens and anyone watching the hearing. The fact that this incident happened illustrates why there is a prophylactic prohibition on even the appearance of conflict of interest.

The actions of Mr. Borrelli and Mr. Gluesing in pursuing the private interests of their client, instead of the public interests of Needham that they were elected and appointed to protect, erode the public's trust in the integrity of Needham's government processes. The Planning Board must insist that there be no appearance of a conflict of interest in proceedings before it in order to safeguard its own position in the public trust.

In <u>Board of Selectmen of Barnstable</u>, the Alcoholic Beverages Control Commission refused to approve liquor licenses granted by the Board of Selectmen because conflict of interest issues plagued the Board of Selectmen's hearing on the licenses. <u>Id.</u> at 712-713. The Board argued that the Commission didn't have authority to use that basis not to approve licenses granted by the Board. <u>Id.</u> The Court held that the Commission did have the authority to insist on integrity in the proceedings. <u>Id.</u> at 716-717. The Court held that it was such a pervasive notion that administrative proceedings should be free from conflicts of interest that the Court did not need to hunt for statutory foundations authorizing the Commission to so insist. <u>Id.</u>

It would defy common sense if a board such as the Planning Board were not able to insist on the integrity of its own proceedings. See <u>id.</u> at 716. Suspending hearings in the matter of 1688 Central until the ethical matters can be resolved appropriately ensures that decisions of the Planning Board are reached fairly and that the proceedings are free from even the appearance of impropriety.

For these reasons, and for the reasons set forth in our prior filings, the Planning Board can and must continue all hearings in this matter until such time as the ethical issues are definitively resolved.

Sincerely,

Maggie and Joe Abruzese 30 Bridle Trail Rd, Needham



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

September 8, 2021

Matthew D. Borrelli 1175 Great Plain Avenue Needham, MA 02492

Re: Conflict of Interest Opinion

M.G.L. c.268A, §22

Dear Mr. Borrelli:

You have requested that I provide you with a conflict of interest opinion pursuant to M.G.L. c.268A, §22. In particular, you have asked that I discuss whether you, as a member of the Town of Needham Select Board, have a conflict of interest pursuant to M.G.L. c.268A relative to the application of Needham Enterprises, LLC for a Major Project Special Permit.

# I. Facts

You are an elected member of the Town of Needham Select Board ("Select Board"), and currently serve as its Chair.

You are also the Manager and Resident Agent of Needham Enterprises, LLC, a Massachusetts corporation with a business address of 105 Chestnut Street, Suite 28, Needham, MA 02492. Needham Enterprises, LLC is the record owner of property located at 1688 Central Avenue in Needham.

Needham Enterprises, LLC is currently the applicant for a Major Project Site Plan Review from the Town of Needham Planning Board. Attorney Evans Huber, on behalf of Needham Enterprises, LLC, filed the application with the Planning Board. This application seeks authorization, pursuant to the Town of Needham's Zoning By-Laws, to allow Needham Enterprises, LLC to construct a childcare facility at 1688 Central Avenue. The application to the Planning Board indicates that the proposed facility, if constructed, will house an existing child-care business known as Needham Children's Center.

Matthew D. Borrelli September 8, 2021 Page 2 of 4

The Planning Board has previously conducted several sessions of a public hearing on the application, and the next session is scheduled for September 8, 2021. You have not personally appeared before the Planning Board in connection with the application, or during any session of the public hearing, and you have stated that you will not do so at any time during the remainder of the public hearing. All communication between Needham Enterprises, LLC, on the one hand, and the Planning Board and its staff, on the other, will be conducted by attorney Evans Huber or other representatives of the LLC.

You personally have not received compensation from Needham Enterprises, LLC in connection with the application for Major Project Site Plan Review. In addition, you personally have not received any compensation from Needham Children's Center in connection with the application for Major Project Site Plan Review.

Needham Enterprises, LLC has not been paid any money or other form of compensation by Needham Children's Center in connection with the application to the Planning Board for Major Project Site Plan Review. There is no lease between Needham Enterprises, LLC and Needham Children's Center.

The members of the Planning Board are elected. Pursuant to the Town of Needham's Zoning By-Laws, the Select Board does not participate in the review of an application for Major Project Site Plan Review, and the Select Board does not have any input into, or authority over, the Planning Board's decision on an application.

#### II. Conflict of Interest Law

The facts outlined above potentially implicate Section 17(a) and Section 17(c) of the *State Ethics Law*.

# Section 17(a)

M.G.L. c.268A, §17(a) states:

No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

Matthew D. Borrelli September 8, 2021 Page 3 of 4

The permit presently being sought from the Planning Board for 1688 Central Avenue is a "particular matter" in which the Town is a party. State Ethics Commission EC-COI-83-153. Accordingly, as a member of the Select Board you may not receive or request compensation from anyone in connection with this application for site plan review. Based on the facts discussed above, you personally should not accept or request compensation from Needham Enterprises, LLC in connection with the application for Major Project Site Plan Review. Additionally, you should not accept or request compensation from Needham Children's Center in connection with the application for Major Project Site Plan Review. Provided that you do not personally accept or request compensation from either entity, or from anyone else, for the application for a Major Project Site Plan Review, you will not violate M.G.L. c.268A, §17(a).

# Section 17(c)

M.G.L. c.268A, §17(c) states:

No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

As noted above, the permit presently being sought is a "particular matter" in which the Town is a party. "Types of activities prohibited by §17 include: submitting applications or supporting documentation; preparing documents that require a professional seal; contacting other people, groups or agencies; writing letters; serving as attorney; and serving as a spokesperson." Advisory 88-01 Municipal Employees Acting as Agent for Another Party. In addition to prohibiting municipal employees from acting in front of their own board, §17(c) also prohibits municipal employees from representing anyone:

- before other municipal boards and agencies
- before state, county or federal agencies
- to private business or charitable organizations, or

<sup>&</sup>lt;sup>1</sup> Particular matter is defined as "any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property." M.G.L. c.268A, §1.

<sup>&</sup>lt;sup>2</sup> "Compensation" is defined as any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another. M.G.L. c.268A, §1.

Matthew D. Borrelli September 8, 2021 Page 4 of 4

cc:

# to private individuals

in any instance where their municipality is a party to, or has a direct and substantial interest in, the matter. <u>Id.</u>

Based on the facts outlined above, you are not acting as agent to Needham Enterprises, LLC before the Planning Board on the pending application for Major Project Site Plan Review. Attorney Evans Huber filed the application with the Planning Board on behalf of the applicant Needham Enterprises, LLC. Attorney Huber has presented the application at all sessions of the public hearing and will continue to do so for any remaining sessions. You personally have not appeared before the Planning Board at any point during the public hearing on the application. You have stated that you will not do so for the remainder of the public hearing. Accordingly, you are not acting as agent for the applicant Needham Enterprises, LLC with respect to the application to the Planning Board for Major Project Site Plan Review, and are not acting in violation of M.G.L. c.268A, §17(c). See Advisory 88-01 Municipal Employees Acting as Agent for Another Party ("[T]he restrictions of §17(c) are not triggered if the municipal employee is not representing someone before a third party.")(emphasis in original); see also Summary of Conflict of Interest Law for Municipal Employees ("Acting as an agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.")

Pursuant to 930 CMR 1.03(3), a copy of this opinion is being sent to the State Ethics Commission, which will notify me if the conclusions stated in this letter are incorrect, incomplete or misleading. In addition, M.G.L. c.268A, §22 provides that Town Counsel shall file the opinion with the Town Clerk and that the opinion shall be a matter of public record.

Please let me know if I can answer any additional questions regarding this matter.

Sincerely,

Christopher H. Heep

Theodora K. Eaton, Town Clerk (teaton@needhamma.gov)
State Ethics Commission



August 26, 2021

NEX-2021238.00

Town of Needham Planning Board Town Hall 1471 Highland Avenue Needham, MA 02492

SUBJECT: 1688 Central Avenue

Proposed Child Care Facility - Peer Review 2

Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Traffic Impact Assessment prepared by Gillon Associates March 2021
- Traffic Impact Assessment prepared by Gillon Associates Revised March 2021
- Traffic Memo prepared by Gillon Associates dated April 5, 2021
- Traffic Impact Assessment prepared by Gillon Associated Revised June 2021
- Fire Department Comments from March 29, 2021
- Engineering Department Comments from March 31, 2021
- Fire Department Comments from April 27, 2021
- Public Health Comments from April 27, 2021
- Design Review Board Letter dated May 14, 2021
- Police Comments dated May 6, 2021
- Engineering Department Comments dated May 12, 2021
- Design Review Board Letter dated May 22, 2021
- Site Plans dated June 22, 2020
- Site Plans Revised April 15, 2021
- Site Plans revised June 2, 2021
- Submission letter from Attorney Evans Huber dated March 12, 2021
- Various public comments provided to GPI by the Town

Subsequently GPI has reviewed the following submittals:

- Traffic Impact Assessment prepared by Gillon Associates Revised August 11, 2021
- Revised Elevation and Floor Plan, May 30, 2021
- 1688 Site Plan Revised July 28, 2021
- Response to GPI Comments dated August 21, 2021
- Memo to Needham Planning Department from Attorney Evans Huber, Esq, dated August 4, 2021

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines.

# TRAFFIC IMPACT ASSESSMENT (TIA)

The following highlights GPI's original comments from the July 15, 2021 Peer Review letter that incorporates responses from John T. Gillon dated August 21, 2021 and finally GPI's final responses.

- 1. The March 2021 TIA has been developed for a 9,941 square foot Child Care facility and proposed 24 parking spaces.
  - R-1 This has been revised based on a building size of 10,034 SF and 30 Parking Spaces
  - GPI Response: Agree-Numbers match latest proposal
- 2. The study states that the site could accommodate between 80-100 students although 120 children appears to be allowed. The submission letter from Attorney Evans Huber date March 12, 2021 indicates the site is to accommodate 100 students. If the intent is to eventually grow to 120 students, the traffic and parking analysis should be based on 120 students. Also, the TIA does not mention number of staff, although the attorney's letter indicates 13 staff. Please clarify the maximum number of students and staff in the TIA, as this impacts the parking requirements based on Town calculations of 8 parking spaces are required, plus one (1) for each 40 students, plus 1 space per staff.
  - R-2 The program is intended to accommodate a maximum number of 115 children. The projected total maximum staff will be16 Staff and 2 administrators on peak days (Tuesday-Thursday); 15 Staff and 2 administrators on Mondays; and 13 Staff and 2 Administrators on Fridays. According to the Town formula referenced above, the maximum parking demand will be 29 spaces. Staff will be on site before the critical arrival and departure hours to assist children between vehicles and the building. Also, arriving staff and any parent who wishes to park will use the separate entrance lane in order to bypass the drop-off lane. The proposed parking supply is one more space than what is required under the Town calculations.

Maximum total of 115 children is broken down as follows:

- a. 55 Infants, toddlers and preschoolers arriving in the morning peak drop-off period of 7:30 a.m. to 8:50 a.m.
- b. 30 children, who will not arrive until shortly before 9:00 (or later).
- c. 30 after-school kids, who arrive in the afternoon
- d. 55 + 30 + 30 = 115

GPI Response – 30 Parking spaces is sufficient based on the Town calculations

- 3. Based on the June 2021 Revised TIA the number of students has increased to 113; however, there is no mention if the staff is increased, and the parking capacity has been increased to 30 vehicles.
  - R-3 See above. The projected staff has increased to a maximum of 16 FTE and 2 administrators on peak days.

GPI Response – 30 Parking spaces is sufficient based on the Town calculations

- 4. Based on the ITE Parking Generation 4<sup>th</sup> Edition, LUC 565 Child Care Facility, a 9,966 sf facility would have an Average Parking Demand of 24 vehicles and an 85<sup>th</sup> Percentile Peak Demand of 37 vehicles.
  - a. The proponent is currently proposing 30 spaces, which more than satisfies the Average Demand established in the ITE Parking Generation and the requirements of the Town.
  - R-4. Please see Figure 14. The Revised Plans show 30 parking spaces are provided for a 10,034 square-foot facility. The ITE Parking Generation Report shows this building would have an average demand of 25 spaces and an 85<sup>th</sup> Percentile Peak of 37.5 vehicles. However, for the reasons discussed below, we believe this figure is far higher than the actual number of vehicles that will be arriving during the peak drop-off period.

# GPI Response – 30 Parking spaces is sufficient based on the Town calculations

- 5. The proponent discusses additional Child Care facilities in terms of evaluating number of vehicles arriving during the peak hour. Based on the Goddard School 59 out of 80 students arrived during the peak hour. However, in the two-hour window observed (7-9AM) for 80 students a total of 96 vehicles arrived on site. Assuming a portion of these vehicles were staff, the results seem to indicate that each child appears to be in a single vehicle. Therefore, the impacts of the drop-off and pick-up (queuing, time on site, etc.) cannot be fully evaluated without understanding more about the proposed drop-off and pick up schedules.
  - a. Attorney Huber's March 12, 2021 letter states, "...drop off and pick up will continue to be staggered, as is NCC's current practice...", however, further information on what the current practice entails, is not provided in the TIA or in the letter.

R5a. Based on actual data from the operator as to the number of children, there will be a maximum of 55 children arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m (80 Minutes). The next cohort of a maximum of 30 children will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining maximum of 30 children will not arrive until the afternoon.

In addition, the assumption that each child will arrive in a separate vehicle is significantly inconsistent with the operator's actual enrollment and experience. Years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child for a total of 40 parent vehicles that will arrive in that window. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

#### See also R-2 and R-6.

GPI Response – GPI has reviewed the data and queuing methodology provided by the proponent. Based on the 40 vehicle arrivals, GPI agrees with the analysis that indicates a maximum of 7 vehicles in queue. Based on the revised driveway plan with a dedicated queue/drop off lane, there is storage for approximately 10 vehicles before queues would impact Central Ave. Furthermore, the queue lane has been separated from the travel lane, allowing vehicles to bypass the queue in the event it approaches Central Ave. In addition, staff will be present during peak arrival and pick up periods to ensure vehicles do not queue into Central Ave.

GPI also ran the Poisson distribution methodology for a maximum of 58 vehicle arrivals and found that the maximum queues would be approximately 13 vehicles under this unlikely condition and that even at 58 vehicles, 99% of the time the queue would be less than 10 vehicles.

GPI therefore, believes that the revised site plan and queueing analysis provided by the proponent addressed concerns regarding the possibility of queued vehicles impacting Central Avenue operations.

- b. Furthermore, it would be valuable to have data from existing NCC facilities at 23 Dedham Ave and 858 Great Plain Ave in terms of number of students vs. number of vehicles, current arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. from the existing NCC sites.
  - R5b. Data has been compiled from these sites in order to provide the analysis of number of students/vehicles, arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. This analysis is shown in R-6. In addition,

the drop off/pick up times have been observed to be 30-45 seconds each vehicle, but we used 60 seconds as requested by the peer review.

GPI Response - Sufficient response.

c. Is the proposed facility to replace one or both of the existing NCC facilities or provide a third facility in Needham?

R5c. This location will replace the Baptist Church location that is closing.

GPI Response - Sufficient response.

- 6. Based on the March 2021 Initial TIA and on ITE Land Use Code 565 from the ITE Trip Generation Manual 10<sup>th</sup> edition a 9,941 sf Child Care Facility is expected to generate:
  - a. 109 Weekday Morning Peak Hour Trips with
    - i. 58 vehicles entering the site and
    - ii. 51 vehicles exiting the site
  - b. 111 Weekday Evening Peak Hour Trips with
    - i. 52 vehicles entering the site and
    - ii. 59 vehicles exiting the site

The March 2021 TIA appendix includes the ITE trip generation calculations, indicating 109 morning peak hour trips. The analysis then further uses data based on proponent's schedule to project 104 morning peak hour trips. However, the schedule does not mention timing on employees' arrivals

The revised March 2021 TIA proposes the same square footage facility but reduces the Morning Peak Hour Trips from 104 vehicles to 76 new morning peak hour trips with 40 vehicles entering and 36 vehicles exiting. There is no explanation provided in the TIA as to why the rates have lowered.

The April 5, 2021 Traffic Memo indicates 97 students at the site and the June 2021 Revised TIA appears to increase the square footage of the facility to 9,966 sf and the student population to 113 students. Based on the increased square footage the trip generation based on ITE LUC 565 results in:

- a. 110 Weekday Morning Peak Hour Trips with
  - iii. 58 vehicles entering the site and
  - iv. 52 vehicles exiting the site
- b. 111 Weekday Evening Peak Hour Trips with
  - v. 52 vehicles entering the site and
  - vi. 59 vehicles exiting the site

The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

R6. As noted above, the maximum number of students will be 115, and the square footage of the building will be 10,034 square feet.

Our analysis of peak period arrivals, queueing, and site capacity is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period,

approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13 of the revised TIA) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window (see figure 8 of the Revised TIA), there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas, which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

<u>GPI Response – See GPI's response to Comment Number 5 Also, GPI agrees with the proponent's revised trip generation rates based on the 10,034 sf facility.</u>

7. The March 2021 TIA does not cite the date of traffic counts on Central Avenue. The revised March 2021 TIA cites traffic counts from February 4<sup>th</sup>; however, no year is provided. It is assumed that these were counts from 2021. Please confirm.

#### R7. Confirmed

<u>GPI Response – Sufficient response.</u>

- 8. Due to Covid 19, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are generally still below pre-2020 levels. Based on MassDOT guidelines for traffic studies, the standard practice has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. Based on the revised March 2021 TIA, the proponent has done this and has utilized 2016 traffic data provided by the town along Central Ave in the vicinity of the site and factored volumes by 1.6% annual to 2021 conditions. However, the proponent does not cite how the 1.6% growth rate was selected. Please provide a source for the assumed growth rate.
  - R-8 This figure was expanded from a combination of turning movement counts and a one-time automatic recorder count. At the July 23<sup>rd</sup> meeting with the Peer Reviewer, it was decided to include the Central Avenue / Charles River Street intersection for the evening peak hour, since counts were available, and grow all volumes by the more regional normal Growth Factor of one percent per year for all years since the count was obtained.

GPI Response – The revised traffic volumes and projections are sufficient.

9. The March 2021 TIA indicates that trip distribution reflects the existing Central Avenue directional distribution (70% NB/30% SB). The entering traffic is therefore distributed for 70% of the traffic to enter from the south (Right Turn in) and 30% of the traffic to enter from the north (Left Turn in). However, the exiting traffic assigns 70% of the traffic to right turns (continuing north) and only 30% turning left (continuing south). This would indicate that all the drop off trips are acting similar to "pass-by trips" and dropping off students on the way to another destination. If the trips are new trips, the vehicles would be returning from the direction they originated from.

Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

R-9 The original Directional Distribution was based on projections along with current and historical data of the NCC existing facility. Based on the Peer Review meeting of July 23<sup>rd</sup>, we observed the existing directional distribution of the Gan Aliyah Pre-School at Temple Aliyah as shown on Figure 9 of the Revised TIA.

<u>GPI Response – The revised distribution pattern based on the Gan Aliyah Pre-School provides the most realistic estimate of anticipated distribution for the proposed facility.</u>

10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

R-10 The Levels of Service Delay, and average and maximum queue lengths for Existing (2021), Baseline (2028), and Projected or Build Conditions by lane are provided on Figure 12 of the Revised TIA.

GPI Response – The analysis of the unsignalized driveway operations is correct. However, the presentation in the report seems to imply there is a SB through and SB left turn lane, which is not the case. The left turns operate from the through lane, therefore the LOS reported along the SB approach should be reported as a LOS B. While minor, the introduction of left turn vehicles from the SB approach does slightly increase delays along the approach from 0 to approximately 13 seconds in the morning and 9 seconds in the evening, both of which are acceptable for this type of facility.

- 11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that "... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing at the driveway is.
  - R-11 The Intersection Sight Distance is computed as follows and is now included within the Revised TIA.

Where: V = roadway design speed or  $85^{th}$  percentile, and t  $_g$  = time gap for driveway maneuver t  $_g$  = 7.5 seconds for Left Turn from Stop, t  $_g$  = 6.5 seconds for Right Turn from Stop,

Therefore, the Left-Turn ISD = 1.47 (39) (7.5) = 430 feet. Similarly, the Right-Turn ISD = 1.47 (37) (6.5) = 354 feet.

Roadway is fairly flat and straight and Intersection Sight Distance is provided

GPI Response – Sufficient response.

- 12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
  - a. What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
  - b. The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
  - c. If timing changes are required at the signal, the proponent should commit to implementing those changes.
  - d. We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
    - i. 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
    - ii. 2028 morning and evening peak hours without the site (Future No-Build)
    - iii. 2028 morning and evening peak hours with the Site No mitigation (Future Build)
    - iv. 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)

R-12 The original optimal cycle length at the Central Avenue / Charles River Street intersection was presumed based on the "Trafficware-Synchro" assessment of the old traffic counts allowed to run free at the optimal cycle length and splits. Since the existing traffic signal timing was obtained by GPI, we have re-run the analysis for the evening peak hour, where we had counts, for the various scenarios mentioned above as shown in the Revised TIA.

GPI Response – The analysis does not reflect the correct timings. The analysis mistakenly uses the MAX Green Time as the SPLIT time and has the incorrect Yellow and Red Times The SPLIT times include Yellow and Red timings.

The following times should be used:

<u>Ø2= 50 sec split</u> <u>Ø5= 20 sec split</u> <u>Ø6 = 30 sec split</u> <u>Ø4 & Ø8</u> = 40 sec split

All phases Yellow= 3 sec All phases Red= 2 sec

Furthermore, since the operations indicated LOS E and F (overall and Central Ave), we'd request the proponent explore options to see if optimizing the signal timings can provide improved operations.

- 13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.
  - R-13 The critical morning peak hour queue was evaluated in depth based on the operator's data showing random arrivals of the child care program operator. See R-6, above. This assessment along with the assessment suggested by the Peer Reviewer is also discussed in the Revised TIA and is presented on Figures 13 and 14 of the Revised TIA. In addition, a separate lane has been added to allow for greater capacity than was shown in prior iterations.

With respect to the afternoon pick up schedule, the operator has provided the following information:

- 1. There are a total of 20 children (max) in the nursery school group whose program ends at either noon or 2:30. There are 10 (max) pre-school children whose day ends at 3:00. These 30 children will all be gone by 3:15 or earlier.
- 2. Of the remaining 85 (max) children, the same ratio of siblings as discussed above in R-6 for morning drop-off applies. In other words, out of 85 children, approximately 46 will be siblings, requiring 23 vehicles. The other 39 children will be picked up in one vehicle per child, for a total of an expected 62 vehicles picking up 85 children.
- 3. The pick-up window for these 85 children (62 vehicles) is from 3:30 to 6:00. Parent pick-ups are spaced relatively evenly throughout this 2.5 hour window; some children are picked up at the early end of this window because of their young age; some are picked up earlier or in the middle of the window because they have after-school activities such as sports, music lessons, etc.; some stay until close to the end of the day.

Given this volume of vehicles and the length of the pick-up window (2.5 hours), the number of cars that can be expected to arrive at any one time is very similar to the analysis discussed in R-6, above. Maximum queueing in the afternoon will be no greater than, and probably less than, maximum queueing in the morning peak drop-off period.

<u>GPI Response – Comments regarding arrivals and pick-ups as well number of students have been</u> adequately addressed.

#### SITE PLAN REVIEW

The following highlights GPI's original comments from the July 15, 2021 Peer Review letter and our responses based on the revised site plan.

- 14. Pavement markings should be shown on the plan (centerline, directional arrows, STOP lines, etc.)
  - GPI Response Pavement markings and signage have been shown on the plan.
- 15. Sidewalks are labeled as 5' and the roadway width as 24'. The 6" curb needs to be accounted for, so sidewalks should be labeled as a minimum 5.5' to account for curbing.

GPI Response – This does not appear to have been changed.

- 16. What is the purpose of the 12.67' loading zone? What size vehicle is expected to need access to the loading area. Truck turning templates should be provided showing access and egress from the loading area as well as the dumpster pad.
  - GPI Response No information has been provided regarding the size of vehicle and no templates showing truck maneuvers have been provided.
- 17. Curb stops should be provided for any parking spaces in front of sidewalks to ensure vehicle overhang does not impact sidewalk access.
  - GPI Response Curb stops have been added to the plans.
- 18. We question why the barn building is retained. It seems the site operations (parking, drop-off/pick-up, overall circulation, etc.) would operate smoother if the building was removed and a separate structure designed in a location that would not impact traffic and pedestrian flows.
  - GPI Response The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.
- 19. What is the purpose of the traffic island and what is the proposed traffic circulation around it? It appears it would function as a mini roundabout with counterclockwise traffic flow. However, it's unclear if EB traffic destined for the parking areas is anticipated to circulate around the island or drive straight to the north of the island. If the latter is the case, this would appear to cause conflicts with vehicles in the parking areas.
  - GPI Response The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.
- 20. Has a second driveway been considered? This could provide separate entrance and exits and provide improved circulation, emergency vehicle access and drop-off/pick up operations.
  - GPI Response The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.
- 21. Has a plan where the parking, drop-off/pick-up is provided in front of the school where the property is larger and the building further to the east been considered. This could provide a larger and more consistent parking and circulation route.
  - GPI Response The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.
- 22. The proponent should construct fully compliant ADA sidewalks along the property frontage and tie into existing sidewalks at the property limits.

GPI Response – This comment does not appear to have been addressed.

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23. The proponent should ensure that the construction of the site drive does not impact the drainage, particularly with the existing catch basin on the NW corner of the existing driveway.

It appears the existing CB will be in the center of the driveway on the gutter line. With the introduction of two wheelchair ramps the construction plans should consider relocating or providing additional drainage to ensure ponding in the vicinity of the wheelchair ramps does not occur.

GPI Response — We appreciate and recognize that the revised drainage plan provides additional catch basins at the base of the driveway to capture site water flow before entering Central Ave. However, the existing catch basin on Central Ave is proposed to be retained in the center of the driveway. The driveway has been redesigned to provide a typical driveway apron that provides a slop up to the level of the sidewalk. This is beneficial by maintaining the sidewalk grade across the driveway. However, it appears the catch basin is proposed to be "cut into" the apron. Given the location, this will likely result in vehicles tracking over this "cut" or hole in the apron. The existing catch basin should be relocated out of the apron as the driveway apron should be a consistent slope and width for the entire length.

#### CONCLUSIONS

The revised Traffic Impact Assessment and Site Plans address the majority of the concerns raised in the July 15, 2021 Peer Review letter. The following minor comments are noted that should be addressed.

- 1. Adjust the description of the LOS impacts to the SB lane on Central Ave to clarify that it is a single lane approach and the LOS decreases from LOS A to LOS B with the addition of Left Turning Vehicles.
- 2. Revise the analysis of the traffic signal operations to match existing times in use in the field. The proponent should also explore optimized signal times, or time of day plans to improve overall operations.
- 3. The site plan should account for the width of the curb in the sidewalk and driveway dimensions.
- 4. Truck turning templates should be provided to ensure large vehicles can access the loading zone and dumpster site without impacting parked vehicles.
- 5. Sidewalks in front of the site should be reconstructed to ensure ADA compliance.
- 6. The catch basin in the proposed driveway apron should be relocated.

Should you have any questions, or require additional information, please do not hesitate to contact me at (978) 570-2953 or via email at jdiaz@gpinet.com.

Sincerely,

**GREENMAN-PEDERSEN, INC.** 

John W. Diaz, PE, PTOE Vice President/Director of Innovation

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# Traffic Impact Assessment

For:

**Child Care Facility** 

At:

1688 Central Avenue

In:

Needham, Massachusetts

Prepared For:

Glossa Engineering, Inc. Walpole, Mass.

Prepared By:



Revised August 11, 2021

# Child Care Facility

# 1688 Central Avenue Needham, Massachusetts

Gillon Associates Co.
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# **EXECUTIVE SUMMARY**

- Central Avenue carried approximately 16,000 vehicles per day in the vicinity of the site in 2016. About eight percent of this daily volume occurs during the morning peak hour.
- . Based on the Peer Reviewer's request to estimate trips based on ITE rates with a square-footage variable, this project would generate approximately 110 new morning peak hour trips with 58 inbound and 52 outbound. This project is also expected to generate approximately 112 new evening peak hour trips with 53 inbound and 59 outbound. However, for the reasons discussed in the Queueing analysis, we believe this projection is unnecessarily conservative.

The proponent will have staff assist children both arriving and leaving the day care to ensure the drop-off/pick-up circulation line of vehicles keeps moving and does not stack back down the 200-plus foot long driveway. In addition, the redesigned driveway now includes a drop-off and pick-up queueing lane as well as a separate entrance lane providing unimpeded access to the rear parking areas. This eliminates any possibility of the queueing lane extending out onto Central Ave; if the queueing lane is full, entering vehicles will have a clear lane to naturally proceed to the parking areas.

. All through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday morning commuting peak hour. The Central Avenue southbound left-turn through lane utilized into the Site Driveway, will also operate at a "B" level resulting in no turbulence on Central Avenue during the morning peak hour and at an "A" during the evening peak hour. The Site Driveway itself will have an acceptable "E" level with longer delay during the morning peak hour and at a "C" in the evening peak hour.

The expected maximum drop-off queue length will not exceed seven (7) vehicles. Since this lane can accommodate ten (10) vehicles this will not be a problem. In addition, as noted, if the queueing lane is full, arriving vehicles will have a separate, clear lane to access parking in the rear. These two features of the re-designed driveway, operating together, will avoid any problem at Central Avenue.

- . The required stopping sight distance at the Central Avenue / Site Driveway intersection is provided.
- . There were no crashes reported at the Central Avenue / Site Driveway intersection.

#### INTRODUCTION

Gillon Associates has evaluated the anticipated traffic impacts resulting from the proposed development of a Child Care Facility. The site is located at 1688 Central Avenue, just north of Charles River Street in Needham, Massachusetts (Figure 1).

The purpose of this report is to evaluate potential traffic impacts, which may be created by the expected addition of vehicular traffic either originating from or destined to the site. Specifically, this report assesses traffic operational characteristics of the Central Avenue intersection at the site access roadway due to any additional traffic.

This report provides an identification of the expected traffic generated by the project along with an assessment of projected traffic operating characteristics. Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. In addition, historical counts were requested and supplied by the Town of Needham.

This August report was prepared to evaluate a revised building size of 10,034 square feet and a population of 115 children.

At the request of the Town, this report consolidates previous exercises and responds to the GPI Peer Review comments submitted on July 12, 2021. After meeting with GPI's Engineer regarding Covid-19 traffic volume adjustments, it was decided to: expand the Town's ATR conducted in 2016 by 1% per year to 2021 for existing, to 2028 for the Baseline or No-Build condition. The PM Turning Movement counts at the Central Avenue / Charles River Street intersection in 2006 were also expanded proportionately for the same analysis period. The morning counts here were not available at this intersection but the evening was more critical due to the predominate southbound movement and queueing implications during this period. The existing traffic signal timing at this intersection was provided by the Peer Review Engineer.

Their Engineer further requested that we review the site driveway based on the Institute of Transportation Engineer's Trip Projections based on 10,034 square feet and not on the number of students or operator's anticipated drop-off schedule (which the operator has indicated will be implemented if necessary).

## PROJECT DESCRIPTION

The project site area is 146,003 square feet or just over three acres and includes constructing a 10,034 square-foot child care facility building. An out-building currently used as a barn will be retained for storage and ancillary purposes. The project will have a total of 30 off-street surface parking spaces. The access to this school at #1688 Central Avenue uses a 200-plus foot-long, 30-foot wide access drive to Central Avenue (Figure 2), consisting of three lanes: an 8-foot wide queueing lane that can accommodate at least ten waiting vehicles and provides access to the drop-off and pick-up area; an 11-foot wide entrance lane providing unimpeded access to the rear parking areas, and an 11-foot wide exit lane.

## **EXISTING TRAFFIC CONDITIONS**

#### **Regional Roadway Network**

Central Avenue will continue to serve the site and provide access to both local and regional roadway facilities. To the south, Central Avenue provides linkage between the site and Charles River Street and

Dover as well as other points to the south. Central Avenue also provides access to the north with linkage to Route 135 and easterly to Needham Center.

# **Traffic Setting**

The project is situated on the easterly side of Central Avenue. This roadway is a two-lane roadway with one lane in each direction. Central Avenue has a roadway pavement width of approximately 25 feet with a bituminous concrete sidewalk on the easterly side of the roadway.

#### **Existing Traffic Volumes**

Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. Morning peak hour traffic volumes on Central Avenue at the site driveway as collected on February 4<sup>th</sup> are provided on Figure 3.

With considerable feedback from the neighborhood, historical and pre-covid traffic volumes were subsequently obtained from the Town of Needham Engineering Division. Of the various forms of counts provided, an Automatic Traffic Recorder (ATR) count obtained in 2016 just south of the Needham Recycling and Transfer Station proved to be the most useful. The Town also provided a Turning Movement count for the evening peak hour at the Central Avenue / Charles River Street intersection. That count is provided on Figure 3 which shows expanded counts for 2016, 2021, and 2028 as well.

The directional ATR counts in front of the site are also provided on this Figure. The schematic 2006 TMC count at the Central Avenue / Charles River Street intersection is shown on Figure 4. The 2016 directional ATR peak hour counts are provided on Figure 5. The Central Avenue / Charles River Street intersection counts as inflated proportionately for analysis years, 2016, 2021, and 2028 are provided on Figure 6. Figure 7 shows the Central Avenue projections for years 2021 and 2028 as inflated for normal growth at the site driveway.

During my observations of volume recordings, there was only one occurrence of traffic backing up on Central Avenue in the southbound direction from the traffic control signals at Charles River Street to the site driveway. This stacking or queuing back was recorded on Thursday, June 3<sup>rd</sup> from 4:51 pm until 5:01 pm. The stacking itself wasn't sustained during the entire ten minutes but flowed much like an accordion where it would move upon the green light and open as the queued vehicles began to move.

## **FUTURE TRAFFIC CONDITIONS**

## **Trip Generation and Distribution**

It is expected that the proposed child care facility will exhibit the same general trip generating characteristics as in other urban and suburban residential communities. In addition to local rates observed and compiled by this firm, the Institute of Transportation Engineers (ITE) provides data on a variety of land uses and there is a considerable amount of empirical data available. In addition, the proponent has found by assigning pick-up and drop-off windows for parents, there is less congestion at their current location and they will employ that technique as necessary at this site as well. At the request of the Peer Review Engineer, the trip generation summary has been revised to project trips based on the square-footage of the building which were slightly higher than trips based on the number of students. The top part of this graphic lists the ITE equations along with the resulting trip generation values for the school based on 10,034 square feet. This project is expected to generate approximately 110 new morning peak hour trips with 58 inbound and 52 outbound. This project is also expected to generate approximately 112 new evening peak hour trips with 53 inbound and 59 outbound.

Directional distribution, as shown on Figure 9, reflects the existing Central Avenue directional split of the Gan Aliyah Pre-School next door to the site at Temple Aliyah.

Site generated and projected traffic volumes at the Central Avenue / Site Driveway intersection during both the morning and evening peak commuting hour is provided on Figure 10. Projected traffic volumes at the Central Avenue / Charles River Street intersection are provided on Figure 11.

#### TRAFFIC OPERATIONAL ANALYSIS

This section of the report provides a quantitative analysis of anticipated traffic operational characteristics for the build scenario. These series of capacity analyses were conducted for the weekday morning and evening peak hour at the driveway and only during the evening peak hour at the Charles River Street intersection to determine the potential impact of the proposed day care facility project.

## **Analysis Methodology and Findings**

The analysis is based on the "Highway Capacity Manual" for non-signalized intersections. This manual has been published by the Transportation Board of the National Research Council and approved by the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine. The most recent Synchro Software version 10.1 was utilized in the assessment.

At un-signalized intersections and driveways the manual assumes that the through and right-turn movements along any main street will operate unrestricted but conflicting movements will be subjected to various periods of delay depending primarily on the frequency of adequate safe gaps to complete these movements. These periods of delay are generally categorized in "Levels of Service" (LOS) ranging from "A" for very short or no delays through "F" for extensive delays. The Massachusetts Highway Design Manual indicates that a "D" Level of Service is acceptable on roadways such as those in the study area. A table comparing levels of service and seconds of delay is provided in the Appendix of this report.

As can be seen on Figure 12, all through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday commuting peak hours. As can be seen in the capacity calculations included in the Appendix of this report, the Central Avenue southbound left-turn through-lane utilized into the Site Driveway will operate at a "B" level with about 13 seconds of delay due to opposing traffic resulting in no turbulence on Central Avenue during this morning peak hour. This southbound left-turn through-lane utilized into the Site Driveway will operate at an "A" level with about 8.7 seconds of delay during the evening peak hour. The Site Driveway itself will have an acceptable "E" level with average delay during the morning peak hour and a "C" during the evening peak hour. The Central Avenue / Charles River Street intersection will continue to operate at an overall "F" Level of Service with an overall increase in delay of only five seconds.

#### **Expected Drop-Off Queue Length**

This analysis is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their

programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the gueueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window, there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas , which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

#### SIGHT DISTANCE EVALUATION

The approaching vehicle on Central Avenue must be able to stop in time to avoid making contact with a vehicle emerging from the reconfigured site driveway. The required stopping sight distance from either a minor street or driveway is obtained from "A Policy on Geometric Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials (AASHTO) 6<sup>th</sup> Edition published in 2011.

Unlike the minimum safe stopping distance (MSSD) along a section of roadway, stopping sight distance at a driveway is not measured along either the center line or gutter line of a roadway. On page 9-29 of the American Association of State Highway and Transportation Officials (AASHTO) manual, it is stated "If the available sight distance for an entering or crossing vehicle (at an intersection corner) is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions."

The motorist leaving the minor roadway or driveway has an eye height of 3.5 feet and he must be able to see another object (approaching vehicle) with a height of 3.5 feet from a point 14.5 feet back from the travel way. This dimension is based on most motorists stopping 6.5 feet or less from the intersecting roadway plus the eighty-fifth percentile distance of 8.0 feet from a front bumper of a vehicle to the motorist eye, thus, totaling 14.5 feet. The required stopping distance for each minor roadway is based on the formula on the following page:

$$d = 1.47 \text{ V}t + 1.075$$

$$d = 1.47 \text{ V}t + 1.075$$

$$a$$
Where: V = Speed (mph)

t = perception & Reaction time (2.5 seconds) a = deceleration of vehicle (11.2 ft/sec.2)

A speed survey revealed the 85<sup>th</sup> percentile speed on Central Avenue was 39 mph southbound and 37 mph northbound at the site driveway (Figure 9). Therefore, the required stopping sight distance for Central Avenue at the driveway is computed as shown below:

$$d = 1.47*39*2.5 + 1.075* \frac{(39)^{2}}{11.2}$$

$$d = 143 + 146 = 289$$
 feet

The Peer Review Engineer asked that we also assess the Intersection Sight Distance as recommended by AASHTO.

$$ISD = 1.47 V_{Major} t_g$$

Where: V = roadway design speed or  $85^{th}$  percentile, and t  $_g$  = time gap for driveway maneuver t  $_g$  = 7.5 seconds for Left Turn from Stop, t  $_g$  = 6.5 seconds for Right Turn from Stop,

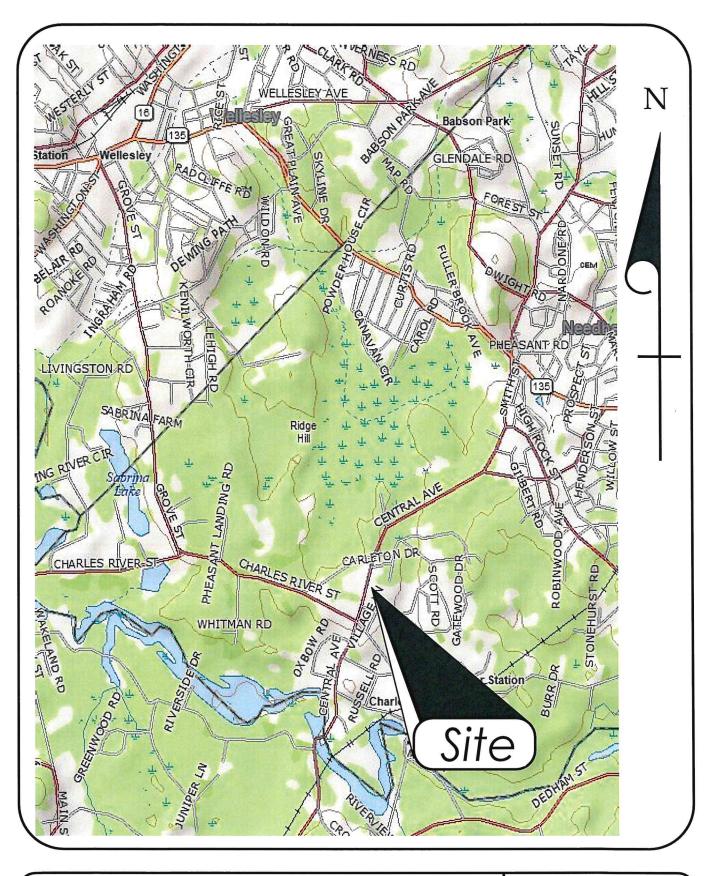
Therefore, the Left-Turn ISD = 1.47(39)(7.5) = 430 feet.

Similarly, the Right-Turn ISD = 1.47(37)(6.5) = 354 feet.

A field review showed that this section of Central Avenue is both straight and flat. As can be seen on Figure xx, there is well over 450 feet of stopping sight distance in both directions on Central Avenue and the stopping sight distance and is safe.

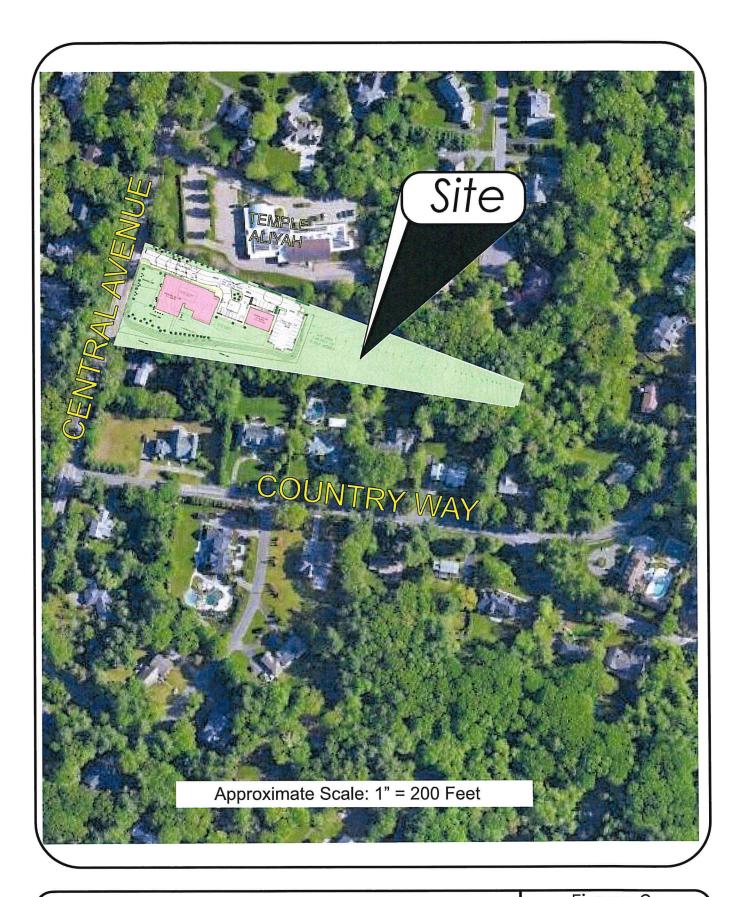
# **CRASH EVALUATION**

A review of the Massachusetts Department of Transportation data shows there were no crashes reported at the Central Avenue / Site Driveway intersection.



General Location Map





Locus Map

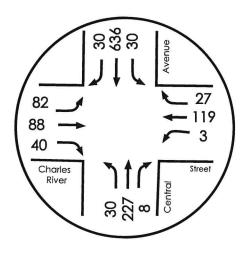


CENTRA	CENTRAL AVENUE AT	AT CHA	RI ES R	IVER S	REET	URNING	MOVE	MENT CC	JUNT (4	1:00-6:00 PM) 10/11/2006	50			
APPROACH	MOVEMENT	1:004:15 4	154:30 4	130-4:45	1:45-5:00	5:00-5:15	5:15-5:30	1:30-5:45 5	:45-6:00	MOVEMBIT 4:00-4:15 4:15-4:30 4:30-4:45 4:45-5:00 5:00-5:15 5:15-5:30 5:30-5:45 5:45-6:00	2006	20016	2021	2028
TEGORITO D		200								PM PEAK HOUR		Increased	2	드
CENTRAL AVENUE SOUTHBOUND		er.	~	4	4	9	10	10	4	4:45-5:45 (1320 VEHICLES)	30	by 136.6% 42		4 4
	THE	184	168	169	131	162	173	170	156	156 % H.V./BUS = 8.0%	636	884	-	66 :
	RIGHT	ဂ	9	7	80	9	9	10	_		e 0	54	4	4
CENTRAL AVENUE NORTHBOOND	LEFT	10	n	7	4	11	12	က	6		8	45	4	47
	THRU	25 -	25	20	99	57	22	94	4 -		ğ 8	315 11	330 12	25 25
CHARLES RIVER STREET EASTBOUND			1	1							0 8		9	ç
	LEFT	2 2	35	<u>6</u> 0	24 2	22	22	14	21		8 82	4 2	128	137
	RIGHT	9 2	12.	O O	9		12	6	7		40	22	28	9
CHARLES RIVER STREET WESTBOUND							1				0 0	,	•	4
	LEFT	3	8	- 5	78		22	39	29		119	165	173	185
	RIGHT	4 o	3	7	4		10	10	-		27	37	39	4
		342	324	315	301	334	342	343	282					
PM Peak Hour			2016	2021	2028									
Central Ave at Site	North	336	402	489	523 1084									
	Total		1367	1502	1607									
		Increase = 138.6%	138.6% (2	(2006 - 2016)	9									

2006 Peak Hour Traffic Volumes (Expanded to 2028) From Town of Needham Count at Recycling Center



## 2006 MORNING PEAK HOUR WAS NOT AVAILABLE



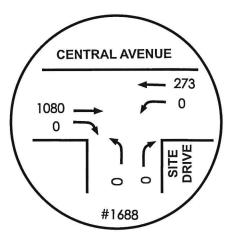
## 2006 EVENING PEAK HOUR

<u>APPROACH</u>	MOVEMENT	2006
CENTRAL AVENUE SOUTHBOUND		
	LEFT	30
	THRU	636
	RIGHT	30
CENTRAL AVENUE NORTHBOUND		
	LEFT	30
	THRU	227
	RIGHT	8
CHARLES RIVER STREET EASTBOU	ND	
	LEFT	82
	THRU	88
	RIGHT	40
CHARLES RIVER STREET WESTBOU	IND	
	LEFT	3
	THRU	119
	RIGHT	27

2006 Peak Hour Traffic Volumes on Central Avenue From Town of Needham Count at Charles River Street

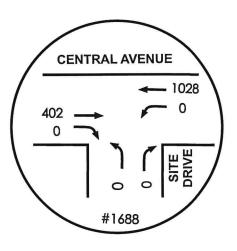


		North Bd	South Bd	Total	One Hour
5/10/2016 0	7:00 AM	278	47	325	
5/10/2016 0	7:15 AM	265	48	313	
5/10/2016 0	7:30 AM	292	71	363	
5/10/2016 0	7:45 AM	279	59	338	1339
5/10/2016	MA 00:80	232	79	311	1325
5/10/2016	08:15 AM	277	64	341	1353
5/10/2016	08:30 AM	175	61	236	1226
5/10/2016	08:45 AM	244	73	317	1205
		1080	273	1353	
AM Peak H	our	2016			
Central Ave	North Bd	1080			
Central Ave	South Bd	273			
TOTAL		1226			



2016 MORNING PEAK HOUR

		North Bd	South Bd	Total	One Hour
5/9/2016 0	4:00 PM	87	226	313	
5/9/2016 0	4:15 PM	67	222	289	
5/9/2016 0	4:30 PM	68	250	318	
5/9/2016 0	4:45 PM	88	247	335	1255
5/9/2016 0	5:00 PM	90	270	360	1302
5/9/2016 0	5:15 PM	114	243	357	1370
5/9/2016 0	5:30 PM	110	268	378	1430
5/9/2016 0	5:45 PM	81	243	324	1419
5/9/2016 0	6:00 PM	108	237	345	1404
		402	1028	1430	
PM Peak Ho	our	2016			
Central Ave	North Bd	402			
Central Ave	South Bd	1028			
TOTAL		1430			



2016 EVENING PEAK HOUR

2016 Peak Hour Traffic Volumes From Town of Needham Count at Recycling Center

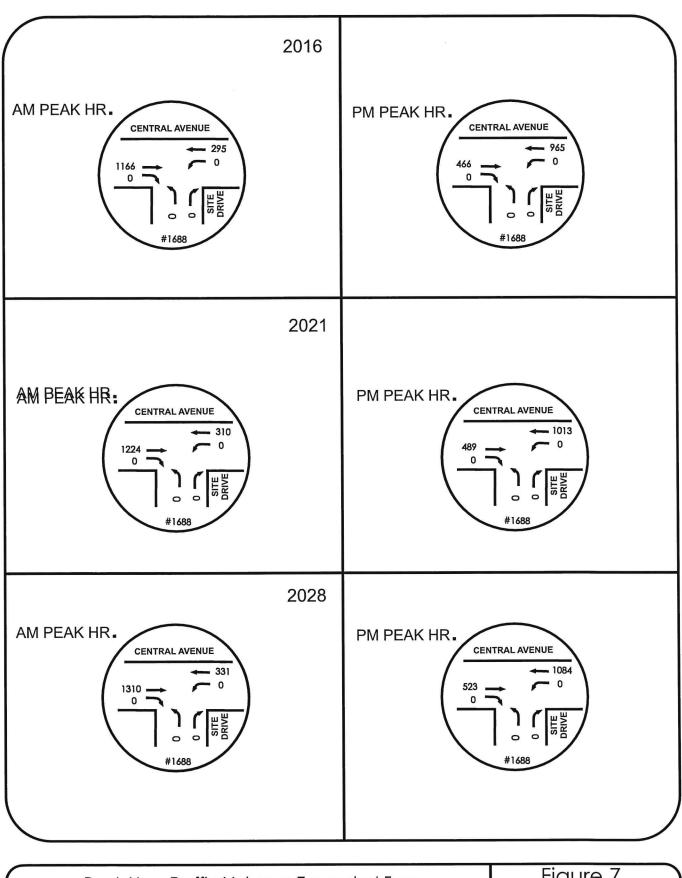


APPROACH	<b>MOVEMENT</b>	2006	20016	2021	2028
CENTRAL AVENUE SOUTHBOUND					
	LEFT	30	42	44	47
	THRU	636	881	926	990
	RIGHT	30	42	44	47
CENTRAL AVENUE NORTHBOUND					
	LEFT	30	42	44	47
	THRU	227	315	330	353
	RIGHT	8	11	12	12
CHARLES RIVER STREET EASTBOU	ND				
	LEFT	82	114	119	128
	THRU	88	122	128	137
	RIGHT	40	55	58	62
CHARLES RIVER STREET WESTBOU	JND				
	LEFT	3	4	4	5
	THRU	119	165	173	185
	RIGHT	27	37	39	42
Central Avenue at Site Drive	North Bd	336	466	489	523
	South Bd	696	965	1013	1084
	Total	1032	1430	1502	1607

Central Ave. AM \	/olume				
At Site Drive			2016	2021	2028
	North Bd		1166	1224	1310
	South Bd		295	310	331
	Total		1461	1534	1641
Central Ave. PM	Volume				
At Site Drive		2006	2016	2021	2028
	North Bd	336	466	489	523
	South Bd	696	965	1013	1084
	Total	1032	1431	1502	1607

Peak Hour Traffic Volumes Expanded From From Town of Needham Traffic Counts by 1% Per Year





Peak Hour Traffic Volumes Expanded From From Town of Needham Count at Recycling Center



Source of Data ITE Report (10th Edition) Land Use Code: 565 Volume 2, Pages 224 - 245 Day Care Center

Trips Based On Square Feet of Bldg. AM

**IN OUT TOTAL** Peak Hour Trips Trips per Unit T = 11.0(x)Directional Split 53% 47%

Trips Based on 10.03 KGSF 58 52 110

PM INOUTTOTAL T = 11.12 (x)47% 53% 53 59 112

**USE THESE PROJECTIONS** 

Trips per Weekday

Trips per KGSF ITE

T = 47.62 (x) Trips Based on 10,034 SF

= 478 Trips per Weekday

(= 239 Inbound & 239 Outbound)

Source of Data

ITE Report (10th Edition) Land Use Code: 565 Volume 2, Pages 224 - 245 Day Care Center

Trips Based on 115 Students

Trips Based On Students

AM **INOUTTOTAL** Peak Hour Trips T = 0.66(x) + 8.42Trips per Unit Directional Split 53% 47%

**IN OUT TOTAL** Ln(T) = 0.87 Ln(x) + 0.2947% 53% 39 44 83 44 40 84

Trips per Weekday

Trips per Child ITE

T = 4.09 (x) Trips Based on 115 Students = 470 Trips per Weekday

(= 235 Inbound & 235 Outbound)

Trips Based On KGSF & Students AM

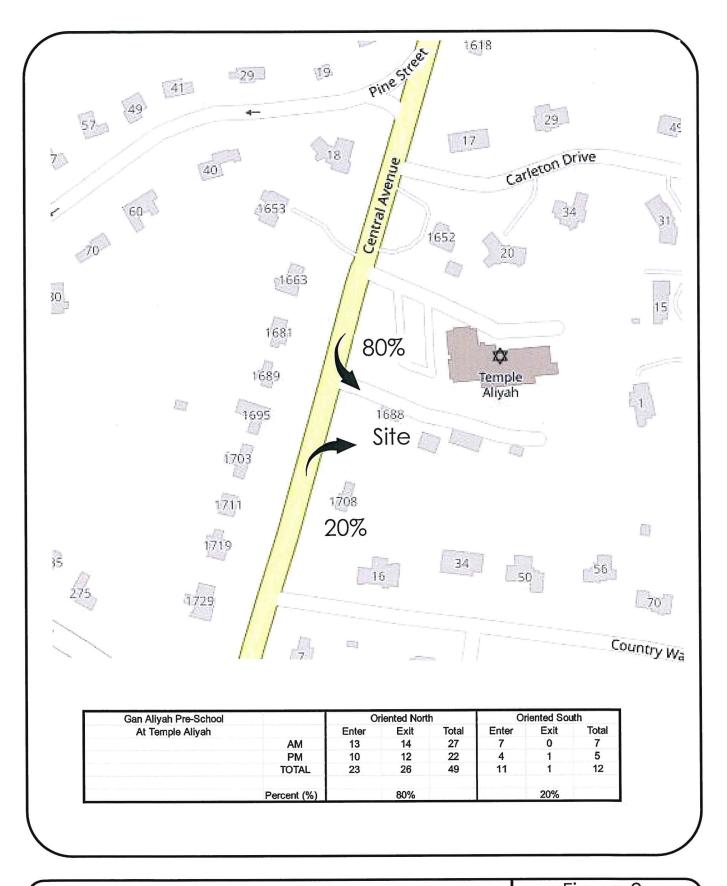
Average Peak Hour Trips

**IN OUT TOTAL** 51 46

PM **INOUT TOTAL** 46 52 98

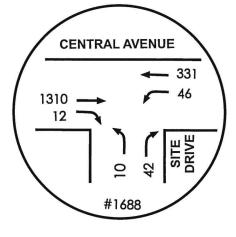
PM

<u>Trips per Weekday Average</u> = (478 + 470) / 2 = 474 (= 237 Inbound & 237 Outbound)



Directional Distribution

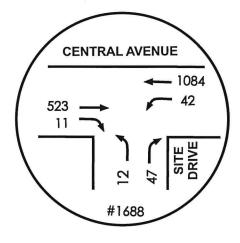




2028 MORNING PEAK HOUR IN OUT TOTAL 58 52 110

BASED ON ITE 10, 034 Sq. Ft.

.....

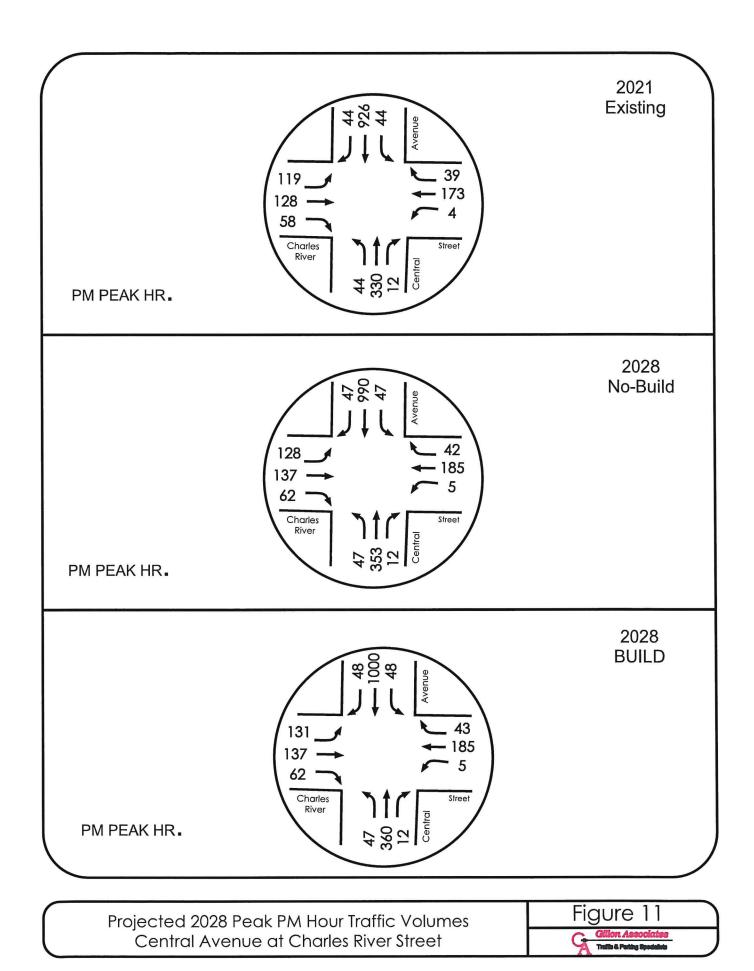


2028 EVENING PEAK HOUR IN OUT TOTAL 53 59 112

BASED ON ITE 10, 034 Sq. Ft.

Projected Peak Hour Traffic Volumes Central Avenue at Site Drive





Central Avenue at Site Driveway	Projected <u>AM</u>	LOS <u>PM</u>	
Stop Sign Controlled			
Central Ave. Northbound (All Moves)	Α	Α	
Central Ave. Southbound Through Movement Left-Turn Movement	A B	A A	
Site Drive West Bound (All Moves)	Ē	©	
	Existing	Base	Projected Based on ITE
	Expanded 2021 <u>PM</u>	2028 <u>PM</u>	10.034 KGSF 2028 <u>PM</u>
Central Avenue at Charles River Street—Sign Note: Turning Movement Counts From 2 And Expanded Proportionately to 2016 ATR Then By 1% Per Year Normal Growth AM Traffic Counts were not available Traffic Control Signal	006 PM R Counts		
Overall Level of Service Overall Delay (Seconds)	F 122.9	F 148.8	F 154
Charles River St East Bd. (All Moves) (Overall Delay (Seconds) Avg./95th % Queue Length (ft)	B 12.7 51/90	B 13.8 55/97	B 13.0 55/97
Charles River St West Bd. (All Moves) (Overall Delay (Seconds) Avg./95th % Queue Length (ft)	C 22.4 79/147	C 23.0 87/158	C 23.1 88/159
Central Ave. North Bd. (All Moves) (Overall Delay (Seconds) Avg./95th % Queue Length (ft)	D 37.9 185/321	D 53.5 211/365	E 57.2 217/374
Central Ave. South Bd. (All Moves) (Overall Delay (Seconds) Avg./95th % Queue Length (ft)	F 215 672/902#	F 259 1746/981	F 268 759/995#

#### Queue Analysis

Weekday AM Peak Demand = 40 per 80 minute peak period, Arrival Rate = 40 x (60/80) = 30 per hour (q).

Serving Rate = 60 seconds per vehicle at Request of GPI = Qmax

Utilization Factor:

30 veh/hr, 60 min./hr

 $\ell = q/Q = 30 / 60 \quad 0.5000$ 

DROP-OFF RATE: 3600/30= 120 Use 60 seconds as Per GPI

Probability of No Vehicles:

Po = 1 - e =

0.5000

## Probability of n vehicles in system:

 $Pn = \ell^n \times Po$ 

		Px	
$Pn = 0.5^{\circ} \times 0.5$	n (vehicle:	P (x=n) (	x <or =="" n)<="" th=""></or>
	0	0.50	0.50
Pn = 1 x 0.5 = 0.5	1	0.25	0.75
	2	0.13	0.88
$P_1 = 0.5^{1} \times 0.5$	3	0.06	0.94
	4	0.03	0.97
	5	0.02	0.98
	6	0.01	0.99
	7	0.00	1.00
	8	0.00	1.00
	9	0.00	1.00
	10	0.00	1.00
	11	0.00	1.00
	12	0.00	1.00
	13	0.00	1.00
	14	0.00	1.00
	15	0.00	1.00
	16	0.00	1.00
	17	0.00	1.00
	18	0.00	1.00
	19	0.00	1.00
	20	0.00	1.00
	21	0.00	1.00
	22	0.00	1.00
	23	0.00	1.00
	24	0.00	1.00
	25	0.00	1.00
	26	0.00	1.00
	27	0.00	1.00
	28	0.00	1.00
	29	0.00	1.00
	30	0.00	1.00
	31	0.00	1.00
	32	0.00	1.00
	33	0.00	1.00
	34	0.00	1.00
	35	0.00	1.00
	36 27	0.00	1.00
	37	0.00	1.00
	38 39	0.00	1.00
		0.00	1.00
	40	0.00	1.00

### Findings:

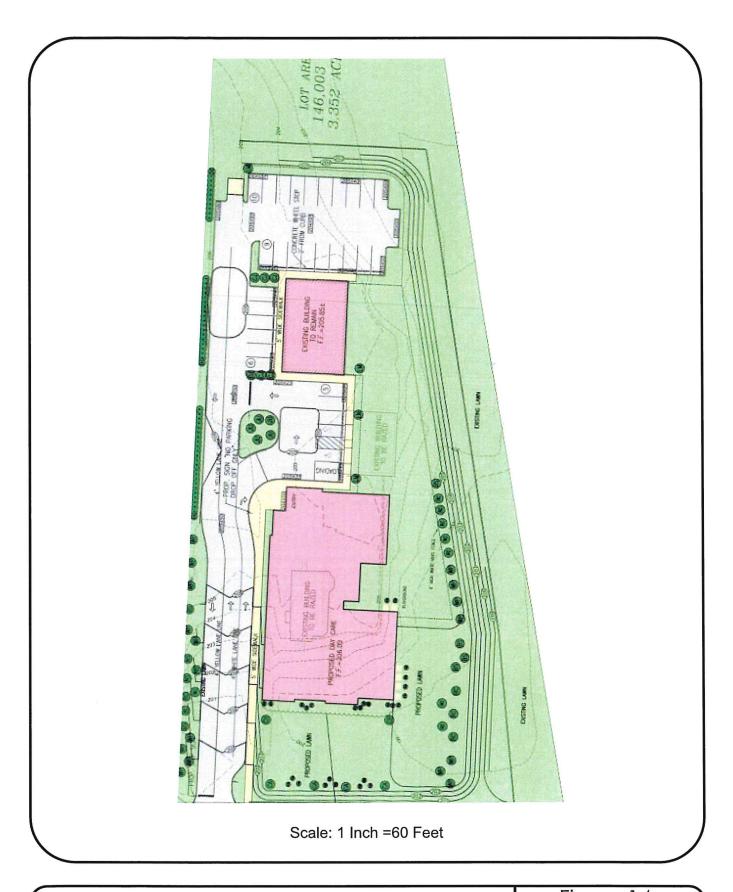
- 1. 100% of Queue Demand Less than 10 Cars
- Average 50th Percentile Queue = 0 vehicles
- 3. Expected number in System (vehicles) = E(n) =  $\ell$  / (1- $\ell$ ) = '0.5 / (1-0.5) = 1.0
- 4. Expected (Average) number in Queue (vehicles) = E(m) =  $\ell^2$  / (1- $\ell$ ) = (0.5)\*/(1-0.5) = 0.5

Source: Transportation and Traffic Engineering Handbook, ITE 1976 & Article Included herein

NOTE: First Stacking Lane = 200 Feet = 10 Vehicles Second Inbound Lane = 380 Feet = 19 Vehicles Total = 39 Vehicles available off-street

Design (85th Percentile Queue = 2 Vehicles Less than 10 , Therefore OK

Figure 13

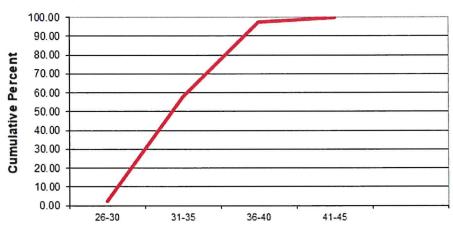


Available Drop-Off Queue Length ≈ 10 cars



Speed Da	ta				
	26-30	31-35	36-40	41-45	Total
Northbound	1	16	8	0	25
Southbound	0	8	9	1	18
	1	24	17	1	43

Speed	Cum. %
26-30	2.33
31-35	58.14
36-40	97.67
41-45	100.00



	N	orthbou	nd	Speed	Soi	uthbour	ıd	
	SPEED	Percent	Cum %		SPEED	Percent	Cum %	
	28	3.26%	3.26%		31	4.73%	4.73%	
	31	3.61%	6.87%		33	5.03%	9.76%	
	32	3.73%	10.59%		34	5.18%	14.94%	
	32	3.73%	14.32%		35	5.34%	20.27%	
	33	3.84%	18.16%		35	5.34%	25.61%	
	33	3.84%	22.00%		35	5.34%	30.95%	
	33	3.84%	25.84%		35	5.34%	36.28%	
	33	3.84%	29.69%		35	5.34%	41.62%	
	34	3.96%	33.64%		36	5.49%	47.10%	
	34	3.96%	37.60%		36	5.49%	52.59%	
	34	3.96%	41.56%		37	5.64%	58.23%	
	34	3.96%	45.52%		37	5.64%	63.87%	
	34	3.96%	49.48%		38	5.79%	69.66%	
	35	4.07%	53.55%		39	5.95%	75.61%	
	35	4.07%	57.63%		39	5.95%	81.55%	
	35	4.07%	61.70%		39	5.95%	87.50%	
	35	4.07%	65.77%		40	6.10%	93.60%	
	36	4.19%	69.97%		42	6.40%	100.00%	
	36	4.19%	74.16%					
	36	4.19%	78.35%					
	37	4.31%	82.65%	Avg.=	36		85th % =	39 mph
	37	4.31%	86.96%					
	37	4.31%	91.27%					
	37	4.31%	95.58%					
	38	4.42%	100.00%					
Avg.=	34		85th % = 37	moh				

Central Avenue Speed Characteristics





From Site Driveway Looking South (Left)



From Site Driveway Looking North (Right)

Character   Char	,	)	1		,							,		,	
Property demage 11:14 AM only frome niques) 1 0 0 Tash 1 Travelling streight 11:12 PM only frome niques) 2 0 0 Arabe and a streight of the str	Crash	Crash		Number of Vehicles	Total Nonfatal Injuries	Manner of Collision	Vehicle Action Prior to Crash	Vehicle Travel Directions	Most Harmful Events	TO BE WELL	Committee of the Park of the P	Ambient Light (	Weather	At Roadway Intersection	Distance from Nearest Roadway Intersection
13.14 AM Only (none injured)   1	12-Jen- 2016	7:40 PM	Property demage only (none injured)			V Rear-end s	1: Travelling straight heed /V2:Slowing or topped in traffic	V1:Southbound	/V2:	Passenger car :Passenger		>	Snow		1719 CENTRAL AVE
Froperty damage Property damag	29-Jen- 2016	11:14 AM	Property damage only (none injured)	· -		 	1: Slowing or stopped in affic	V1:Westbound		V1: Single-unit truck (2-æde, 6-tire) C			Clear		1421 CENTRAL AVE
Property damage vehicle and vehicle in tadfic only (none injured) 1 0 0 0 crash VI: Parked VI: Nonthbound vehicle in tadfic only (none injured) 2.40 PM only (none injured) 2 0 crash vehicle vehicle in tadfic vehicle	23-Feb- 2016	5:23 PM	Property damage only (none injured)	_		 t TRear-end s	stopped in relling	V1:Northbound //	to	Passenger car Passenger			Clear/Un known		1155 CENTRAL AVE
Property damage vehicle VI: Travelling straight only (none injured) 1 0 0 crash ahead VI: Travelling straight only (none injured) 2 0 crash ahead VI: Travelling straight vehicle in traffic VI: Travelling straight only (none injured) 2 0 0 Aggle straight straight only (none injured) 2 0 0 Aggle straight straight only (none injured) 2 0 0 Aggle straight vehicle in traffic VI: Travelling straight vehicle in traffic VI: Passenger car Snow Daylight drizzle) Central AVE VI: Collision with motor mini-van panel VI: Travelling straight vehicle in traffic VI: Passenger car Snow Daylight drizzle) Central AVE VI: Collision with motor with motor with motor with motor with only lour tires VI: Passenger car Day Dewn outly ST County/CI CHAPLES RIVER	04-Mar- 2016	2:40 PM	Property damage only (none injured)	k 75.				V1:Northbound	n motor	VI: Passenger car [			Clear		829 CENTRAL AVE
Single   S	04-Apr- 2016	12:09 PM	Property damage only (none injured)	-				V1:Southbound	<u>.</u>	VI: Passenger car lt			Snow/Sle et hail (freezing rain or drizzle)		259 CENTRAL AVENUE
V1: Light truck(van. V1: Ught truck(van. V1: Light truck(van. panel V1: Travelling straight vehicle in trafic / V2: pickup sport utility)  Property damage	04-Apr- 2016	1:12 PM	Praperty damage only (none injured)					VI:Westbound		VI: Passenger car 5			Snow/Sle et hail (freezing rain or drizzle)		89 CENTRAL AVE
	03-Mar- 2015	5:49 AM		٧.				V1:Northbound /V2:Eastbound	h mator /V2: otor	લે જેજે છે			CE Cloudy/CI CH oudy ST	NTRAL AVE / ARLES RIVER	

Central Avenue Crash Data



**APPENDIX** 

# Signalized Intersections

LOS	Control Delay per Vehicle (s/veh)
Α	≤ 10
В	> 10-20
С	» 20–35
0	> 3555
£	> 55-80
f	> 80

# **Un-Signalized Intersections**

Level of Service	Average Control Delay (s/veh)
A	0-10
В	> 10-15
C	> 15-25
D	> 25-35
E	> 35-50
F	> 50

Intersection						
Int Delay, s/veh	1.7					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	79		ħ			र्न
Traffic Vol, veh/h	10	42	1310	12	46	331
Future Vol, veh/h	10	42	1310	12	46	331
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized		None				None
Storage Length	0	-	-	_	-	-
Veh in Median Storage	,# 0		0			0
Grade, %	0	-	0	- Washing America	Les and and a second	0
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mymt Flow	11	44	1379	13	48	348
Major/Minor N	Vinor1		Major1	٨	//ajor2	
Conflicting Flow All	1830	1386	0	0	1392	0
the state of the s	1386	1300	U .		1392	U -
Stage 1						
Stage 2	444	-	en des suite		- 4 4	and series
Critical Hdwy	6.4	6.2	•		4.1	
Critical Hdwy Stg 1	5.4	-	-			
Critical Hdwy Stg 2	5.4	-			-	
Follow-up Hdwy	3.5	3.3			2.2	• ########
Pot Cap-1 Maneuver	85	177			498	•
Stage 1	234	-		errenensenbrasen	-	e Markania
Stage 2	651	-				
Platoon blocked, %			• Sactoricalists	<u> </u>		- MATAMINATION
Mov Cap-1 Maneuver	75	177	•	-	498	-
Mov Cap-2 Maneuver	75	e de la companya de l		SACSA LITTURE PARLAMENTAL	-	-
Stage 1	234		-		•	
Stage 2	573	-	ration takes	-	e November	
Approach	WB		NB		SB	
HCM Control Delay, s	46.3		0		1.6	
HCM LOS	E					
		NOT	NIDD	MDI - 4	ODI	ODT
Minor Lane/Major Mvm	nt	NBT		WBLn1	SBL	SBT
Capacity (veh/h)			•	Total Control	498	-
HCM Lane V/C Ratio		-	-	0.391		
HCM Control Delay (s)				46.3	13	
HCM Lane LOS			-	E	В	Α
HCM 95th %tile Q(veh)	)			1.7	0.3	

Intersection						
Int Delay, s/veh	1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	T	TOIL	7	NOIN	JUL	सी
Traffic Vol, veh/h	12	47	523	11	42	1084
Future Vol, veh/h	12	47	523	11	42	1084
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	Stop -	None	1100	None	-	None
Storage Length	0	-		NONE	BERRY	-
Veh in Median Storage	_	NATIONAL PROPERTY AND ADDRESS OF	0	-	-	0
	e, # 0 0	- -	0			0
Grade, %				- 0E	- 0E	
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	13	49	551	12	44	1141
Major/Minor	Minor1	Ā	Major1	٨	/lajor2	
Conflicting Flow All	1786	557	0	0	563	0
Stage 1	557	007			-	
Stage 2	1229				NAME OF TAXABLE	Klarania Will
Critical Hdwy	6.4	6.2			4.1	
	5.4	0.2			1.	
Critical Hdwy Stg 1	5.4			gegaan.	-	
Critical Hdwy Stg 2		2 2	Mr. Land	Web -	2.2	•
Follow-up Hdwy	3.5	3.3	- 10:36.Wollin R			energy and an
Pot Cap-1 Maneuver	91	534	•		1019	-
Stage 1	578	aster-eser	-	-	-	-
Stage 2	279					
Platoon blocked, %			-	-	omore de la	·
Mov Cap-1 Maneuver		534	-		1019	
Mov Cap-2 Maneuver		-	-		-	-
Stage 1	578	-			-	
Stage 2	246	-	-	-	-	-
Approach	WB		NB		SB	
Approach			A CONTRACTOR OF STREET		The second second	
HCM Control Delay, s			0		0.3	
HCM LOS	С					
Minor Lane/Major Mvr	nt	NBT	NBR	NBLn1	SBL	SBT
Capacity (veh/h)					1019	
HCM Lane V/C Ratio					0.043	
HCM Control Delay (s				24.3	8.7	0
HCM Lane LOS	1			24.3 C	Α	A
	N. Company		id to break	1	0.1	A -
HCM 95th %tile Q(veh	1)	- CONT.			0.1	

Certifial Ave at Crial		Ci Otic				-				LVerling Feat Flour			
	۶	-	*	*	<b>4</b> —	*		†		1	1	1	
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations	M	P			4			4			4		
Traffic Volume (vph)	119	128	58	4	173	39	44	330	12	44	926	44	
Future Volume (vph)	119	128	58	4	173	39	44	330	12	44	926	44	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Grade (%)		0%			0%			0%			-3%		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frt		0.953			0.976			0.996	101111111111111111111111111111111111111		0.994	100000000000000000000000000000000000000	
Flt Protected	0.950				0.999			0.994			0.998		
Satd. Flow (prot)	1703	1708	0	0	1748	0	0	1844	0	0	1876	0	
Flt Permitted	0.458				0.996		na ibilah	0.708			0.968		
Satd. Flow (perm)	821	1708	0	0	1742	0	0	1314	0	0	1819	0	
Right Turn on Red	are en la la		No			Yes			No			Yes	
Satd. Flow (RTOR)			Called Adjusted Ca		14						4	Symposium, a	
Link Speed (mph)		30			30			30			30		
Link Distance (ft)		787			760			563			552		
Travel Time (s)		17.9			17.3			12.8			12.5		
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97	
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%	
Adj. Flow (vph)	124	133	60	4	184	41	52	388	14	45	955	45	
Shared Lane Traffic (%)				SEASON OF THE	104		02		233490		000	-0	
Lane Group Flow (vph)	124	193	Ó	0	229	0	0	454	0	0	1045	0	
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No	
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right	
Median Width(ft)	LCIL	12	ragin	Lon	12	ragiit		0	ragnt	EARTHAIN	0	Tagrit	
Link Offset(ft)		0			0			0			0		
Crosswalk Width(ft)		16			16			16			16		
Two way Left Turn Lane		10						10					
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98	
Turning Speed (mph)	15	1.00	9	15	1.00	9	15	1.00	9	15	0.00	9	
Number of Detectors	13	2		10	2		1	2		10	2		
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru		
Leading Detector (ft)	20	100		20	100		20	100		20	100		
Trailing Detector (ft)	0	0		0	0		0	0		0	0		
Detector 1 Position(ft)	0	0		0	0		0	0		0	Ö		
Detector 1 Size(ft)	20	6		20	6		20	6		20	6		
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		
Detector 1 Channel	CITEX	CITEX		CITEX	CITEX		CITEX	CITEX		OIILX	OITEX		
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0		
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0		
And the Control of th	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0		
Detector 1 Delay (s)	0.0	94		0.0	94		0.0	94		0.0	94		
Detector 2 Position(ft)		6			6			6			6		
Detector 2 Size(ft)								CI+Ex			CI+Ex		
Detector 2 Type		CI+Ex			CI+Ex			CITEX			CITEX		
Detector 2 Channel		0.0			0.0			0.0			0.0		
Detector 2 Extend (s)		0.0		D	0.0		D	0.0		D D	0.0		
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA		
Protected Phases	5	2			6		4	4		1	8		
Permitted Phases	2	6		6			4	ELCONE I		4			
Detector Phase	5	2		6	6		4	4		4	8		

	۶	-	*	•	4	1	4	†	1	-	<b>↓</b>	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5		30.5	30.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5			4.5			4.5			4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	35.5	35.5			24.6			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.25	0.24			0.39			0.85			1.41	
Control Delay	12.7	12.7			22.4			37.9			215.3	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	12.7	12.7			22.4			37.9			215.3	eran Armanana
LOS	В	В			C			D			F	
Approach Delay		12.7			22.4			37.9			215.3	
Approach LOS		В			C			D			F.	
Queue Length 50th (ft)	31	51			79			185			~672	
Queue Length 95th (ft)	61	90			147			#321			#902	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	512	808			581			534			742	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.24	0.24			0.39			0.85			1.41	
Internation Cummons			CONTRACTOR AND		PARTY AND DES	E PERSONS	ALL BELLEY					

Intersection Summary

Area Type: Other

Cycle Length: 75 Actuated Cycle Length: 75 Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.41

Intersection Signal Delay: 122.9 Intersection Capacity Utilization 97.8% Intersection LOS: F ICU Level of Service F

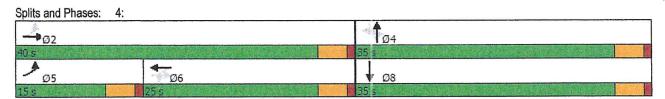
Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



	*	-	*	1	<b>—</b>	*	4	†	1	1	1	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	7	Þ			4			4			4	
Traffic Volume (vph)	128	137	62	5	185	42	47	353	12	47	990	47
Future Volume (vph)	128	137	62	5	185	42	47	353	12	47	990	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%	STATE OF THE PARTY		-3%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.953			0.975			0.996			0.994	
Flt Protected	0.950				0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1746	0	0	1844	0	0	1876	0
Flt Permitted	0.438				0.995			0.677			0.965	
Satd. Flow (perm)	785	1708	0	0	1739	0	0	1256	0	0	1814	0
Right Turn on Red			No			Yes			No			Yes
Satd. Flow (RTOR)					15	A LIST MARKY COLORORS					4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	133	143	65	5	197	45	55	415	14	48	1021	48
Shared Lane Traffic (%)												
Lane Group Flow (vph)	133	208	0	0	247	0	0	484	0	0	1117	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6			4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

	Þ	-	*	•	<b>4</b>	*	4	<b>†</b>	1	1	<b></b>	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5		30.5	30.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5		4 10 14 17 10 10 10 10 10	4.5			4.5			4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	35.5	35.5			24.5			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.28	0.26			0.43			0.95			1.51	
Control Delay	13.0	12.9			23.0			53.5			259.4	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	13.0	12.9			23.0			53.5			259.4	
LOS	В	В			C			D			F	
Approach Delay		13.0			23.0			53.5			259.4	
Approach LOS		В			C			D			F	
Queue Length 50th (ft)	34	55			87			211			~746	
Queue Length 95th (ft)	64	97			158			#365			#981	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	500	808			578			510			740	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.27	0.26			0.43			0.95			1.51	

Intersection Summary

Area Type: Other

Cycle Length: 75
Actuated Cycle Length: 75
Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.51

Intersection Signal Delay: 148.8 Intersection Capacity Utilization 103.5% Intersection LOS: F
ICU Level of Service G

Analysis Period (min) 15

Queue shown is maximum after two cycles.

Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.

<sup># 95</sup>th percentile volume exceeds capacity, queue may be longer.

Evening Peak Hour

Splits and Phases:	4:		
- <b>4</b> 02		<b>↑</b> ø4	
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<b>≯</b> ø5	<b>1</b> 06	₩ Ø8	
15 s	25 s	35 s	

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ħ	13			44>			4			4	
Traffic Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Future Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)	1000	0%	1000	1300	0%	1300	1300	0%	1300	1000	-3%	1300
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.953	1.00	1.00	0.975	1.00	1.00	0.996	1.00	1.00	0.994	1.00
Flt Protected	0.950	0.333			0.999			0.994	NOTE THE		0.998	
		4700		0			^	1844	0			^
Satd. Flow (prot)	1703	1708	0	0	1746	0	0		0	0	1876	0
Flt Permitted	0.436	4700			0.995			0.677		^	0.963	_
Satd. Flow (perm)	782	1708	0	0	1739	0	0	1256	0	0	1810	0
Right Turn on Red			No			Yes			No		on calab	Yes
Satd. Flow (RTOR)		TOTAL OLD THE SERVICE			15						4	
Link Speed (mph)		30			30			30	14 08 00 0		30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	136	143	65	5	197	46	55	424	14	49	1031	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	136	208	0	0	248	0	0	493	0	0	1129	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12		ACTION 10	0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Secretary Mark						in an variety in	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15	CONTRACTOR OF STREET	9	15		9	15	1.00	9	15	0.00	9
Number of Detectors	10	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru	NEAD THE	Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0			0	0		0	0		0	0	
		0			0		0	0		0	0	
Detector 1 Position(ft)	0			0 20			20	6		20	6	
Detector 1 Size(ft)	20	6		and the second s	6							
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel							0.0	0.0		0.0	0.0	
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6	NAME OF TAXABLE PARTY.		4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

Gillon Associates JTG

rojecteu	VVI	Day	Care
E	ven	ing Pe	ak Hour

	•	-	*	•	<b>4</b>	4	1	<b>†</b>	1	1	<b>↓</b>	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5	-,	30.5	30.5	- Carrier Carr
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5			4.5			4.5	17 P. L. T. C. S. L.		4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes	The second second second		Control Control Control	MINISTER NAME OF STREET		and the second s					
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	35.5	35.5			24.4			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.29	0.26			0.43			0.97			1.53	
Control Delay	13.1	12.9			23.1			57.2			268.3	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	13.1	12.9			23.1			57.2			268.3	
LOS	В	В			C			E			F	
Approach Delay		13.0			23.1			57.2			268.3	
Approach LOS		В			C			E			F	
Queue Length 50th (ft)	34	55			88			217			~759	
Queue Length 95th (ft)	66	97			159			#374			#995	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	499	808			577			510			738	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.27	0.26			0.43			0.97			1.53	
CONTRACTOR IN A MANAGEMENT AND A CONTRACTOR AND A CONTRAC	STREET, STREET	MADERNAS AND ANALYSIS AND	WEND CONTRACTOR OF THE PARTY OF	OPPLIES OF STREET, AND STREET,	OUTSTRANDED BY AND RESIDENCE	OR VESTILIZATION RE-						STATE OF THE PERSON NAMED IN

Intersection Summary

Other Area Type:

Cycle Length: 75 Actuated Cycle Length: 75

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.53

Intersection Signal Delay: 154.2

Intersection LOS: F ICU Level of Service G

Intersection Capacity Utilization 104.4%

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite. Queue shown is maximum after two cycles.

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

# **GPI Signal Inventory**

Intersection: City/Town: Date: Recorded By:	Charles Ri Needham 7/23/2021 JWD	ver Road at	Central Av			Phase 1: Phase 2: Phase 3: Phase 4: Phase 5: Phase 6: Phase 7: Phase 8: Phase 9:	Charles River Rd EB  Central Ave SB  Charles River Rd EB LT  Charles River Road WB  Central Avenue NB				
Timing	a erese a passavels			rigaria da la companio de la companio del companio del companio de la companio del la companio de la companio della companio de la companio d		NUCSA LINGUISIA					
					PHASE		30				
TAIK!	1	2	3	4	5	6	7	8	9		
MIN EXT	3	5		5	5	5		5			
MAX 1	8	10		3	2	2		3			
MAX 2	8	25		15	7	10		15			
MAY EYT		25		35	15	25		35			
MAX EXT YEL	ii .			-						1	
YEL		3		3	3	3		3			
RED	ă .	2		2	2	2		2		l	
WALK	4	-									
FDW RECALL	8			0.6							
RECALL	i i	Non Lord		Soft				Soft		1	
LOCK	8	Non-Lock	<u></u>	Non-Lock	Non-Lock	Non-Lock		Non-Lock			
Special Event Businessins					D			D: 0			
Special Event Programming Hours of Operation (7days)	Dial	Split	Offset	1	Preemption	Phase		Ring Struct	ure		
Hours of Operation (/days)	Diai	Spite	Oliset	4		A STATE OF THE PARTY OF THE PAR			2		4
M-F	<del> </del>			4	Preempt #	Called			<sup>2</sup>		4
0600-0900	<del> </del>	MAX 2	-	-							
0900-1500	<del> </del>	MAX 1		-			ΙΙ,	5	6		6
1500-1800	<del> </del>	MAX 2		-			'		·	1	,
All Other Times & Sat &Sun	<del>                                     </del>	MAX 1		-			<u> </u>				
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	·			J			ļ				
Coordination (Splits)											
				Phase #	- Splits (in	seconds)					Supplemental Control
Cycle/Split/Offset	1	2	3	4	5	6	7	8	9	Cycle	Offset
	1									I	
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111 River Street Weymouth, MA 02191-2104 Telephone: (781) 589-7339 e-mail: jt.gillon@comcast.net

## **TECHNICAL MEMORANDUM**

To: John Glossa, P.E., Glossa Engineering

Date: August 21, 2021 From: John T. Gillon, P.E.

GILLON

CIVIL

Re: New Day Care Facility at 1688 Central Avenue Response

At your request, I hereby certify the attached document constitutes my response to the latest GPI, Peer Review Comments.

Sincerely, GILLON ASSOCIATES

John T. Gillon



July 15, 2021

NEX-2021238.00

Town of Needham Planning Board Town Hall 1471 Highland Avenue Needham, MA 02492

SUBJECT: 1688 Central Avenue

Proposed Child Care Facility - Peer Review

Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Traffic Impact Assessment prepared by Gillon Associates March 2021
- Traffic Impact Assessment prepared by Gillon Associates Revised March 2021
- Traffic Memo prepared by Gillon Associates dated April 5, 2021
- Traffic Impact Assessment prepared by Gillon Associated Revised June 2021
- Fire Department Comments from March 29, 2021
- Engineering Department Comments from March 31, 2021
- Fire Department Comments from April 27, 2021
- Public Health Comments from April 27, 2021
- Design Review Board Letter dated May 14, 2021
- Police Comments dated May 6, 2021
- Engineering Department Comments dated May 12, 2021
- Design Review Board Letter dated May 22, 2021
- Site Plans dated June 22, 2020
- Site Plans Revised April 15, 2021
- Site Plans revised June 2, 2021
- Submission letter from Attorney Evans Huber dated March 12, 2021
- Various public comments provided to GPI by the Town

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines. In general, it appears the traffic volumes along Central Avenue have been adequately projected to 2021 conditions, in accordance with MassDOT's recommendations on traffic projections for projects undertaken during Covid 19. In addition, based on the anticipated trip generation, it appears that the impacts of the site operation will have minimal impacts on traffic along Central Avenue. However, there are several comments noted below, particularly related to the site operations and site circulation that need further evaluation, prior to providing a definitive final assessment.

### **Traffic Impact Assessments (TIA)**

1. The March 2021 TIA has been developed for a 9,941 square foot Child Care facility and proposed 24 parking spaces.

### R-1 This has been revised based on a building size of 10,034 SF and 30 Parking Spaces

2. The study states that the site could accommodate between 80-100 students although 120 children appears to be allowed. The submission letter from Attorney Evans Huber date March 12, 2021 indicates

the site is to accommodate 100 students. If the intent is to eventually grow to 120 students, the traffic and parking analysis should be based on 120 students. Also, the TIA does not mention number of staff, although the attorney's letter indicates 13 staff. Please clarify the maximum number of students and staff in the TIA, as this impacts the parking requirements based on Town calculations of 8 parking spaces are required, plus one (1) for each 40 students, plus 1 space per staff.

R-2 The program is intended to accommodate a maximum number of 115 children. The projected total maximum staff will be16 Staff and 2 administrators on peak days (Tuesday-Thursday); 15 Staff and 2 administrators on Mondays; and 13 Staff and 2 Administrators on Fridays. According to the Town formula referenced above, the maximum parking demand will be 29 spaces. Staff will be on site before the critical arrival and departure hours to assist children between vehicles and the building. Also, arriving staff and any parent who wishes to park will use the separate entrance lane in order to bypass the drop-off lane. The proposed parking supply is one more space than what is required under the Town calculations.

Maximum total of 115 children is broken down as follows:

- a. 55 Infants, toddlers and preschoolers arriving in the morning peak drop-off period of 7:30 a.m. to 8:50 a.m.
- b. 30 children, who will not arrive until shortly before 9:00 (or later).
- c. 30 after-school kids, who arrive in the afternoon
- d. 55 + 30 + 30 = 115
- 3. Based on the June 2021 Revised TIA the number of students has increased to 113; however, there is no mention if the staff is increased and the parking capacity has been increased to 30 vehicles.
  - R-3 See above. The projected staff has increased to a maximum of 16 FTE and 2 administrators on peak days.
- 4. Based on the ITE Parking Generation 4<sup>th</sup> Edition, LUC 565 Child Care Facility, a 9,966 sf facility would have an Average Parking Demand of 24 vehicles and an 85<sup>th</sup> Percentile Peak Demand of 37 vehicles.
  - a. The proponent is currently proposing 30 spaces, which more than satisfies the Average Demand established in the ITE Parking Generation and the requirements of the Town.
  - R-4. Please see Figure 14. The Revised Plans show 30 parking spaces are provided for a 10,034 square-foot facility. The ITE Parking Generation Report shows this building would have an average demand of 25 spaces and an 85<sup>th</sup> Percentile Peak of 37.5 vehicles. However, for the reasons discussed below, we believe this figure is far higher than the actual number of vehicles that will be arriving during the peak drop-off period.
- 5. The proponent discusses additional Child Care facilities in terms of evaluating number of vehicles arriving during the peak hour. Based on the Goddard School 59 out of 80 students arrived during the peak hour. However, in the two-hour window observed (7-9AM) for 80 students a total of 96 vehicles arrived on site. Assuming a portion of these vehicles were staff, the results seem to indicate that each child appears to be in a single vehicle. Therefore, the impacts of the drop-off and pick-up (queuing, time on site, etc.) cannot be fully evaluated without understanding more about the proposed drop-off and pick up schedules.

a. Attorney Huber's March 12, 2021 letter states, "...drop off and pick up will continue to be staggered, as is NCC's current practice...", however, further information on what the current practice entails, is not provided in the TIA or in the letter.

R5a. Based on actual data from the operator as to the number of children, there will be a maximum of 55 children arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m (80 Minutes). The next cohort of a maximum of 30 children will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining maximum of 30 children will not arrive until the afternoon.

In addition, the assumption that each child will arrive in a separate vehicle is significantly inconsistent with the operator's actual enrollment and experience. Years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child for a total of 40 parent vehicles that will arrive in that window. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

#### See also R-2 and R-6.

- b. Furthermore, it would be valuable to have data from existing NCC facilities at 23 Dedham Ave and 858 Great Plain Ave in terms of number of students vs. number of vehicles, current arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. from the existing NCC sites.
  - R5b. Data has been compiled from these sites in order to provide the analysis of number of students/vehicles, arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. This analysis is shown in R-6. In addition, the drop off/pick up times have been observed to be 30-45 seconds each vehicle, but we used 60 seconds as requested by the peer review.
- c. Is the proposed facility to replace one or both of the existing NCC facilities or provide a third facility in Needham?
  - R5c. This location will replace the Baptist Church location that is closing.
- 6. Based on the March 2021 Initial TIA and on ITE Land Use Code 565 from the ITE Trip Generation Manual 10<sup>th</sup> edition a 9,941 sf Child Care Facility is expected to generate:
  - a. 109 Weekday Morning Peak Hour Trips with
    - i. 58 vehicles entering the site and
    - ii. 51 vehicles exiting the site
  - b. 111 Weekday Evening Peak Hour Trips with
    - i. 52 vehicles entering the site and
    - ii. 59 vehicles exiting the site

The March 2021 TIA appendix includes the ITE trip generation calculations, indicating 109 morning peak hour trips. The analysis then further uses data based on proponent's schedule to project 104 morning peak hour trips. However, the schedule does not mention timing on employees' arrivals

The revised March 2021 TIA proposes the same square footage facility but reduces the Morning Peak Hour Trips from 104 vehicles to 76 new morning peak hour trips with 40 vehicles entering and 36 vehicles exiting. There is no explanation provided in the TIA as to why the rates have lowered.

The April 5, 2021 Traffic Memo indicates 97 students at the site and the June 2021 Revised TIA appears to increase the square footage of the facility to 9,966 sf and the student population to 113 students. Based on the increased square footage the trip generation based on ITE LUC 565 results in:

- a. 110 Weekday Morning Peak Hour Trips with
  - iii. 58 vehicles entering the site and
  - iv. 52 vehicles exiting the site
- b. 111 Weekday Evening Peak Hour Trips with
  - v. 52 vehicles entering the site and
  - vi. 59 vehicles exiting the site

The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

R6. As noted above, the maximum number of students will be 115, and the square footage of the building will be 10,034 square feet.

Our analysis of peak period arrivals, queueing, and site capacity is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13 of the revised TIA) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window (see figure 8 of the Revised TIA), there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas, which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

7. The March 2021 TIA does not cite the date of traffic counts on Central Avenue. The revised March 2021 TIA cites traffic counts from February 4<sup>th</sup>; however, no year is provided. It is assumed that these were counts from 2021. Please confirm.

#### **R7. Confirmed**

- 8. Due to Covid 19, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are generally still below pre-2020 levels. Based on MassDOT guidelines for traffic studies, the standard practice has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. Based on the revised March 2021 TIA, the proponent has done this and has utilized 2016 traffic data provided by the town along Central Ave in the vicinity of the site and factored volumes by 1.6% annual to 2021 conditions. However, the proponent does not cite how the 1.6% growth rate was selected. Please provide a source for the assumed growth rate.
  - R-8 This figure was expanded from a combination of turning movement counts and a one-time automatic recorder count. At the July 23<sup>rd</sup> meeting with the Peer Reviewer, it was decided to include the Central Avenue / Charles River Street intersection for the evening peak hour, since counts were available, and grow all volumes by the more regional normal Growth Factor of one percent per year for all years since the count was obtained.
- 9. The March 2021 TIA indicates that trip distribution reflects the existing Central Avenue directional distribution (70% NB/30% SB). The entering traffic is therefore distributed for 70% of the traffic to enter from the south (Right Turn in) and 30% of the traffic to enter from the north (Left Turn in). However, the exiting traffic assigns 70% of the traffic to right turns (continuing north) and only 30% turning left (continuing south). This would indicate that all the drop off trips are acting similar to "pass-by trips" and dropping off students on the way to another destination. If the trips are new trips, the vehicles would be returning from the direction they originated from.

Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

- R-9 The original Directional Distribution was based on projections along with current and historical data of the NCC existing facility. Based on the Peer Review meeting of July 23<sup>rd</sup>, we observed the existing directional distribution of the Gan Aliyah Pre-School at Temple Aliyah as shown on Figure 9 of the Revised TIA.
- 10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

- R-10 The Levels of Service Delay, and average and maximum queue lengths for Existing (2021), Baseline (2028), and Projected or Build Conditions by lane are provided on Figure 12 of the Revised TIA.
- 11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that "... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing at the driveway is.
  - R-11 The Intersection Sight Distance is computed as follows and is now included within the Revised TIA.

ISD = 
$$1.47 V_{Major} t_g$$

Where: V = roadway design speed or  $85^{th}$  percentile, and  $t_g = time$  gap for driveway maneuver

 $t_q = 7.5$  seconds for Left Turn from Stop,  $t_q = 6.5$  seconds for Right Turn from Stop,

Therefore, the Left-Turn ISD = 1.47 (39) (7.5) = 430 feet. Similarly, the Right-Turn ISD = 1.47 (37) (6.5) = 354 feet.

Roadway is fairly flat and straight and Intersection Sight Distance is provided

- 12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
  - a. What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
  - b. The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
  - c. If timing changes are required at the signal, the proponent should commit to implementing those changes.
  - d. We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
    - i. 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
    - ii. 2028 morning and evening peak hours without the site (Future No-Build)
    - iii. 2028 morning and evening peak hours with the Site No mitigation (Future Build)
    - iv. 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)
  - R-12 The original optimal cycle length at the Central Avenue / Charles River Street intersection was presumed based on the "Trafficware-Synchro" assessment of the old traffic counts allowed to run free at the optimal cycle length and splits. Since the existing traffic signal timing was obtained by GPI, we have re-run the analysis for the evening peak hour, where we had counts, for the various scenarios mentioned above as shown in the Revised TIA.

- 13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.
  - R-13 The critical morning peak hour queue was evaluated in depth based on the operator's data showing random arrivals of the child care program operator. See R-6, above. This assessment along with the assessment suggested by the Peer Reviewer is also discussed in the Revised TIA and is presented on Figures 13 and 14 of the Revised TIA. In addition, a separate lane has been added to allow for greater capacity than was shown in prior iterations.

With respect to the afternoon pick up schedule, the operator has provided the following information:

- 1. There are a total of 20 children (max) in the nursery school group whose program ends at either noon or 2:30. There are 10 (max) pre-school children whose day ends at 3:00. These 30 children will all be gone by 3:15 or earlier.
- 2. Of the remaining 85 (max) children, the same ratio of siblings as discussed above in R-6 for morning drop-off applies. In other words, out of 85 children, approximately 46 will be siblings, requiring 23 vehicles. The other 39 children will be picked up in one vehicle per child, for a total of an expected 62 vehicles picking up 85 children.
- 3. The pick-up window for these 85 children (62 vehicles) is from 3:30 to 6:00. Parent pick-ups are spaced relatively evenly throughout this 2.5 hour window; some children are picked up at the early end of this window because of their young age; some are picked up earlier or in the middle of the window because they have after-school activities such as sports, music lessons, etc.; some stay until close to the end of the day.

Given this volume of vehicles and the length of the pick-up window (2.5 hours), the number of cars that can be expected to arrive at any one time is very similar to the analysis discussed in R-6, above. Maximum queueing in the afternoon will be no greater than, and probably less than, maximum queueing in the morning peak drop-off period.

Thank you for the opportunity to provide this additional information.

# GLOSSA ENGINEERING INC 46 EAST STREET EAST WALPOLE.MA 02032

PHONE 508-668-4401 FAX 508-668-4406 EMAIL alossaena@AOL.com

August 31, 2021

Ms Lee Newman
Director of Planning and Community Development
Town Hall
1471 Highland Avenue
Needham, MA 02492

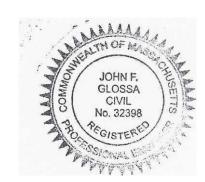
RE: Proposed Child Care Facility 1688 Central Avenue

The attached document represents my response to the Site Plan Review portion of the GPI Peer Review Comments that are dated July 12, 2021.

Very truly yours,

John F. Glossa P.E.

Cc Evans Huber, Esquire





draft

July 12, 2021

NEX-2021238.00

Ms Lee Newman
Director of Planning & Community Development
Town Hall
1471 Highland Avenue
Needham, MA 02492

SUBJECT: 1688 Central Avenue

Proposed Child Care Facility - Peer Review

### Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Traffic Impact Assessment prepared by Gillon Associates March 2021
- Traffic Impact Assessment prepared by Gillon Associates Revised March 2021
- Traffic Memo prepared by Gillon Associates dated April 5, 2021
- Traffic Impact Assessment prepared by Gillon Associated Revised June 2021
- Fire Department Comments from March 29, 2021
- Engineering Department Comments from March 31, 2021
- Fire Department Comments from April 27, 2021
- Public Health Comments from April 27, 2021
- Design Review Board Letter dated May 14, 2021
- Police Comments dated May 6, 2021
- Engineering Department Comments dated May 12, 2021
- Design Review Board Letter dated May 22, 2021
- Site Plans dated June 22, 2020
- Site Plans Revised April 15, 2021
- Site Plans revised June 2, 2021
- Submission letter from Attorney Evans Huber dated March 12, 2021
- Various public comments provided to GPI by the Town

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines. In general, it appears the traffic volumes along Central Avenue have been adequately projected to 2021 conditions, in accordance with MassDOT's recommendations on traffic projections for projects undertaken during Covid 19. In addition, based on the anticipated trip generation, it appears that the impacts of the site operation will have minimal impacts on traffic along Central Avenue. However, there are several comments noted below, particularly related to the site operations and site circulation that need further evaluation, prior to providing a definitive final assessment.

# **Traffic Impact Assessments (TIA)**

1. The March 2021 TIA has been developed for a 9,941 square foot Child Care facility and proposed 24 parking spaces.

Ms. Lee Newman July 12, 2021 Page 2

- 2. The study states that the site could accommodate between 80-100 students although 120 children appears to be allowed. The submission letter from Attorney Evans Huber date March 12, 2021 indicates the site is to accommodate 100 students. If the intent is to eventually grow to 120 students, the traffic and parking analysis should be based on 120 students. Also, the TIA does not mention number of staff, although the attorney's letter indicates 13 staff. Please clarify the maximum number of students and staff in the TIA, as this impacts the parking requirements based on Town calculations of 8 parking spacesare required, plus one (1) for each 40 students, plus 1 space per staff.
- 3. Based on the June 2021 Revised TIA the number of students has increased to 113; however, there is no mention if the staff is increased and the parking capacity has been increased to 30 vehicles.
- 4. Based on the ITE Parking Generation 4<sup>th</sup> Edition, LUC 565 Child Care Facility, a 9,966 sf facility would have an Average Parking Demand of 24 vehicles and an 85<sup>th</sup> Percentile Peak Demand of 37 vehicles.
  - a. The proponent is currently proposing 30 spaces, which more than satisfies the Average Demand established in the ITE Parking Generation and the requirements of the Town.
- 5. The proponent discusses additional Child Care facilities in terms of evaluating number of vehicles arriving during the peak hour. Based on the Goddard School 59 out of 80 students arrived during the peak hour. However, in the two-hour window observed (7-9AM) for 80 students a total of 96 vehicles arrived on site. Assuming a portion of these vehicles were staff, the results seem to indicate that each child appears to be in a single vehicle. Therefore, the impacts of the drop-off and pick-up (queuing, time on site, etc.) cannot be fully evaluated without understanding more about the proposed drop-off and pick up schedules.
  - a. Attorney Huber's March 12, 2021 letter states, "...drop off and pick up will continue to be staggered, as is NCC's current practice...", however, further information on that the current practice entails, is not provided in the TIA or in the letter.
  - b. Furthermore, it would be valuable to have data from existing NCC facilities at 23 Dedham Ave and 858 Great Plain Ave in terms of number of students vs. number of vehicles, current arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. from the existing NCC sites.
  - c. Is the proposed facility to replace one or both of the existing NCC facilities or provide a third facility in Needham?
- 6. Based on the March 2021 Initial TIA and on ITE Land Use Code 565 from the ITE Trip Generation Manual 10<sup>th</sup> edition a 9,941 sf Child Care Facility is expected to generate:
  - a. 109 Weekday Morning Peak Hour Trips with
    - i. 58 vehicles entering the site and
    - ii. 51 vehicles exiting the site
  - b. 111 Weekday Evening Peak Hour Trips with
    - i. 52 vehicles entering the site and
    - ii. 59 vehicles exiting the site

The March 2021 TIA appendix includes the ITE trip generation calculations, indicating 109 morning peak hour trips. The analysis then further uses data based on proponent's schedule to project 104 morning peak hour trips. However, the schedule does not mention timing on employees' arrivals

The revised March 2021 TIA proposes the same square footage facility but reduces the Morning Peak Hour Trips from 104 vehicles to 76 new morning peak hour trips with 40 vehicles entering and 36 vehicles exiting. There is no explanation provided in the TIA as to why the rates have lowered.

The April 5, 2021 Traffic Memo indicates 97 students at the site and the June 2021 Revised TIA appears to increase the square footage of the facility to 9,966 sf and the student population to 113 students. Based on the increased square footage the trip generation based on ITE LUC 565 results in:



Ms. Lee Newman July 12, 2021 Page 3

- a. 110 Weekday Morning Peak Hour Trips with
  - iii. 58 vehicles entering the site and
  - iv. 52 vehicles exiting the site
- b. 111 Weekday Evening Peak Hour Trips with
  - v. 52 vehicles entering the site and
  - vi. 59 vehicles exiting the site

The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

- 7. The March 2021 TIA does not cite the date of traffic counts on Central Avenue. The revised March 2021 TIA cites traffic counts from February 4<sup>th</sup>; however, no year is provided. It is assumed that these were counts from 2021. Please confirm.
- 8. Due to Covid 19, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are generally still below pre-2020 levels. Based on MassDOT guidelines for traffic studies, the standard practice has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. Based on the revised March 2021 TIA, the proponent has done this and has utilized 2016 traffic data provided by the town along Central Ave in the vicinity of the site and factored volumes by 1.6% annual to 2021 conditions. However, the proponent does not cite how the 1.6% growth rate was selected. Please provide a source for the assumed growth rate.
- 9. The March 2021 TIA indicates that trip distribution reflects the existing Central Avenue directional distribution (70% NB/30% SB). The entering traffic is therefore distributed for 70% of the traffic to enter from the south (Right Turn in) and 30% of the traffic to enter from the north (Left Turn in). However, the exiting traffic assigns 70% of the traffic to right turns (continuing north) and only 30% turning left (continuing south). This would indicate that all the drop off trips are acting similar to "pass-by trips" and dropping off students on the way to another destination. If the trips are new trips, the vehicles would be returning from the direction they originated from.

Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that "... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing the driveway is.



- 12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
  - a. What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
  - b. The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
  - c. If timing changes are required at the signal, the proponent should commit to implementing those changes.
  - d. We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
    - i. 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
    - ii. 2028 morning and evening peak hours without the site (Future No-Build)
    - iii. 2028 morning and evening peak hours with the Site No mitigation (Future Build)
    - iv. 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)
- 13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.

### SITE PLAN REVIEW

- 14. Pavement markings should be shown on the plan (centerline, directional arrows, STOP lines, etc.)Pavement markings have been aded to the plans.
- 15. Sidewalks are labeled as 5' and the roadway width as 24'. The 6" curb needs to be accounted for, so sidewalks should be labeled as a minimum 5.5' to account for curbing. The detail has been amended to include the 6" curb. The curb is shown on the site plan.
- 16. What is the purpose of the 12.67' loading zone? What size vehicle is expected to need access to the loading area. Truck turning templates should be provided showing access and egress from the loading area as well as the dumpster pad. The loading zone is for vans and small trucks that will be dropping off school and office supplies.
- 17. Curb stops should be provided for any parking spaces in front of sidewalks to ensure vehicle overhang does not impact sidewalk access. Concrete wheeel stops have been added to the plans.
- 18. We question why the barn building is retained. It seems the site operations (parking, drop-off/pick-up, overall circulation, etc.) would operate smoother if the building was removed and a separate structure designed in a location that would not impact traffic and pedestrian flows. What is the purpose of the traffic island and what is the proposed traffic circulation around it? It appears it would function as a mini roundabout with counterclockwise traffic flow. However, it's unclear if EB traffic destined for the parking areas is anticipated to circulate around the island or drive straight to the north of the island. If the latter is the case, this would appear to cause conflicts with vehicles in the parking areas. The barn building has value and is proposed to remain. The traffic island is not the center of a roundabout. A queuing lane, pavement markings and signs will direct traffic.
- 19. Has a second driveway been considered? This could provide separate entrance and exits and provide improved circulation, emergency vehicle access and drop-off/pick up operations. A second driveway was condidered early on in the design, but it was decided that it would make more sense to keep the driveway as close as possible to the non residential abutter.
- 20. Has a plan where the parking, drop-off/pick-up is provided in front of the school where the property is larger and the building further to the east been considered. This could provide a larger and more consistent parking and circulation route.

Ms. Lee Newman draft

July 12, 2021 Page 5

The operator of the Daycare wants the main entrance to be in the location shown, allowing for a queuing lane.

- 22. The proponent should construct fully compliant ADA sidewalks along the property frontage and tie into existing sidewalks at the property limits. The proponent intends to do that.
- 23. The proponent should ensure that the construction of the site drive does not impact the drainage, particularly with the existing catch basin on the NW corner of the existing driveway. It appears the existing CB will be in the center of the driveway on the gutter line. With the introduction of two wheelchair ramps the construction plans should consider relocating or providing additional drainage to ensure ponding in the vicinity of the wheelchair ramps does not occur. The area at the driveway curb cut has been redesigned so that storm water runoff will not pass over the sidewalk. This was done by creating a low spot in the driveway and adding 2 catch basions in that low spot.

Conclusions After reviewing all materials presented by the town, the following appear to be the major concerns:

- The proponent needs to clearly identify the square footage of the building and the maximum number of students and teachers.
- The proponent needs to provide additional information to support the drop-off/pick-up schedules including how long it takes parents, particularly with younger children to unload and load.
- The reports continually indicate the morning is the critical time; however, the site generates virtually the same number of trips during the evening peak hours and generally pick up periods are more congested as parents arrive and have to wait for children rather than simply dropping off in the morning.
- Trip Generation should be based on the more conservative ITE LUC 565 based on square footage, for both the morning and evening peak hours.
- Further explanation is needed to support the distribution of exiting vehicles.
- An analysis of the Central Avenue at Charles River Road signal should be completed.
- LOS operations for both the site drive and Central Avenue at Charles River Road should be completed under the following scenarios:
  - Existing 2021 No Build Conditions
  - Future 2028 No Build Conditions
  - Future 2028 Build Conditions (No Mitigation)
  - Future 2028 Build Conditions (with Mitigation)
- Revisions/modifications to the site plan appear to be required for better circulation, drop-off/pick-ups, and parking, as well as pedestrian access.

Should you have any questions, or require additional information, please do not hesitate to contact me at (978) 570-2953 or via email at <a href="mailto:jdiaz@gpinet.com">jdiaz@gpinet.com</a>.

Sincerely,

GREENMAN-PEDERSEN, INC.

John W. Diaz, PE, PTOE

Vice President/Director of Innovation

enclosure(s)

### MEMORANDUM

To: Needham Planning Department

From: Evans Huber, Esq. Date: August 4, 2021

Subject: Additional Changes to Proposed Project at 1688 Central Avenue Following the July 20

Hearing

As requested by email from Alex Clee dated August 3, the following is a summary of the changes that Needham Enterprises has made to the proposed project following the July 20, 2021 PB hearing, in response to input from the peer reviewer, John Diaz of GPI. This memo supplements, but does not repeat, the changes to the project (as compared to the original submission) that are set forth in the "bullet points" memo that was part of the July 20 hearing presentation materials.

- The driveway has been widened to provide three lanes;
  - o a drop-off and pick-up queueing lane adjacent to the sidewalk (8 feet wide)
  - o an entrance lane providing unimpeded access to the rear parking areas (11 feet wide)
  - o an exit lane for exit from the rear parking areas as well as the drop-off and pickup area (11 feet wide).
  - o Drop-off and pick-up will still be permitted only at the main entrance where the staff is stationed.
  - Up to the island, the main travel lanes are a combined 22 feet wide, which exceeds the required width set forth in section 5.1.3(i) of the Bylaw. To the east of the island, they remain 24 feet wide.
- The driveway entrance shape has been changed to reinforce that the pick-up and drop-off lane is separate from the main travel lane to the rear parking areas
- Yellow and white lane lines have been added to clearly differentiate travel lanes from the drop-off and pick-up lane.
- Directional arrows as shown on the plan will be painted on the various lanes.
- The island has been changed to a teardrop shape to reinforce the direction of travel for the drop-off and pick-up lane versus the rear parking area access lane.
- A Stop sign and stop line has been added to the exit from the drop-off and pick-up area, for vehicles returning to the exit lane.
- Do Not Enter signs have been added (facing the travel lanes) at the exit from the drop-off and pick-up area.
- The plantings in the island have been changed to Junipers, and the plantings closest to the barn (north side) have been changed to Creeping Junipers
- Concrete wheel stops have been added to the parking areas
- The area at the driveway curb cut has been redesigned so that stormwater runoff will not pass over the sidewalk. This was done by creating a low spot in the driveway and adding two catch basins in that low spot.

Building façade, size, and location are the same as presented at the July 20 hearing. Other than as noted above, the landscaping plan has not changed from what was presented at the July 20 hearing.

ZONING LEDGEND:				
SINGLE RESIDENCE A	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
MIN. AREA	43,560 S.F.	146,003 S.F.	146,003 S.F.	YES
MIN. FRONTAGE	150'	250.05	250.05	YES
MIN. SETBACK FRONT	30'	*105.0' **211.2' ***276.3'	64.0'	YES
MIN. SETBACK SIDE	25'	*67.5' **65.0' ***54.2'	52.3'	YES
MIN. SETBACK REAR	15'	*864.9' **763.4' ***677.0'	811.0'	YES
MAXIMUM STORIES	2-1/2	*2 **1 ***2	1	YES
MAXIMUM HEIGHT	35'	*30.7' **15.3' ***31.2'	24.7'	YES
BUILDING COVERAGE	NR	NR	NR	YES
FLOOR AREA RATIO	NR	NR	NR	YES
DRIVEWAY OPENINGS	18' - 25'	19'	24'	YES

\*EXISTING HOUSE (TO BE DEMOLISHED)

\*\*OUT BUILDING -1 (TO BE DEMOLISHED)

\*\*\*OUT BUILDING -2 (TO REMAIN)

# ZONING BYLAW 6.1.3 PARKING PLAN AND DESIGN REQUIREMENTS

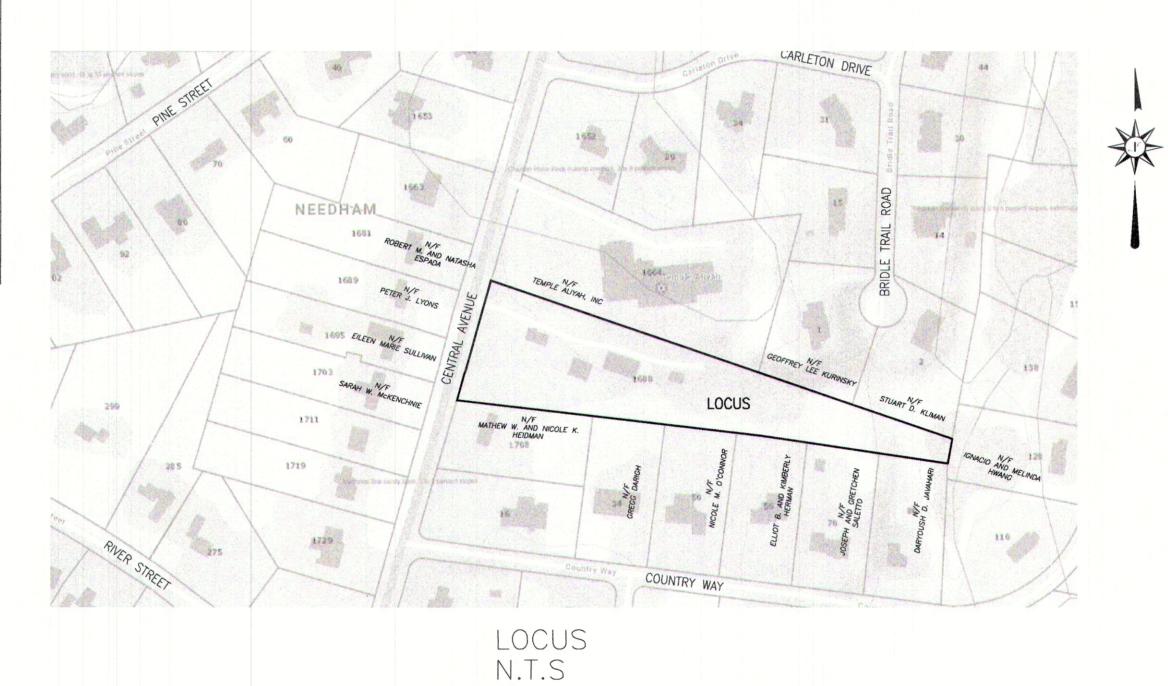
		REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
A) PARKING ILLUMINATION	V	AVG. 1 FOOT CANDLE	N/A	AVG. 1 FOOT CANDLE	YES
B) LOADING REQUIREMENTS		N/A	N/A	N/A	YES
C) HANDICAPPED REQUIREMENTS		2	N/A	2	YES
D) DRIVEWAY OPENINGS		1	1	1	YES
E) COMPACT CARS		50% (8'X16')	N/A	N/A	YES
F) PARKING SPACE SIZE		9'X18.5'	N/A	9'X18.5'	YES
G) BUMPER OVERHANG		1' OVERHANG	N/A	NONE REQUIRED	YES
H) PARKING SPACE LAYOUT		N/A	N/A	N/A	YES
I) WIDTH OF MANEUVERING AISLE		24' (90° STALL)	N/A	24' (90° STALL)	YES
J) PARKING SETBACK					
	-FRONT	10'	N/A	*207.5'	YES
	-SIDE	4'	N/A	26.9'	YES
	-REAR	4'	N/A	609.6	YES
	-BUILDING	5'	N/A	5'	YES
K) LANDSCAPE AREA		10%	N/A	10%	YES
L) TREES	A STATE OF THE STA	1 PER 10 SPACES (3)	N/A	3	YES
M) LOCATION		WITHIN LOT	N/A	WITHIN LOT	YES
N) BICYCLE RACKS		NONE REQUIRED	N/A	NONE REQUIRED	YES

\* TO LOADING AREA

REQUIRED PARKING TO BE DETERMINED BY BUILDING INSPECTOR PARKING PROVIDED SPACES INCLUDING 2 HANDICAP SPACES

LANDSCAPE AREA REQUIREMENT IS 10% OF REQUIRED SET BACK AREA. SET BACK AREA IS 3,939 S.F. 10% OF 3,939 IS 394 S.F. OF MAINTAINED LANDSCAPE AREA REQUIRED 25% OF THAT OR 98 S.F. TO BE LOCATED WITHIN THE INTERIOR OF THE PARKING AREA. 860 S.F. PROVIDED WITHIN PARKING AREA

# SITE DEVELOPMENT PLANS DAYCARE 1688 CENTRAL AVENUE NEEDHAM, MA JUNE 22, 2020



# PLAN INDEX



PREPARED BY
GLOSSA ENGINEERING, INC.
46 EAST ST
EAST WALPOLE, MA 02032
(508) 668-4401

# OWNER:

NEEDHAM ENTERPRISES LLC 105 CHESTNUT STREET SUITE 28 NEEDHAM, MA 02492

# APPLICANT:

NEEDHAM ENTERPRISES LLC 105 CHESTNUT STREET SUITE 28 NEEDHAM, MA 02492

# **ASSESSORS PARCELS:**

MAP 199, LOT 213

# **DEED REFERENCE:**

BOOK 37770 PAGE 308

# PLAN REFERENCE:

PLAN OF LAND DATED SEPTEMBER 28, 1933 BY P.D.G. HAMILTON, CIVIL ENGINEER

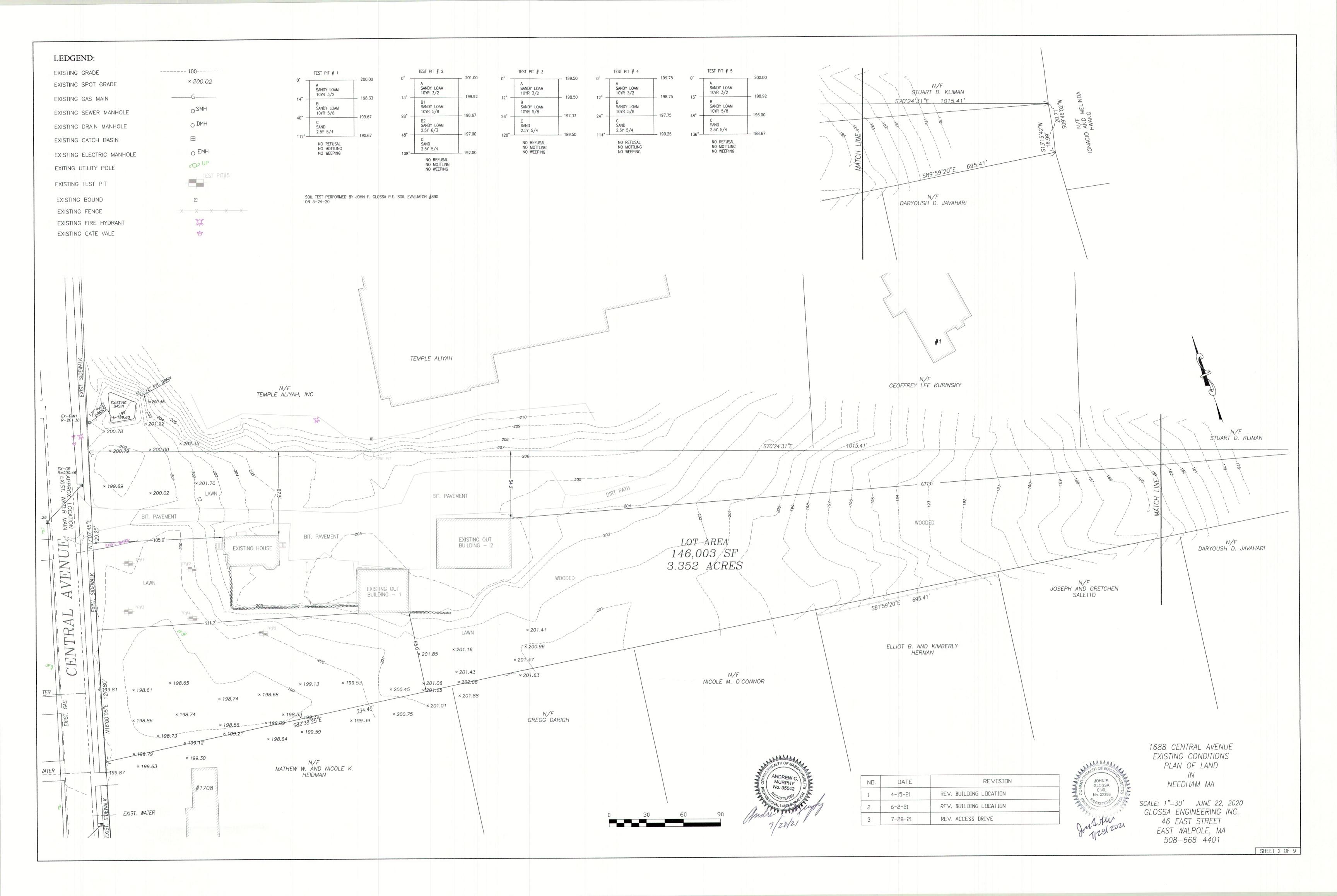
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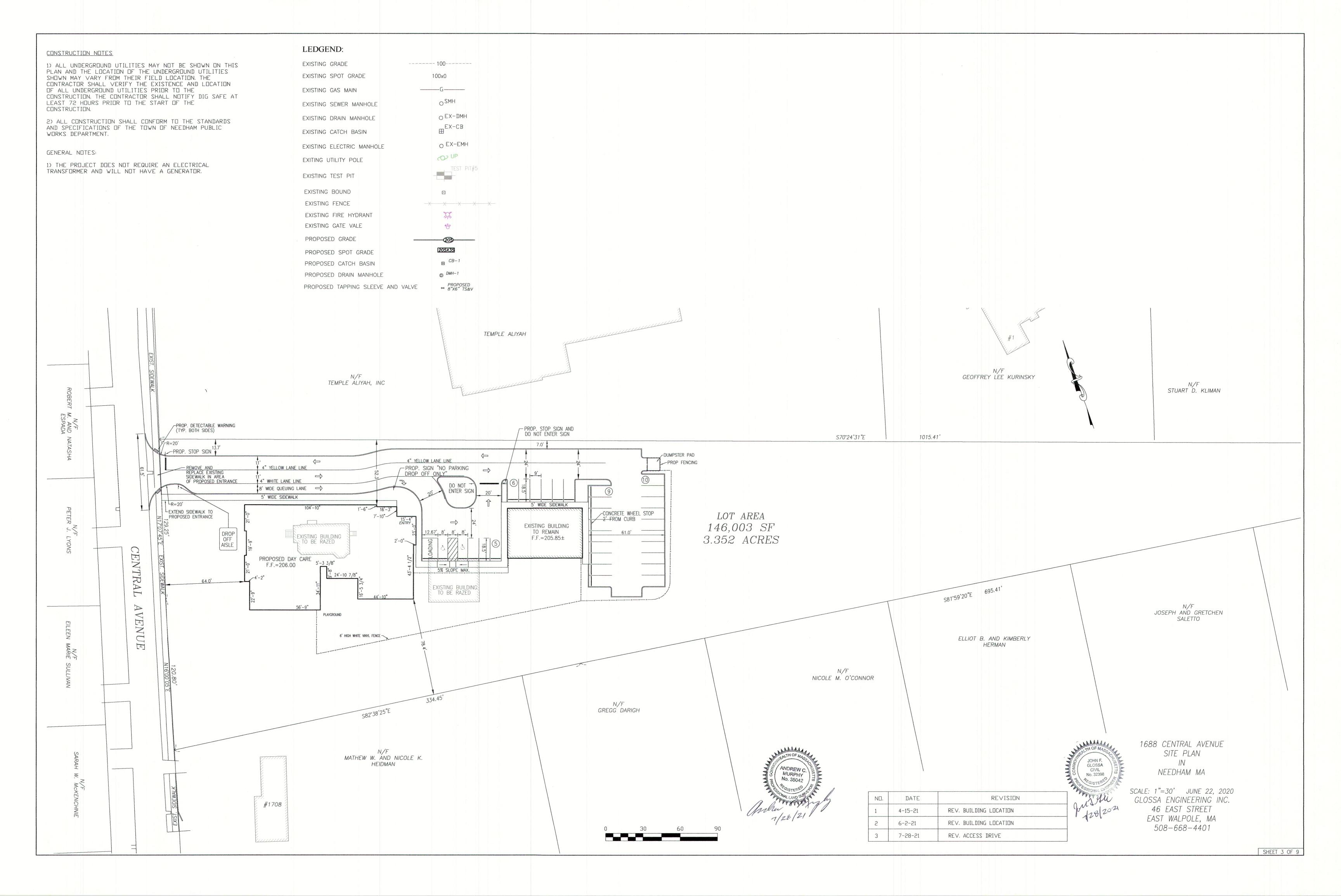
1 4-15-21 REV. BUILDING LOCATION

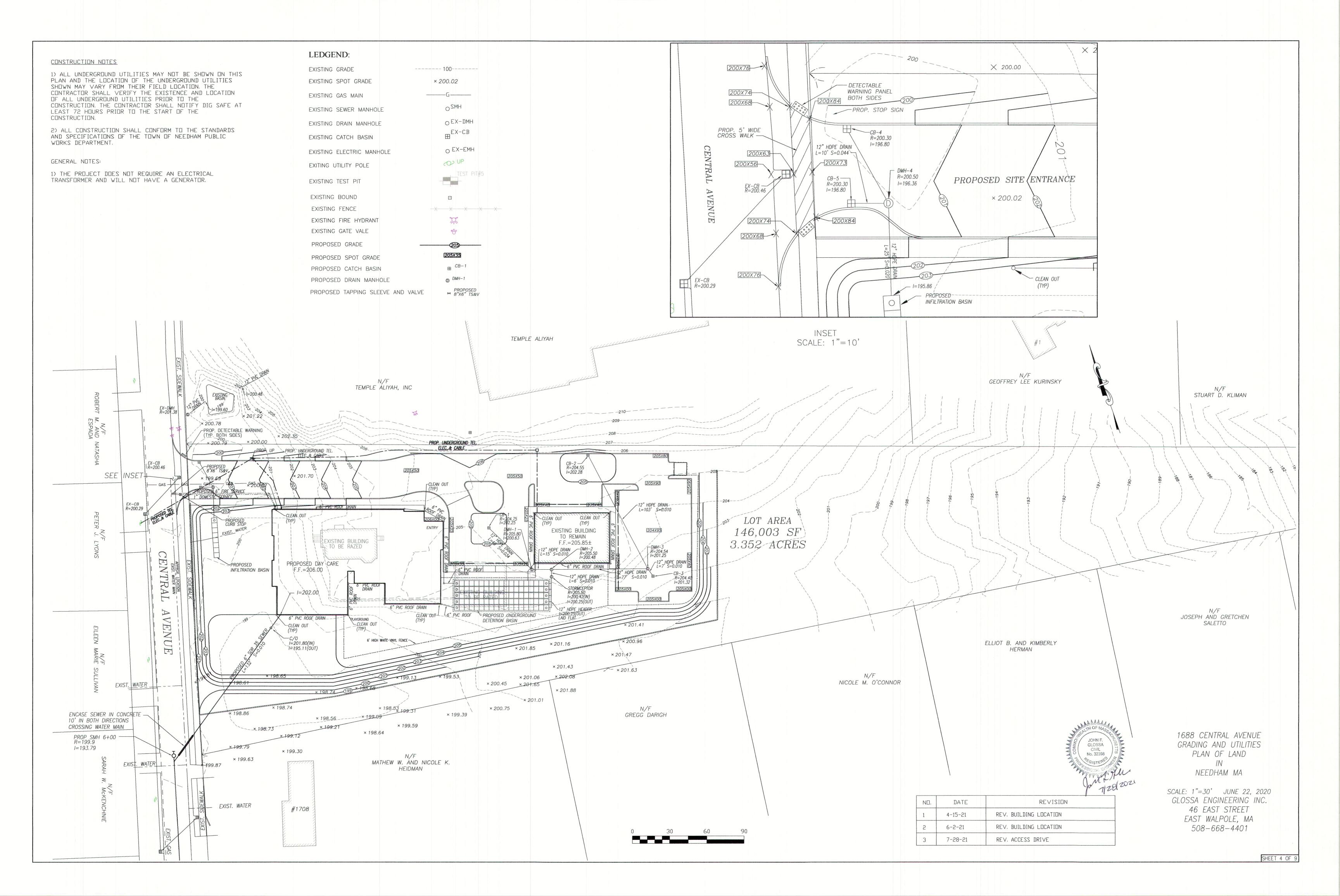
2 6-2-21 REV. BUILDING LOCATION

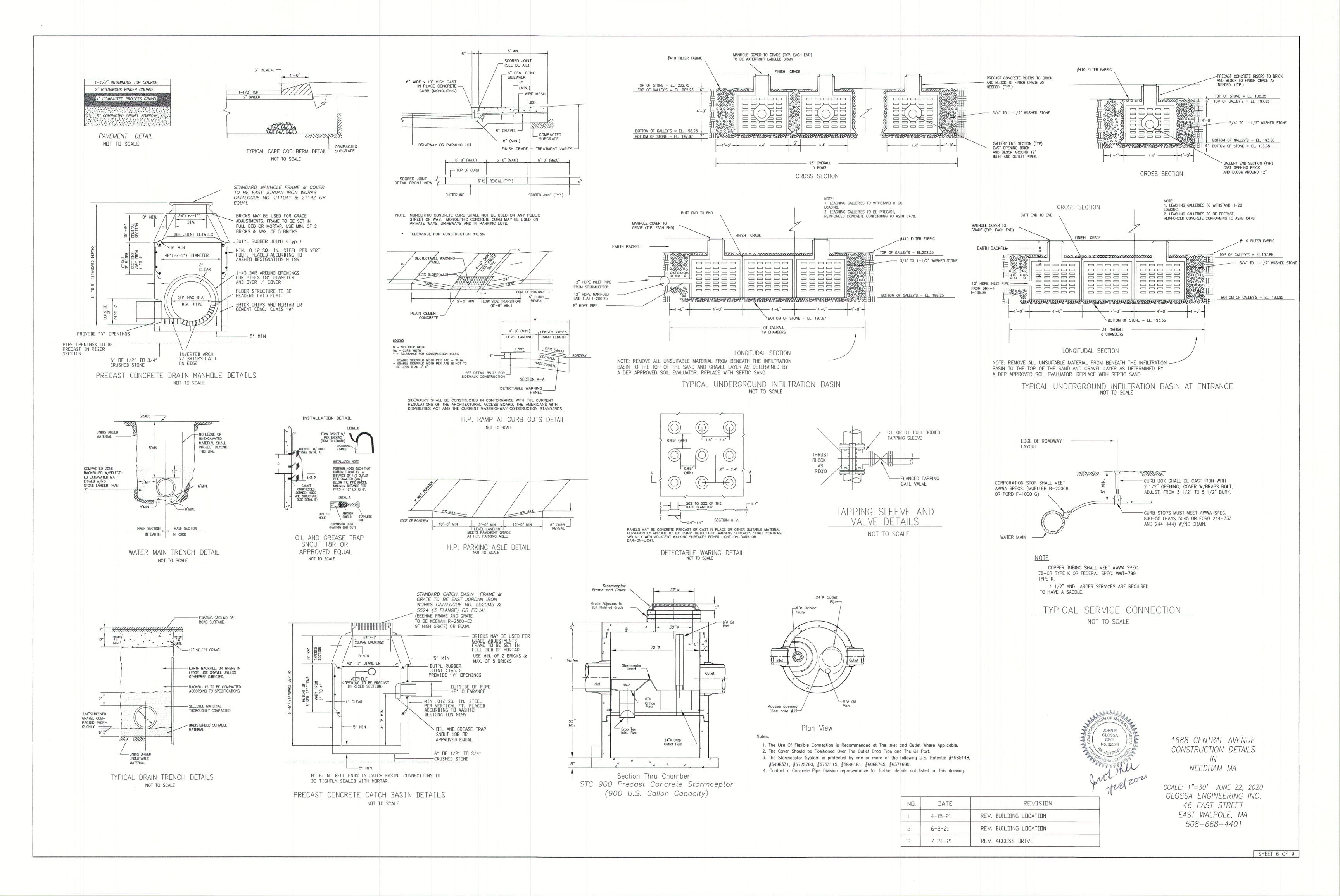
3 7-28-21 REV. ACCESS DRIVE

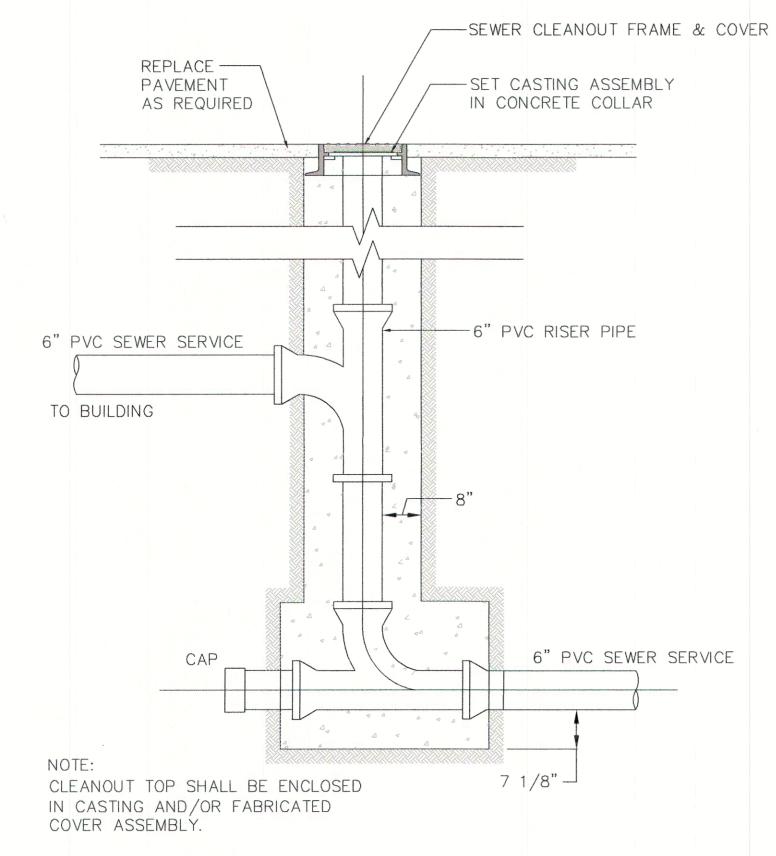
SHEET 1 OF 9





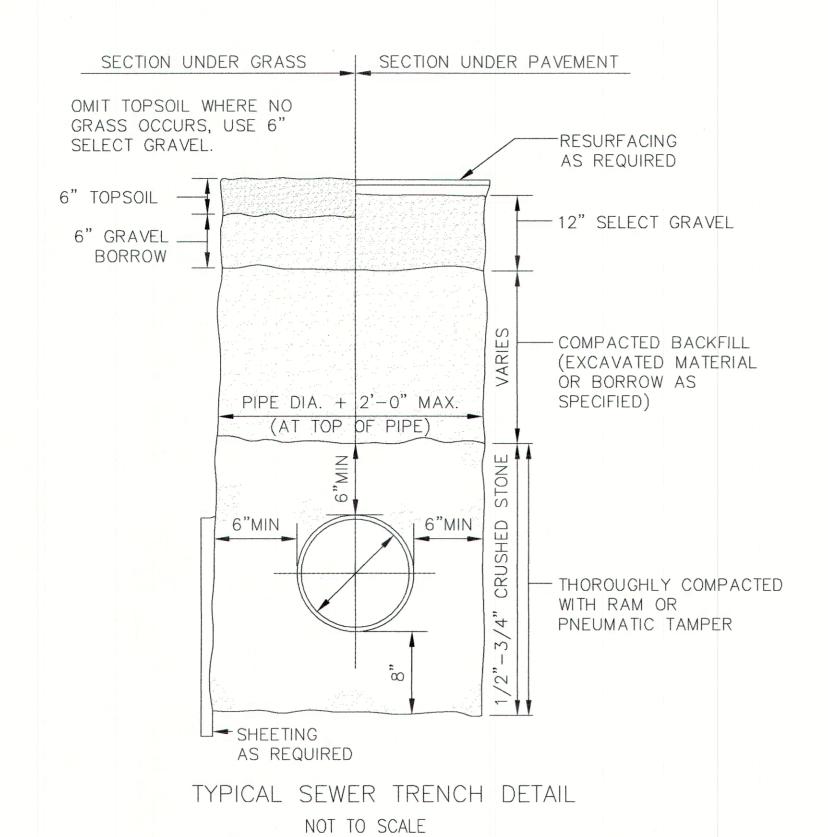


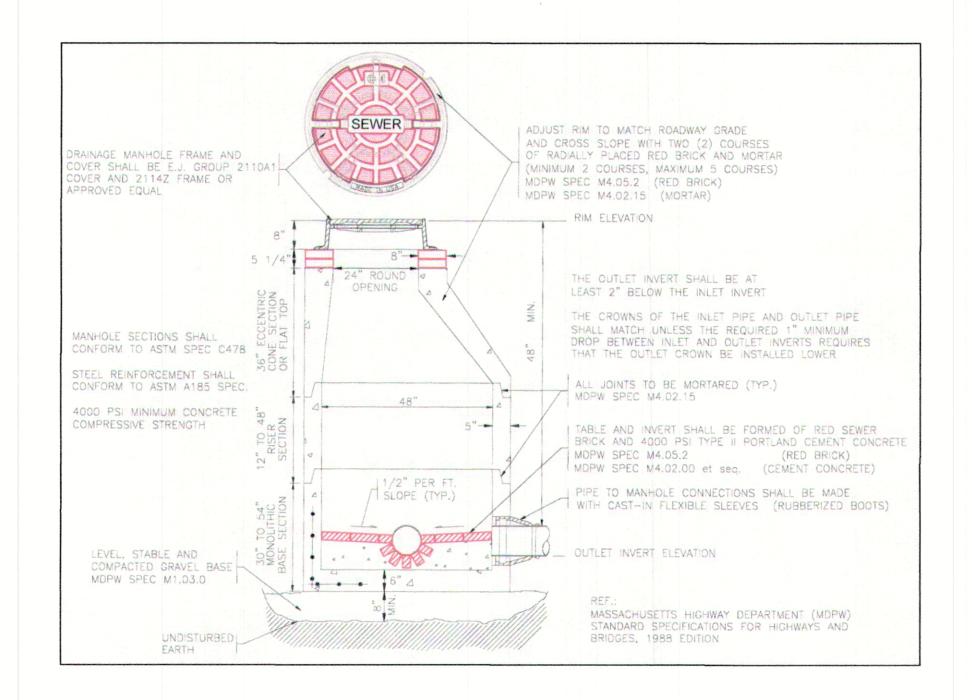




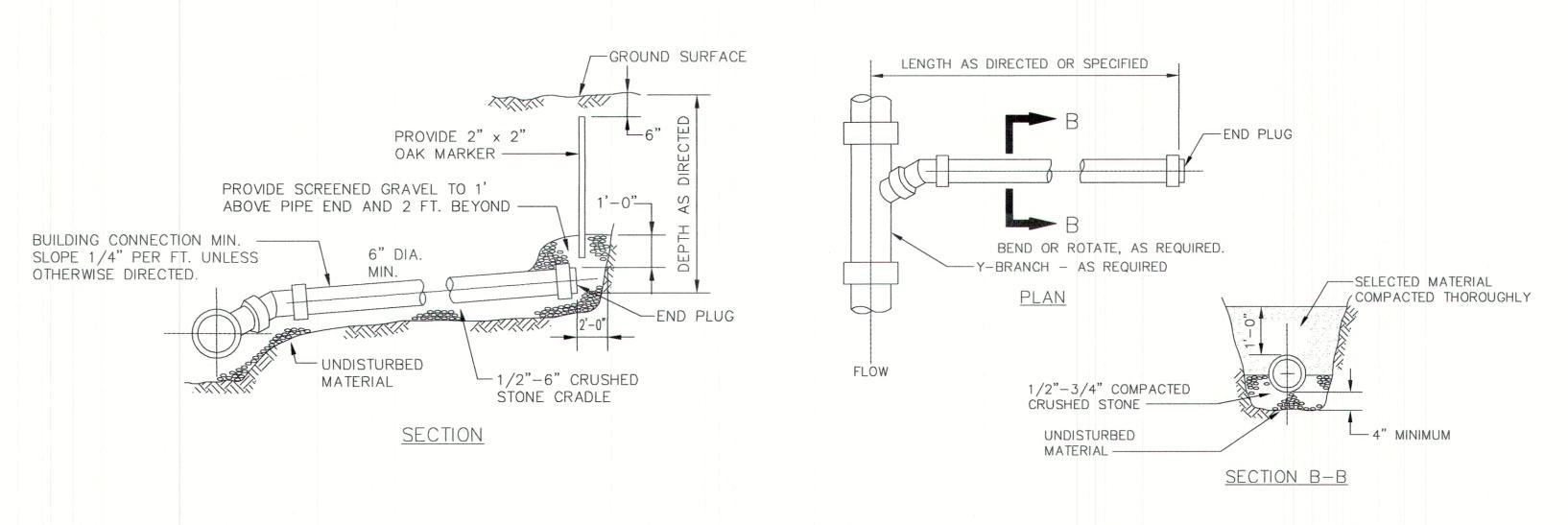
SEWER CLEANOUT DETAIL (C/O)

NOT TO SCALE



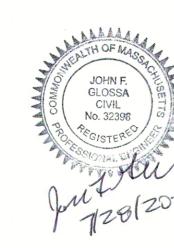


TYPICAL SEWER MANHOLE DETAIL
NOT TO SCALE



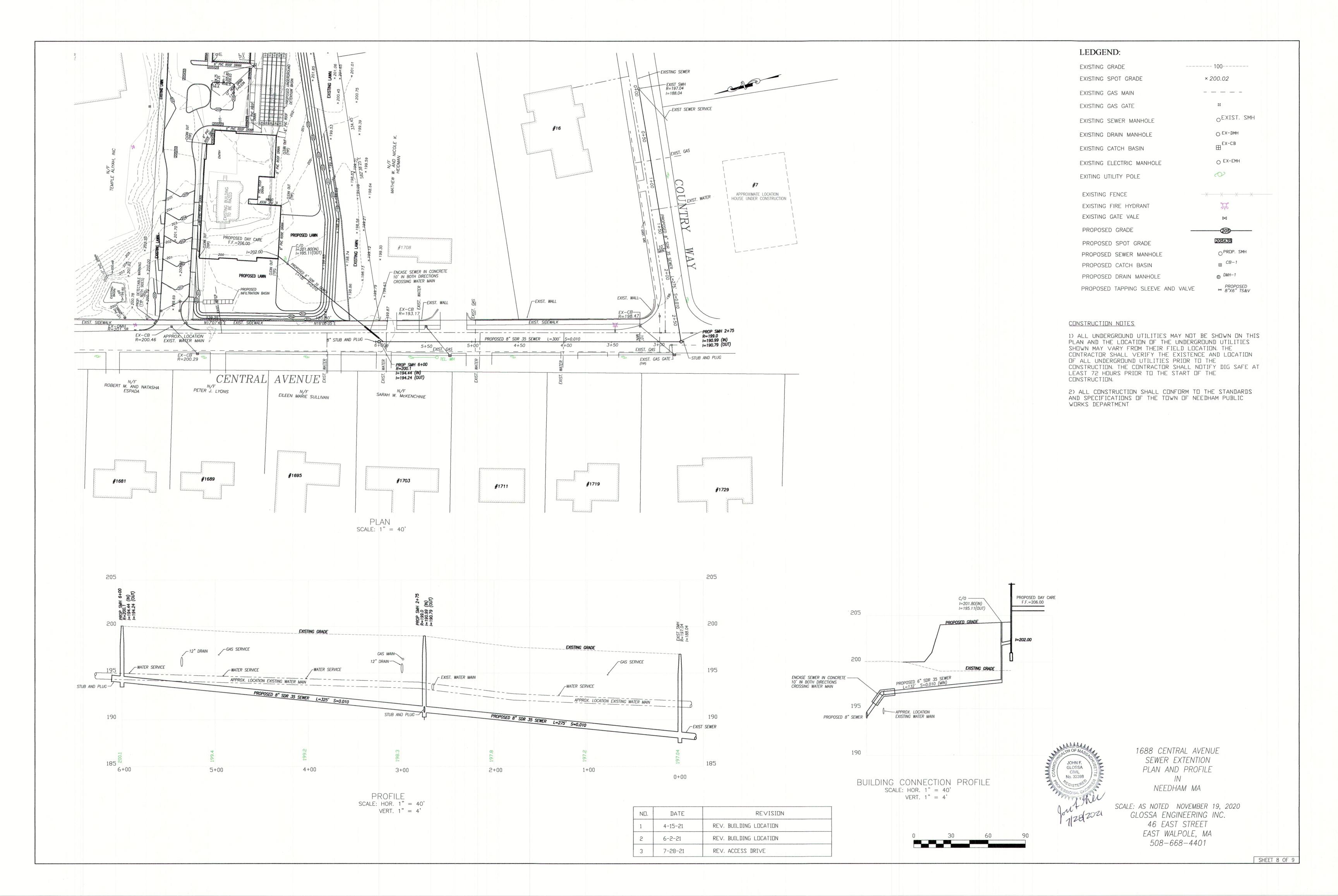
TYPICAL BUILDING CONNECTION NOT TO SCALE

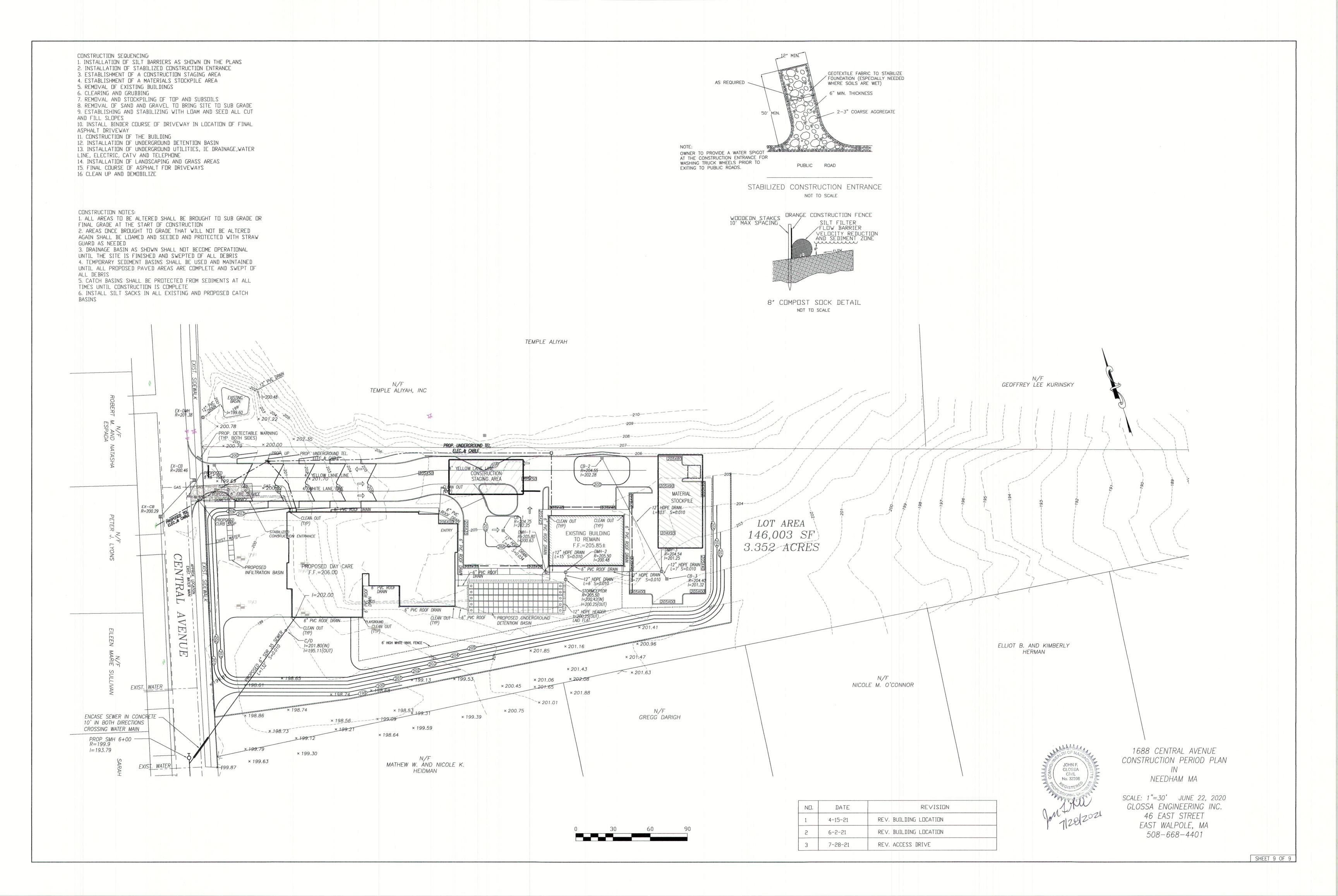
NO.	DATE	REVISION	
1	4-15-21	REV. BUILDING LOCATION	
2	6-2-21	REV. BUILDING LOCATION	
3	7-28-21	REV. ACCESS DRIVE	

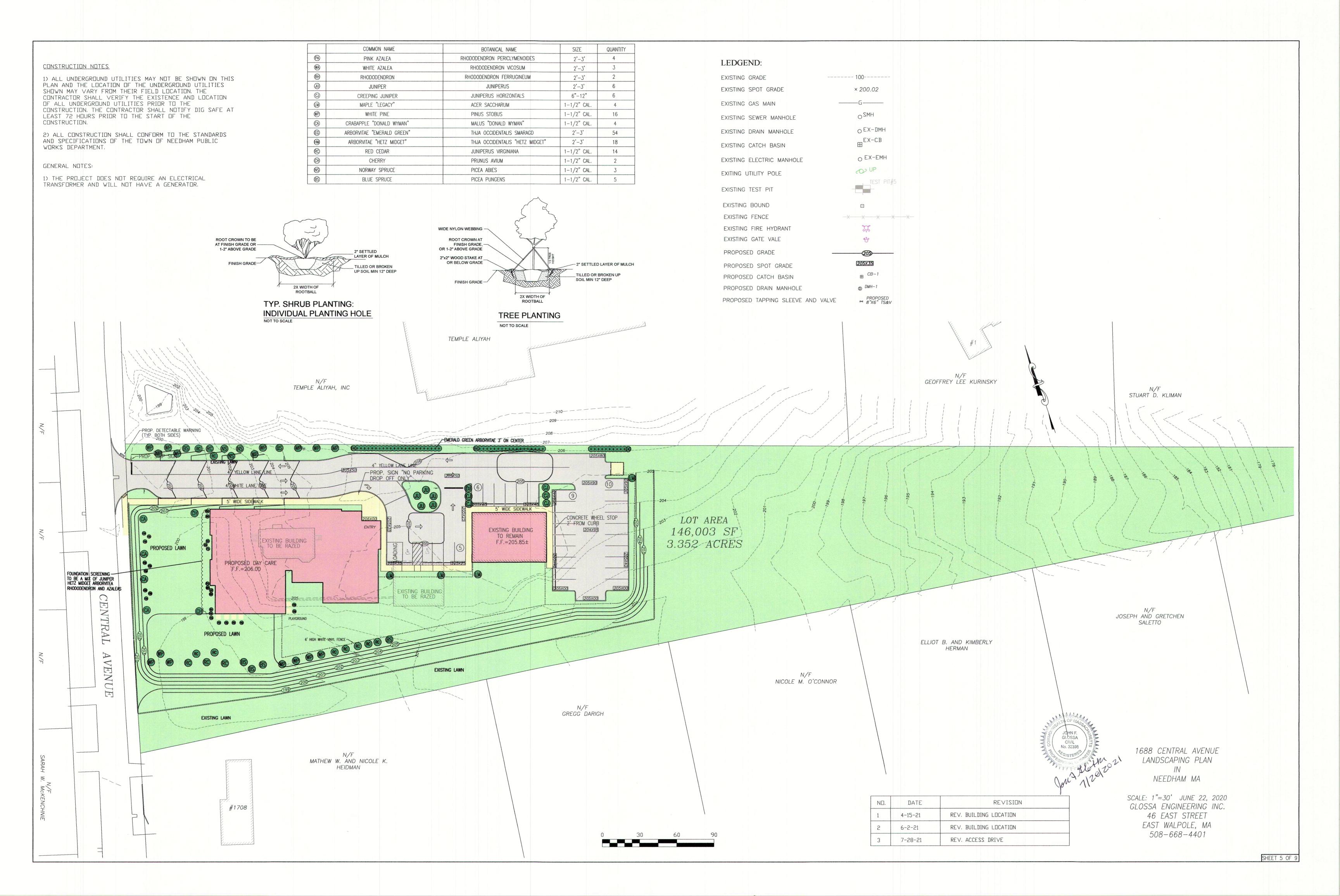


1688 CENTRAL AVENUE CONSTRUCTION DETAILS IN NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020 GLOSSA ENGINEERING INC. 46 EAST STREET EAST WALPOLE, MA 508-668-4401







From: Dennis Condon
To: Alexandra Clee

**Subject:** RE: Request for comment - 1688 Central Avenue - revised plans

**Date:** Monday, August 9, 2021 9:52:43 AM

Attachments: image001.png

image002.png

Hi Alex.

Fire has no additional comments.

Thanks, Dennis

Dennis Condon Chief of Department Needham Fire Department Town of Needham (W) 781-455-7580 (C) 508-813-5107

Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



### Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>

Sent: Wednesday, August 4, 2021 2:39 PM

**Subject:** Request for comment - 1688 Central Avenue - revised plans

Dear all,

I have received the attached revised plans from the applicant for 1688 Central. The Planning Board hearing on this matter has been continued to August 17, 2021. If you wish to comment on the revised plans, please send your comments by Wednesday August 11 at the latest.

The documents attached for your review are as follows:

- 1. Memorandum from Attorney Evans Huber dated August 4, 2021 describing changes.
- 2. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 9 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated "scale: as noted November 19, 2020", revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 10, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021 and July 28, 2021; Sheet 10, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021 and July 28, 2021.
- 3. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 2 sheets: Sheet 1, Sheet A 1-0, entitled "1<sup>st</sup> Floor Plan," dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A 3-0, showing elevations, dated March 8, 2021, revised March 30, 2021 and May 30, 2021.

Thank you, alex.

Alexandra Clee Assistant Town Planner Needham, MA www.needhamma.gov

From: Alexandra Clee

**Sent:** Friday, May 7, 2021 12:01 PM

**To:** David Roche < droche@needhamma.gov>; Anthony DelGaizo < ADelgaizo@needhamma.gov>; Timothy McDonald < tmcdonald@needhamma.gov>; John Schlittler < JSchlittler@needhamma.gov>; Dennis Condon < DCondon@needhamma.gov>; Carys Lustig < clustig@needhamma.gov>

**Cc:** Lee Newman <<u>LNewman@needhamma.gov</u>>; Elisa Litchman <<u>elitchman@needhamma.gov</u>>;

Thomas Ryder < tryder@needhamma.gov >; Tara Gurge < TGurge@needhamma.gov >

**Subject:** RE: Request for comment - 1688 Central Avenue - revised plans

Dear all,

We have received a memo from the attorney for this project detailing the changes that were made between the original plans and the revised plans (the revised plans as sent to you by email dated April 27, 2021). I am sending it in case it assists you. We also did receive a newly revised Landscape Plan, which I have attached.

If you have already submitted updated comments (and the attached info does not change those), or do not wish to submit additional comments, totally fine. If you wish to submit any additional comments, please do so by Wed May 12 if you can.

Thanks!

Alexandra Clee Assistant Town Planner Needham, MA www.needhamma.gov

From: Alexandra Clee

**Sent:** Tuesday, April 27, 2021 9:31 AM

**To:** David Roche < droche@needhamma.gov >; Anthony DelGaizo < ADelgaizo@needhamma.gov >; Timothy McDonald < tmcdonald@needhamma.gov >; John Schlittler < JSchlittler@needhamma.gov >; Dennis Condon < DCondon@needhamma.gov >; Carys Lustig < clustig@needhamma.gov >

**Cc:** Lee Newman@needhamma.gov>; Elisa Litchman@needhamma.gov>;

Thomas Ryder < tryder@needhamma.gov >; Tara Gurge < TGurge@needhamma.gov >

**Subject:** Request for comment - 1688 Central Avenue - revised plans

Dear all,

We received an updated letter and updated plan set for the noted project; both are attached for your review. This matter is currently scheduled for May 18 in front of the Planning Board. As there is a lot of interest in this proposal, we would welcome any new/additional comments you may have as soon as you are able (but at the latest, by Wednesday May 12).

Thanks, alex.

Alexandra Clee Assistant Town Planner Needham, MA www.needhamma.gov

From: Alexandra Clee

Sent: Monday, March 22, 2021 2:50 PM

**To:** David Roche < <a href="mailto:droche@needhamma.gov">droche@needhamma.gov</a>>; Anthony DelGaizo < <a href="mailto:ADelgaizo@needhamma.gov">ADelgaizo@needhamma.gov</a>>;

Timothy McDonald < tmcdonald@needhamma.gov >; John Schlittler < JSchlittler@needhamma.gov >; Dennis Condon < DCondon@needhamma.gov >; Carys Lustig < clustig@needhamma.gov >

Cc: Lee Newman < LNewman@needhamma.gov >; Elisa Litchman < elitchman@needhamma.gov >; Thomas Ryder < tryder@needhamma.gov >; Tara Gurge < TGurge@needhamma.gov >

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location <a href="K:\Planning Board Applications\Planning\_1688 Central Avenue\_2021">K:\Planning Board Applications\Planning\_1688 Central Avenue\_2021</a>. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (some of you will receive a hard copy in the inter-office mail as well).

The documents attached for your review are:

**Subject:** Request for comment - 1688 Central Avenue

- 1. Application submitted by Needham Enterprises, LLC with Exhibit A. attached
- 2. Letter from Evans Huber Attorney, dated March 11, 2021. Attached
- 3. Letter from Evans Huber Attorney, dated March 12, 2021. attached
- 4. Letter from Evans Huber Attorney, dated March 16, 2021. attached
- 5. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 4 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021; Sheet 2, Sheet A 1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A 2-1, showing Building Sections, dated March 8, 2021; Sheet 4, Sheet A 3-0, showing elevations, dated March 8, 2021. Attached.
- 6. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 10 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated "as noted November 19, 2020"; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting Plan," dated June 22, 2020.
- 7. Traffic Impact Study, dated March, 2021. Attached
- 8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee Assistant Town Planner Town of Needham 500 Dedham Avenue Needham, MA 02492 781-455-7550 Ext 271 Needhamma.gov From: Tara Gurge
To: Alexandra Clee
Cc: Lee Newman

Subject: FW: Public Health Division"s reply to Planning Boards Request for comment on Revised Documents - 1688

Central Avenue

**Date:** Monday, August 9, 2021 5:06:54 PM

Attachments: image002.png image003.png

Importance: High

Alex -

The Public Health Division received the revised site development plans for the proposed project located at #1688 Central Ave. The same original comments still apply (See initial comment email that was sent back in March, below.) Also, just a quick update re: the last comment bullet point – We received additional documentation in reference the last bullet point, and this item was satisfactorily addressed. (See Note below.)

Please let us know if you need additional information or have any follow-up questions on those comments.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S.

ASSISTANT PUBLIC HEALTH DIRECTOR

**Needham Public Health Division** 

**Health and Human Services Department** 

178 Rosemary Street Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

Mobile- (781) 883-0127

Email - <u>tgurge@needhamma.gov</u>
Web- <u>www.needhamma.gov/health</u>



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Follow Needham Public Health on Twitter!

From: Tara Gurge

Sent: Wednesday, March 24, 2021 2:12 PM

**To:** Alexandra Clee <aclee@needhamma.gov> **Cc:** Lee Newman <LNewman@needhamma.gov>

Subject: Public Health Division's reply to Planning Boards Request for comment - 1688 Central

Avenue

**Importance:** High

Alex -

Here are the Public Health Division comments for the **Project Site Plan Special Permit proposal at 1688 Central Avenue**. See below:

- Prior to demolition, we will need to ensure that the applicant fills out the online Demolition
  permit form, through the Building Dept., via ViewPoint Cloud online permitting system, and
  submits the Demolition review fee along with uploading the required supplemental demolition
  report documents online, including septic system abandonment form and final pump report, for
  our review and approval (as noted on the form.)
- Ensure that a licensed pest control service company is contracted and will conduct routine site visits to the site, first initially to bait the interior/exterior of each structure to be raised prior to demolition, and also continue to make routine site visits (to re-bait/set traps) throughout the duration of the construction project. Pest reports must be submitted to the Health Division on an on-going basis for our review.
- If this proposal triggers the addition of any food to be served or prepped on site at this new facility, the owner must fill out and submit an online application for a Food Permit Plan Review packet. As part of this plan review, a food establishment permit will need to be applied for through the Public Health Division via the Town's ViewPoint Cloud online permitting system, which will require a review of the proposed kitchen layout plans, with equipment and hand sinks noted, along with any proposed seating layout plans where applicable.
- Please ensure that sufficient exterior space is provided to accommodate an easily accessible
   Trash Dumpster and a separate Recycling Dumpster, per Needham Board of Health Waste Hauler
   regulation requirements. These covered waste containers must be kept clean and maintained,
   and be placed on a sufficient service schedule in order to contain all waste produced on site.
   These containers may not cause any potential public health and safety concerns with attraction
   of pest activity due to improper cleaning and maintenance.
- As noted in the proposal, the applicant will be required to connect to the municipal sewer line, once it's brought up to the property, prior to building occupancy. A copy of the completed signed/dated Sewer Connection application, which shows that sewer connection fee was paid, must be forwarded to the Public Health Division for our record.
- No public health nuisance issues (i.e. odors, noise, light migration, standing water/improper on site drainage, etc.), to neighboring properties, shall develop on site during or after construction.
   We are in support of an extensive landscaping plan be developed on site to screen and enhance the site, and to ensure that noise and visual impacts are minimized for the benefit of the neighboring residential properties in this location. Additional buffering, by the addition of new vegetation, along with new plantings, is strongly encouraged.
- Proposed lighting on site shall not cause a public health nuisance, with lighting being allowed to migrate on to other abutting properties. If complaints are received, lighting may need to be

- adjusted so it will not cause a public health nuisance.
- The applicant must meet current interior/exterior COVID-19 Federal, state and local requirements for spacing of seating, HVAC/ventilation, face covering requirements, sanitation requirements and occupancy limit requirements, etc. Please ensure that proper occupancy limits are met in order to accommodate the most updated state COVID-19 requirements for this proposed facility to ensure the health and safety for the number of proposed students and staff on site.
- The Public Health Division is also in support of the comments and concerns noted in the letter entitled, 'Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham,' that was received and distributed by the Planning Board, including the excerpt on the neighboring abutters' concerns regarding the previous uses of the property with reference to potential soil contamination that may be present. We conducted a file check for this property address and we support the neighbors request for a soil test based on a concern that was investigated by the Fire Dept. that was filed back on June 24, 2003. The applicant must ensure that the property is safe, which includes conducting proper soil testing of the site prior to construction, and also follow through with any necessary mitigation measures as found to be necessary, as part of this project approval. → *Comment satisfactorily addressed*.

Please let us know if you need additional information or have any follow-up questions on those requirements.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S.

ASSISTANT PUBLIC HEALTH DIRECTOR

**Needham Public Health Division** 

Health and Human Services Department

178 Rosemary Street

Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

Mobile- (781) 883-0127

Email - tgurge@needhamma.gov

Web-www.needhamma.gov/health



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Follow Needham Public Health on Twitter!

From: Alexandra Clee < aclee@needhamma.gov >

Sent: Monday, March 22, 2021 2:50 PM

**To:** David Roche <<u>droche@needhamma.gov</u>>; Anthony DelGaizo <<u>ADelgaizo@needhamma.gov</u>>; Timothy McDonald <<u>tmcdonald@needhamma.gov</u>>; John Schlittler <<u>JSchlittler@needhamma.gov</u>>; Dennis Condon <<u>DCondon@needhamma.gov</u>>; Carys Lustig <<u>clustig@needhamma.gov</u>> **Cc:** Lee Newman@needhamma.gov>; Elisa Litchman@needhamma.gov>;

Thomas Ryder < tryder@needhamma.gov >; Tara Gurge < TGurge@needhamma.gov >

**Subject:** Request for comment - 1688 Central Avenue

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location <a href="K:\Planning Board Applications\Planning\_1688 Central Avenue\_2021">K:\Planning Board Applications\Planning\_1688 Central Avenue\_2021</a>. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (some of you will receive a hard copy in the inter-office mail as well).

The documents attached for your review are:

- 1. Application submitted by Needham Enterprises, LLC with Exhibit A. attached
- 2. Letter from Evans Huber Attorney, dated March 11, 2021. Attached
- 3. Letter from Evans Huber Attorney, dated March 12, 2021. attached
- 4. Letter from Evans Huber Attorney, dated March 16, 2021. attached
- 5. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 4 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021; Sheet 2, Sheet A 1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A 2-1, showing Building Sections, dated March 8, 2021; Sheet 4, Sheet A 3-0, showing elevations, dated March 8, 2021. Attached.
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- 7. Traffic Impact Study, dated March, 2021. Attached
- 8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee Assistant Town Planner Town of Needham 500 Dedham Avenue Needham, MA 02492 781-455-7550 Ext 271 Needhamma.gov From: Tara Gurge
To: Alexandra Clee
Cc: Lee Newman

Subject: FW: 1688 Central Ave follow-up

Date: Monday, August 16, 2021 1:08:21 PM

Attachments: <u>image003.png</u>

image004.png

Needham 1688 Central Ave NB ERMR (003).pdf

### Alex-

Just wanted to get back to you RE: the additional inquiry on #1688 Central Ave. Here is the proposal that was found to be acceptable. (See email below and attached report.) So It was agreed that all potential exposure areas on this site located at #1688 Central Ave. must be sufficiently covered with acceptable amounts of clean soil in order to limit the risk of exposure to potential soil contaminants, which also includes landscaped areas which will be covered with clean top soil, which everyone agreed will be seeded and maintained to reduce erosion on site. (Matt Borrelli was on board with those requirements.)

Let me know if you need any additional information on that.

Thanks.

TARA E. GURGE, R.S., C.E.H.T., M.S.

ASSISTANT PUBLIC HEALTH DIRECTOR

**Needham Public Health Division** 

**Health and Human Services Department** 

178 Rosemary Street

Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

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Follow Needham Public Health on Twitter!

**From:** Rick Wozmak < <u>rwozmak@endpointllc.com</u>>

**Sent:** Wednesday, May 12, 2021 8:57 AM **To:** Tara Gurge < <u>TGurge@needhamma.gov</u>>

Cc: mborrelli@borrellilegal.com

Subject: 1688 Central Ave

Hi Tara, as discussed, my experience with the standard of practice in Massachusetts for addressing potential exposure concerns for a daycare center in an urban setting typically consists of the following:

- 1. Conducting a review regulatory agency files to see if there have been documented releases or threats of releases of hazardous materials and/or oil; and if nothing is found,
- 2. Providing physical barriers between any so-called "urban fill" and parents/workers/children present at the daycare as an added precaution.

As part of the lender's environmental due diligence, Needham Enterprises retained PVC Environmental Risk Strategies to perform an environmental risk management review of the subject property and did not find evidence of past releases of hazardous materials and oil, which satisfied the lender. The report is attached.

As we discussed, there is no specific evidence of toxic materials (including lead) on site. However, in an excess of caution, and given that the site will be used for a day care facility, in my view a reasonable approach would be to take steps to prevent exposure to any harmful materials that might be present, in those areas of the site where children (or adults) might be exposed to them.

Typical exposure pathways for metals include digestion, inhalation of dust and dermal contact. Physical barriers can eliminate these exposure pathways. The type of barrier is dependent upon the presence of children vs. adults, area accessibility, frequency of use, and intensity of use. For example, a playground or play area would be accessible by children with a high frequency and intensity of use. Protection from exposure could be adequately provided in these types of areas by covering them with a foot of clean soil, installed on top of a demarcation barrier (typically orange snow fencing) that would indicate a change from clean fill to the soil beneath it, in the event of any future digging in such areas. Landscaped areas on the other hand may only include 4-6 inches of top soil that is seeded and maintained since the frequency and intensity of use would be low. If acceptable to the Board of Health, Needham Enterprises would be amenable to discussing appropriate barrier options for areas of the daycare grounds that will be used by children and adults, beyond the buildings, paved/concrete walkways, and parking lots that already serve as barriers.

Let me know if you have any further thoughts or concerns regarding this approach. Thanks, Rick



25 Buttrick Road, Unit D-2 Londonderry, NH 03053

NH Office Phone: 603-965-3810 Boston Office Phone: 857-241-3654

Cell Phone: 603-851-1443

Fax: 603-965-3827 www.endpointllc.com



March 17, 2021

Andrew Rafter Vice President/Commercial Loan Officer Needham Bank 1063 Great Plain Avenue Needham, MA 02492

Subject: **Environmental Risk Management Review:** 

1688 Central Avenue, Needham, MA (the Site)

Dear Mr. Rafter:

PVC Services, LLC (PVC) has completed an Environmental Risk Management Review of the Site, with the Scope of Work consisting of a review of the following documents:

- December 11, 2020 "EDR Environmental Screen", prepared on behalf of Needham Bank;
- December 7, 2020 "Visual Inspection and Clearance Sampling...", prepared by ERS on behalf of Matt Borrelli

PVC also discussed Site conditions with the Site owner, Matt Borrelli, who plans to raise the existing buildings on the Site and construct a daycare facility that will be financed by Needham Bank. The following salient points were noted during the review:

- 1. Available information indicates that the 3.47-acre Site is improved with a residence and barn that were heated by fuel oil stored in an aboveground storage tank (AST) and a wood stove. Mr. Borrelli indicated that the AST and asbestos containing buildings materials (ACMs) have been removed from the Site in advance of pending building demolition.
- According to the ERS document, ACMs including window flashing; piping insulation and tiles were removed from the Site buildings in December 2020 by Asbestos Free, Inc. and disposed off-Site. Additionally, subsequent indoor air testing confirmed that airborne asbestos fiber content was below applicable action levels.
- 3. According to the EDR Environmental Screen, on-Site and nearby off-Site regulatory listings were not identified.

1



# **PVC Opinion:**

Based on the information as specifically discussed herein, it is PVC's opinion that the environmental risk posed to Needham Bank in its role as a secured lender is low and additional assessment of the Site is not necessary at this time.

Please note this Environmental Risk Management Review does not meet the standards of ASTM due diligence and is provided for risk management purposes only. Please contact me at 617-680-7157 should you have any questions.

Regards,

PVC Services, LLC

Peter B. Vaz Principal



# TOWN OF NEEDHAM, MASSACHUSETTS PUBLIC WORKS DEPARTMENT 500 Dedham Avenue, Needham, MA 02492 Telephone (781) 455-7550 FAX (781) 449-9023

August 12, 2021

Needham Planning Board Public Service Administration Building Needham, MA 02492

RE: Project Site Plan Follow up Review of revised submittals Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed a follow up review of the above referenced site Planning Board plan permit review. The applicant proposes to construct a new 9,966 square foot building as a childcare facility. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees. The plans have been mainly updated to widen the drive access with additional striping and directional traffic flow, reshape the proposed drop off areas, as well as some landscape modifications.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

- 1. Memorandum from Attorney Evans Huber dated August 4, 2021 describing changes.
- 2. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 9 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and July 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated "scale: as noted November 19, 2020", revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 10, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; June 2, 2021 and July 28, 2021.
- 3. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 2 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A 3-0, showing elevations, dated March 8, 2021, revised March 30, 2021 and May 30, 2021.

Our comments and recommendations are as follows:

- We understand that the traffic Engineer and Peer Engineer reviewer are still discussing the proposed updates.
- Original plans show that the facility's proposed lighting will not trespass onto the neighboring properties. However, the shields proposed should minimize visual glare to the closest neighboring properties. Provide updated plans on the lighting for the additional parking area (previously plans show as an asphalt playground).
- The project does not indicate if a generator, or if an electrical transformer is required. If found to be required, the applicant will need to provide a sound study and demonstrate sound attenuation measures for the generator, and visual screening measures for the generator or transformer.
- The plans call for collecting stormwater and mitigating the post construction storm events though onsite infiltration systems. As part of the NPDES requirements, the applicant will also need to comply with the Public Out Reach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected for Public Outreach, and for Public Participation and Involvement and provide dates by which the measures will be completed.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder Assistant Town Engineer



# TOWN OF NEEDHAM, MASSACHUSETTS PUBLIC WORKS DEPARTMENT 500 Dedham Avenue, Needham, MA 02492 Telephone (781) 455-7550 FAX (781) 449-9023

September 2, 2021

Needham Planning Board Public Service Administration Building Needham, MA 02492

RE: Project Site Plan Follow up Review of revised submittals

Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed a follow up review of the above referenced site Planning Board plan permit review. The applicant proposes to construct a new 9,966 square foot building as a childcare facility. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees.

The most recent submittals submitted for review consist of an update Traffic Assessment from the Applicant's Traffic Engineer dated August 11, 2021, Peer Review 2 of the Traffic Impact Assessment by GPI on August 26, 2021, and a response letter of the Peer Review 2 by Glossa Engineering, Inc dated August 31, 2021

Our comments and recommendations are as follows:

• We have no additional comments from our previous letter dated August 12, 2021

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder Assistant Town Engineer



# TOWN OF NEEDHAM

# TOWN HALL 1471 Highland Avenue Needham, MA 02492-2669

# Design Review Board

Memo: Project Site Plan Review, 1688 Central Ave., Needham Enterprises LLC

Meeting Date: August 9, 2021 Memo Date: August 13, 2021

By: Deborah Robinson

The Board reviewed the design drawings for the new building proposed for this site, and the project was discussed at the DRB meetings on March 22 and May 10. Since that time this project has been discussed at Planning Board meetings, and there was a peer review of the documents by Greenman-Petersen, Inc. (GPI) that focused on traffic issues.

Representing and presenting for the Applicant was Evans Huber, the attorney for the project. Present for the Design Review board were Deborah Robinson (vice-chair), Bob Dermody, Len Karan and Chad Reilly. Mark Gluesing (chair) recused himself due to his involvement as architect for the project.

The proposed building is a day care facility of 9,966 SF to be located on a 146,003 SF lot in a residential neighborhood. The site plan for the proposed one-story building would be set back 64 FT (increased from 50 FT and the originally submitted 35 FT) from the street. The site would include 30 parking spaces (increased from 24). While the existing residential building on the site and smaller out-building (garage) would be demolished, the barn structure is shown to remain. The project application indicated that the new building will be "designed to look like a large single-family home...".

The materials submitted with the application for this meeting included a revised drawing set. The revised colored site plan was dated 7/28/21 and architectural drawings were dated 5.30.21. The package also include a memorandum from Evans Huber, Esq., dated August 4, 2021, summarizing the changes included. On August 9 the Planning Board forwarded to DRB members a copy of the GPI review document as well as a letter (dated August 9, 2021) from Holly Clarke that included comments from neighbors.

The following are the previous comments from our memos of March 26, 2021 and May 14, 2021 (now in *italics*), with updated comments in **bold**:

### Site Plan

The Board has concerns regarding the siting of the building so close to the street. This is not in keeping with the character of Central Ave. We understand the parking and building access requirements, but those could be retained while adjusting the building away from central avenue, either by reconfiguring the building footprint or by demolishing the barn and moving the proposed building and parking further to the east. There is unused area to the east.

The Board appreciates that the site plan was adjusted to move the building back some, and this involved reconfiguring parking as well as adding spaces. It is an improvement, and the parking layout looks acceptable from a circulation standpoint.

There is still some concern that a relatively large building is sited closer to the street than other buildings in the neighborhood. An option to be considered still could be the removal of the barn and moving the building and site design elements further to the east of the property.

The Applicant did not include a site plan or street-view renderings to show the relationship of the proposed building to the street, to adjacent houses and to the synagogue next door. Those drawings would be helpful moving forward as the site plan and building issues are reviewed.

It is an improvement that the building has moved back some, to align with the house to the south. Nevertheless, as the relative change is fairly minimal in the context of Central Ave., our comments regarding the proposed building placement relative to the rest of the neighborhood remain.

While we appreciate the effort that went into the "setback ratio" narrative and table included in the neighbors' comments, our thought is that for this site the most critical factors are the setback at the street and the street-facing façade, and the overall footprint is not a critical factor for this site.

The Applicant could look at alternate site plans (building location and shape, attaching to the barn or removing it, outdoor space, parking, etc.), even if only to show how other options would be infeasible. We do not know why that has not been done, particularly given the nature of the ongoing discussions.

### Building Design

The Board has concerns regarding the building exterior. The building is not residential in appearance. The west façade is the most important façade, and is too institutional in design. It is very flat. A residential-looking building would have more modulation of the massing, possibly including more three-dimensional window areas, a porch or overhang, etc. While the Applicant responded to this by indicating that the truss system for the roof structure is a limiting factor for the massing, we do not agree that that is a driving force for the architecture.

The Applicant's screenshare presentation included a 3-D drawing of the building that was not in the package submitted to the Design Review Board.

The rendered elevations received just prior to the meeting showed a minor change to the windows on the west façade. As described by the Applicant, this involved having the windows now project 8" from the façade, with an overhang of 5" beyond that. The Applicant did not include the drawings from the previous meeting to show the change more clearly. The Board had little comment on this change. While one member (someone who had not been present at the March meeting) indicated the design of the building in general "looks good", that was not a specific acknowledgement that the comments at the previous meeting had been successfully addressed. To some, a lack of comment was a response to a lack of changes to the overall massing, and the initial comments from 3/22/21 stand. Members of the Board do not

necessarily have the same reaction to the building design and its suitability for this location. As this was not a vote, there was no "yes" or 'no' required from each member.

The change to the west façade in the updated documents, with the addition of more residentially-scaled gable elements, is definitely an improvement over the previous drawings. As the projections are only two feet in depth, however, the façade is still overall without overhangs, porches, etc. that would have made the street-facing façade even more residential in scale. We do appreciate the fact that the building presents itself as a single story.

There has been no change to the plan of the building. When this has come up a few times, the Applicant's response implied the only option would be to take the plan as designed and turn 90 degrees, thus presenting an even longer façade to Central Ave. The intent of our comments has been to ask if other plan options were or could be considered. We did not intend to imply that room sizes and amenities for the facility should be compromised.

### Barn

The applicant's representative stated that the barn would be retained without any renovation, there is no intended use for the time being, and that it is being retained because it is "historic". As noted above, the Board questioned whether keeping the barn is the best solution given the site plan issues. The Applicant did not know if the barn has any local or other historic designation that might affect a decision to retain or not retain the barn.

As there was no further clarification regarding the intentions for the barn, the option of removing it for the benefit of other site plan issues could still be considered. The Applicant did not comment when this was brought up again.

We now understand that the Applicant's evaluation is that the barn is in good condition, and that it will be used for needed storage and potential future "accessory" use. This seems to be quite a large volume for storage use, though we have no knowledge of the specific program needs of the facility for which the building is being designed.

Previously there was an explanation related to historic value. Assuming now that the 1989 date for the barn's construction as identified in the Holly Clarke document is correct, the building is not "historic". If the building is in good condition, why was it not incorporated into one larger new building, for example, as part of the overall plan? Another option could be to move it on site. The DRB did not state that we think it "should" be torn down, and we are not advocating any particular approach. The intent for the barn still is a question.

### Lighting

The 24' high lights at the north side of the proposed driveway have a long distance between them, which would result in bright and dim spots. Better would be four rather than three pole lights at the north side, with 20' high poles. Lower fixtures would create less light trespass onto Temple property.

The site plan presented did not show lighting at the entry, as required by code. The applicant did clarify that there would be lighting at the entry canopy.

The lighting at the north does not look to have been addressed, so that comment stands.

As long as exterior lighting complies with building code and zoning requirements, and the original comment about height and spacing of poles at the north side is addressed, we see no issue. As noted, the facility will shut down and site lights will be off in the early evening.

### Fence

The fence at the south of the building is intended to be white vinyl. The Board comment was that this is very bright relative to the rest of the built elements, and another color would be preferable so as to not be as visible. Vinyl is also available in tan and gray, or another material could be used.

Another suggestion is a dark green vinyl, which would look more "natural".

Wood is preferable from an aesthetic standpoint. Vinyl fencing looks shiny, regardless of the color. We do understand the maintenance issues, so our prior comments were trying to work with that.

### Trees

The north edge of the site, at the Temple Aliyah side, will indeed benefit from trees to screen the site, but the 15' spacing of white pines will not be satisfactory to form a true screen for several (5-10) years. The Board's recommendation is that additional species be added in this area, located in groupings of different species and staggered. The front (west) of the site would benefit from foundation plantings/trees at the building as well.

The sidewalk at the south of the building shows some trees very close to the walk. These would be too low and conflict with people. Either provide bigger/taller trees or move them away from the sidewalk.

Arborvitae are an acceptable selection as shown to the north of the parking.

The white pines shown to the south of the proposed building would also benefit from the same treatment as commented on for the north.

The addition of more trees is definitely helpful to the design, and the Applicant has addressed the items brought up at the first meeting. The added trees at the southeast will help screen the building massing for vehicles and others approaching from the south. The suggestion is that evergreen trees at the west would help with screening the building in a way that could offset the perceived negative aspects of the building size and proximity to the street.

The Applicant should look more closely at the expected size of trees that are adjacent to the walks and the building as the design is developed. It was noted, for example, that the Legacy Maple at the far left of the row is too close to the building and would grow into the building in five years.

Another comment was that plants adjacent to parking stalls should be durable enough to withstand people stepping, etc. Prostrate Juniper instead of the Azeleas that are shown was one suggestion.

Retaining the large maple tree would be desirable. We understand this is just outside the building footprint, so this should be looked at relative to building footing issues. The Applicant agreed to look at this and retain the tree is possible.

### Parking

The dumpster enclosure at the east end of the parking limits the ability of the user of the end parking space to easily back out. Moving the dumpster enclosure to the east could easily provide more turning space for that vehicle.

There was some confusion due to the presented documents not matching what the DRB had received. This parking item is another example of a discrepancy.

The increased number of parking spaces and added length to the drive (fitting 10 cars) will help with potential congestion on the site. As noted above, the revised circulation around to the east looks acceptable.

It was noted that 3 1/2 FT width is required for accessibility at sidewalks, and the 5 ft sidewalk as shown adjacent to parking spaces might not be adequate once cars park. The sidewalk could be made wider, or a grass strip added. Simply adding tire stops would be less desirable as that limits maneuverability.

The Board cannot comment on whether or not the number of parking spaces is adequate, more than adequate, etc. for this proposed use and occupancy.

The added drop-off lane looks to be something that will help with the potential issue of cars backed up and spilling onto Central Ave. We consider this a positive addition to the scheme. We defer to others for the traffic volume issues.

Car-management with the assistance of staff will help with this layout. We note that consideration should be given to how people will walk from the east parking to the building. A monitored crosswalk at the east of the building might be a good idea if the expectation that people will use the perimeter sidewalk is not realistic.

The Board presents these comments for Planning Board consideration. These comments summarize and are limited to the comments made at the meeting, and are intended to relay the Board's thoughts in seeing this project for the first time. This is not intended to be minutes of the meeting. These comments do not document comments and explanations made by the Applicant in response to the Board's comments and questions. Any lack of comment on the Board's part in response to the Applicant's justifications or in response to comments made by the public does not constitute agreement.

These comments on the revised information show improvement relative to what was presented in March. We understand this project will continue to be reviewed, next at a Planning Board meeting on May 18. The Board is available to review this project again, if additional design development is done, at future meetings.

We hope our comment are useful to the Planning Board. There has been significant progress since the first review by the DRB in March. We understand the Planning Board

will proceed per the Needham Zoning By-Laws. We are available for further review and discussion if there are changes to the proposed project.

End of Notes

# Newly distributed materials:

The following materials related to the proposal at 1688 Central have not already been distributed.



111 River Street Weymouth, MA 02191-2104 Telephone: (781) 589-7339 e-mail: jt.gillon@comcast.net

## **TECHNICAL MEMORANDUM**

To: John Glossa, P.E., Glossa Engineering

Date: September 2, 2021 From: John T. Gillon, P.E.

Re: New Day Care Facility at 1688 Central Avenue Response No: 2

At your request, I am providing this additional itemized response to GPI's letter review.

We have utilized the following times:

 $\emptyset$ 2 = 50 sec split

 $\emptyset 5 = 20 \text{ sec split}$ 

 $\emptyset$ 6 = 30 sec split

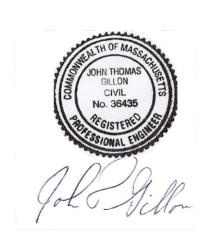
 $\emptyset 4 \& \emptyset 8 = 40 \text{ sec split}$ 

All Yellow = 3.0 sec, All Red = 2.0 sec.

In addition, we have re-run the analysis using the optimum cycle length and splits with the following Level of Service & Delay results:

	Existing	<u>Optimum</u>
Overall Intersection	F/184"	D/40.5"
Central Ave Southbound Ø 4 & Ø 8	F/308"	D/48.8"

Thank you for the opportunity to provide this additional information.



	*	-	*	1	-	*	1	†	~	1	<b>↓</b>	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	7	7.			4			44			4	
Traffic Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Future Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)	.000	0%			0%		Carroll T. Tarrella	0%	ANNUAL TUTORS		-3%	NAME OF STREET
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.953	1.00	1.00	0.975	1.00	1.00	0.996	1.00	1.00	0.994	1.00
Flt Protected	0.950	0.000			0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1746	0	0	1844	0	0	1876	0
Flt Permitted	0.446	1100			0.995			0.624			0.955	
Satd. Flow (perm)	799	1708	0	0	1739	0	0	1158	0	0	1795	0
Right Turn on Red	700	1700	No	Ü	1700	Yes	Ü	1100	No		1100	Yes
Satd. Flow (RTOR)			110		13	100			110		3	100
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	136	143	65	5	197	46	55	424	14	49	1031	49
Shared Lane Traffic (%)	100	140				10	00				1001	
Lane Group Flow (vph)	136	208	0	0	248	0	0	493	0	0	1129	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)	Lon	12	ragne	LOIL	12	rugiic	LOIK	0	, agric		0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		10			10						To the second second	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15	1.00	9	15	1.00	9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	Managaran an
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel	OI LA	OI LA		OI EX	O1		J					
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)	0.0	94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			Cl+Ex			CI+Ex			CI+Ex	
Detector 2 Channel		SIVEX			JI LX			J				
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2		1 31111	6		. 3111	4			8	
Permitted Phases	2	6		6	J		4	•		4		
Detector Phase	5	2		6	6		4	4		4	8	

Gillon Associates JTG

Synchro 10 Report #1688 Central Avenue

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase			17.00									
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	20.0	50.0		30.0	30.0		40.0	40.0		40.0	40.0	
Total Split (%)	22.2%	55.6%		33.3%	33.3%		44.4%	44.4%		44.4%	44.4%	
Maximum Green (s)	15.0	45.0		25.0	25.0		35.0	35.0		35.0	35.0	
Yellow Time (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0			5.0			5.0			5.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	45.0	45.0			30.5			35.0			35.0	
Actuated g/C Ratio	0.50	0.50			0.34			0.39			0.39	
v/c Ratio	0.28	0.24			0.41			1.10			1.62	
Control Delay	13.9	13.8			24.9			99.8			308.1	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	13.9	13.8			24.9			99.8			308.1	
LOS	В	В			C			F			F	
Approach Delay		13.8			24.9			99.8			308.1	
Approach LOS		В			C			F			F	
Queue Length 50th (ft)	40	64			101			~320			~942	
Queue Length 95th (ft)	72	107			178			#466			#1189	
Internal Link Dist (ft)		707			680			483			472	annes capanian in a resident
Turn Bay Length (ft)												
Base Capacity (vph)	550	854			598			450			699	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.25	0.24			0.41			1.10			1.62	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 90

Natural Cycle: 100

Control Type: Actuated-Uncoordinated Maximum v/c Ratio: 1.62

Intersection Signal Delay: 184.3

Intersection Capacity Utilization 106.3%

Intersection LOS: F ICU Level of Service G

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite. Queue shown is maximum after two cycles.

Queue shown is maximum after two cycles.

<sup># 95</sup>th percentile volume exceeds capacity, queue may be longer.



Central Avenue at C	•		_		4	4	4	+	<i>&gt;</i>	-	1	1
		-	*	*			1	l Vot	/	ODI	<b>▼</b>	000
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	7	4	00	-	4	40	47	4	40	40	4000	40
Traffic Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Future Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%		SULDING SUCCESSION	0%		4.00	-3%	4.00
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.953			0.975			0.996			0.994	
Flt Protected	0.950				0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1746	0	0	1844	0	0	1876	0
Flt Permitted	0.241				0.993			0.811			0.962	
Satd. Flow (perm)	432	1708	0	0	1735	0	0	1505	0	0	1808	0
Right Turn on Red			No			Yes			No			Yes
Satd. Flow (RTOR)					10						4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	136	143	65	5	197	46	55	424	14	49	1031	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	136	208	0	0	248	0	0	493	0	0	1129	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)	Lon	12	19.11		12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		10			10			1.				
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	1.00	1.00	9	15	1.00	9	15		9	15		9
Number of Detectors	13	2	9	1	2		1	2		1	2	
	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Detector Template	20	100		20	100		20	100		20	100	
Leading Detector (ft)		0		0	0		0	0		0	0	
Trailing Detector (ft)	0			0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		20	6		20	6		20	6	
Detector 1 Size(ft)	20	6						CI+Ex		CI+Ex	CI+Ex	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CITEX		CITEX	CITEX	
Detector 1 Channel		0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0				
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6			4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

Gillon Associates

Synchro 10 Report #1688 Central Avenue

	۶	-	*	1	<b>←</b>	4	4	<b>†</b>	1	1	<b>↓</b>	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	10.0	33.0		23.0	23.0		67.0	67.0		67.0	67.0	
Total Split (%)	10.0%	33.0%		23.0%	23.0%		67.0%	67.0%		67.0%	67.0%	
Maximum Green (s)	5.0	28.0		18.0	18.0		62.0	62.0		62.0	62.0	
Yellow Time (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0			5.0			5.0			5.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	28.0	28.0			18.0			62.0			62.0	
Actuated g/C Ratio	0.28	0.28			0.18			0.62			0.62	
v/c Ratio	0.74	0.44			0.78			0.53			1.01	
Control Delay	54.9	33.0			55.2			13.3			48.8	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	54.9	33.0			55.2			13.3			48.8	
LOS	D	C			Е			В			D	
Approach Delay		41.7			55.2			13.3			48.8	
Approach LOS		D			E			В			D	
Queue Length 50th (ft)	68	109			146			163			~679	
Queue Length 95th (ft)	#150	177			#266			225			#1010	
Internal Link Dist (ft)		707			680	and the second state of the		483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	184	478			320			933			1122	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.74	0.44			0.78			0.53			1.01	
Intersection Summary												

Intersection Summary

Area Type: Other

Cycle Length: 100 Actuated Cycle Length: 100

Natural Cycle: 100

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.01

Intersection Signal Delay: 40.5

Intersection LOS: D

Intersection Capacity Utilization 106.3%

ICU Level of Service G

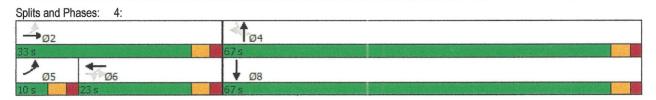
Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.





# Commonwealth of Massachusetts STATE ETHICS COMMISSION

One Ashburton Place - Room 619 Boston, Massachusetts 02108

Maria J. Krokidas Chair

David A. Wilson Executive Director

September 30, 2021

CONFIDENTIAL

BY FIRST-CLASS MAIL

Christopher H. Heep, Esq. Miyares Harrington 40 Grove St., Suite 190 Wellesley, MA 02482

Dear Mr. Heep:

I am writing in response to your letter of September 2, 2021 requesting advice on behalf of members of the Town of Needham Planning Board ("Board") regarding whether the Board possesses the legal authority or is obligated to suspend its public hearing on a site plan review application based on its receipt of written complaints that the applicant's representatives are acting in violation of the conflict of interest law, G.L. c. 268A, or whether the Board has any authority or obligation to address these complaints when hearing and deciding the application.

I am only able to provide members of the Board with advice regarding how they are subject to the requirements of G.L. c. 268A. G.L. c. 268B, § 3(g). I am unable to provide guidance on the applicability of any other law that may govern the Board's authority or obligation to suspend its public hearing on the site plan review. I am also unable to weigh in on alleged conduct of third parties. Finally, due to the confidentiality restrictions set forth in G.L. c. 268B, §, 4, I am unable to address whether or not an alleged complaint has been filed with the Commission or, if so, the substance of the complaint.

When members of the Board conduct the public hearing on the application of Needham Enterprises, LLC for a Major Project Site Plan Review, they must comply with §§ 19 and 23 of the conflict of interest law.

Under § 19, an elected Board member may not participate in the discussion or vote of the application if they have a financial interest in the project or if their immediate family member, partner, business organization in which they are serving as officer, director, trustee, partner or

Phone: 617-371-9500 or 888-485-4766 www.mass.gov/ethics

Christopher H. Heep, Esq. Page 2

employee, or any person or organization with whom they are negotiating or have any arrangement concerning prospective employment, has a financial interest.

Section 23(b)(2)(ii) prohibits Board members from using or attempting to use their official position to secure unwarranted privileges of substantial value for themselves or others. This means that Board members must base their evaluation and vote on the merits of the application, using the same objective criteria which it applies to other permit applications.

Further, § 23(b)(3) prohibits a municipal employee from engaging in conduct which gives a reasonable basis for the impression that any person or entity can improperly influence him or unduly enjoy his favor in the performance of his official duties. For example, issues are raised under § 23(b)(3) if a Board member had a personal relationship with an applicant (or their representative) or had a current relationship with a group who opposed the project. In order to dispel an appearance of a conflict of interest, § 23(b)(3) requires that the Board member file a disclosure prior to participating in the hearing.

Both this letter and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this letter.

I hope this advice has been helpful. Please contact us again if you have any further questions about Board members' obligations under the conflict of interest law.

Very truly yours,

/s/ Eve Slattery

Eve Slattery General Counsel



# Commonwealth of Massachusetts STATE ETHICS COMMISSION

One Ashburton Place - Room 619 Boston, Massachusetts 02108

Maria J. Krokidas Chair

David A. Wilson Executive Director

October 4, 2021

BY FIRST-CLASS MAIL

Christopher H. Heep, Esq. Miyares Harrington 40 Grove St., Suite 190 Wellesley, MA 02482

Re:

Matthew D. Borrelli, Chair Needham Select Board

Dear Mr. Heep:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Matthew D. Borrelli dated September 8, 2021, which we received on September 10, 2021.

The Commission's municipal advisory opinion regulation, *supra*, provides for review of advisory opinions, that is, prospective advice under the conflict of interest law. Therefore, my review here is limited to your opinion of whether Mr. Borrelli has a conflict of interest under G.L. 268A relative to the application of Needham Enterprise, LLC ("Needham Enterprises") for an application for Major Project Site Plan Review, which is being considered by the Planning Board at an upcoming meeting. According to the Planning Board's agenda posted on the Town of Needham's website, that meeting is on October 5, 2021. Otherwise, in reviewing your opinion, I relied solely on the facts presented in your letter.

I concur with the conclusions set forth in your opinion regarding § 17 with two exceptions. First, on page three of your letter, you state: "Provided that you do not *personally* accept or request compensation from either entity, or from anyone else, for the application for a Major Project Site Plan Review, you will not violate M.G.L. c. 268A, § 17(a)." (emphasis added). Section 17(a) is not limited to Mr. Borelli's personal receipt or request for compensation. Under § 17(a), Mr. Borelli may not "directly or *indirectly* receive or request

Phone: 617-371-9500 or 888-485-4766 www.mass.gov/ethics Christopher H. Heep, Esq. Page 2

compensation" in relation to the application for Major Project Site Plan Review. (emphasis added). If Mr. Borelli owned Needham Enterprises, for example, and Needham Enterprises received anything of value or was conferred an economic benefit in return for services in relation to the application, it would be a violation of § 17(a). G.L. c. 268A, § 1; *In the Matter of Lawrence Beals*, 2020 SEC \_\_\_\_. Second, your opinion does not address how § 17 applies should Needham Enterprises be granted a special permit, the issuance of which is a particular matter. EC-COI-93-3. Accordingly, if Needham Enterprises is granted a special permit, I recommend that Mr. Borrelli seek further advice about his obligations under the conflict of interest law.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

/s/ Eve Slattery

Eve Slattery General Counsel

cc: Matthew D. Borrelli (by first class mail)
Theodora K. Eaton, Town Clerk, Needham, Mass. (by first class mail)

#### MEMORANDUM

To: Needham Planning Department

From: Evans Huber, Esq. Date: October 13, 2021

Subject: Summary of Changes to Recently Filed Site Plans and Lighting Plan

The following is a summary of the changes to the project reflected in the Site Plans and Lighting Plan signed and stamped on September 29, 2021, as compared to the prior most recent set of plans. The prior most recent set of Site Plans was submitted on or about August 3, and the prior most recent lighting plan was submitted on or about May 10. This memo supplements, but does not repeat, the changes to the project described in my memo of August 4, 2021 to the Planning Board.

The September 29, 2021 plans have been submitted to the Town's sharefile or emailed to the Planning Department. Additionally, 11 x 17 hard copies will be delivered to each Planning Board member sitting on the panel for this matter, as well as Ms. Newman.

- On the Site Plans, Sheet 4 -- Grading and Utilities, and Sheet 6 -- Construction Details, show the changes to the drainage and catch basin design at the entrance to the property. These changes were made in response to comments made by Mr. Diaz.
- The lighting plan is essentially the same as the prior plan. The only difference is that because the entrance drive was widened to include a drop-off and pick-up lane, the light along the entrance drive has been northward so that it is still along the edge of the access lane pavement. It is the same distance from Central Ave as the prior plan.
- Similarly, because the proposed main building has been moved so that its setback is now 64 feet, the parking area between the two buildings has been shrunk by two spaces (these changes have already been presented to the Board at a prior hearing). As a result of the reduced size of the parking area between the two buildings, the lighting pole has been shifted somewhat away from Central Ave (approximately 9 feet) so that it is still centered between the two buildings.

ZONING LEDGEND:				
SINGLE RESIDENCE A	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
MIN. AREA	43,560 S.F.	146,003 S.F.	146,003 S.F.	YES
MIN. FRONTAGE	150'	250.05	250.05	YES
MIN. SETBACK FRONT	30'	*105.0' **211.2' ***276.3'	64.0'	YES
MIN. SETBACK SIDE	25'	*67.5' **65.0' ***54.2'	52.3'	YES
MIN. SETBACK REAR	15'	*864.9' **763.4' ***677.0'	811.0'	YES
MAXIMUM STORIES	2-1/2	*2 **1 ***2	1	YES
MAXIMUM HEIGHT	35'	*30.7' **15.3' ***31.2'	24.7'	YES
BUILDING COVERAGE	NR	NR	NR	YES
FLOOR AREA RATIO	NR	NR	NR	YES
DRIVEWAY OPENINGS	18' - 25'	19'	24'	YES

\*EXISTING HOUSE (TO BE DEMOLISHED)

# ZONING BYLAW 6.1.3 PARKING PLAN AND DESIGN REQUIREMENTS

		REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE				
A) PARKING ILLUMINATION	N	AVG. 1 FOOT CANDLE	N/A	AVG. 1 FOOT CANDLE	YES				
B) LOADING REQUIREMEN	ITS	N/A	N/A	N/A	YES				
C) HANDICAPPED REQUIR	EMENTS	2	N/A	2	YES				
D) DRIVEWAY OPENINGS		1	1	1	YES				
E) COMPACT CARS		50% (8'X16')	N/A	'A N/A YES					
F) PARKING SPACE SIZE		9'X18.5'	N/A	9'X18.5'	YES				
G) BUMPER OVERHANG		1' OVERHANG	NONE REQUIRED	YES					
H) PARKING SPACE LAYO	DUT	N/A	N/A	N/A	YES				
I) WIDTH OF MANEUVERI	NG AISLE	24' (90° STALL)	YES						
J) PARKING SETBACK									
	-FRONT	10'	N/A	*207.5'	YES				
	-SIDE	4'	N/A	26.9'	YES				
	-REAR	4'	N/A	609.6	YES				
	-BUILDING	5'	N/A	5'	YES				
K) LANDSCAPE AREA		10%	N/A	10%	YES				
L) TREES		1 PER 10 SPACES (3)	N/A	3	YES				
M) LOCATION		WITHIN LOT	N/A	WITHIN LOT	YES				
N) BICYCLE RACKS		NONE REQUIRED	N/A	NONE REQUIRED	YES				

\* TO LOADING AREA

REQUIRED PARKING TO BE DETERMINED BY BUILDING INSPECTOR PARKING PROVIDED SPACES INCLUDING 2 HANDICAP SPACES

LANDSCAPE AREA REQUIREMENT IS 10% OF REQUIRED SET BACK AREA. SET BACK AREA IS 3,939 S.F. 10% OF 3,939 IS 394 S.F. OF MAINTAINED LANDSCAPE AREA REQUIRED 25% OF THAT OR 98 S.F. TO BE LOCATED WITHIN THE INTERIOR OF THE PARKING AREA. 860 S.F. PROVIDED WITHIN PARKING AREA

REVISION

REV. BUILDING LOCATION

REV. BUILDING LOCATION

REV. CATCH BASIN AT ACCESS

REV. ACCESS DRIVE

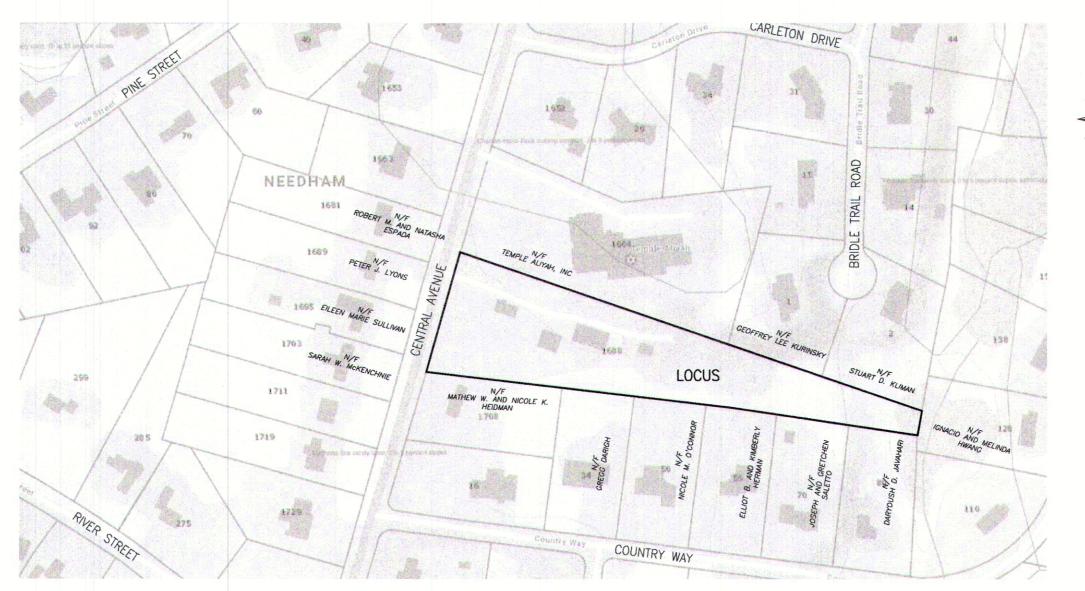
4-15-21

6-2-21

7-28-21

9-28-21

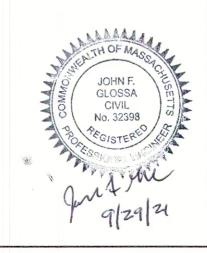
# SITE DEVELOPMENT PLANS DAYCARE 1688 CENTRAL AVENUE NEEDHAM, MA JUNE 22, 2020

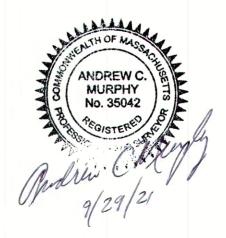


LOCUS N.T.S

# PLAN INDEX

SHEET SHEET SHEET	1: 2: 3:	COVER SHEET EXISTING CONDITIONS PLAN SITE PLAN
SHEET	4:	GRADING AND UTILITIES PLAN
SHEET	5:	LANDSCAPE PLAN
SHEET	6 & 7:	DETAILS
SHEET	8:	SEWER PLAN AND PROFILE
SHEET	9:	CONSTRUCTION PERIOD PLAN
APPENDIX		PHOTOMETRIC AND SITE LIGHTING PLAN





# OWNER:

NEEDHAM ENTERPRISES LLC 105 CHESTNUT STREET SUITE 28 NEEDHAM, MA 02492

# APPLICANT:

NEEDHAM ENTERPRISES LLC 105 CHESTNUT STREET SUITE 28 NEEDHAM, MA 02492

# ASSESSORS PARCELS:

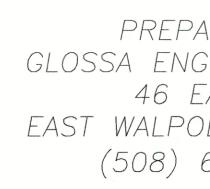
MAP 199, LOT 213

# DEED REFERENCE:

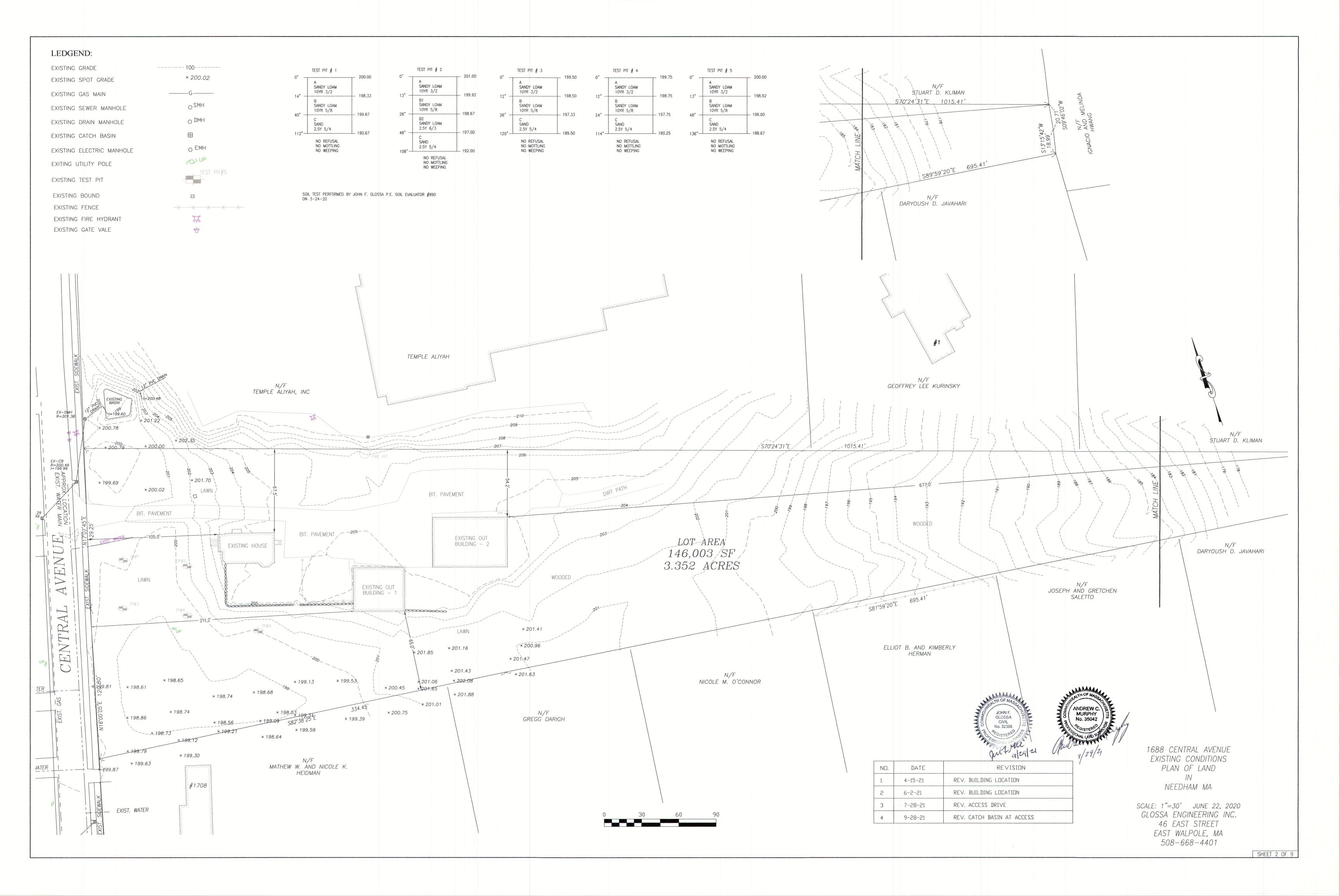
BOOK 37770 PAGE 308

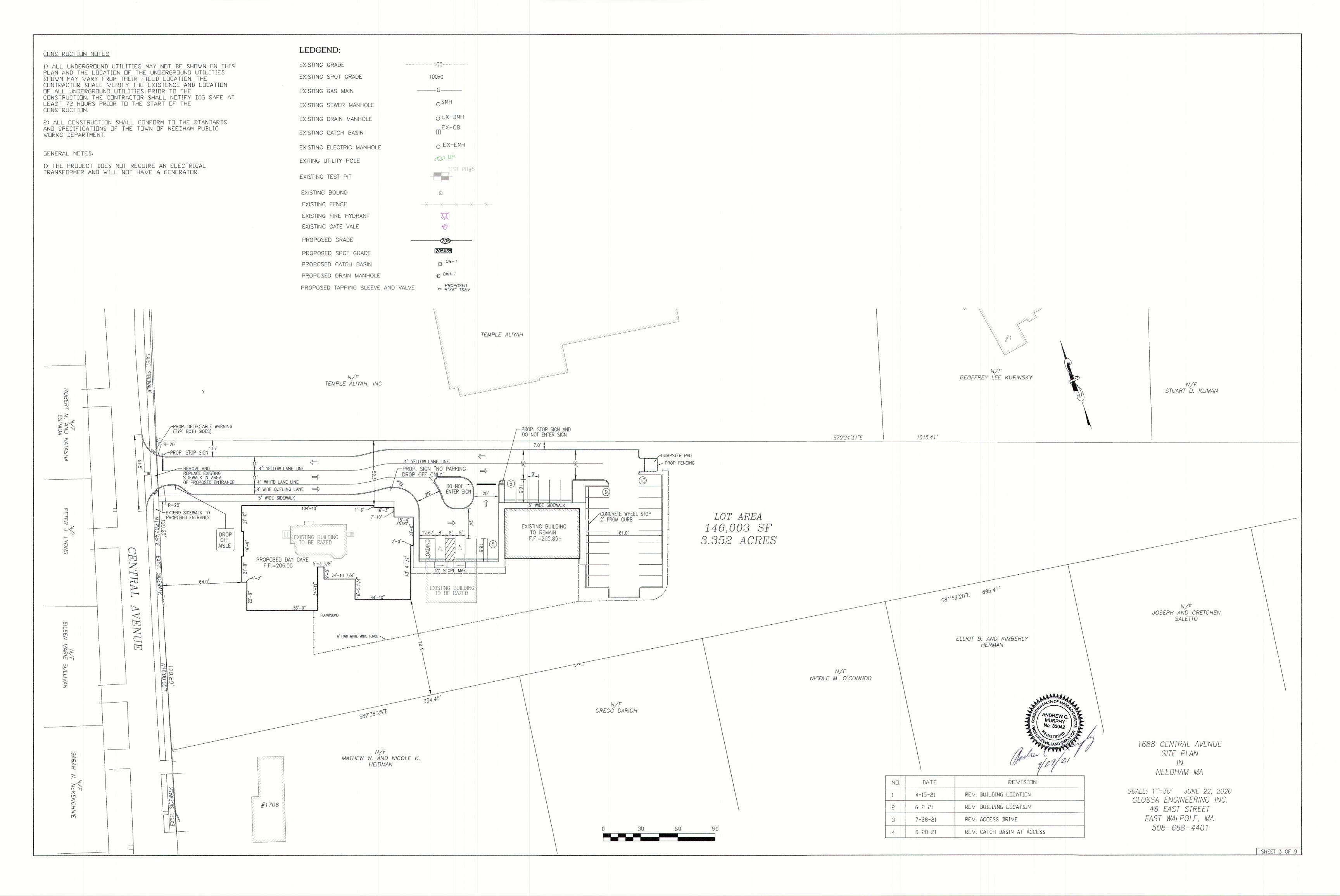
# PLAN REFERENCE:

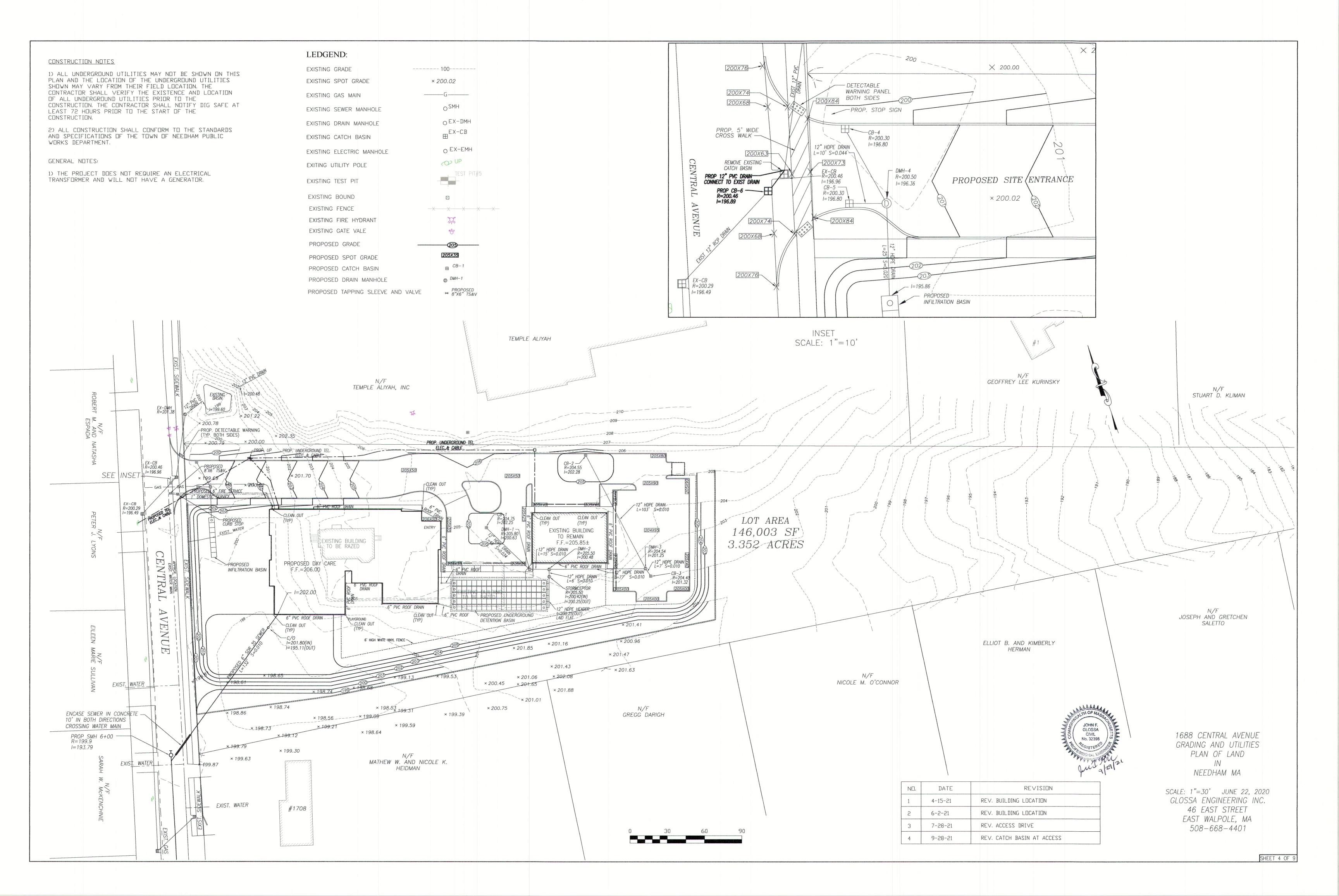
PLAN OF LAND DATED SEPTEMBER 28, 1933 BY P.D.G. HAMILTON, CIVIL ENGINEER

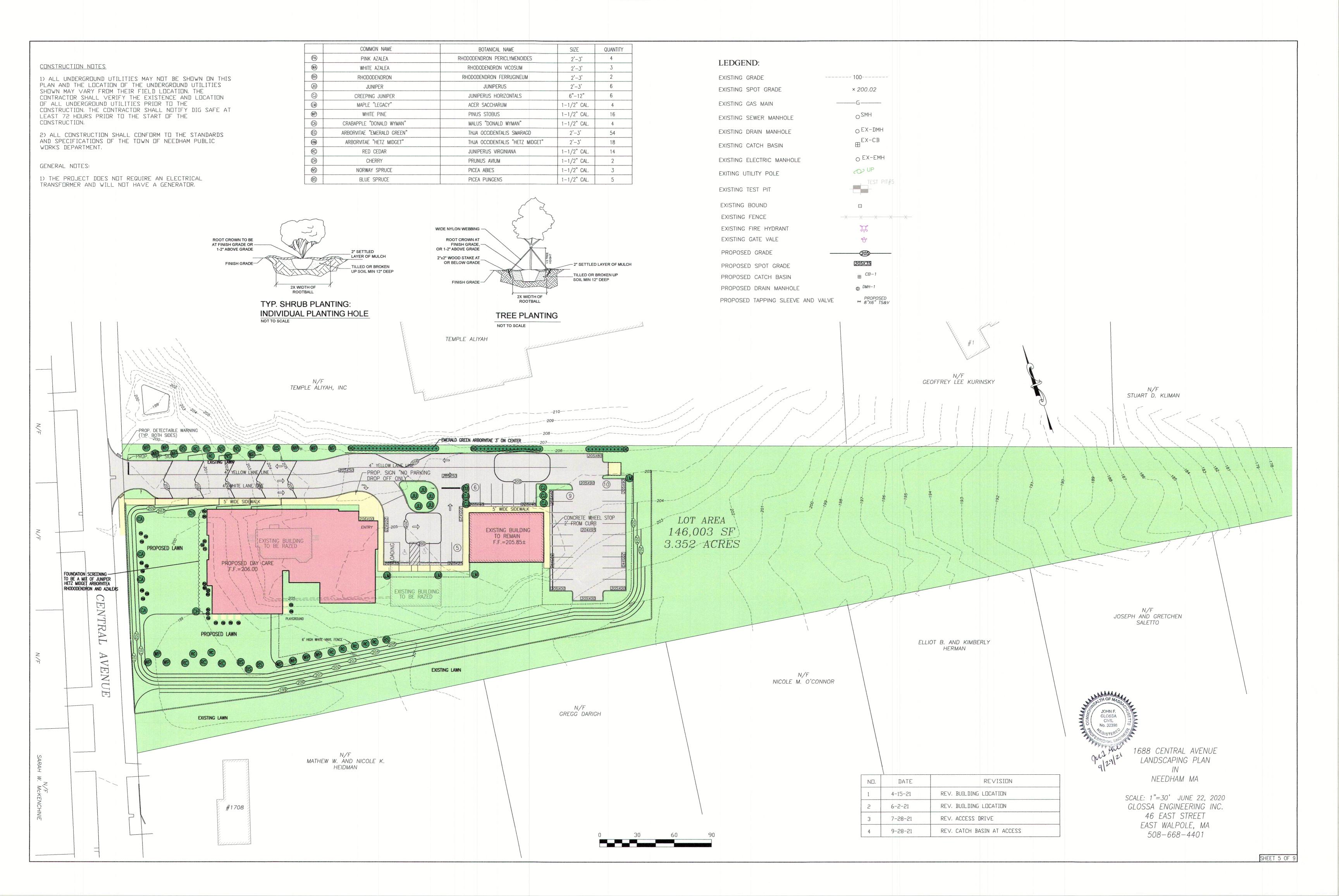


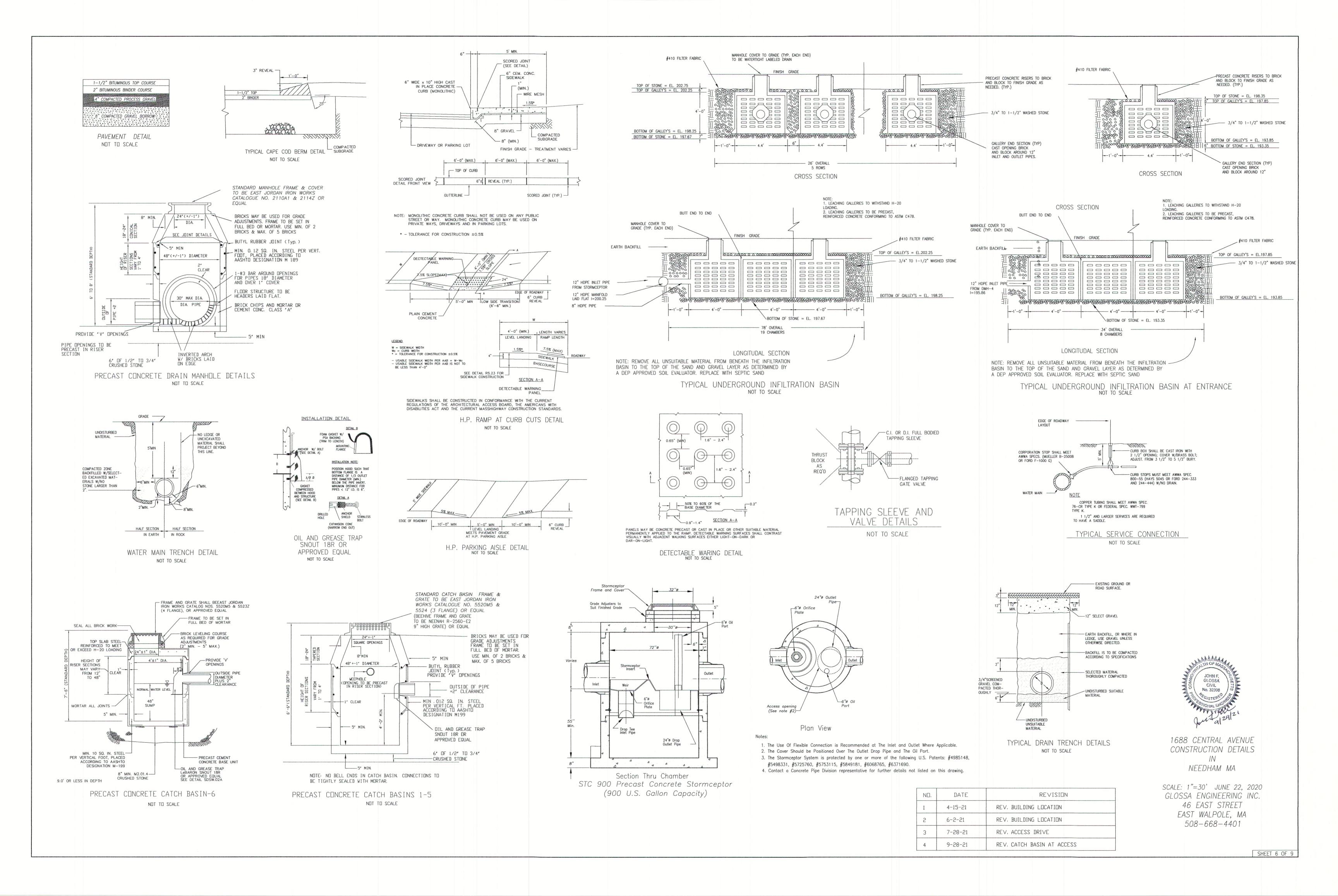
PREPARED BY GLOSSA ENGINEERING, INC. 46 EAST ST EAST WALPOLE, MA 02032 (508) 668-4401

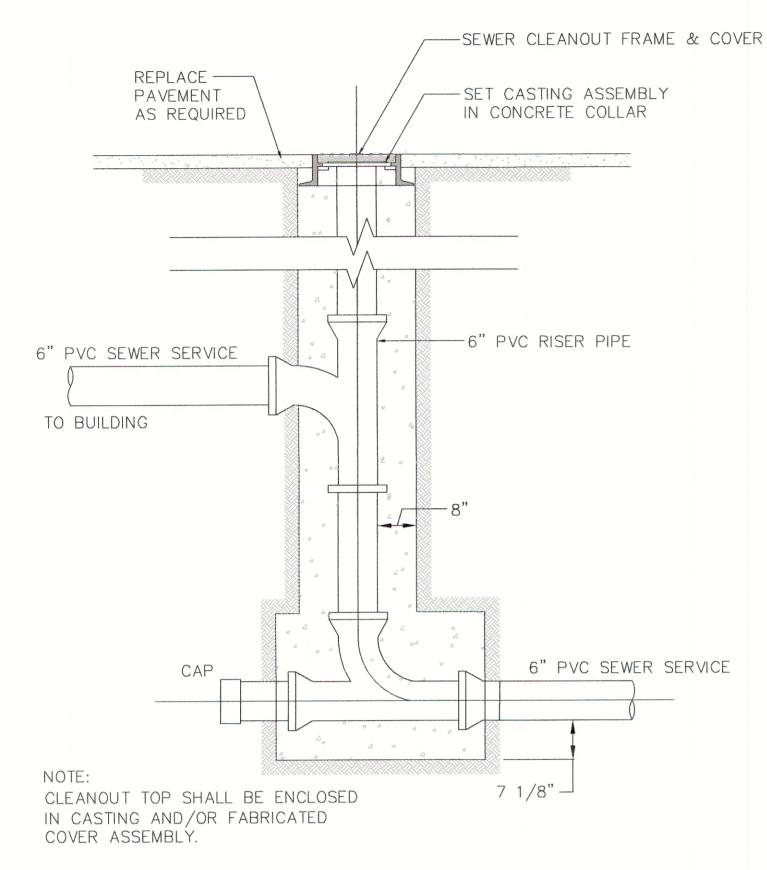






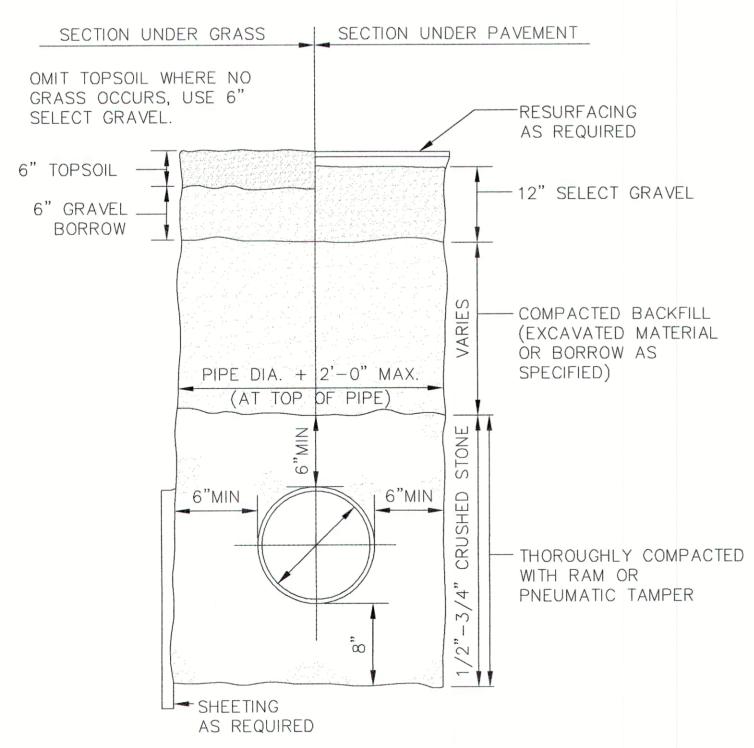






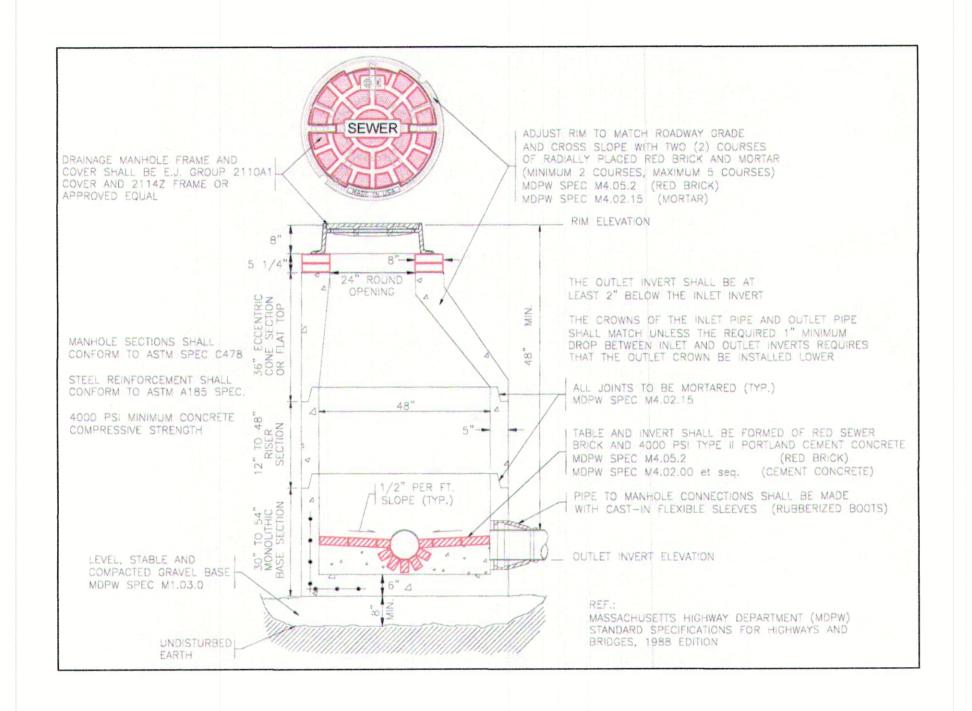
SEWER CLEANOUT DETAIL (C/O)

NOT TO SCALE

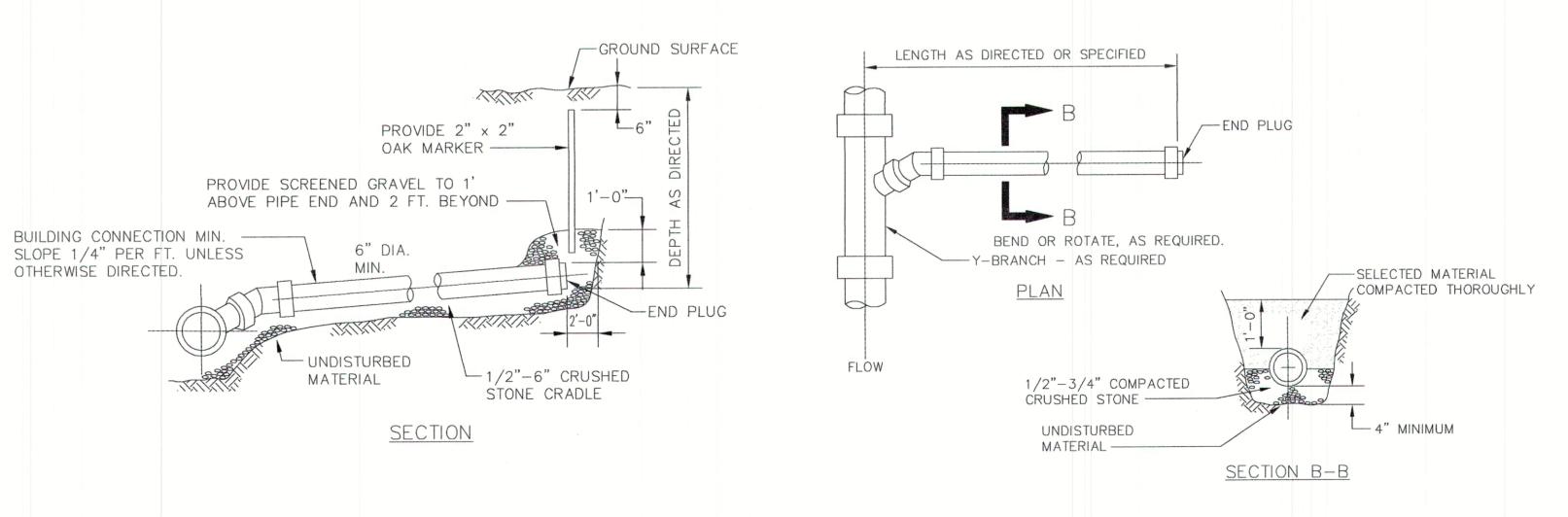


TYPICAL SEWER TRENCH DETAIL

NOT TO SCALE



TYPICAL SEWER MANHOLE DETAIL NOT TO SCALE



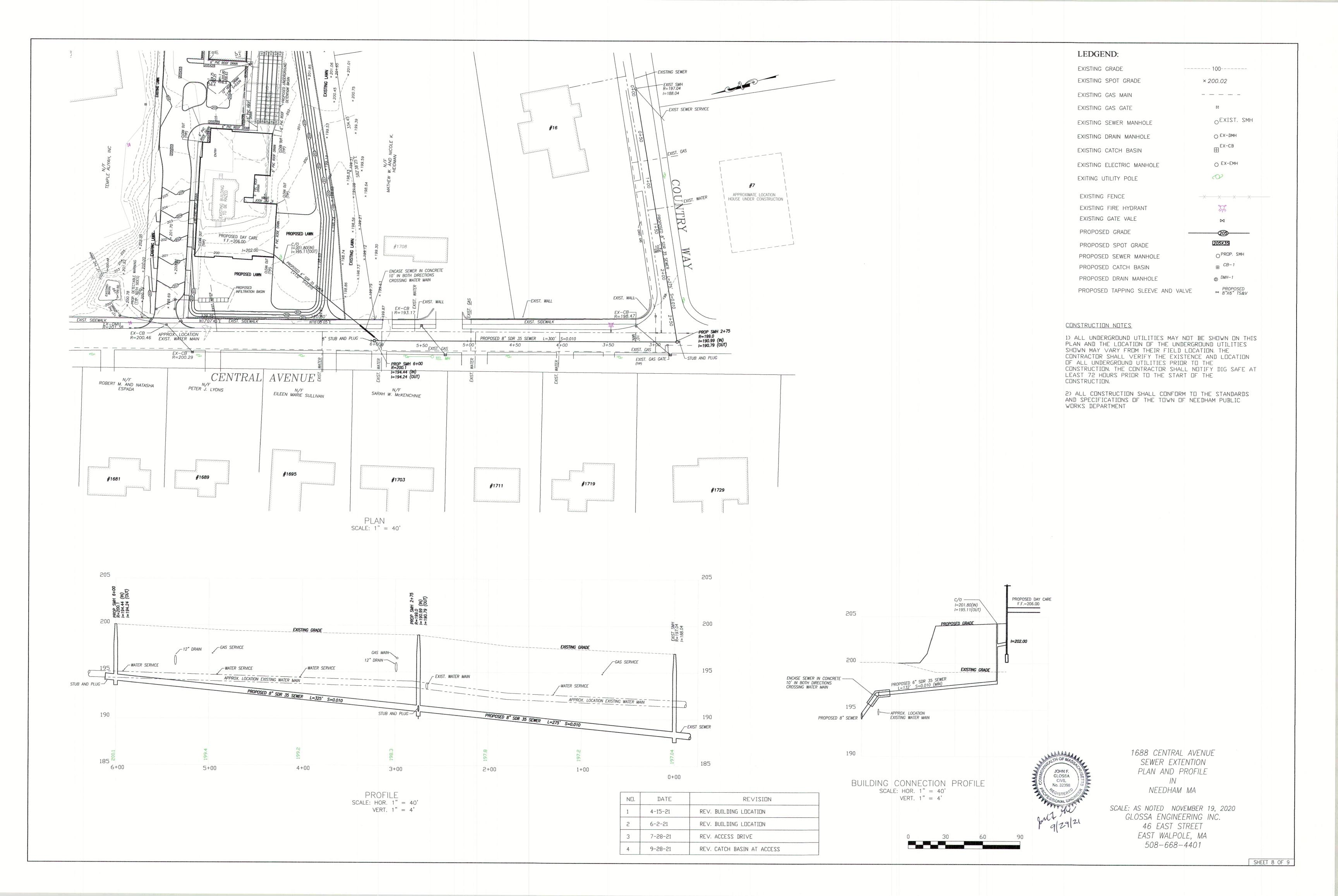
TYPICAL BUILDING CONNECTION NOT TO SCALE

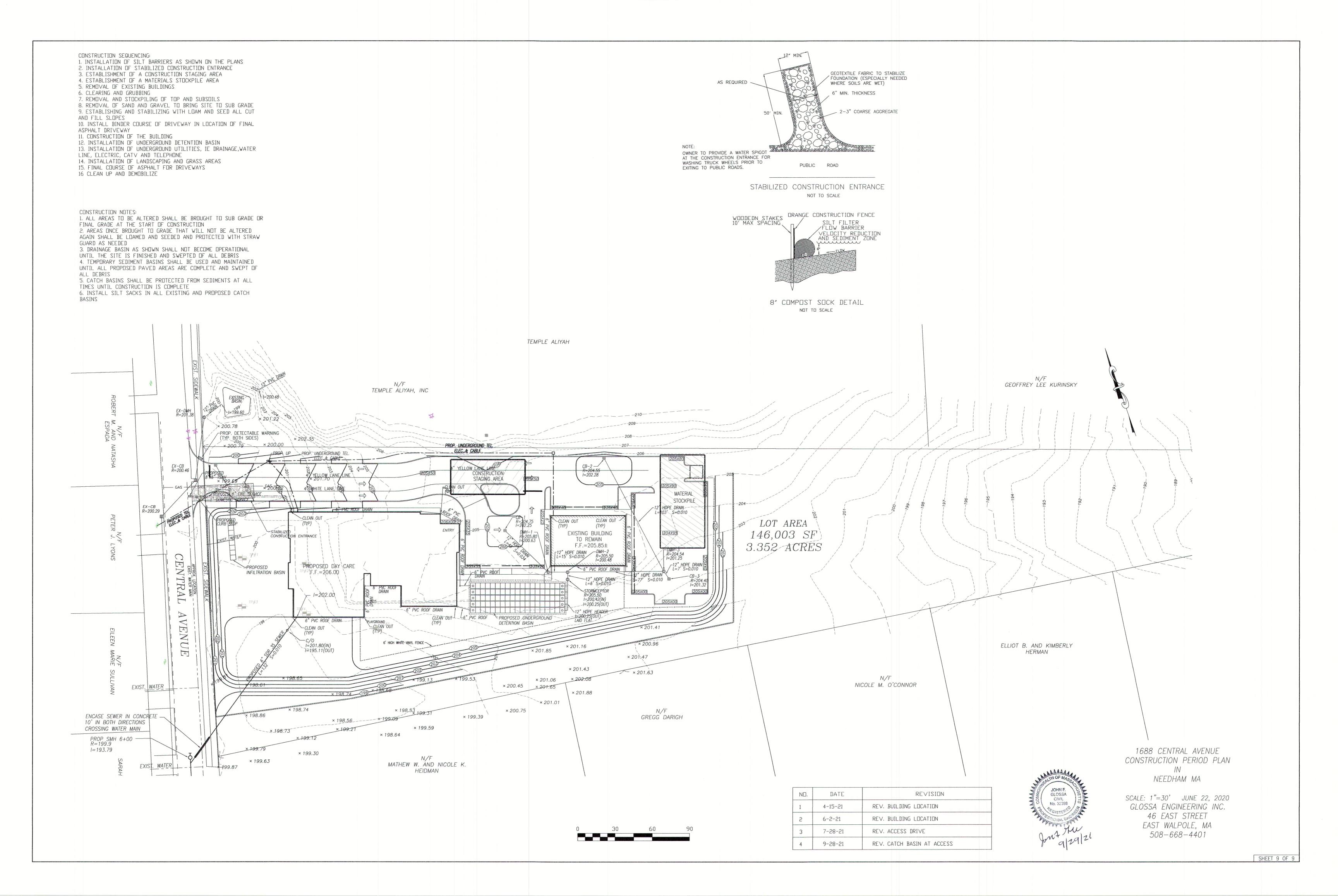
ND.	DATE	REVISI□N
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE
4	9-28-21	REV. CATCH BASIN AT ACCESS

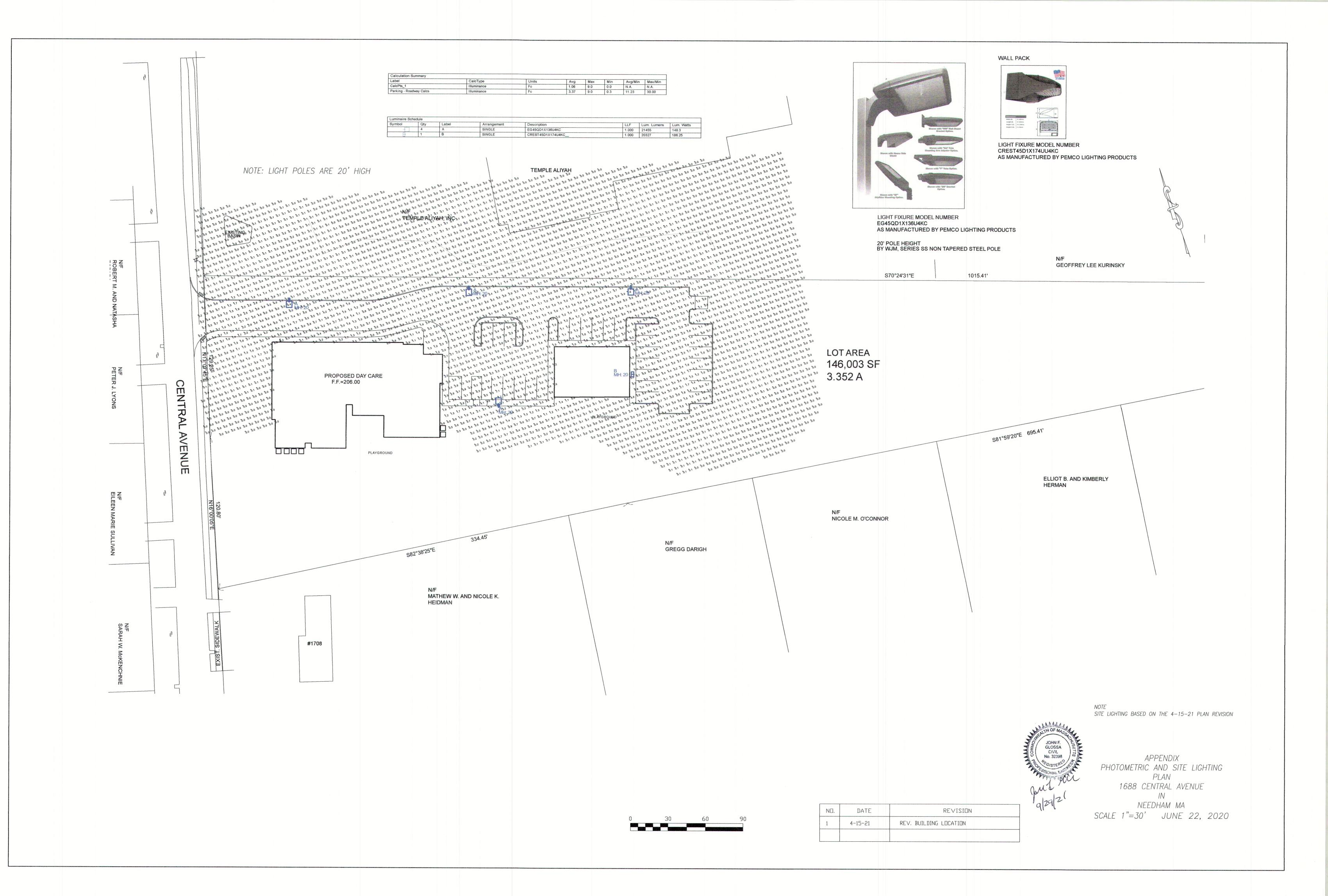
1688 CENTRAL AVENUE CONSTRUCTION DETAILS IN NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020 GLOSSA ENGINEERING INC. 46 EAST STREET EAST WALPOLE, MA 508-668-4401

SHEET 7 OF 9







Shows with "MA" Pole Mounting Arm Adjustor Option.

Shows with "Na" Yoke Option.

Shows with "A" Yoke Option.

NOTE: LIGHT POLES ARE 20' HIGH

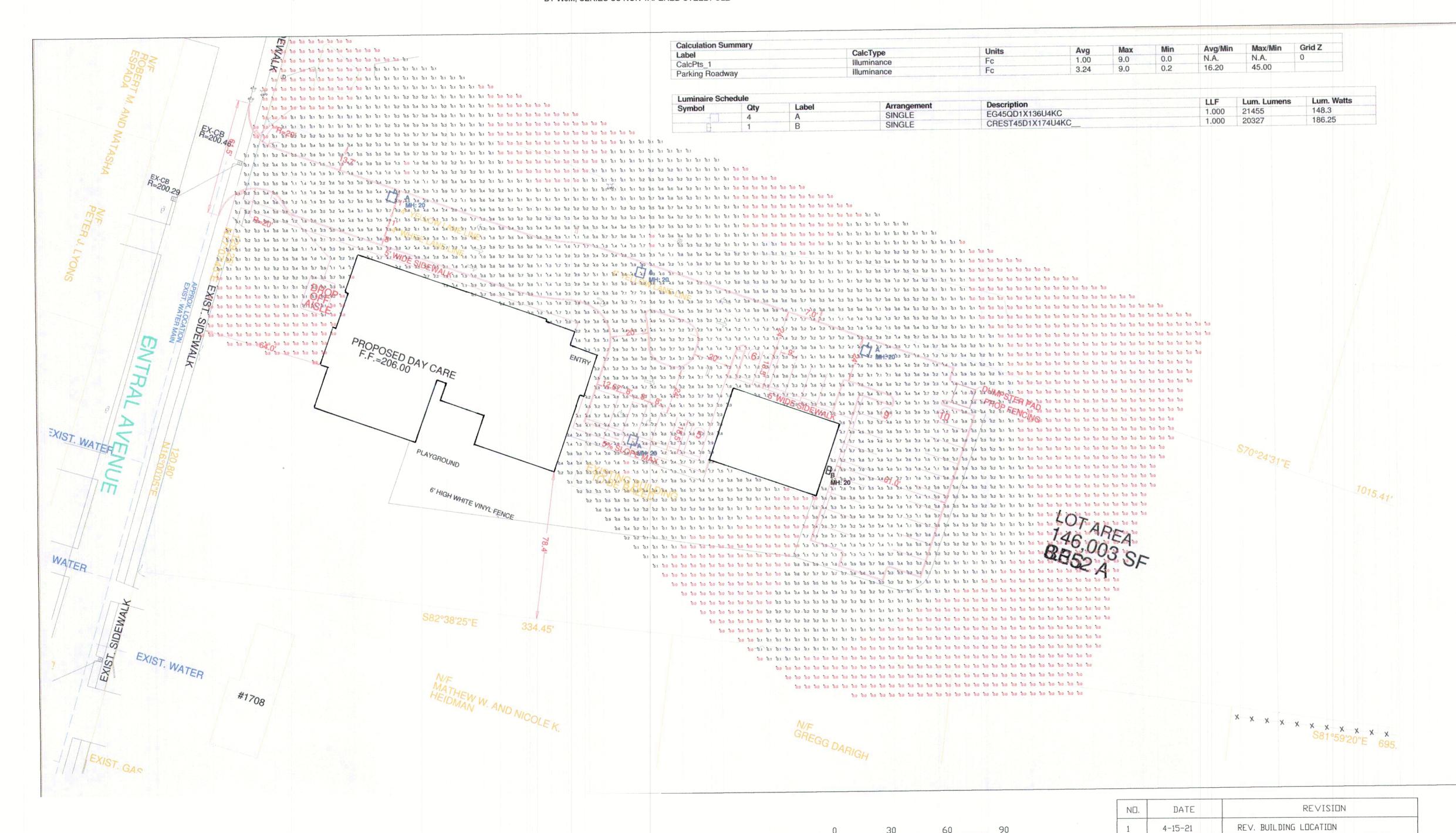
WALL PACK

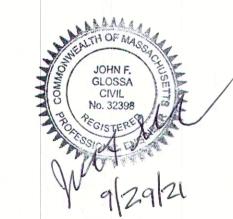


LIGHT FIXURE MODEL NUMBER
CREST45D1X174UU4KC
AS MANUFACTURED BY PEMCO LIGHTING PRODUCTS

LIGHT FIXURE MODEL NUMBER EG45QD1X136U4KC AS MANUFACTURED BY PEMCO LIGHTING PRODUCTS

20' POLE HEIGHT BY WJM, SERIES SS NON TAPERED STEEL POLE





APPENDIX
PHOTOMETRIC AND SITE LIGHTING
PLAN

PLAN 1688 CENTRAL AVENUE

NEEDHAM MA SCALE 1"=30' JUNE 22, 2020

REV. BUILDING LOCATION

REV. CATCH BASIN AT ACCESS

REV. ACCESS DRIVE

6-2-21

7-28-21

9-28-21

 From:
 Evans Huber

 To:
 Alexandra Clee

 Cc:
 Lee Newman

Subject: NCC vehicle counts for September 2019 and February 2020

Date: Thursday, October 14, 2021 12:31:19 PM
Attachments: NCC September 2019 Vehicle Count.pdf
NCC February 2020 Vehicle Count.pdf

Alex and Lee, attached are charts showing the actual arrival times of vehicles (not the number of children) at Needham Children's Center for two months.

There are a couple of points we would like to highlight about these charts:

- 1. The row across the top represents the day of the month in question.
- 2. These charts were created by going through actual sign-in and sign-out sheets and determining the actual arrival times of vehicles. These are not "guesstimates."
- 3. These charts show that the number of vehicles arriving and leaving is less than the number of children enrolled, and less than the number of families who have children at NCC. There are a variety of reasons for this, which Pat Day can speak to in greater detail at the hearing. They include, but are not limited to:
  - a. Where more than one child arrived or left in the same vehicle, that was reflected in this chart as one vehicle, rather than the number of children in that vehicle.
  - b. A number of children are after-school only and do not arrive in the morning.
  - c. Some children arrive in the morning outside the time blocks reflected on these charts.
  - d. Many NCC children do not attend every day of the week (because of the schedule they have signed up for).
  - e. Children otherwise scheduled to come on a particular day may be absent on any given day for a variety of personal, family, or health reasons.
  - f. Some children are picked up in the afternoon before 4:00 to attend other after-school activities such as sports or music lessons.
  - g. Some children are picked up mid-day because they are not feeling well, for a doctor's appointment, or for other reasons.
- 4. These charts demonstrate that vehicles arriving for drop-off and pick up are widely and fairly evenly spread out over the 1.75 to 2-hour windows covered by these charts.

Please include this information and email in the materials provided to the Board. Thank you, Evans

Evans Huber
Frieze Cramer Rosen & Huber, LLP
60 Walnut Street
Wellesley, MA 02481
781-943-4000 (main)
781-943-4043 (direct)
781-799-9272 (cell)
eh@128law.com
www.128law.com

## September 2019

Morning																				
Drop off	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30
7:30-7:45	7	9	8	4	5	5	10	5	2	3	8	7	7	3	4	8	6	7	5	1
7:46-8:00	4	7	7	6	6	3	4	5	3	6	5	9	5	6	11	8	8	8	5	12
8:01-8:15	4	2	3	4	6	6	4	3	5	3	7	5	2	4	0	6	7	5	2	11
8:16-8:30	2	5	5	5	7	5	4	5	6	7	4	0	7	5	5	2	3	6	7	11
8:31-8:35	4	1	1	3	4	4	3	7	4	4	3	5	2	6	6	3	2	2	1	3
8:36-8:45	3	5	4	3	2	2	2	1	7	4	3	2	7	2	3	2	2	3	7	5
8:46-9:00	5	5	3	3	2	4	5	4	4	0	0	9	0	2	4	3	4	0	2	2
9:01-9:15	6	1	0	0	0	0	3	3	0	0	0	0	4	1	0	3	2	4	1	0
Total Cars	35	35	31	28	32	29	35	33	31	27	30	37	34	29	33	35	34	35	30	45
Afternoon																				
Pick up																				
4:00-4:15	4	6	1	3	2	4	7	2	1	3	2	3	2	6	5	3	2	6	2	4
4:16-4:30	4	3	3	1	3	1	1	4	5	4	4	1	4	5	2	3	7	4	4	2
4:31-4:45	8	5	7	5	7	5	3	6	4	2	4	2	7	4	5	5	3	8	5	2
4:46-5:00	7	6	12	5	13	8	7	11	5	10	12	6	9	9	6	9	5	12	6	10
5:01-5:15	5	4	7	5	5	8	6	2	5	7	5	4	7	2	8	10	6	5	6	3
5:16-5:30	11	14	12	8	7	10	3	13	13	9	13	6	15	7	12	11	8	11	6	9
5:31-5:45	9	7	6	9	13	13	11	9	7	13	6	11	9	4	8	10	8	9	9	6
5:46-6:00	5	7	8	5	3	5	7	7	4	6	5	5	4	4	5	4	4	2	7	6
<b>Total Cars</b>	53	52	56	41	53	54	45	54	44	54	51	38	57	41	51	55	43	57	45	42

Total of 69 Famlies Total of 96 children Total of 24 families with multiple children \*September 30 No Needham Public School Day, full day for NCC Afterschool Children

## February 2020

<b>Morning Drop</b>																			
off	3	4	5	6	7	10	11	12	13	14	18	19	20	21	24	25	26	27	28
7:30-7:45	3	4	5	6	5	6	6	5	7	6	3	2	3	2	4	6	7	4	1
7:46-8:00	4	9	7	5	5	4	5	6	7	2	3	8	6	3	5	6	5	7	4
8:01-8:15	5	5	6	3	2	3	6	3	6	5	4	2	5	2	5	4	5	8	4
8:16-8:30	7	4	4	6	9	9	7	8	2	10	8	5	7	10	3	8	6	5	7
8:31-8:35	3	6	4	8	4	5	3	7	5	2	2	3	4	2	1	5	3	4	7
8:36-8:45	6	6	7	3	4	2	4	4	7	10	2	7	4	5	9	2	5	4	5
8:46-9:00	2	1	3	1	4	2	3	2	1	0	4	0	2	2	1	2	0	1	2
9:01-9:15	2	4	2	4	3	7	4	0	2	3	6	3	6	3	7	3	0	1	3
total cars	32	39	38	36	36	38	38	35	37	38	32	30	37	29	35	36	31	34	33
Afternoon																			
Pick up																			
4:00-4:15	3	3	3	1	5	1	2	2	2	5	1	5	5	8	2	3	3	0	4
4:16-4:30	3	1	3	3	2	3	5	2	6	4	6	2	4	3	1	6	4	4	3
4:31-4:45	5	3	2	4	4	1	3	4	4	5	2	2	1	9	1	3	5	0	6
4:46-5:00	8	11	9	6	3	14	11	9	8	6	4	5	12	3	12	11	6	7	4
5:01-5:15	8	9	3	6	7	6	6	9	3	4	2	3	7	3	10	9	5	6	4
5:16-5:30	7	10	11	10	8	14	7	9	11	9	10	10	10	9	14	14	9	17	9
5:31-5:45	11	7	8	10	7	9	7	8	1	7	5	3	3	1	11	5	12	7	6
5:46-6:00	7	2	6	3	3	6	5	2	8	0	7	3	2	1	4	4	5	5	4
total cars	52	46	45	43	39	54	46	45	43	40	37	33	44	37	55	55	49	46	40

Total of 75 Famlies Total of 104 children Total of 25 families with multiple children \*February 6,13,27 skating for Afterschool about between 8 and 12 childrenparents arrive at same time to pick up

<sup>\*</sup>February Public school vacation 18,19,20,21 afterschool drop off and pick up

 From:
 Evans Huber

 To:
 Lee Newman

 Cc:
 Alexandra Clee

Subject: Opinion of Town Counsel regarding a matter relating to Proposed Child Care Facility at 1688 Central Ave

Date: Thursday, October 7, 2021 5:31:12 PM

Lee:

Please forward the following email to the Board. Thank you. Evans

Mr. Alpert, Mr. Block, Ms. McKnight, and Mr. Jacobs:

It is probably an understatement to say that there is strong disagreement on the question of whether this Board has the authority to require the Applicant, Needham Enterprises, to demolish the barn at 1688 Central as a condition of a Special Permit, were one to be issued. Obviously, if the barn stays, that will materially impact a number of other hotly debated issues, most notably (but not solely) setback from Central Ave.

In an effort to resolve this disagreement, the Applicant respectfully requests that the Board seek an opinion from Town Counsel on the following questions:

"Where the Applicant intends to use the existing barn on the property at 1688 Central Ave solely for purposes relating to the proposed child care facility, (1) does the Board have the authority, as a condition of issuing the special permit in this case, to directly or indirectly require the Applicant to demolish the barn for any reason, including but not limited to in order to implement a Board-imposed front setback requirement for the proposed new building, and (2) relatedly, does the Board have the authority to indirectly require demolition of the barn by imposing a setback requirement for the proposed new building that cannot be complied with unless the existing barn is demolished?"

We believe that the answer to these questions from Town Counsel, regardless of what those answers are, will significantly expedite resolution of several of the remaining issues in this case, including setback. Please advise as to whether the Board will seek the answer to these questions from Town Counsel. Thank you.

Evans Huber
Frieze Cramer Rosen & Huber, LLP
60 Walnut Street
Wellesley, MA 02481
781-943-4000 (main)
781-943-4043 (direct)
781-799-9272 (cell)
eh@128law.com
www.128law.com

 From:
 Lee Newman

 To:
 Evans Huber

 Cc:
 Alexandra Clee

Subject: RE: Opinion of Town Counsel regarding a matter relating to Proposed Child Care Facility at 1688 Central Ave

**Date:** Friday, October 8, 2021 2:46:56 PM

Evans,

I have reached out to the Planning Board members individually and the Board will not be pursuing the legal opinion you have requested.

Lee

From: Lee Newman <LNewman@needhamma.gov>

**Sent:** Thursday, October 7, 2021 7:06 PM **To:** Evans Huber <eh@128law.com>

Cc: Alexandra Clee <aclee@needhamma.gov>

Subject: Re: Opinion of Town Counsel regarding a matter relating to Proposed Child Care Facility at

1688 Central Ave

Evans,

I received your email and I have sent it on to the Planning Board members as you had requested.

### Lee

Sent from my Verizon, Samsung Galaxy smartphone Get <u>Outlook for Android</u>

From: Evans Huber < eh@128law.com>

**Sent:** Thursday, October 7, 2021 5:31:02 PM **To:** Lee Newman < LNewman@needhamma.gov > **Cc:** Alexandra Clee < aclee@needhamma.gov >

Subject: Opinion of Town Counsel regarding a matter relating to Proposed Child Care Facility at 1688

Central Ave

Lee:

Please forward the following email to the Board. Thank you. Evans

Mr. Alpert, Mr. Block, Ms. McKnight, and Mr. Jacobs:

It is probably an understatement to say that there is strong disagreement on the question of whether this Board has the authority to require the Applicant, Needham Enterprises, to demolish the barn at 1688 Central as a condition of a Special Permit, were one to be issued. Obviously, if the

barn stays, that will materially impact a number of other hotly debated issues, most notably (but not solely) setback from Central Ave.

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781-799-9272 (cell)
eh@128law.com
www.128law.com



October 18, 2021

NEX-2021238.00

Town of Needham Planning Board Town Hall 1471 Highland Avenue Needham, MA 02492

SUBJECT: 1688 Central Avenue

Proposed Child Care Facility - Peer Review 3

Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Site Plans dated June 22, 2020 rev. 9-28-2021
- Technical Memorandum from John Gillon to John Glossa dated 9-2-2021

In addition, GPI and Gillon Associates, Inc. had a virtual Teams Meeting on Friday, October 15<sup>th</sup> to discuss the traffic operations and requested analysis.

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines. We offer the following comments. (Note: Comments highlighted in yellow are from GPI's August 26, 2021 review letter.)

#### SITE PLANS

The following highlights GPI's original comments from the July 15, 2021 Peer Review letter and our responses based on the revised site plan.

1. What is the purpose of the 12.67' loading zone? What size vehicle is expected to need access to the loading area. Truck turning templates should be provided showing access and egress from the loading area as well as the dumpster pad.

GPI Response – No information has been provided regarding the size of vehicle and no templates showing truck maneuvers have been provided.

GPI - 10-18-21

We would like to see turning templates of the vehicles accessing the loading zone and trash bins to verify they do not encroach on parking spaces while maneuvering within the site.

2. The proponent should construct fully compliant ADA sidewalks along the property frontage and tie into existing sidewalks at the property limits.

GPI Response - This comment does not appear to have been addressed.

GPI - 10-18-21

The existing sidewalks in the vicinity of the project are in poor condition and likely do not conform to current ADA standards. We' request that sidewalks along the frontage of the site be reconstructed to current ADA standards. This includes construction of the driveway apron, detectable warning panels, etc.

See image of existing conditions below.



3. The proponent should ensure that the construction of the site drive does not impact the drainage, particularly with the existing catch basin on the NW corner of the existing driveway.

It appears the existing CB will be in the center of the driveway on the gutter line. With the introduction of two wheelchair ramps the construction plans should consider relocating or providing additional drainage to ensure ponding in the vicinity of the wheelchair ramps does not occur.

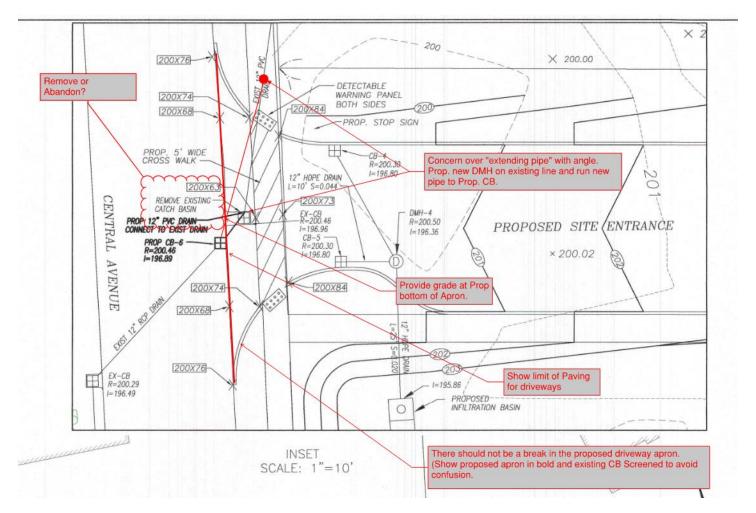
GPI Response – We appreciate and recognize that the revised drainage plan provides additional catch basins at the base of the driveway to capture site water flow before entering Central Ave. However, the existing catch basin on Central Ave is proposed to be retained in the center of the driveway. The driveway has been redesigned to provide a typical driveway apron that provides a slop up to the level of the sidewalk. This is beneficial by maintaining the sidewalk grade across the driveway. However, it appears the catch basin is proposed to be "cut into" the apron. Given the location, this will likely result in vehicles tracking over this "cut" or hole in the apron. The existing catch basin should be relocated out of the apron as the driveway apron should be a consistent slope and width for the entire length.

#### GPI - 10-18-21

We offer the following comments on the proposed driveway apron/drainage modifications:

- a) Is the existing CB proposed to be removed or abandoned?
- b) The limit of paving/construction should be indicated on the plans?
- c) The proposed driveway apron line where it meets the street gutter line should be a solid line, as there should be no break in the apron (where the existing CB is).
- d) Provide a spot elevation at the bottom of the apron in the vicinity of the existing CB to be removed.
- e) <u>We're concerned about being able to successfully cut and install an angle connection in the existing drainage pipe.</u> Recommend installing a DMH over the existing drainage pipe in the sidewalk and installing a new pipe between the Prop. CB and new DMH.

See notes on plan below



#### TRAFFIC ANALYSIS

Based on discussions with Gillon Associates on 10-15-21. The following additional analysis is expected.

- 1. The Proponent has updated their analysis software and will run the requested corridor analysis that includes both the signalized intersection and the proposed site drive operations.
- 2. Supplemental traffic counts for both the AM and PM Peak Period were collected at the intersection of Central Avenue at Charles River Road. These volumes will be compared against pre-covid (2016) volumes as well as against the PM number used in the study. Volumes will be factored based on historical growth rates to provide the most conservative (largest) volumes to be used for analysis of the corridor (signal and driveway).
- 3. The signalized intersection will be analyzed under both existing signal timing conditions as well as with optimized timings to reduce queues and improve overall operations.
- 4. Operations of the site driveway and intersection will be updated based on the new analysis.

At this time, GPI has no further comments on the traffic operations and is awaiting the updated analysis to complete the traffic review.

Should you have any questions, or require additional information, please do not hesitate to contact me at (978) 570-2953 or via email at jdiaz@gpinet.com.

Needham Planning Board October 10, 2021 Page 4

Sincerely,

**GREENMAN-PEDERSEN, INC.** 

John W. Diaz, PE, PTOE Vice President/Director of Innovation

From: <u>noreply@civicplus.com</u>

To: Alexandra Clee; Lee Newman; Elisa Litchman
Subject: Online Form Submittal: Contact Planning Board
Date: Wednesday, October 6, 2021 10:25:33 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: Robert DiMase

Email Address:: rob.dimase@verizon.net

Address:: 1681 Central Avenue

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 781-844-5729

Comments / Questions: As I did not receive an opportunity to speak at last night's meeting I'd like my comments noted for the record.

Mr. Huber summed it up succinctly at the beginning of the meeting, the applicant has lost the trust of the neighborhood. From the lack of transparency with the plan to build a daycare center in our neighborhood, to the sham of a traffic study conducted during a pandemic, to trying to sneak the project under a minor project review, to changing the proposed use of the barn, the applicant has indicated at every turn that he has no plans to be a respectful neighbor. One look at the condition and maintenance of the property today, which is a complete eyesore, makes it obvious that the applicant has no intent or desire to be a good neighbor.

To the extent the planning board moves forward with an approval process, it must consider the precedent of a 200 foot setback of the only other commercial building in the neighborhood along with requiring ongoing mitigation of the tremendous traffic strains that will be placed on the neighborhood.

All of the neighbors on the West side of Central near 1688 will not be able to leave their driveways during the proposed child care center's pick up and drop off times, which happens to occur at rush hour, Central Avenue's most heavily travelled time period. As was indicated in the meeting, the applicant is pouring fuel on a fire and it's unlikely any changes to the proposed driveway, drop off lanes, traffic light timing configuration will mitigate the problem. The reality is that the proposed use is completely inappropriate based on the overwhelming negatives impacts that it will cause to the neighborhood and surround areas.

Additional Information:

Form submitted on: 10/6/2021 10:25:28 AM

Submitted from IP Address: 216.93.250.104

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#### To: Lee Newman & Alex Clee

#### Re: 1688 Proposed Daycare Center

I was unable to speak at the Oct 5<sup>,</sup> 2021, Planning Board Meeting so I am sending for public record the statement I planned to present at the meeting if there was allowable time.

I want to thank each member of the Planning Board for giving me the opportunity to speak. My name is Eric Sockol, I have been a proud resident of Needham for 54 years and I live at 324 Country Way.

I believe the current proposal for 1688 Central Avenue has the potential to be extremely disruptive and cause unwanted traffic and safety issues. I am speaking before you on behalf of ~ 500 neighbors who will be adversely impacted as well as other Needham residents that use Central Ave in the mornings or evenings. I am also speaking on behalf of future Needham residents that may question, how the town could approve such a development in its current format.

The state statute which permits this type of development may have good intentions however sometimes you just can't fit a square peg in a round hole. As the saying goes "hindsight is 20/20 "and it is critical that a development of this significance have the proper oversight and restrictions to reduce the probability of negative future outcomes. Now is the time, for the town of Needham to exercise sound judgment to avoid future regrets which could have adverse ramifications for its residents and its reputation.

I believe it would be extremely challenging for any rational person to present a sound argument how the proposed development will <u>improve</u> the traffic situation or <u>reduce</u> safety issues.

Therefore, all the parties must acknowledge if a childcare center is approved then the traffic and safety issues will be adversely impacted. I believe it is the morale obligation of all parties to "do the right thing "and focus all efforts on mitigating the traffic and safety issues.

One solution is straight forward, the further back the building is placed the more favorable the impact is on traffic and safety.

A prime example is the neighbor to the left, Temple Aliyah, wisely set back their building ~ 200 feet to mitigate these issues. Just imagine if the Newman School was only set back 65 feet from the street, it would be complete chaos.

There are many unique factors which the town must consider, one of which is that in a span of 2.5 miles there will be the Sunita Williams Elementary School, the Newman Elementary school, and the proposed day care center <u>all</u> on Central Avenue. This could lead to the "perfect storm "of traffic congestion.

I have always believed if you fill a 12-ounce glass with 11.5 ounces of milk everything looks fine but when you put 13 or 14 ounces in you create a real mess. But in this example, you cannot grab a dish rag to wipe up the mess because we are talking about permanent structures which will cause permanent problems.

So I respectfully ask the Planning Board and the Developer, to "Do the right thing " – tear down the old, ugly barn, set the child care center as far back as possible and limit the size to something that is reasonable.

The developer will still make a lot of money, the neighbors will support it and Needham will avoid a potential nightmare.

Thanks again for the opportunity to speak.

 From:
 Park, Elyse,Ph.D.

 To:
 Planning

 Cc:
 Lee Newman

Subject: RE: 10/19 town meeting

Date: Wednesday, October 6, 2021 4:08:37 PM

Attachments: <u>image001.png</u>

Thank you. If you can pass along my summary, that would be greatly appreciated. As a researcher, I respectfully request that a reassessment of the traffic measurement is conducted.

First, evaluating the set points: are these truly the level of acceptability to the residents? I don't think that this has been considered.

Second, the data points: the fact that the Central Ave entry from the neighboring side-streets had not been part of the assessment (with an estimated rating of F), is indicative that critical data points are missing.

Third, qualitative data are needed, including observational studies of the traffic and well as interviews with residents on their perspectives and driving patterns.

Fourth, consider that all of these data are being collected at a time when MANY of us are still working from home; when we all return to work, the traffic will be SIGNIFICANTLY heavier.

Fifth, a lot of the traffic is driven by the commuter train schedule; Dover residents drive down Central Avenue to take the commuter rail. Given the commuter train schedule- traffic and daycare drop off vehicles will NOT arrive in a random way-indeed the busiest commuter rail times will correspond with the daycare center's drop off and pick up times.

Sixth, because there are no sidewalks, all parents will have to drive their children to the daycare. There is no sidewalk, on Central Avenue, after the Charles River Ave light as one is driving toward Dover. Charles River Ave has no sideways. Walking around that area is simply treacherous.

Seventh, as Central Avenue gets more crowded, cars will divert to side streets like Fisher Avenue, to cut through to South – this will make the neighborhoods unsafe.

In closing, given the level of scrutiny needed, contemplations of changing the traffic light, discussions of how fast parents have to move to get their toddlers out of the care, problem-solving involvement of Needham police, etc I respectfully request that you reflect why this project is still even being contemplated. At this point in time I believe it should no longer be a question of legal issues, but rather is an ethical issue. The traffic heading down Central Avenue toward the center of town is filled with school buses and vans, so cars that would be headed to the daycare from town would have to cross heavy traffic filled with public school vehicles transporting children.

Three of Needham's 5 elementary schools are on Central Avenue, which is the main artery for the commuter rail. I live one-quarter of a mile from the proposed daycare location, on Walker Avenue, and at 7:30 a.m. it is very difficult to turn onto Central Avenue because of the traffic. Please listen to

the residents – our concerns are expressed based on grave concerns. We believe that this project would not only burden the neighborhood but is not safe for the residents and dangerous for the daycare families and children. We implore this daycare explore other site options that are not in an already overcrowded, inaccessible residential area- for everyone's safety.

Respectfully submitted, Elyse Park

From: Alexandra Clee <aclee@needhamma.gov> On Behalf Of Planning

Sent: Wednesday, October 6, 2021 3:23 PM

To: Park, Elyse, Ph.D. <epark@mgh.harvard.edu>; Planning <planning@needhamma.gov>

**Cc:** Lee Newman <LNewman@needhamma.gov>

Subject: RE: 10/19 town meeting

#### **External Email - Use Caution**

Hi there,

I have shared your email with the Chair. THank you.

Alex.

Alexandra Clee Assistant Town Planner Needham, MA 781-455-7550 ext. 271 www.needhamma.gov

From: Park, Elyse, Ph.D. < epark@mgh.harvard.edu>

**Sent:** Tuesday, October 5, 2021 10:57 PM **To:** Planning <a href="mailto:planning@needhamma.gov">planning@needhamma.gov</a>>

Cc: Alexandra Clee <aclee@needhamma.gov>; Lee Newman@needhamma.gov>

**Subject:** 10/19 town meeting

To the Needham town planning committee,

I was one of the individuals who had a hand raised to speak tonight; indeed I was one of the original four individuals who had been waiting to speak.

It would be appreciated if I could comment, briefly, at the 10/19 meeting. I live directly off of Central Avenue, ¼ mile from the proposed preschool building location

Thank you for your consideration, Elyse Park

\*

\*\*\*\*\*\*\*

Elyse R. Park, Ph.D., MPH, FAPOS (she/her/hers)

Diversity is being invited to the party; inclusion is being asked to dance. Verna Myers

Professor of Psychiatry and Medicine, Harvard Medical School | Mongan Institute, Health Policy
Research Center

Director of the Health Promotion and Resiliency Research Program

Associate Director of Survivorship Research and Psychosocial Services for the Mass General Cancer Center Survivorship Program

Director of Behavioral Sciences, MGH Tobacco Treatment & Research Center
Director of Behavioral Research, MGH Benson-Henry Institute for Mind Body Medicine
Massachusetts General Hospital | 100 Cambridge Street | 16th floor | Boston, MA 02114
Research Tel: 617.724.6836 | Research Fax: 617.724.4738 | Clinical Tel: 617.643.7257

Email: <a href="mailto:epark@mgh.harvard.edu">epark@mgh.harvard.edu</a>

Twitter:PsycholERPark

https://www.massgeneral.org/mongan-institute/hprir



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From: Mike Connelly
To: Planning
Subject: Meeting

Date: Wednesday, October 6, 2021 3:56:19 PM

I was shocked with the behavior of Chairman Alpert at the meeting last night. I am an attorney that has worked representing clients in city/town government for many years, my children went to NCC and I now live in Boston. The temperament of the Chairman to yell at a fellow attorney was stunning. Even more so was allowing a neighbor to speak for an unlimited amount of time as if she was an expert on the subject, even though you had an unbiased expert at your meeting. It is easy to assume by the treatment of Ms. Clarke that members of the Planning Board have had prior conversations with her between meetings which flies in the face of the transparency that Ms. Clarke was requesting. It is also a potential violation of the Open Meeting Law. In all my years of counsel, I have never seen such one sided treatment against an application, disregard of MGL 40A, and clear pandering to an abbutter.

I also learned last night that Mr. Alpert, by his own admission, is a neighbor of 1688 Central Avenue. I would direct the Planning Boards to 268A Section 19 which has been interpreted to apply to abutters and neighbors of parcels under the Planning Board's jurisdiction. Mr. Alpert should consult with Town Council on this matter and recuse himself before a formal complaint is filed.

R.M. Connelly

From: Mike Connelly
To: Planning
Cc: Lee Newman
Subject: Re: Meeting

Date: Saturday, October 9, 2021 1:25:00 PM

Thank you. As an additional note, I reviewed material from the prior meetings and it appears that the Board is under the false impression that the neighbors are looking at the betterment of the community and that they represent Needham. If you look at the comments made, they are not to improve the site or operations but instead want to stop NCC from moving forward. They should ask the abbutters "If they show traffic will not be greatly impacted (which by your own expert they did), would you support this project?" "Other than the claims of conflict of interest by the applicant did you support this project?" "Did the increased setback that you requested satisfy your concerns?" "Did the change to the plan to add a lane satisfy your concerns?"

We all know what the answers will be, NO.

Why is NCC paying for a study if the Planning Board is not using it. Why are you taking biased neighbor testimony over a neutral third party and your own engineering department and Police Chief? Was there hope that the conclusions would have prevented this project? Didn't neighbors request the study and claim that they would be satisfied with the result either way? What if the traffic study exposed a serious problem- would you have believed citizens who claimed traffic was not a problem over your own expert or do you only believe your own expert when they agree with the abbutters. Did you also not believe your legal expert because you wanted a different answer?

The abbutters would not support this project even if there was no traffic impact and all issues were satisfied. The abbutters are not interested in finding solutions or helping create a better NCC, they are only interested in stopping NCC. I have witnessed this behavior by neighborhood groups throughout cities and towns mostly on large scale housing projects and the reasons are the same, we like the proposal, just not around us. Please don't mistake deception as beneficial feedback. The applicant and NCC are acting in good faith. This proposal could have been a visual monstrosity and there would be little the Board could do. Instead they are trying to work with the Board. Please give them that courtesy.

Thank you, I have received your comments and will share them with the Board.
Alex.
Alexandra Clee
Assistant Town Planner

#### Needham, MA

# www.needhamma.gov

From: Mike Connelly < <a href="mailto:connelly3439@gmail.com">connelly3439@gmail.com</a>>

**Sent:** Wednesday, October 6, 2021 3:56 PM **To:** Planning <a href="mailto:planning@needhamma.gov">planning@needhamma.gov</a>>

Subject: Meeting

I was shocked with the behavior of Chairman Alpert at the meeting last night. I am an attorney that has worked representing clients in city/town government for many years, my children went to NCC and I now live in Boston. The temperament of the Chairman to yell at a fellow attorney was stunning. Even more so was allowing a neighbor to speak for an unlimited amount of time as if she was an expert on the subject, even though you had an unbiased expert at your meeting. It is easy to assume by the treatment of Ms. Clarke that members of the Planning Board have had prior conversations with her between meetings which flies in the face of the transparency that Ms. Clarke was requesting. It is also a potential violation of the Open Meeting Law. In all my years of counsel, I have never seen such one sided treatment against an application, disregard of MGL 40A, and clear pandering to an abbutter.

I also learned last night that Mr. Alpert, by his own admission, is a neighbor of 1688 Central Avenue. I would direct the Planning Boards to 268A Section 19 which has been interpreted to apply to abutters and neighbors of parcels under the Planning Board's jurisdiction. Mr. Alpert should consult with Town Council on this matter and recuse himself before a formal complaint is filed.

R.M. Connelly

From: noreply@civicplus.com

To: Alexandra Clee; Lee Newman; Elisa Litchman

Subject: Online Form Submittal: Contact Planning Board

Date: Tuesday, October 12, 2021 5:40:10 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: Robert James Onofrey

Email Address:: robert.onofrey@gmail.com

Address:: 49 Pine Street

City/Town:: NEEDHAM

State:: MA

Zip Code:: 02492

Telephone Number:: 781-449-8895

Comments / Questions: Re: 1688 Central Avenue

I've joined the past Planning Board virtual hearings relative to this project - and I'm frustrated that the Planning Board doesn't have the authority to tell the applicant - "Please start over". I appreciate that's it's difficult to admit that the current design is just wrong - and to start over with a new plan. The current proposed design is ill-conceived and wrong. This project needs to be redesigned.

This project got off on the wrong foot immediately with the developers desire to retain the existing barn. First for unspecified reasons - but now suggesting it'll be used as "storage". This fixation on retaining the barn resulted in a design that is set way too close to Central Avenue - with parking scattered in a number of small parking areas - were ever they could be fit. And since there isn't any parking at the front of the building - the entrance to the facility is at the rear - not visible from Central Avenue.

The cost to tear down this barn would be minimal. The proposed building could then be set far enough back on the property thereby allowing adequate screened parking - and queuing - to occur at the front of the building. Whatever the storage requirements are for this project - they could easily be incorporated into the design at minimal costs. Storage requirements for this project don't justify retaining the barn.

Consolidating the current smaller parking areas into one larger parking area will be less expensive to construct - and far less costly to maintain and plow.

I'm again enclosing a copy of a free-hand sketch suggesting an alternate layout for the building and parking - setting the building back approximately 200 feet off Central Avenue.

Allowing a building of this size to be located so close to Central Avenue will be a blot on the residential neighborhood and have a negative impact on it. A building of this size should be required to have a far greater front yard setback than a house with at best a 2,000 SF footprint. I suspect the Zoning Bylaws need some adjusting to allow for different setbacks depending on the size of the building proposed.

I still feel that a Day Care Center on this site is wrong - due to the added traffic on Central Avenue. This Site should be restricted to Residential use. The neighborhood will suffer if this project is allowed to go forward as currently planned.

#### Additional Information:

Form submitted on: 10/12/2021 5:40:06 PM

Submitted from IP Address: 73.119.205.56

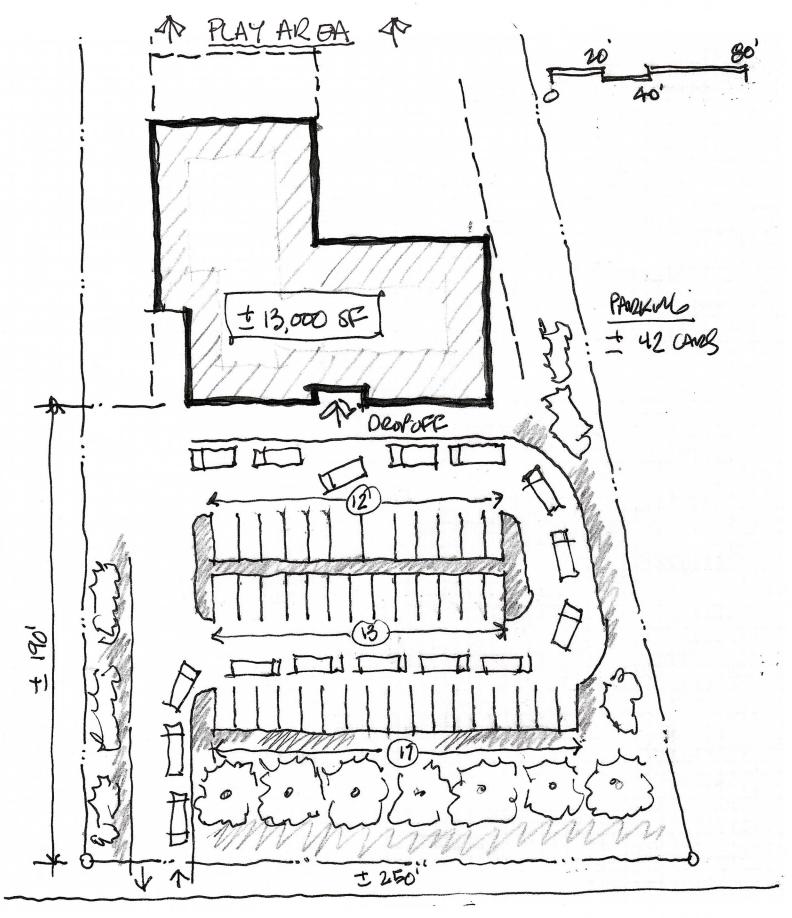
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CENTRAL AVENUE

1688 CENTRAL AVENUE - ALTERNATE SITE LAYOUT

23 MAY 2021

October 16, 2021

Paul Alpert
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue

Dear Chair Alpert and All Planning Board Members,

Attached please find a submission on behalf of neighbors of 1688 Central Avenue for consideration during the Planning Board's site review process of the proposed project at that location. We ask that the Planning Board reject the site plan as submitted because the proposal violates the Needham Zoning By-Laws which prohibit more than one non-residential building or use on a single residential lot in this district. In addition, the By-Law does not permit accessory buildings, and the barn, in any event, does not qualify as an accessory building.

We ask you to give these comments careful consideration and enter them into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

# Neighbors' Comments on the Application of Needham Zoning By-Law 3.2.1

Needham By-Law s. 3.2.1, among other things, prohibits, "more than one non-residential **use** or non-residential **building**" on a single lot in a residential zone. The submitted proposal would violate that By-Law by constructing a project which will result in two non-residential buildings on one residential lot. The By-Law is valid and prohibits that result. The By-Law is also consistent with the Dover Amendment – it neither prohibits the use of a building or land at 1688 Central Ave as a child care facility, nor does it, in practice, substantially diminish or detract from the protected use of the proposed project. It merely requires the developer to choose – keep the barn and use it as a child care center or remove the barn and build an acceptable new building as a child care center.

The proponent's counsel's argument that it has effectively "cloaked" the Barn with protection as a child care facility and exempted it from town regulation is wrong as a matter of law. <sup>1</sup>

I. All building projects, including those claiming status as a protected use under M.G.L.ch 49a Section 3, are subject to local by-laws.

All building projects proposed in Needham, including this one, are subject to the town's by-laws. M.G.L. Ch.40a s. 3, the Dover Amendment, is not a blanket exemption from local zoning by-laws. It was never intended as such and has never been interpreted to be such. The language of s.3, together with the terms of M.G.L. Ch 40a sec.4, (the Uniformity Statute), declares every town's ability to reasonably regulate building projects even when intended for protected uses. Section 3 provides protection for the **use** as a child care facility, while still preserving local zoning authority. The proponent is simply incorrect when he says that Section 3 automatically overrides any of the Needham's By-Laws. It does not.

Massachusetts state law Ch 40a s.3 provides:

...No zoning ordinance or By-Law in any city or town shall prohibit, or require a special permit for, the **use** of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; **provided**, **however**, **that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, <b>setbacks**, **open space**, **parking and building coverage requirements**. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D. (Emphasis added).

<sup>&</sup>lt;sup>1</sup> The argument put forth in proponent's October 7, 2021 email, which suggests that the Planning Board does not have the authority under the Dover Amendment to regulate the setback of the proposed project is also incorrect as a matter of law. The Dover Amendment specifically and explicitly grants municipalities the power to reasonably regulate both setbacks and open space requirements.

By its plain terms, section 3 protects the ability to **use** land or structures as a child care facility by disallowing an outright prohibition of child care use or the requirement of a special permit for the use, while still specifically providing that, "land and structures are subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."(Emphasis added.) The statute specifically endorses the application of local zoning by-laws intended to protect legitimate municipal interests even with respect to child care centers. Put another way, the statute enumerates the levers a town can use to regulate a proposed child care facility in order to protect other municipal interests.

Court decisions interpreting section 3 make clear that **all** by-laws, even those of general applicability and not specifically addressed to protected uses, apply to protected uses. It does not matter if a by-law is addressed specifically to child care facilities or not. The Supreme Judicial Court made this explicit in <u>Trustees of Tufts College v. Medford</u>, 415 Mass. 753, 760, 616 N.E.2d 433 (1993), when the Court rejected the claim that only by-laws specifically addressing a protected use can be applied to such uses. In considering educational uses, the Court stated:

...We reject the suggestion that only local zoning requirements drafted specifically for application to educational uses are reasonable within the scope of the Dover Amendment. Nothing in that statute mandates the adoption of local zoning laws which are tailored specifically to educational uses. See Report, *supra* at 26 (observing that *ideally* regulations should be specifically adapted to educational uses). Similarly, proof that a local zoning law could accomplish its purpose if it were drafted in terms other than those chosen will not suffice to establish that the municipality's choice of regulation is unreasonable. See *Moss v. Winchester*, 365 Mass. 297, 299 (1974).

Because local zoning laws are intended to be uniformly applied, an educational institution making challenges similar to those made by Tufts will bear the burden of proving that the local requirements are unreasonable as applied to its proposed project.

The test for determining whether a by-law complies with the requirements of section 3 is set out in <u>Tufts</u> regarding educational uses and <u>Rogers v. Norfolk</u>, 432 Mass. 374 (2000), regarding day care facilities. In <u>Rogers</u>, the Supreme Judicial Court stated:

A challenged provision in a zoning by-law is presumptively valid, and a challenger bears the burden to prove otherwise. See <u>Johnson v. Edgartown</u>, 425 Mass. 117, 121, 680 N.E.2d 37 (1997).

"The proper test for determining whether the provision at issue contradicts the purpose of G. L. c. 40A, § 3, third par., is to ask, first: whether the '(by-law's...) restriction furthers a legitimate municipal interest, and its application rationally relates to that interest, or: whether it acts

impermissibly to restrict the establishment of child care facilities in the town, and so is unreasonable." (432 Mass. 379-380.)

Simply put, the test presumes a by-law's validity, and the burden of proving otherwise is on the by-law's challenger. If the by-law is rationally related to the preservation of a legitimate municipal interest, it is valid. The valid by-law is then applied to each particular project, a process that requires a fact-based inquiry, to determine whether compliance would substantially diminish or detract from the protected use of the proposed project **without** furthering a municipal interest.

"[T]he question of the reasonableness of a local zoning requirement, as applied to a proposed [exempt] use, will depend on the particular facts of each case. Because local zoning laws are intended to be uniformly applied, an [applicant] will bear the burden of proving that the local requirements are unreasonable as applied to its proposed project. The [applicant] might do so by demonstrating that compliance would substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [applicant's property], without appreciably advancing the municipality's legitimate concerns. Excessive cost of compliance with a requirement imposed [by the zoning ordinance] without significant gain in terms of municipal concerns, might also qualify as unreasonable regulation of an [exempt] use." Id. at 759-760, 616 N.E.2d 433. In addition, in determining the reasonableness of a zoning provision, we may inquire whether "the requirement[] sought to be applied take[s] into account the special characteristics of [the exempt] use." *Tufts*. at 758-759 n. 6, cited by *Rogers*.

# II. Needham By-Law Section 3.2.1 is valid on its face.

Section 3.2.1 of the By-Laws limits the number of non-residential buildings and uses on a single residential lot within residential districts. It applies to 1688 Central Avenue and every other proposed building project. The By-Law provides, "More than one non-residential building or use on a lot where such buildings or uses are not detrimental to each other and are in compliance with all other requirements of this By-Law," are not permitted in residential districts, including the district at issue.

It is beyond question that s. 3.2.1 passes the test set forth in <u>Rogers</u>; namely it addresses legitimate, well established municipal interests. The by-law protects the residential character of the town's zoning districts. It addresses aesthetics and privacy. It limits density and prevents the overcrowding of land. It addresses noise, traffic, access to light, open space and building coverage. These interests are recognized in Needham's by-laws, state zoning law, and case law. The By-Law is a reasonable regulation of the "bulk, open space and building coverage requirements" **specifically** permitted by the Dover amendment itself. It is well within the town's power to preserve any of these interests by limiting the number of non-residential buildings or non-residential uses permitted on a single lot. The means chosen rationally relates to the interests protected and the By-Law is presumptively valid.

To invalidate the By-Law under <u>Rogers</u>, the proponent would have to make a showing that child care facilities cannot be established on residential lots in single buildings. The proponent has not made, and indeed, cannot make such a showing. The By-Law does not prohibit the establishment of child care facilities, nor does it limit the use of any building or land by a child care facility. It is, in fact, use neutral, and places no requirements on child care facilities different from any other non-residential use. Needham has chosen to protect the town's interests by limiting the number of non-residential uses and buildings on single residential lots.

# III. Needham ByLaw s. 3.1.2 is valid as applied to this project.

The second part of the *Rogers* test would require the proponent to prove that as applied to this project, by-law s.3.1.2 **impedes the child care use without furthering municipal goals**. In this instance, the child care use is not at all impeded by the requirement that only one non-residential building or use be located on this single residential lot. The proponent's application does not ask to use the barn as part of a child care facility, the application does not contemplate bringing the barn up to code, and the plans submitted for review do not include the barn in any way as part of a child care facility. Throughout the review process, the proponent repeatedly stated that the barn has no connection to the child care facility.

On March 22, 2021, the Design Review Board repeatedly asked about the purpose of the barn. The following exchange took place:

DRB Member William Dermody: (53:14) Is the barn going to be renovated, repainted, revised, refurbished in any way? Proponent's Attorney Evans Huber: The barn is not going to be in use as part of this project.

See: Video of DRB Hearing of March 22, 2021 at 53:13: <a href="https://youtu.be/4K1Ad1TK3l8?t=3193">https://youtu.be/4K1Ad1TK3l8?t=3193</a>

The DRB comments on its March 22 review reinforce this exchange. "The applicant's representative stated that the barn would be retained without any renovation, there is no intended use for the time being, and that it is being retained because it is 'historic'." The DRB comments from its May 5 meeting also reflect the proponent's representation that the barn was not included in the child care facility. "As there was no further clarification regarding the intention for the barn, the option of removing it for the benefit of other site issues could still be considered." See: DRB comments.

At the July 20, 2021 hearing, the Planning Board asked about the barn. The proponent reiterated that the barn was not part of the child care facility and would not even be leased to the daycare operator. He suggested the barn could be used for storage, and the parties may have an informal agreement to do so. When specifically asked, the proponent stated the day care operator would not have control of the barn or the entire property. At this meeting, the Planning Board Chair commented that any property which is not part of the child care operator's control for the children's center is not subject to Chapter 40A section 3. It was only after this statement that the proponent began to suggest that the barn might be used by the child care

facility for storage or other purposes. See Video of Planning Board Hearing July 20, 2021 at 1:29:34: https://youtu.be/ooXJPzqaLx4?t=5374.

Appearing before the Planning Board on September 8, the proponent for the first time stated that the Barn had been intended for another use, but now "would be used as part of the child care center if required." In a letter dated September 30, 2021, the proponent's attorney writes of possible uses of the barn, including installing solar panels, storing equipment to maintain the property or other "future uses which can be imagined that might be beneficial to a child care facility."

The proponent's own words and presentations make clear that the barn is far from being integral to the operation of the child care facility; it is at most an afterthought designed to preserve the barn by inappropriately leveraging section 3 to nullify the valid requirements of By-Law 3.2.1. The proponent made this clear at the September 8 Planning Board meeting.

Chair Alpert: (189:38) I understand your position-that you now want to fit the barn into the use of the child care facility in order to save it, but that's what I see is happening here.

Attorney Huber: That's absolutely what';s happening. We- I did not-I'm not pretending otherwise. You are correct.

Originally we did not understand or see that we had this limitation on what we could use the barn for. Now that this issue has been raised, we recognize that we do have to, in order to get the protection of Chapter 40A,s.3. We have to do what Chapter 40a s. 3 says, which is we have to use it for purposes, **and by the way, not just-not just necessarily accessory purposes** for the child care facility. So, you know we can't use it for something else. What the by-law says is you can't have more than one use there, and so we understand that it's going to need to be related to the child care... (Emphasis added).

See: Video of Needham Planning Board full meeting September 8, 2021 <a href="https://youtu.be/xQC5SO">https://youtu.be/xQC5SO</a> rcSk?t=11377

At the October 5 Planning Board hearing, the proponent again acknowledged that the intention had been to use the barn for other uses than the child care facility, and he was now changing that intention. See: Video of Planning Board Meeting of October 5, 2021 at 58:08. <a href="https://www.youtube.com/watch?v=NSWp2SerTJU">https://www.youtube.com/watch?v=NSWp2SerTJU</a>.

To the extent the proponent attempts to limit By-Law s. 3.2.1 to a prohibition on two non-residential uses, he misreads the By-Law. The By-Law prohibits two non-residential buildings or uses on the site. Either the barn or the new building would be the second, prohibited non-residential building.

Most fundamentally, the proponent's arguments do not come close to satisfying his burden under *Rogers*. First, By-Law 3.2.1 is a valid by-law protecting the town's interests. Second, the

proponent's change in the claimed use of the barn, far from satisfying his burden, proves only that the barn is not integral to the child care facility and its absence from the site will do nothing to limit the use of the proposed building as a child care facility. The importance of the town's interests embodied in the by-law have not been countered by anything presented by the developer, much less has he outweighed them.

# III. The claim that the barn is allowed as an "accessory building or use" is incorrect.

A suggestion has been made that the barn could somehow be viewed as an acceptable "accessory building." It cannot. By-Law s. 3.2.1 is straightforward. It prohibits, "more than one non- residential building or use" on a single lot. It makes no exception for non-residential accessory buildings. The by-law could have been drafted to include language allowing accessory buildings. It was not. Instead, the section specifically prohibits even buildings or uses "which are not detrimental to each other and are in compliance with other requirements of the by-laws" in residential districts (-while allowing them subject to granting of a special permit in industrial districts). By drawing such a sharp line, the by-law makes clear its purpose is to preserve and protect the character of residential districts. Imposing a limit on the bulk and size of nonresidential projects on single lots in residential zones, including accessory buildings, is a completely legitimate municipal interest reasonably achieved by this by-law.

Not only do accessory buildings constitute a forbidden second building under s.3.2.1, they also constitute a forbidden second use. Needham's Zoning By-Laws Section 1.3 defines "accessory building" as, "a building devoted exclusively to a use subordinate to and customarily incidental to the principal use," and "accessory use" as "a use subordinate to and customarily incidental to the principal use." As such, characterizing the barn as an "accessory" runs headlong into the prohibition on a second non-residential use.

Finally, the barn does not even satisfy the Needham by-law's definition of an "accessory building."

The definition of "accessory building" and "accessory use" as a use "subordinate to and customarily incidental to the principal use" (which is the same as Needham's definition) was analyzed by the Supreme Judicial Court in <u>Harvard v. Maxant</u>, 360 Mass. 432 (1971):

The word `incidental' as employed in a definition of `accessory use' incorporates two concepts. It means that the use must not be the primary use of the property but rather one which is **subordinate** and **minor** in significance. Indeed, we find the word `subordinate' included in the definition in the ordinance under consideration. But `**incidental**,' when used to define an accessory use, must also incorporate the concept of reasonable relationship with the primary use. It is not enough that the use be subordinate; **it must also be attendant or concomitant**. To ignore this latter aspect of `incidental' would be to permit any use which is not primary, no matter how unrelated it is to the primary use.

The word 'customarily' is even more difficult to apply. Although it is used in this and many other ordinances as a modifier of `incidental,' it should be applied as a separate and distinct test. Courts have often held that use of the word 'customarily' places a duty on the board or court to determine whether it is usual to maintain the use in question in connection with the primary use of the land. See: 1 Anderson, [American Law of Zoning § 8.26] loc. cit. In examining the use in question, it is not enough to determine that it is incidental in the two meanings of that word as discussed above. The use must be further scrutinized to determine whether it has commonly, habitually and by long practice been established as reasonably associated with the primary use....

"In applying the test of custom, we feel that some of the factors which should be taken into consideration are the size of the lot in question, the nature of the primary use, the use made of the adjacent lots by neighbors and the economic structure of the area. As for the actual incidence of similar uses on other properties, geographical differences should be taken into account, and the use should be more than unique or rare, even though it is not necessarily found on a majority of similarly situated properties." (Emphasis added.)

The proponent's attempt to classify the barn as an accessory use fails this test. First, the accessory use of the building must be subordinate to the primary use of the main building as a child care facility. Here, the proponent's counsel stated just the opposite on September 8 when he said that the barn would "not necessarily be used just for accessory uses." Further, each of the other suggested uses, the establishment of solar panels, storage of maintenance equipment and even general storage, are not "incidental" to the use of the primary building as a child care facility. They are not uses which are attendant or related to or concomitant with a child care facility. Finally, it is not customary for child care facilities to have two-story second buildings with footprints exceeding 2600sf in residential districts. This project did not ask for one. The Massachusetts building requirements for child care facilities call for none. See: 606 CMR 7.07. A review of the GIS images of child care centers in Needham show no other facility with one. The barn alone is larger than the total 2500 sf limit for child care facilities in residential zones upheld in Rogers v. Norfolk. It is larger than the Heideman 's home next door. It is simply fiction to classify a second building of this size as "customary" to a child care facility. In short, even if the by-laws permitted accessory buildings, the project's proposal for the barn simply does not meet the by-law's definition of an accessory building and the building could not be permitted as such.

<sup>&</sup>lt;sup>2</sup> The proposed use of any building must be permitted within the district. Storage is not a permitted use for this lot.

# Conclusion

In sum, By-Law 3.2.1 protects legitimate municipal interests through rationally related means. The proponent has not and cannot meet his burden of showing the application of this by-law to this property would impede the use or operation of a child care facility. The plan as submitted violates the Needham By-Laws.

Thank you for your consideration.

From: Mike Connelly
To: Planning
Cc: Lee Newman
Subject: Re: Meeting

**Date:** Monday, October 18, 2021 8:58:36 PM

I appreciate your communication on this matter. I was notified by a NCC supporter after seeing my email in your materials about a potential conflict of interest from your Chair that has also been reported to the Ethics Committee and your attorney. Apparently, Chairman Alpert is also a trustee of another childcare center in Needham. He sent me the minutes of a meeting and a video link of a July 14th meeting. I have seen both and agree that this should have been discussed and he should be removed. I am planning on attending tomorrow and brining this issue up so I ask that I am allowed to speak. I can not believe this has not been disclosed when it is clear that so many knew about this and he is also an attorney. Can you let me know who I can submit a formal complaint to besides the Planning Board?

R.M.

On Tue, Oct 12, 2021 at 12:55 PM Planning < planning@needhamma.gov > wrote:

Thanks. I have received your additional comments and will also share these.

Thank you, alex.

Alexandra Clee

**Assistant Town Planner** 

Needham, MA

www.needhamma.gov

From: Mike Connelly < connelly 3439@gmail.com >

**Sent:** Saturday, October 9, 2021 1:25 PM **To:** Planning planning@needhamma.gov

Cc: Lee Newman < LNewman@needhamma.gov>

**Subject:** Re: Meeting

Thank you. As an additional note, I reviewed material from the prior meetings and it appears that the Board is under the false impression that the neighbors are looking at the betterment of the community and that they represent Needham. If you look at the comments made, they

are not to improve the site or operations but instead want to stop NCC from moving forward. They should ask the abbutters "If they show traffic will not be greatly impacted (which by your own expert they did), would you support this project?" "Other than the claims of conflict of interest by the applicant did you support this project?" "Did the increased setback that you requested satisfy your concerns?" "Did the change to the plan to add a lane satisfy your concerns?"

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On Thu, Oct 7, 2021 at 9:37 AM Planning cplanning@needhamma.gov> wrote:

11.00, 0.00 /, 2.021 0.00 / 12.12 1.00 / 12.
Thank you, I have received your comments and will share them with the Board.
Alex.
Alexandra Clee

Needham, MA

Assistant Town Planner

# www.needhamma.gov

From: Mike Connelly < <a href="mailto:connelly3439@gmail.com">connelly3439@gmail.com</a>>

**Sent:** Wednesday, October 6, 2021 3:56 PM **To:** Planning planning@needhamma.gov>

**Subject:** Meeting

I was shocked with the behavior of Chairman Alpert at the meeting last night. I am an attorney that has worked representing clients in city/town government for many years, my children went to NCC and I now live in Boston. The temperament of the Chairman to yell at a fellow attorney was stunning. Even more so was allowing a neighbor to speak for an unlimited amount of time as if she was an expert on the subject, even though you had an unbiased expert at your meeting. It is easy to assume by the treatment of Ms. Clarke that members of the Planning Board have had prior conversations with her between meetings which flies in the face of the transparency that Ms. Clarke was requesting. It is also a potential violation of the Open Meeting Law. In all my years of counsel, I have never seen such one sided treatment against an application, disregard of MGL 40A, and clear pandering to an abbutter.

I also learned last night that Mr. Alpert, by his own admission, is a neighbor of 1688 Central Avenue. I would direct the Planning Boards to 268A Section 19 which has been interpreted to apply to abutters and neighbors of parcels under the Planning Board's jurisdiction. Mr. Alpert should consult with Town Council on this matter and recuse himself before a formal complaint is filed.

R.M. Connelly

From: <u>Lee Newman</u>

To: Mike Connelly; Planning
Cc: Alexandra Clee

Subject: RE: Meeting

**Date:** Tuesday, October 19, 2021 11:07:24 AM

Mr. Connelly,

I have received your latest email correspondence and will share your comments with the Planning Board. To the extent you wish to file a complaint with another entity you should feel free to so proceed.

Lee Newman

From: Mike Connelly <connelly 3439@gmail.com>

Sent: Monday, October 18, 2021 8:58 PMTo: Planning <planning@needhamma.gov>Cc: Lee Newman <LNewman@needhamma.gov>

Subject: Re: Meeting

I appreciate your communication on this matter. I was notified by a NCC supporter after seeing my email in your materials about a potential conflict of interest from your Chair that has also been reported to the Ethics Committee and your attorney. Apparently, Chairman Alpert is also a trustee of another childcare center in Needham. He sent me the minutes of a meeting and a video link of a July 14th meeting. I have seen both and agree that this should have been discussed and he should be removed. I am planning on attending tomorrow and brining this issue up so I ask that I am allowed to speak. I can not believe this has not been disclosed when it is clear that so many knew about this and he is also an attorney. Can you let me know who I can submit a formal complaint to besides the Planning Board?

R.M.

On Tue, Oct 12, 2021 at 12:55 PM Planning oplanning@needhamma.gov> wrote:

Thanks. I have received your additional comments and will also share these.

Thank you, alex.

Alexandra Clee Assistant Town Planner Needham, MA www.needhamma.gov

From: Mike Connelly < <a href="mailto:com">connelly3439@gmail.com</a>>

Sent: Saturday, October 9, 2021 1:25 PMTo: Planning planning@needhamma.govCc: Lee Newman LNewman@needhamma.gov

**Subject:** Re: Meeting

Thank you. As an additional note, I reviewed material from the prior meetings and it appears that the Board is under the false impression that the neighbors are looking at the betterment of the community and that they represent Needham. If you look at the comments made, they are not to improve the site or operations but instead want to stop NCC from moving forward. They should ask the abbutters "If they show traffic will not be greatly impacted (which by your own expert they did), would you support this project?" "Other than the claims of conflict of interest by the applicant did you support this project?" "Did the increased setback that you requested satisfy your concerns?" "Did the change to the plan to add a lane satisfy your concerns?"

We all know what the answers will be, NO.

Why is NCC paying for a study if the Planning Board is not using it. Why are you taking biased neighbor testimony over a neutral third party and your own engineering department and Police Chief? Was there hope that the conclusions would have prevented this project? Didn't neighbors request the study and claim that they would be satisfied with the result either way? What if the traffic study exposed a serious problem- would you have believed citizens who claimed traffic was not a problem over your own expert or do you only believe your own expert when they agree with the abbutters. Did you also not believe your legal expert because you wanted a different answer?

The abbutters would not support this project even if there was no traffic impact and all issues were satisfied. The abbutters are not interested in finding solutions or helping create a better NCC, they are only interested in stopping NCC. I have witnessed this behavior by neighborhood groups throughout cities and towns mostly on large scale housing projects and the reasons are the same, we like the proposal, just not around us. Please don't mistake deception as beneficial feedback. The applicant and NCC are acting in good faith. This proposal could have been a visual monstrosity and there would be little the Board could do. Instead they are trying to work with the Board. Please give them that courtesy.

On Thu, Oct 7, 2021 at 9:37 AM Planning <<u>planning@needhamma.gov</u>> wrote:

Thank you, I have received your comments and will share them with the Board.

Alex.

Alexandra Clee Assistant Town Planner Needham, MA www.needhamma.gov

**From:** Mike Connelly < connelly 3439@gmail.com >

**Sent:** Wednesday, October 6, 2021 3:56 PM **To:** Planning < planning@needhamma.gov >

**Subject:** Meeting

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R.M. Connelly



# Building Design and Construction Permanent Public Building Committee Town of Needham

500 Dedham Avenue Needham, MA 02492 T - 781-455-7550 F - 781-453-2510

TO:

Ms. Lee Newman, Director, Needham Planning Department

Cc:

Planning Board, Alex Clee, Ken Sargent

**FROM:** 

Steven Popper, Director BD&C

DATE:

October 5, 2021

**SUBJECT:** Fire Station #2

SPMP No. 2018-04, July 17, 2018

The project is anticipating filing for a temporary Certificate of Occupancy to be issued for the newly constructed Fire Station #2 located at 707 Highland Avenue and 257 Webster Street, the first or second week of November 2021. The occupancy will include relocation of NFD from their temporary location at 28 Glen Gary Road.

As a result, we respectfully request that the Planning Board grant permission to the Planning Director to issue necessary instruction to the Building Department upon receipt of the required documentation for occupancy.

# TOWN OF NEEDHAM



# SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 25, 2021 7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE



#### COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

# MONDAY, THE TWENTY FIFTH DAY OF OCTOBER 2021

At 7:30 in the afternoon, then and there to act upon the following articles:

#### FINANCE ARTICLES

# **ARTICLE 1:** AMEND THE FY2022 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Sewer Enterprise Fund adopted under Article 21 of the May 1, 2021 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line</u> <u>Item</u>	<u>Appropriation</u>	Changing From	Changing To
201A	Salary & Wages	\$1,029,212	\$1,041,733
201D	MWRA Assessment	\$6,662,310	\$6,614,690

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

<u>Article Information</u>: This article provides funding for the salary and wage increases for Sewer Enterprise personnel approved at the May 1, 2021 Special Town Meeting in the amount of \$12,521 and reduces the MWRA Assessment by \$47,620 based on the final assessment issued by the Massachusetts Water Resources Authority after the original amount was approved. The net change to the budget is a reduction of \$35,099.

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# ARTICLE 2: AMEND THE FY2022 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Water Enterprise Fund adopted under Article 22 of the May 1, 2021 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line</u> <u>Item</u>	<u>Appropriation</u>	Changing From	Changing To
301A	Salary & Wages	\$1,413,248	\$1,457,409
301D	MWRA Assessment	\$1,677,742	\$1,670,433

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

<u>Article Information:</u> This article provides funding for the salary and wage increases for Water Enterprise personnel approved at the May 1, 2021 Special Town Meeting in the amount of \$44,161 and reduces the MWRA Assessment by \$7,309 based on the final assessment issued by the Massachusetts Water Resources Authority after the original amount was approved. The net change to the budget is an increase of \$36,852.

#### **ARTICLE 3:** APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$7,603.90 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town. Funding for Transportation Improvements will be allocated to pedestrian and bicycle safety initiatives unless circumstances require otherwise.

#### **ZONING ARTICLES**

# **ARTICLE 4:** AMEND THE ZONING BY-LAW – OUTDOOR SEATING

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

(a) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.1, <u>Applicability</u>, by (i) adding the word "eatin" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter is" before the words "permitted under"; and (iii) adding the word "are" before the words "permitted under"; so that it reads as follows:

- "Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law."
- (b) Amend the first sentence of Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "is permitted during"; (iii) replacing the words "Section 7.4.4 and 7.4.6" with the words "Sections 7.4.4 and 7.4.6"; and (iv) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:
  - "Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:"
- (c) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (a) by deleting the words ", licensed," so that it reads as follows:
  - "(a) It is within the front yard, rear yard, or side yard of the restaurant's owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:"
- (d) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (b) by (i) deleting the words "so long as there remains no less than forty-eight inches (48"), or as otherwise permitted by law, of unencumbered sidewalk width remaining"; (ii) deleting the word "alternatively" before the words "on a public way"; and (iii) adding the word "on" before the words "other public property"; so that it reads as follows:
  - "(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant's owned or leased property, provided that:"
- (e) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (b)(i) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:
  - "(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;"
- (f) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (b)(iii) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:
  - "(iii) A minimum width of forty-eight inches (48"), or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;"

- Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (b)(iv) by (i) adding the words "shall not be authorized" after the words "Outdoor seating"; (ii) deleting the words "is prohibited" before the words "in designated or required landscape areas"; and (iii) by adding the words ", or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;" at the end of the subparagraph so that it reads as follows:
  - "(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;"
- (h) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, Subparagraph (b) by adding the following sentence at the end of the section:
  - "The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year."
- (i) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, by replacing the words "Board of Selectmen" with the words "Select Board", in the second paragraph of the section so that it reads as follows:
  - "Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board."
- (j) Amend Section 6.9. <u>Outdoor Seating</u>, Subsection 6.9.2, <u>Basic Requirements Seasonal Outdoor Seating</u>, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:
  - "Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine."
- (k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence—Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1 Districts, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".

- (1) Amend Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.2, <u>Uses in Business</u>, <u>Chestnut Street Business</u>, <u>Center Business</u>, <u>Avery Square Business and Hillside Avenue Business Districts</u>, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".
- (m) Amend the second sentence of Section 3.2.4 <u>Uses in the New England Business Center District</u>, Subsection 3.2.4.1 <u>Permitted Uses</u>, paragraph (k) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:
  - "Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."
- (n) Amend the second sentence of Section 3.2.5 <u>Uses in the Highland Commercial-128 District</u>, Subsection 3.2.5.1 <u>Permitted Uses</u>, paragraph (i) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:
  - "Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."
- (o) Amend the second sentence of Section 3.2.6 <u>Uses in the Mixed Use-128 District</u>, Subsection 3.2.6.1 <u>Permitted Uses</u>, paragraph (m) by adding (i) the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

Or take any other action relative thereto.

**INSERTED BY: Planning Board** 

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Under current zoning rules, the Planning Board may permit seasonal temporary outdoor seating at restaurants with waiter or waitress service on private property and the Select Board may permit such use on public property. This is implemented through an expedited permitting process (minor site plan review) where the outdoor seating meets the following criteria: (1) The outdoor seating is provided during the temporary outdoor seating season defined as April 1 thru October 31; (2) The outdoor seating is not located on a designated or required landscape area, parking lot, or driveway aisle; (3) The

outdoor seating is not located on a parking space within a public way; and (4) The outdoor seating does not increase the restaurant's overall seating capacity by more than thirty percent. Restaurants seeking outdoor seating outside of these criteria must currently seek a formal special permit from the Planning Board for seating located on private property. No authority is currently provided to the Select Board to deviate from the above-noted rules on public property.

This article would extend the circumstances under which the Planning Board and Select Board may authorize seasonal temporary outdoor seating. First, the article extends to all eat-in restaurants the expedited permitting process (minor site plan review) currently only afforded to restaurants with waiter or waitress service. Second, the article grants to the Select Board the discretion to approve the use of a parking space located either in a municipal parking lot or within a public way for outdoor seating where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, will be adequately provided for. Third, the article grants to the Select Board the discretion to allow outdoor seating outside of the normal temporary outdoor seating season of April 1 through October 31. The intent of these modifications is to enable the outdoor seating protocols that were put in place during the pandemic, which are not permissible under the current regulatory scheme.

### ARTICLE 5: AMEND ZONING BY-LAW – CHESTNUT STREET BUSINESS DISTRICT FRONT SETBACK

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

1. Amend Section 4.4.4, <u>Front Setback</u>, by replacing in the first sentence of the first paragraph the word "a" with the word "the" and by capitalizing the term "business district" to read as follows (new language underlined):

"In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1."

2. Amend Section 4.4.4, <u>Front Setback</u>, by revising the second paragraph to read as follows (new language underlined):

"In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

<u>Article Explanation</u>: This article is a technical correction to the zoning by-law designed to clarify historic interpretation and practice as relates to the front yard setback requirement for lots located within the

Chestnut Street Business District. In 1990 when the Chestnut Street Business District was created, the front yard setback requirement for the District was established at ten (10) feet for all buildings except for those located along both sides of Chestnut Street where a front yard setback of twenty (20) feet was required. This was the recommendation for the Chestnut Street Business District contained in the 1989 Needham Center Planning Study. The amendment offered above now clarifies the front yard setback requirement of ten (10) feet for all lots fronting on Keith Place, Oak Street, Chestnut Place, Clyde Street, Marsh Road, and Junction Street in the Chestnut Street Business District consistent with the recommendations of the 1989 Needham Center Planning Study.

#### CAPITAL ARTICLES

#### ARTICLE 6: APPROPRIATE FOR RIDGE HILL BUILDINGS DEMOLITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$603,091 for the purpose of the demolition and removal of buildings at Ridge Hill Reservation, to be spent under the direction of the Permanent Public Building Committee and Town Manager and to meet this appropriation that \$181,975 be raised from the Tax Levy, that \$48,426 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$17,000 be transferred from Article 43 of the 2016 Annual Town Meeting, that \$86,000 be transferred from Article 44 of the 2017 Annual Town Meeting, that \$26,805 be transferred from Article 41 of the 2017 Annual Town Meeting, that \$155,000 be transferred from Article 32 of the 2018 Annual Town Meeting, that \$37,315 be transferred from Article 5 of the May 14, 2018 Special Town Meeting, and that \$50,570 be transferred from Article 37 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Two of the three buildings at Ridge Hill are in advanced stages of disrepair and pose potential health and safety risks to the public. In 2019, Town Meeting approved \$25,000 in feasibility funding for the demolition of the buildings. This request would fund the demolition of the Ridge Hill Manor House and Garage at 463 Charles River Street. The existing barn structure is excluded from this scope. The Manor House and garage have hazardous building materials within the existing structures. These materials must be professionally handled, abated, and disposed of as part of the demolition project per federal and state regulations. The demolition scope of work also includes removal of an underground fuel storage tank (UST) at the garage; complete removal of all building elements, foundations, portions of the exterior paved areas and utilities associated with the subject structures and stabilization; and restoration of the site following demolition.

#### ARTICLE 7: APPROPRIATE FOR EMERY GROVER BUILDING DESIGN

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$1,475,000 for engineering and design of renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space and the creation of off-site parking at the Stephen Palmer Building, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of

the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: This article provides funds for the detailed design of a project to fully renovate the Emery Grover School Administration Building at its present location on Highland Avenue. The design also plans for the temporary use of the Hillside Elementary School as swing space for school administration personnel during construction, as well as potential creation of additional, off-site parking at the Stephen Palmer Building. This 21,108 GSF renovation project includes the following scope elements: historic renovation of the Emery Grover exterior (façade); renovation and modernization of the interior spaces; and minor modifications to the Hillside School. The proposed project modifies that originally described by BH+A Architects in the June 2020 Emery Grover Feasibility Study, which is available for review on the School Department's website. The revised concept reduces the original building scope by approximately one third from 34,717 GSF to generally fit within the building's existing envelope. It eliminates the 50 foot by 100 foot, three-story 18,415 GSF addition that was originally proposed for the rear of the building, reflects a more efficient use of interior spaces (such as the use of shared spaces and common work areas), and relocates the educational technology/head end room function to other school buildings.

The total cost of the revised project is estimated at \$20-21 million, which includes approximately \$3 million to make the Hillside School ready for temporary occupancy by school administration staff while the Emery Grover is under construction. Although BH+A estimated that approximately 85% of the project could be eligible for Community Preservation Act (CPA) funding, the anticipated contribution from CPA funds will be based upon guidance from the Community Preservation Committee. If approved by Town Meeting, the remainder of the project cost is anticipated to come from debt repaid by the General Fund within the levy limit (no debt exclusion.) The anticipated Town Meeting funding schedule is for an October 2021 Special Town Meeting request for detailed design, followed by a May 2022 Annual Town Meeting request for construction funds for both the Hillside improvements and the Emery Grover renovation. The Hillside updates are expected to take six months and the Emery Grover construction is anticipated to take between 18-20 months.

#### ARTICLE 8: AUTHORIZE SOLAR INSTALLATION AT JACK COGSWELL BUILDING

To see if the Town will vote to:

- 1. Authorize the Select Board to lease all or a portion of the rooftop of the Public Works Storage Facility/Jack Cogswell Building located at 1407 Central Avenue and shown on Assessors Map 308 as Lot 002, and any necessary space on or in said building and the associated real property, to a solar energy provider for the purposes of constructing, maintaining, and operating a roof-mounted solar facility, upon such terms and conditions as are acceptable to the Select Board, for a term of up to thirty (30) years; and further to authorize the Board to enter into a power purchase agreement with the solar energy provider and any other agreements as may be necessary in the Board's judgment to develop this solar facility.
- Authorize the Select Board to grant any easements necessary to allow the electric utility to install, maintain, operate, repair, reinstall, or replace any utilities required for interconnection to the solar facility.

Or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Jack Cogswell Building (JCB) at the Needham RTS was constructed in 2019-20 for the seasonal storage of DPW vehicles and equipment. The rooftop was designed to be "solar ready" in compliance with current building codes so that the structure could support the addition of a rooftop solar array. The design firm has provided a preliminary design for a 203.8 kW DC array with approximately 425 solar panels projected to provide between 210,000 kWh and 216,500 kWh per year of electrical power production. While this solar array would generate more energy than is consumed by the building, the estimated solar energy production is about equal to the total electrical demand of all the buildings at the RTS. If the Town "net meters" this excess energy to these other Town accounts, then the full benefit of this installation can be realized.

The Permanent Public Building Committee (PPBC) has evaluated several options for procurement of this solar installation. The PPBC and Building Design and Construction Department have secured an approval from the Solar Massachusetts Renewable Target (SMART) incentive program and gained approval from the Planning Board for a de minimus change to allow for this installation. Other regulatory approvals are currently being sought from the DPU. While the original project authorization (Article 35 of the 2018 Annual Town Meeting) has sufficient contingency to procure this solar array, the Select Board is recommending that the Town instead pursue a Power Purchase Agreement (PPA) with a private solar energy provider to construct, maintain and operate this roof-mounted solar facility. The funds remaining under the Warrant Article will be rescinded at a future Town Meeting. This PPA would lease the use of the rooftop to a private developer and the Town would agree to purchase the power at a low fixed or escalating rate. This approach would limit the Town's capital investment and limit future maintenance costs of the solar asset, while providing long term financial benefit and a hedge against future energy price escalation. This installation is consistent with the Town's goals as a Green Community and will fit within any future Climate Action Plan adopted by the Town by helping lower Greenhouse Gas (GHG) emissions by the Town.

#### RESERVE ARTICLES

#### ARTICLE 9: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$674,900 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Article 38 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Article 38 of the 2019 Annual Town Meeting funded the replacement of the synthetic turf fields and associated improvements at Memorial Field and DeFazio Complex, and the project was completed under-budget. Town Meeting action is required to return the unspent funds to the Athletic Facility Improvement Fund. Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal

purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting, by majority vote, may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of June 30, 2021 was \$270,203.

#### **GENERAL ARTICLES**

#### ARTICLE 10 HOME RULE PETITION TO ADJUST THE NUMBER OF OFF-PREMISES ALCOHOL LICENSES

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing said Board, as the local licensing authority, to issue licenses for the sale of all alcoholic beverages not to be drunk on the premises and the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws up to the maximum number of such licenses authorized by section 17 of said chapter 138, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO GRANT LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES AND WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES AS PROVIDED IN SECTION 17 OF CHAPTER 138 OF THE GENERAL LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Select Board of the Town of Needham shall cause to be placed on the ballot at a regular or special election the following question:

"Shall the licensing authority in the Town of Needham be authorized to grant licenses for both the sale of all alcoholic beverages in packages not to be drunk on the premises and the sale of wine and malt beverages in packages not to be drunk on the premises in amounts up to the maximum number of such licenses authorized by section 17 of chapter 138 of the General Laws?"

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the Select Board.

If a majority of the votes cast in answer to that question is in the affirmative, the licensing authority of the Town of Needham shall, notwithstanding anything contained in chapter 207 of the Acts of 2012 to the contrary, or in section 11 of chapter 138 of the General Laws, be authorized to issue licenses for both the sale of all alcoholic beverages not to be drunk on the premises and for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws in amounts up to the maximum number of such licenses authorized by section 17 of said chapter 138.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

<u>Article Information</u>: Article 10 is a Home Rule Petition to increase the total number of allowed package alcohol licenses in Needham, from the reduced quota set under the Town's current special legislation (Chapter 207 of the Acts of 2012) to the number allowed by general state law (G.L. Ch. 138 section 17). This change requires Town Meeting and State Legislative approval, followed by referendum approval by the Town's voters.

The current quota allows the Select Board to issue up to eight (8) package licenses, not more than six (6) for all alcoholic beverages, and the remainder for wine and/or malt only. That quota is currently issued and outstanding (as six all alcohol and two wine and malt). If approved, the Town's quota would change to the population-based (one per five thousand or fraction) numbers of package licenses authorized under G.L. Ch. 138 sec. 17. Based on Needham's estimated 2020 census population of 32,091, that would be seven (7) all alcohol and seven (7) wine and malt.

The Section 17 quota is the baseline applicable to most Massachusetts cities and towns (some of which have additional authorized licenses under special legislation). The Select Board expects that, at least over time, there will be qualified applicants for some or all of the additional licenses allowed by this change. This change affects "package" licenses only, not restaurant or other "on-premises consumption" licenses.

## ARTICLE 11: A RESOLUTION CONCERNING DECLARATION OF CLIMATE AND ECOLOGICAL EMERGENCY

Whereas, Needham Town Meeting recognizes that we are in a Climate and Ecological Emergency that threatens our town, state, nation and all of humanity;

And Whereas, Needham Town Meeting believes that a mobilization to meet this challenge is imperative to stabilize the climate, remedy environmental harms which disproportionately hurt environmental justice communities, create clean-energy jobs, and improve human lives;

And Whereas, in recent years, the Town of Needham has demonstrated a commitment to reducing greenhouse gas emissions and protecting our environment by: constructing LEED Certified buildings such as the Sunita Williams Elementary School and the Needham Free Library, including EV charging stations at Sunita Williams and at Needham Public Works, implementing large solar installations at the Town Recycling and Transfer Station, passing the Stretch Building Code and becoming a Green Community, committing to pesticide and herbicide-free maintenance of town trees and parks, and currently preparing a town-wide Climate Action Plan to further lower the town's carbon footprint.

And Whereas, Town Meeting recommends that Needham join over 2,000 governments globally that have declared a climate emergency, an emergency primarily driven by human activities, most significantly the burning of fossil fuels and the destruction of forests and other carbon sinks, resulting in rising global temperatures and loss of biodiversity.

And Whereas, a warming planet poses serious risks to human health, and safety and economic security, as evidenced by recent extreme weather events including droughts, forest fires, and floods, rising sea levels, ocean acidification, soil erosion, and mass species extinctions around the globe. Massachusetts is already experiencing flooding from storms and rising sea levels, droughts, increased transmission of tick-borne illnesses, record-breaking heat waves, and loss of biodiversity, such as bird and pollinator populations.

Be It Resolved, that this day, in recognition of the urgent need to mobilize, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare a Climate and Ecological Emergency. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to achieve netzero greenhouse gas emissions as soon as is fiscally and technologically possible;
- Developing policies that protect Needham's trees, forests, and open spaces because they draw carbon from the atmosphere, and provide life-sustaining food and shelter to other species;
- Prioritizing projects that reduce the town's greenhouse gas emissions and biodiversity loss;
- Ensuring that the town pursues an equitable and just transition to a zero-greenhouse gas future.

Town Meeting calls on state and federal elected officials to initiate a Climate Emergency mobilization and provide appropriate legislative, regulatory, and financial support to municipalities to implement local climate emergency initiatives. Town Meeting requests that the Town Clerk send notice of this resolution to the Office of the Governor of the Commonwealth of Massachusetts and Needham's state and federal legislators.

INSERTED BY: Rebecca Phillips, et. al. FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

<u>Article Information</u>: Article 11, filed by Citizens Petition, is a non-binding resolution that the Town, acting through the Select Board, declare a Climate and Ecological Emergency, and act to address that emergency, including policies and projects to reduce the Town's greenhouse gas emissions and protect natural resources.

The Select Board's current goals include commitments to addressing climate change, efforts to meet the Commonwealth's climate mitigation and resilience goals, development of a climate action plan, and formation of a Climate Action Plan Committee to aid in that work. Efforts by the Town in recent years include achieving LEED Silver rating and constructing a 155 kW-DC solar array at the Sunita Williams School, installing eight (8) Electric Vehicle (EV) charging stations in public parking lots, becoming a Green Community, and approving a solar array on the capped landfill at the RTS.

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# ARTICLE 12: A NON-BINDING RESOLUTION CONCERNING THE AMENDMENT OF THE CURRENT ACCESSORY DWELLING UNITS (ADUS) BY-LAW

Whereas Needham Town Meeting recognizes that the town is experiencing increasing challenges in providing potential or existing residents a range of affordable options to purchase or rent a home in Needham;

And Whereas, one of the biggest challenges to home-buying and renting in Needham is an increasingly narrow range of housing choices due to the trend to replace older, smaller homes with ever-growing new homes, the average size of which has doubled between 1980 to 2020 from 2,200 SF to 4,400 SF;

And Whereas, this economic trend continues to make Needham increasingly less affordable, creating economic challenges for potential new residents and residents who wish to stay;

And Whereas, the increasing lack of affordability and housing choice creates more challenges for a more diverse Needham community;

And Whereas, as a result of recent trends in Needham and across the region, there is not enough of a range in housing choices at the affordable end that offer smaller unit sizes with more affordable purchase or rental costs for young adults or families or existing, mostly senior, residents;

And Whereas, in 2019, Needham introduced ADUs to the town by-laws but instituted them with residency restrictions that allow use only for a "caregiver", "family," or "owner" which has resulted in approximately eight approved ADUs in the past 18 months;

And Whereas, a 2018 white paper written by Amy Dain for the Pioneer Institute, presenting a survey of all of the towns offering ADUs, (approximately half with residency restrictions and the rest without), indicated that the total annual number of ADUs built was uniformly very modest (mostly single-digit), and that towns without restrictions saw only about a 50% increase in the number of ADUs built annually, which means Needham would have about three (3) more ADU applications a year.

Be It Resolved, that this day, in recognition of the urgent need to create more affordable housing choices, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare making more Affordable Housing Choices a Priority. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to address the lack of affordable housing choices currently in our town.
- Recommend that the Planning Board address possible remedies to the housing challenges through both the newly formed Affordable Housing Study Committee and revisions to the zoning by-laws to allow more affordable housing choices including multi-family and other smaller-sized options, like ADUs, that would expand the opportunities for potential and existing residents.
- Prioritize that the Planning Board, for Annual Town Meeting 2022, address an amendment to the current by-law (Section 3.15 Accessory Dwelling Units [ADUs])
- Acknowledge that the Needham Health Department and the Council on Aging were critical endorsers of the concept of an ADU by-law that would provide to seniors the opportunity to have live-in assistance at their homes or, alternatively, the economic benefit of potential rental income. The current by-law, established in 2019, accomplished only half of that goal; it restricts use of ADUs to live-in assistance, and does not allow use of an ADU as a rental property.
- Encourage the Planning Board to remove the residency restriction in the above by-law, for just "caregiver", "family" and "owner", and allow the ADUs to be available to anyone as a more affordable housing choice in the marketplace, given that they would provide a very modest, but important, smaller housing option (850 SF maximum) across our predominantly single-family zoned town.
- Acknowledge that the economic benefit provided by ADUs expands the housing opportunities for seniors and other residents to remain in their homes, and for potential newcomers to join the Needham community.

INSERTED BY: Oscar Mertz, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Article Not be Adopted

Article Information: Article 12, filed by Citizens Petition, is a non-binding resolution recommending that the Town, acting though the Select Board, declare increasing affordable housing options a priority and take additional actions described in the article text, including amendment of Section 3.15 of the Zoning By-Law regarding Accessory Dwelling Units (ADUs). An accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit. ADUs are allowed by special permit, with occupancy limited to family members and caregivers. Article 12 recommends removal of that family/caregiver limitation.

Housing cost and availability issues are challenging throughout the metropolitan area. Efforts by the Town in recent years have included permitting and construction of over 500 apartment units pursuant to MGL Chapter 40B, the State affordable housing statute, support for the Needham Housing Authority's efforts to renovate and add to its affordable housing inventory, increasing the Town's Community Preservation Act affordable housing contribution, and specific housing-related amendments to the zoning by-law.

Zoning By-Law recommendations are primarily under the jurisdiction of the Planning Board. The Planning Board, following on a commitment at the May 2021 Town Meetings, is establishing a Housing Plan Working Group to review and make recommendations addressing housing issues in Needham. The Select Board is participating in that study and understands review of the ADU by-law to be within its scope.

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And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

Hereof fail not and make due return of this warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given into our hands at Needham aforesaid this 14th day of September 2021.

Matthew D. Borrelli, Chair Marianne B. Cooley, Vice Chair Lakshmi Balachandra, Clerk Marcus A. Nelson, Member Daniel P. Matthews, Member

Select Board of Needham

A TRUE COPY Attest: Constable:

#### NEEDHAM PLANNING BOARD MINUTES

June 29, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday June 29, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include a public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials are posted on the town's website.

#### ANR Plan - Pinewood Landholdings, Inc., Petitioner (Property located at 107 Thornton Road, Needham, MA).

Matt Hughes, applicant, noted this is a single-family, existing dwelling that will be demolished, and 2 lots will be made. 107 Thornton Road is a good size lot, then there is a smaller lot. The 2 lots will be combined. Parcel A was gifted to the family at 121 Thornton Road. Mr. Block asked if a house will be built on each lot and was informed yes. Both houses are under the FAR requirement. Ms. Newman noted the staff and engineering have reviewed and are fine with this. Both lots have required minimum square footage and frontage. Mr. Jacobs stated the plan bears a comment that does not bless this zoning—wise. Mr. Block noted Lot 2 says there is 70.45 feet of frontage. Mr. Hughes clarified 9.55 feet have been added due to the bend in the road.

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

VOTED: to accept the ANR as presented for the property at 107 Thornton Street and endorse the plan as ANR.

#### **Public Hearing:**

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2005-07: Needham Gateway LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, MA). Regarding request to amend the Decision to allow in the existing development all of the uses allowed by right or by special permit in the zoning district.

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

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

Rick Mann, representative for Needham Gateway LLC, noted this is the Panera Bread Mall. It consists of 2 buildings with 23,448 square feet with 97 parking spaces. 120 Highland Avenue houses Panera Bread and others, and 100 Highland Avenue has 10,628 square feet with Frank W Webb. He noted 55% of the leases will end in 2022. The applicant would like to amend the 2006 special permit, which restricts uses at 100 and 120 Highland Avenue. Section 3.3 expressly prohibits many uses in that area. There have been many changes in the retail world since 2006 and it has been worse since Covid. The prohibitions have placed an unfair competitive advantage among the competitors in the area and on Needham Street in Newton. The abutters are concerned with another restaurant. He stated no restaurant is planned as long as Panera remains. He requests the restrictions be removed, Section 3.3 be removed in its entirety and language added that all uses allowed in the Highland Commercial Zoning District shall be allowed by right.

Mr. Alpert asked why Section 3.3 <u>had been included</u>. Ms. Newman gave the historical perspective. There were a lot of concerns raised about parking and traffic at that time. The applicant requested a parking waiver of 30 spaces and stated Panera generated less parking than required. The Board wanted to limit higher traffic uses on the site.

Mr. Block stated he went to the site. He is glad to hear there are lease prohibitions and that they intend to follow all special permit requirements. He asked when Panera Bread's lease is up. Mike Moskowitz, Manager of Needham Gateway LLC, stated there are a number of options. It is a long termlong-term lease. Frank W. Webb is moving. Omaha Steak and Super Cuts have no options to renew their leases. Both indicated they do not want to negotiate a new lease. Mr. Block asked if there were any inquiries from any brokers. Some had looked at it but there are no letters of intent. Mr. Block asked if there has been any discussion regarding a standalone ATM. Mr. Moskowitz stated there has not been as there is no room for it.

Mr. Block noted there is concern with people parking on Highland Terrace. Mr. Moskowitz stated "no parking" signs have been put up.

Ms. McKnight stated the permit called for landscaping. She asked if there is reasonable landscaping. Mr. Block stated there were several landscaped islands and trees. Nothing is unkempt. It is colorful and clean. Ms. McKnight stated she would not support what is being proposed unless the usual "no change in use without Planning Board approval" is included. Mr. Jacobs stated his partner, when he practiced law, represented Mr. Moskowitz. He does not feel he needs to recuse himself. There were no issues from other members. Mr. Jacobs stated he agrees with Ms. McKnight. He would not go another way. Ms. Espada asked if anything has changed in the Zoning By-Law in that district since this was awarded. Ms. Newman noted there have been no changes. Ms. Espada asked for clarification as to whethered the uses they are asking to change would be by special permit and not by right. That is correct. Mr. Alpert stated below 10,000 square feet is by right and above by special permit up to 25,000 square feet.

Ms. Espada asked if there is a way to create a special permit for the prohibited use to look at independently. Ms. Newman would think about it. Something could probably be done through the site plan special permit process, and it may be possible to do as an amendment through the site plan special permit process. Mr. Alpert noted the following correspondence for the record: a memo from Fire Chief Dennis Condon with no comments or objections; an email from Police Chief John Schlittler with no comments or objections and multiple emails opposed to applications due to restaurants and Highland Terrace parking from Joe and Eileen Manning of 68 Riverside Street, Ryan and Tonya McKee of 18 Highview Street, Diane Abbott of 69 Highland Terrace, Robert Deutsch of 14 Highview Street and Melanie Prescott of Riverside Street.

Mr. Alpert stated he understands the concerns of the neighbors to some extent. There are no restaurants in town with live music, and he understands the concerns with parking. He noted there is no safe parking on Second Avenue. He stated right now a restaurant would be by special permit and a fitness center would be by special permit. Mr. Mann stated he is not sure that is correct with regard to a restaurant as long as Panera is there. Mr. Block noted Section 3.3 has prohibited all sports clubs and athletic merchandise stores. Mr. Jacobs stated there is no definition of a sports club. Michael Ruddy, of 69 Melrose Avenue, spoke in opposition. He agrees with Ms. McKnight and Mr. Jacobs. The applicant should not have a blanket right of use based on vague uses. This abuts existing residential, and the conditions imposed were for specific reasons. He is troubled with assurances there would be no other restaurants as long as Panera is there. He is concerned with Mr. Block's testimony of the abutters. There should be more transparency on who the tenants are.

Mr. Alpert stated the property straddles 2 zones and there is a difference in what is allowed in the 2 zones. If there is no provision, how do we decide? Ms. Newman stated the building is located in Highway Commercial 1. She would need to look at the site plan to see where the line is. Liz Kaponya, of 27 Highland Terrace, is against a restaurant, bar, grill, takeout only and convenience store. The dumpsters for Frank W Webb are right next to the houses. Panera Bread's dumpster is in the middle of the lot. The Frank W Webb building should not have been allowed. There are 2 or 3 horrible trees that are pouring over into their yards. They are cotton trees with pods that fall all over their yards. The trees are right at the corner of the parking lot. Patricia Baker, of 33 Highland Terrace, stated the Frank W Webb sign shines right into her window. Mr. Block asked when the lease is up for Panera Bread and there was no clear answer. She would like an answer. Any restaurant will bring rats, noise and smells. She would like to know the duration of the long-term lease for Panera as she feels that is key. Mr. Moskowitz noted the dumpster in the middle of the parking lot is for tenant's trash and is picked up 2 times a week. The dumpster at Webb is for cardboard only. All other trash goes into the compactor in the middle of the lot. Webb's lease is up in March 2022 and is moving to the tile store next door. Panera has options for the next 25 to 30 years and have exercised renewal until 2026.

Ms. Espada stated the Board needs to look at zoning globally because things happen and not based on leases. The Planning Board could control by special permit what goes in there. Mr. Jacobs stated it is very important they write the decision with standards and it not be dependent upon the identity of the party. The applicant must meet the conditions set in the permit and not focus on the identity. Mr. Mann agreed with Mr. Jacobs. Here is a prohibition that others do not have. The language offered was offered in good faith. Derek Wade, of 41 Riverside Street, stated his opposition for a restaurant. He moved to Needham in March 2020. The owner wants to maximize profit. There has been an unverified anecdotal reference to people in the neighborhood supporting this. It should be clear to the Planning Board there is a lot of opposition especially from the abutters. He feels it is absurd a restaurant could go in the Frank W Webb building. No high traffic use should go in there. It would disrupt the neighborhood.

Janice Epstein, of 75 Highland Terrace and a Town Meeting member, has been here for 75 years. She was here when they built the 2 new buildings and made it a gateway. They received a variance from 50 feet to 24 feet to get the Webb building and a variance on the parking from 127 to 97 spaces. A lot was put in to protect the neighbors such as lights, noise, dumpster locations. She is surprised to see a second dumpster. There is nothing in the permit. What has changed that would allow

any other uses? She has talked to a majority of the neighbors, and all are opposed to this. It is too close to the neighborhood and should stay the way it is. Ashley Walsh, of 45 Riverside Street, stated this is a great neighborhood to live in but it is isolated from other parts of Needham. She wants to reiterate this is a neighborhood with kids and families. She feels this area is overlooked by the rest of Needham. She wants the Board to keep their best interest at heart.

Mr. Mann thanked the Board and staff and the abutters who took their time. There are no plans or desire to put a restaurant in that space. They tried to make uses not prohibited but prohibited but make them special permit. He would take out the reference to Panera. It is true it is a different age after Covid. It is a very different time, and they are moving toward no brick and mortar. He does not think it is fair they are treated differently, and he feels they are. He would proposed propose the Board agree this request be appropriate for some of these uses. Mr. Alpert stated any use requiring a special permit would need to come to the Board. To the extent a convenience market is less than 10,000 square feet, it could go in as of right if it were not prohibited in the decision, and a sports store less than 10,000 square feet could go in. This is unusual circumstances with the property abutting a residential area. He would hate to see a late night, noisy use in the Frank W Webb building. He is glad Mr. Mann mentioned banks. He would agree take-out food should remain prohibited, and video rental stores, so.— Hip would be inclined to leave this alone but would support removing banks, video stores and maybe pharmacies from the list of prohibited uses and leave in a prohibition for the restaurants, sports clubs, athletic merchandise stores and convenience markets.

Mr. Block stated he does not consider sports clubs as athletics but more retail. Mr. Jacobs stated he is open to defining sports clubs and convenience stores. He would go along with Mr. Alpert's proposal as he feels it is reasonable. Ms. McKnight asked if a bank could go into the Frank W Webb building without any application to the Board and was informed it could.

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

VOTED: to close the hearing.

A motion was made to deny the relief requested and replace that with revisions to Section 3.3 that eliminate the prohibition against banks, video rental stores, pharmacies, convenience stores and athletic merchandise stores – subsections 3, 5, 6 and 7. Mr. Mann stated he does not want convenience stores removed <u>from the prohibited uses list</u>, as that is too controversial. Mr. Alpert stated he would <u>not</u> remove convenience stores.

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

VOTED:

to deny the relief requested and replace that with revisions to Section 3.3 that eliminate the prohibition against banks, video rental stores, pharmacies, convenience stores?? and athletic merchandise stores – subsections 3, 5, 6 and 7.

### De Minimus Change: Major Project Site Plan Special Permit No. 2014-11: French Press, LLC, 45 Chapel Street, Needham, MA, Petitioner (Property located at 74 & 78 Chapel Street, Needham, MA).

Jay Spencer, owner, noted there are 1,500 square feet at 74 Chapel Street. He wants to expand to 78 Chapel Street for a kitchen space only. He has extended the benches and landscaping in front of the building and that will remain. Mr. Alpert stated he could expand the outdoor seating in front of that property also. Ms. McKnight asked why the plan does not show the seating. Mr. Spencer stated there are no changes to the existing area. Due to Covid there is no indoor seatingscating, and it will be added back when they are able. This is just new space. Ms. McKnight stated the bar is not on the original plan. Mr. Spencer stated it was added due to Covid and approved by the Board of Health and the Building Department. It is an accessory take out station.

Ms. McKnight stated they should have a plan that shows exactly what the applicant will be doing in the future with seating and a bar. Ms. Newman noted the Board could ask for a plan modification. Mr. Alpert noted the draft is just the plans as relate to 78 Chapel Street and not changes to the existing. Mr. Block approves the change. He noted it would not make sense to require a plan based in reality as no seating is currently allowed. Ms. Espada commented this is a great addition to the streetscape and she highly endorses it.

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

VOTED: to treat this as a minor modification.

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

VOTED:

to provide the relief requested with minor changes in the language of the decision to reflect the plans listed in <a href="mailto:Exhibits">Exhibit</a> Exhibit</a> and 3 are not being changed and Exhibit 5 is only reflecting changes to the new space.

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

VOTED: to accept the decision with the changes discussed.

The Board took a short recess.

Request to Release Lots and Establish Subdivision Surety: Heather Lane Definitive Subdivision: William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian and Koby Kemple, Manager of the 766 Chestnut LLC, Petitioners (Property located at 764, 766,768-768A, and 768B Chestnut Street, Needham, Norfolk County, MA).

Request to Release Lots and Establish Subdivision Surety: Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner (Property located at 768-768A Chestnut Street, Needham, Norfolk County, MA).

Robert Smart, attorney for the applicant, stated a lot of roadwork has been done. It is appropriate to release lots for sale. The applicant will post a cash bond per the 6/24/21 letter from the DPW. He is also ready to post the requested drainage bonds. He is asking for relief for all Heather Lane Lots 1–6 and the residential compound lots in Heather Lane Extension Lots 1–5. Ms. Newman stated all documents for the subdivision went on record and have been signed by Town Counsel and the Select Board. The documents have not yet been signed by the state. When the state accepts the conservation restriction it would convert the restriction from 30 years to perpetual in nature.

Mr. Alpert noted the following correspondence for the record: 2 letters from Assistant Town Engineer Thomas Ryder, both dated 6/24/21, one for off Chestnut Street release of lots for \$122,500 and the 2<sup>nd</sup> letter for 768 & 768A Chestnut Street request for bond for \$34,500. Mr. Jacobs asked if any title problems were anticipated due to the lack of documentation. Mr. Smart does not think there will be an issue with the anticipated buyers. It should wrap up quickly with the state. Mr. Alpert clarified that, without state approval, the conservation restriction only last 30 years;— Wwith state approval it becomes perpetual. Ms. McKnight asked if there was any reason to think any changes would be wanted by the Executive Office of Environmental Affairs. Mr. Smart has not seen it yet.—said Lit has been held up by the Acting Town Counsel, but he said he would take care of it. He noted this only affects 3 lots – Residential Compound Lots 3, 4 and 5.

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

VOTED:

for Heather Lane, to grant a release of Lots 1-6 contingent upon receipt of \$122,500 surety for the Street Bond and \$14,000 for the Off-Street Drainage Bond for a total bond of \$136,500 and signing of an agreement the funds can be used in the event of a default.

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

VOTED:

for Heather Lane Extension, to authorize the release of Lots 1-5 of the Heather Lane Extension Subdivision contingent upon receipt of \$34,500 for the Performance Bond for the Subdivision and \$17,500 Off-Street Drainage Bond for a total of \$52,000 upon receipt of funds and satisfactory agreement accompanying those funds.

Decision: Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 28 Glen Gary Road, Needham, MA).

The Board discussed the decision. Mr. Block suggested at the end of paragraph 1.1, it should say the Town "currently" has no other concrete plans to use the property for another purpose and paragraph 1.4 should be "police" and not "policy." Ms. McKnight noted some clarifications and typos and noted under Section 3.2 it says "Plan." "Plan" is not defined anywhere. Ms. Newman stated the decision does not need to be referenced. The decision should be recorded at the registry.

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

VOTED: to accept the decision as drafted with the modifications made by Mr. Block and Ms. McKnight.

#### Review of zoning initiatives for the upcoming fiscal year.

Ms. Newman stated this could be deferred to the next meeting, but the Board needs to speak about outdoor seating. There was a meeting of the working group working on outdoor seating. They wanted an additional change for the Select Board to have the same discretion as the Planning Board to grant waivers for outdoor seating standards when outdoor seating is on parking spaces. They also wanted authority of when they can grant-permits can be granted. Currently it is April through October. The group wants flexibility. The decision needs to be modified more for seasonality. She had imbedded the zoning process the Select Board would follow if they deviate. There was talk about removing that language. Ms. Newman noted the Planning Board should have a morning meeting the week of 7/12. After discussion, a meeting was set for 7/14, 8:00 a.m. to 9:00 a.m., to discuss zoning initiatives, outdoor seating and gun shops similar to what Newton did.

### Review and Discussion: Needham Unite Against Racism Initiative (NUARI) Vision Statement, Guiding Principles and Intentional Practices Created by NUARI Working Group, March 22, 2021.

Ms. Espada stated she has been part of Needham Unite Against Racism Initiative (NUARI) for over one year now. The biggest issue is to set a tone for the Town that <a href="issues-superpriate">issues-superpriate</a> for the way we want the Town to move forward regarding racism and social injustice. The vision will differ with different Boards so they can be aligned with the mission of NUARI. There will be some structural changes in the Town. She feels the Board should set some roles and accountability of how we want to proceed. Boards should look at equity when appointing people. Mr. Block noted that is a function of who stands up to run. There are not a lot of people lining up for the positions. Ms. Espada stated the people may not know of the opportunity. There is a need to get the word out for gender and age. Boards need to be diverse. She noted it takes work to make change. They need to spread the net wider to let people know of the opportunities. She showed the "Racial Equity Statement for the Town of Needham" and the "Guiding Principles" and stated this is just the beginning.

Ms. Espada stated action items and accountability need to be created and this takes effort to do. There is no support in town and no accountability. There needs to be systems for support, action and accountability. Mr. Block stated he sees utilizing the public information office, but he asked if there is anything the Planning Board could specifically do. Ms. Espada stated it appears each Board has a different way of doing things. There needs to be one independent group. NUARI is about including people and not excluding people. Ms. McKnight stated the Town has initiatives on communicating going on now, and part of the statement as-relates to the work of the Planning Board. She stated if the Board embraces the NUARI statement they need to take the wording of the statement seriously and realize it is their role. Mr. Alpert stated everything presented with the overall vision is something all need to keep in mind. They all need to keep the spirit of the vision in the forefront of their minds.

A motion was made to adopt and support the NUARI Vision Statement, Guiding Principles and Intentional Practices as written and approved by the NUARI group. A discussion ensued. Mr. Block feels, as they roll out the affordable housing goals and policy, the Chair and Vice-Chair of the NUARI working group and Needham Human rights group should be invited to attend. Ms. Espada stated the Board needs to figure out, and review, the process, and it is critical to include the community. Mr. Jacobs commented part of the problem is there are laws and statutes that need to be followed. A lot of people are ignorant of the legal process that needs to be followed. People are not taking notice of the notices out there. It is a multi-layered problem. He is all for this, but they have to have action items. Mr. Alpert stated the emails from the 1688 Central Avenue abutters have been extremely helpful and well thought out. The process for that is going well. The neighbors showed up for 100 Highland Avenue, told the Board their concerns and the Board heard them. The Board would not have thought of those concerns unless the abutters came to the meeting. The Muzi project had community meetings. The process works.

Ms. Espada stated the Planning Board website does not give the process or how things are reviewed. It is very ambiguous. There should be a simple explanation of the process. She showed an example of Boston's website with guidelines of the process. She stated there is clarity to their process. Mr. Alpert commented that sometimes a phone call to a Planning Board member is better. Mr. Block would like to see where each applicant is in the process throughout the year. This motion is a start and should be approved.

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

VOTED:

to adopt and support the NUARI Vision Statement, Guiding Principles and Intentional Practices as written and approved by the NUARI group.

#### Board of Appeals - July 15, 2021

Noreen Capraro, applicant - 78 Jayne Road.

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

VOTED: "No comment."

Joseph Audette, MA, MD and Allison Bailey, MD, applicants – 920 South Street.

Mr. Alpert stated this application is for living <u>space</u> on the top floor of the house with a school downstairs. That would be 2 uses on a lot. He raised the question if living on the third floor is in violation of the restriction of more than one use. They have not allowed that. It is reasonable under the Dover Amendment. A discussion ensued regarding the Dover Amendment. Mr. Block suggested the Board rely on the Zoning Board of Appeals (ZBA) to investigate and make sure this is allowed and accurate. The vast majority of space appears to be living space. The ZBA should make sure it fits within the Dover Amendment. Ms. McKnight asked why this does not require a major or minor site plan as it is a change in use.

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

VOTED:

to ask the ZBA to be sure they are satisfied this is truly an educational use within the meaning of the Dover Amendment, to question whether the residential use combined with the educational use is in violation of our By-Law requirement that there not be more than one use on a lot and would prohibiting the 2 uses on the lot be a reasonable regulation under the Dover Amendment.

#### Minutes

The minutes will be discussed at the 7/14/21 meeting.

#### Correspondence

Mr. Alpert noted the following correspondence for the record: letter from the Planning Director to the appropriate parties, a check from Matt Borelli for the 1688 Central Avenue traffic peer review study, and a letter from Dr. Alex Bejian. Mr. Jacobs stated he read that letter as a request for help. Mr. Alpert noted he had a lengthy conversation with Mr. Bejian and told him to hire a lawyer. Mr. Block also spoke with him and suggested he file a Citizen's Petition at Town Meeting to prevent that use or first floor retail.

#### Report from Planning Director and Board members

There was no report.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

#### NEEDHAM PLANNING BOARD MINUTES

July 20, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, July 20, 2021, at 7:00 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include one public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials are posted on the town's website.

Decision: Amendment to Major Project Site Plan Review No. 2005-07: Needham Gateway, LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts). Regarding request to amend the Decision to allow in the existing development all of the uses allowed by right or by special permit in the zoning district.

Mr. Jacobs asked Rick Mann, attorney for the applicant, if he has reviewed the draft decision and if he is ok with it. Mr. Mann stated he is fine with it. It was noted the <u>draft decision says the</u> vote <u>was 4-1, but it should say the vote</u> was unanimous and not 4-1.

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

VOTED:

to grant (1) an amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012 and August 13, 2012, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2005-07, Section 4.2; Subject to the following plan modification, conditions and limitations as set forth in the decision before us for the property at 100-120 Highland Avenue and the applicant is Needham Gateway LLC.

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

VOTED: to approve the decision as drafted with the one change noting the vote was unanimous.

#### **Minutes**

Ms. McKnight noted in the minutes of 5/1/21, under the Discussion of Annual Town Meeting Warrant Articles, 3<sup>rd</sup> paragraph, it says "She noted there is one more article. Article 12 is for \$50,000 for small repair". Ms. Newman will correct the Article number.

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

VOTED: to accept the minutes of 5/1/21 with the one correction discussed.

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

VOTED: to accept the red lined version of the 5/3/21 Planning Board minutes.

Ms. McKnight noted in the minutes of 5/18/21, page 4 under 100-110 West Street, 4<sup>th</sup> paragraph, it says "Ms. McKnight stated the usual practice is not to have a public hearing." She does not feel that fits and feels it should be deleted. Mr. Block asked if there are times there would be minor modifications without a public hearing. Ms. McKnight believes that is what was being discussed. Mr. Block feels it was about the preceding paragraph regarding generators. That would be treated as a minor modification without a public hearing. It was agreed to delete the sentence.

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

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VOTED:

to accept the red lined version of the 5/18/21 Planning Board minutes with the one deletion discussion tonight.

#### **Public Hearing:**

7:20 p.m. – Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new childcare facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham childcare business, Needham Children's Center (NCC). Please note: this hearing was continued from the June 14, 2021 meeting of the Planning Board.

Ms. Espada recused herself from the hearing as she is an abutter. Mr. Alpert noted this is a very contentious matter. There has been a lot of communication. He noted there are site plan reviews <u>called for under our Zoning By-law</u>, but also special site plan reviews <u>under a provision of G.L. c.40A</u>, <u>Section 3 also</u> known as the Dover Amendment. Case law is generated under that statute. Under that statute the Board cannot deny the project. This <u>proposed day care use</u> is by-right, <u>reflecting that</u> statute<del>orily</del>, under the <u>Town's Board's</u> By-Laws. This Board is proceeding pursuant to that statute and the case law. He read from the statute. He noted <u>thatat this hearing</u>, this Board may make the project subject to reasonable regulations concerning the height and bulk of structures, determine yard signs, lot area, setback, open space, parking and building coverage requirements. In a Supreme <u>Judicial</u> Court case, the court said local zoning requirements adopted under provisions that serve legitimate public <u>purposes? services</u>, and determined by factors of each case, a Board can look to the By-Law for things they can regulate. This is a facts and circumstance decision the Board needs to make. The use of a childcare center cannot be denied. It is not a special permit.

Mr. Alpert cited Rogers vs. the Town of Norfolk noting the Norfolk daycare center By-Law had a maximum of 2,500 square feet and could not be approved because of the By-Law. This was challenged as unreasonable and the court said, based on the facts and circumstances, enforcing the By-Law was unreasonable for that project. He-Mr. Alpert spoke of alleged ethical violations by this Board and stated he would not discuss the ethical issues raised. This Board does not have the authority to decide ethical issues. They deal with zoning issues. This was presented to Town Counsel Heep, who. He has not found any conflict of interest and agrees this Board does not have jurisdiction on ethical matters. He noted the process and procedure he will follow for this hearing. He stated he does not expect the hearing to be completed tonight but will be continued to the next meeting in August. He thanked the neighbors for their thoughtful comments and emails which were very civil. He also thanked the neighbors that are attorneys that submitted arguments very professionally.

Mr. Jacobs agreed with the ground rules and not dealing with ethical issues byen the Planning Board. He noted Maggie Abruzese sent a letter requesting the Planning Board pause consideration until Town Counsel Heep issues a written opinion on the ethical issue. Mr. Alpert stated the Board received a letter?? contrary to Ms. Abruzese's opinion. A written opinion is not required and Town Counsel does not intend to send one. Mr. Jacobs stated, if Town Counsel is not going to issue an opinion, and ethical issues will not be decided by this Board, does it make sense to pause the hearing so the ethical issues can be determined by the State Ethics Commission for anyone who wants an opinion from that Commission. Ms. McKnight stated the allegations of ethical improprieties were made a couple of months ago. The persons making the complaint could have filed a complaint with the Ethics Commission if they wanted. She sees no need to pause the hearing.

Mr. Block <u>questionedstated</u>, if it was found by the legal process that an ethical violation did occur, what impact, if any, would it have on our hearing. Mr. Alpert stated he agrees with Ms. McKnight. This was raised a long time ago and could have gone to the Ethics Commission. He feels this Board has no jurisdiction on ethical issues and they should move forward. Mr. Block asked if Mr. Huber, attorney for the applicant, has <u>consulted visited</u> with the Ethics Commission if any ethical

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improprieties <u>occurred</u> and what was the outcome. Mr. Huber stated he has not. He feels that is a matter for people who made the allegations to discuss with Town Counsel. Town Counsel had informed Mr. Alpert the Ethics Commission would not weigh in on this.

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

VOTED: to continue this hearing to August 17, 2021 in the case of technical difficulties.

Mark Gluesing, architect, showed the most recent version of the plan. There have been several revisions. This is a large building that originally was set back 40 feet but is now set back 50 feet??. This has impacted the turn-around space between the building and barn and impacted the setback. It is now 64 feet?? at the closest point and faurther at other points. The orientation of the building is not parallel to Central Avenue. The primary building is a childcare facility including a large space for a play area. The building is on the north side of the site with a 205-foot driveway. This does not include the drop off area, which is additional space. The driveway is wide enough for both directions. There is some parking and a turn around area. There are 30 parking spaces in the lot. He feels this is greater than the number required by the formula the town uses which would be 11? spaces. He said that Fithe Town Engineer gave a number of 25 spaces required. The site includes a grassy area to the south that will be enclosed by a fence and used as a play area. There will be a substantial amount of landscaping added. The site includes an existing barn that will not be taken down. He said that The Police Department does not expect traffic or safety to be an issue at this site. He discussed the various issues that have come up. Regarding traffic issues, he said that a recent case raised by the legal analysis Mr. Alpert referred to, Primrose School Franchising Company vs. Natick, a Land Court case, stated the Town can impose a special permit due to new construction. That does not include the next reported decision, however, where- Fthe Zoning Board imposed a condition that limited the number of children. The applicant appealed and the judge stated, under the Dover Amendment, a limitation on the number of children was unreasonable as the Zoning Board of Appeals did not have the authority to limit the number of children as a way of addressing traffic concerns. He read portions of the decision and stated the same things are true in this case.

Mr. Huber stated he is aware there is a lot of traffic on Central Avenue. The Board should keep in mind their limited authority to impose conditions to address the traffic concerns. He is not ignoring traffietraffic, but the Board has limited authority. There is an intention by the applicant to put a cap on this of 115 children. He feels the applicant has struck a reasonable balance. They are not intending to start with 115 children. He noted there is a concern with cars backing up onto Central Avenue. The drive is 205 feet long before the drop off area. There could be 10 vehicles stacked up in the driveway. There would not be a block of time where more than 10 cars show up at a time. Mr. Jacobs asked if Mr. Huber gave a full history of the Primrose Case he cited. Mr. Huber stated he gave the Land Court decision cite 2013WL3057432 and the 2015 decision cite 2015WL3477072. Mr. Jacobs asked if the 2015 decision was the latest. Mr. Huber believes that is the latest but is not sure.

Mr. Huber noted there are many spaces in the drop off area for cars to park and he does not feel cars will spill out onto Central Avenue. He noted for the setback issue, they have tried to move the building back. It started at 40 feet and now 64 feet is proposed. He showed a chart he created of setbacks of houses on Central Avenue near this property. There are 5 that are less than or comparable 4 have a setback which is greater and 2 are corner lots. Only the Temple next door has a larger setback. The Temple is a much larger building building, but the parking is in front of the building. He feels the proposed setback is consistent with the others in the area. The turnaround area cannot be made any smaller and the building cannot be pushed back without taking down the barn. He does not feel the Board would make that decision as it is not a reasonable condition. It would cost about \$30,000 to knock down the barn and in excess of \$200,000 to rebuild it.

Mr. Jacobs asked if the applicant has investigated the cost to move the barn. Mr. Huber stated no. There is a lot of ledge where the barn is now. Not all parts of the lot are the same for building. The back part of the lot is wooded and more trees would need to be cut down and people on Country Way would be impacted. There will be landscaping in front of the building and the expectation is this would hide the building. It would be largely screened based on the landscaping. There would be a cost and very little benefit to moving back faerther. Mr. Huber stated they have made good faith efforts to address people's concerns. He noted the roof of the barn would be a good platform for solar panels. The barn would only be used for storagestorage, and they would agree not to use it for any activity related to the childcare center without coming back to the Board.

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Mr. Alpert stated he has not seen a lease and his understanding is one is not available. He asked if the Needham Children's Center (NCC) is leasing the entire property or only a portion. Mr. Huber does not believe the entire property. It seems reasonable for the Board to issue a permit and the building be used only for childcare. Mr. Alpert asked if NCC is leasing the barn or is Mr. Borelli keeping control of that. Mr. Huber believed there is an understanding NCC can use the barn. He is not sure if NCC would be leasing the parking area or just has the right to use it. Mr. Alpert noted any part of the property not under NCC control is not subject to 40A, Section 3. He feels the applicant should keep this in mind.

Mr. Huber spoke of the objections asserting that the building is too large and should be made smaller. He showed the prepared chart and noted the building is well above the minimum allowed but well below the maximum of what is allowed. It is 24 feet high at the peak and 35 feet is the allowed height. A lot of the homes in the area are higher than the 24 feet. Most of the houses on Central Avenue in the area occupy a larger width percentage on the lots than the 33% on this lot. Many homes within ½ mile are as wide or wider than this building.

Mr. Gluesing discussed the design. He noted several factors whenwent into the orientation of the building. Ms. Day did not want activity on Central Avenue, she wanted the entrance back inside the site and it was put close to the Temple side of the site because it is more a commercial structure. They left a larger open area on the residential side. The assumption has always been the barn would remain. It is in excellent condition and will have a use for storage. It is not a "green" idea to remove and rebuild further back. The Temple can park in this lot on weekends and high holy days. He noted this is a heavily forested site. This is a 10,000 square foot building. They did not want to build a commercial building. Most rooms are 400 square feet. He tried to take residential styles and incorporate them. There is a gabled roof, then 2 big sections and a gable over a large playroom, casement windows and dormers. There will be 10-foot ceilings and an outdoor play area. The original Central Avenue façade the Design Review Board (DRB) thought was too simple and wanted it improved. He created an additional gabled structure with bay windows and added an eave element. The entrance mimicked the barn aestheticaesthetic, and a red barn color was used. The materials will be wood clapboard, roof shingles and board and batten siding. The siding width has been varied to get a variety. The building is similar to houses in the neighborhood. He feels it will be in harmony with the neighborhood.

Mr. Gluesing stated white pine trees wereas originally planned but there was criticism by the DRB. They are now using a mix of trees such as scotch pine, white pine and cedar. He showed a summary of changes. They have significantly increased the landscaping, and the plantings along the front will be decorative cherry trees, flowing crabs and evergreens. The building is the same height as the barn and the same as the plateau??. An additional lawn area has been created in the front.

The Board recessed for 5 minutes.

Mr. Block noted an underground detention basin to catch most of the drainage south of the drop off. John Glossa, of Glossa Engineering, Inc., stated that was designed to mitigate all increase in the rate of runoff from the site. He used the MA DEP Storm Water Management regulations, which are above and beyond what Needham would require. Mr. Block asked if there was a retaining wall or natural slope, noting that- There is a 6-foot drop?? in elevation sloping toward 1708 Central Avenue and that a—Any water not caught in the detention basin will slope toward 1708 Central. Mr. Glossa stated no water flows off this site. There is a slope and existing condition water flows into a closed loop. There is Hinkley soil, sand and gravel all the way down and keeping the grade flat would allow water to soak into the ground. They may use this as a tool to allow water to soak in. The flow has been mitigated up top. Mr. Block noted a 3-foot drop?? toward Central Avenue. He asked if some spill—off from the drive and top of grass area would spill onto Central Avenue. Mr. Glossa stated some water flows from the catch basin to Central Avenue similar to the existing conditions. The site is balanced in rate and runoff. The rate of runoff is not increasing from this site. Ms. Newman stated that would be a finding to be stated in any decision.

Pat Day, owner of NCC, discussed the proposed pick up and drop offs and gave the background of the daycare. She noted she has been in Needham for over 40 years with most of the families from Needham. She does not have a sign. In 1980 she formed a full time childcare, fully insured and licensed by the Commonwealth of Massachusetts. In 1997 the center was nationally accredited. There are 113 children currently at the Baptist Church site and 20 to 25% are siblings. The Baptist Church is closing its doors and they are losing their home. She has known for 2 yearsyears, and it took that long to find this space. A lot of time and consideration went into moving to this space. They have always worked in collaboration and was hoping to do that with this neighborhood. The safety of the kids is her top priority with safe entry and exiting being the key. The traffic impact is important to them. She feels it is important for kids to have a play space. The state requires 35 square feet per child. With Covid it was 42 square feet per child. A 420 square foot room will only house 10 kids. This

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space gives them all they need. This has been designed for the 98% of the children that come from Needham and their needs for the next 5, 10 and 15 years.

Ms. Day noted sign in sheets are required by law. They used staggered drop offs that were specific. Mr. Huber showed a chart based on 95, which is the initial anticipated enrollment, although they are asking for 115 children. The chart has actual data of the number of vehicles and what times they show up. HShe noted 7:30 a.m. to 9:00 a.m. the parents are self-staggering. The total number of vehicles was 50 between 7:00 a.m. and 9:15 a.m. In the afternoon 3 vans show up for the afterschool care. That is actual data used. If the actual does not mirror the historical data NCC will put arrival times in place like they did with Covid but they do not think this will be necessary. The center is open 7:30 a.m. to 6:00 p.m. Staff will be there before the start and after close. There is a part-time program and an afterschool program. 95 is the total number with all programs. The expectation for staff is not more than 16 with 2 administrators on peak days. They would not all arrive at the same time. There is designated parking for short term and handicapped. Children will enter at the back of the building. There will be greeters there and parents will sign in. There will be a police detail the first few weeks to assist with any issues and that will continue after only if the police chief feels it is necessary.

Mr. Alpert asked if the applicant was willing to have a condition that mirrors what was just said. Mr. Huber stated they are willing. Mr. Alpert noted the staggered plan will be part of the decision, and if drop off traffic exceeds a certain standard, like a certain distance from the sidewalk, there could be a plan on record that will be implemented. Mr. Huber agreed. They could work on language but they do not anticipate stacking would get close to the sidewalk. If it doesdoes, they will implement a different protocol. Mr. Alpert noted on a comment received byfrom neighbors where the program talks about events that parents are invited to attend. These would have more than 35 cars showing up. What is the plan for these events? Ms. Day stated they celebrate everything. They had holiday parties on Saturday's when the public lots were empty. The celebrations are now all internal in the classroom. They have an interactive art show and farmers market. With eCovid, they now have events off site like at Rosemary Pool and the events are smaller now. Mr. Alpert stated any event involving more thanen 35??30 cars would have to be off site.

Ms. Day stated things done in the past have to evolve. If there is a large event, the party would have to be elsewhere as they do not have the parking. Mr. Huber stated there could be a condition that events could not exceed available parking. Mr. Block commented the applicant has done an exceptional job answering questions. It is clear she takes the safety of kids and staff seriously and recognizes the business is for Needham families on Needham streets. He asked to what extent could she enforce stage 2 of the pick-up and drop off schedule. Ms. Day stated she did it during Covid. They surveyed staff and parents and changed hours. They looked at how to alleviate overcrowding and pedestrian queues. They looked at data, looked at siblings and created a spreadsheet. They gave parents a parameter of when they could come in. Parent would not be let in other than at their time. They need to follow the rules. Mr. Alpert asked if they are keeping the Unitarian Church space and was informed they will. There is not enough space at the new location for all the children they serve. Ms. Day noted there is a huge need in the town.

Ms. McKnight asked where the outdoor play area is and what is the surface. Mr. Gluesing noted it is confined to the front area. There is some area to the right for older children and the surface is grass. There may be a tented structure for inclement weather installed in the future. Ms. McKnight noted Mr. Huber stated the total length of the drive was over 200 feet. It seems from Central Avenue to the drop off is only 100 feet. That could only accommodate about 5 cars backed up. Mr. Huber stated there is a 205-foot distance from Central Avenue to the curved area at the drop off. Ms. McKnight asked if some cars would want to continue on to park at the rear parking lot. Mr. Huber stated most cars will come up and take a right to drop off and continue back out. They do not expect a conflict with cars parking and others dropping off. It could be handled with signage.

Ms. McKnight stated pick up at the end of the day was not described. Ms. Day stated there is a greeter who frequently knows the cars and the kids know the cars. Pickup is faster than drop off. The kids are ready to go in advance and it is well honed. The kids stay in the building until picked up. Mr. Block asked what happens if someone parks in the 5 spaces and cars are coming in to drop off. Ms. Day stated they have to be very proactive. It is not idealideal, but it is workable. No car can be left running. Mr. Block noted they need to look at mitigation procedures further at another time. Ms. Day feels they could designate short term parking over by the barn. Mr. Alpert noted it was getting late. Mr. Huber suggested the hearing be continued to the next meeting. Mr. Alpert suggested a meeting between Mr. Gillen and Mr. Diaz in the next few weeks to hash out some issues that have been raised regarding the traffic study. Mr. Block requested, no later than one

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week prior to the next meeting in August, Mr. Gillen and Mr. Diaz should meet. Mr. Gillen should create a summary of changes and Mr. Diaz should create a list of unresolved issues. The Board can then quickly see the unresolved issues.

Mr. Block requested all the applicants' consultants be present at all the meetings. Mr. Diaz agreed it would not take much to resolve the traffic issues. He asked if the meeting should include the site engineer also for site issues. Mr. Block stated, by 8/10/21, the Board wants a memo between Mr. Gillen and Mr. Diaz with the resolved and outstanding issues.

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

VOTED: to continue this hearing to the 8/17/21 meeting at 7:20 p.m.

Ms. Espada returned to the meeting.

#### Correspondence

Ms. McKnight noted a communication received yesterday regarding light pollution. Ms. Newman stated the complaint regarded the 7/-11 Store. She noted the Planning Board does not hold a permit on that. She sent it to the Building Inspector for resolution. Ms. McKnight stated she would like to have a better understanding of lighting, what rules there are, how they are applied and why waivers are being sought. She suggested the Building Inspector should be here for that discussion.

#### Report from Planning Director and Board members

Ms. Newman noted there is a Chair/Vice-Chair meeting with the Chair/Vice-Chair of the Select Board that she will be attending. She feels they will be discussing housing issues. She is working with Karen Sunnarborg on the housing plan and will have a committee to oversee that work. It will be discussed on 7/29/21 at the meeting. She stated, before the downtown study, she partnered with MIT about 15 years ago and there is interest to do another partnership to look at redevelopment options in the Highland Avenue corridor and how it could be redeveloped for a higher use with mixed density. She was thinking the study area would go from May Street to Gould Street. Mr. Block noted the Council of Economic Advisors (CEA) is working on a comparison of the Center Business and Chestnut Street Districts with a review of uses and dimensional requirements for those and to consider updating and making suggestions for improvements. Ms. Espada stated she would like to participate. Mr. Alpert asked if zoning requirements for gun shops is on the Chair/Vice-Chair agenda. Ms. Newman is working on it.

Ms. McKnight informed the Board she worked on a video titled "Moving Forward Together" by Equal Justice Needham. It is bBased on the book "The Color of Law," she searched Norfolk County Registry of Deeds and she only found one racial restriction recorded for Needham property. She noted the first Zoning By-Law in Needham was in 1925 and all Business Districts allowed apartment buildings and the Select Board had the right to allow an additional unit in a home if the home was in existence in 1925.

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

VOTED: to adjourn the meeting at 10:38 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk



# Needham DPW EVCS—09-29-2021





### Needham DPW EVCS-09-29-21

# 500 Dedham Ave., Needham, MA



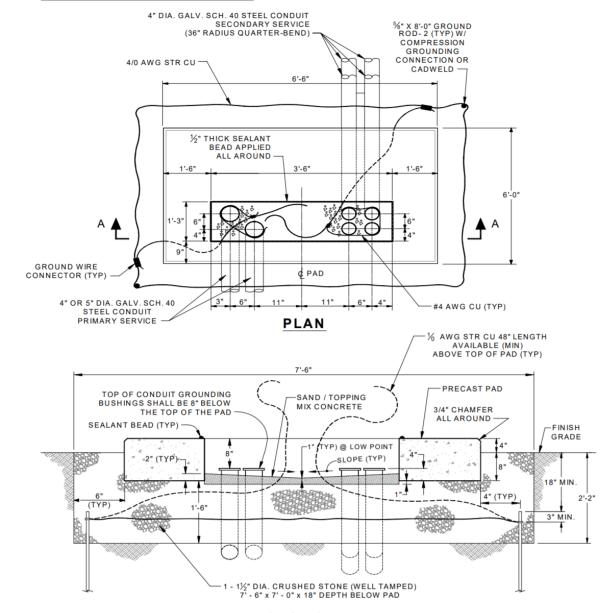


### Needham DPW EVCS-09-29-21

### 500 Dedham Ave., Needham, MA

1	Issued	CONSTRUCTION STANDARD	C3801
١	13-Aug-02	ELECTRIC OPERATIONS ORGANIZATION	
١	Revised		Revision #2
١	27-Jan-09	**NSTAR	Page 5 of 7
١		ELECTRIC	

#### 4.0 CONSTRUCTION DRAWINGS



SECTION A-A

Figure 1 – Pad #1: Three-Phase 75 - 300kVA Transformer Precast Pad Installation & Grounding Detail



Issued 20-Mar-02 ELECTRIC OPERATIONS ORGANIZATION

C3802 Page 1 of 4

Construction Standard

C3802 \*\*\*\* Supercedes ComElectric CUDS Specification 1-0796, Section G2\*\*\*\*

# RECOMMENDED MINIMUM CLEARANCES FROM THREE-PHASE DISTRIBUTION TRANSFORMER FOUNDATION TO BUILDINGS, BUILDING OPENINGS, LANDSCAPING, OR TRAVELED WAY

#### 1.0 PURPOSE

The purpose of this standard is to illustrate guidelines for minimum clearances when locating pad mounted distribution transformers near buildings, traveled way, landscaping and other obstructions.

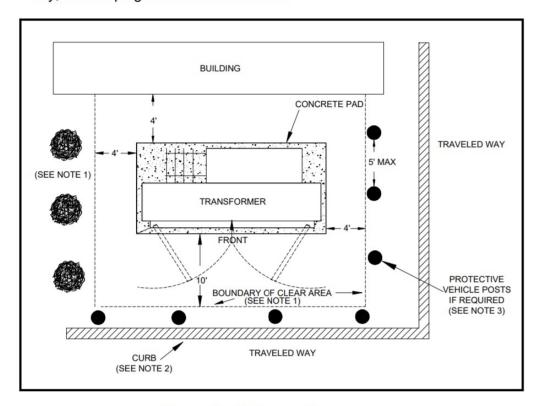


Figure 1 – Minimum Clearances

#### Notes:

- 1. The above Specified clear area distances to buildings, landscaping or other structures shall be maintained to: inspect, provide access, perform switching and ventilate the transformer.
- If no curb exists, or transformer is located closer than 10 feet to the traveled way, protective vehicle posts shall be installed on exposed sides as specified.
- Vehicle posts shall be 4" galvanized steel pipe minimum, filled with concrete and extend 42" above and below grade. Larger diameter posts may be required for some installations.
- 4. Minimum clearance from emergency generators (not shown) shall be 20'-0" minimum, unless separated by an 8" block wall, 8'-0" high, 4' minimum from pad. The length of wall shall be determined by NSTAR depending upon the transformer dimensions.
- 5. Approval of NSTAR Construction Supervisor required for clearances less than recommended