

NEEDHAM PLANNING BOARD MINUTES

November 2, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, November 2, 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 includes 2 public hearings and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). Regarding proposed Town Common renovation.

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

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

Mr. Alpert noted the Board has received a letter from Town Counsel Christopher Heep requesting the matter be continued to the 11/16/21 meeting. Revisions are being prepared to the site plan. Mr. Alpert noted there is no one at the meeting for this matter.

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 the hearing to 11/16/21 at 7:20 p.m,

De Minimis Change: Major Project Site Plan Special Permit No. 2008-09: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property is located at 484 and 500 Dedham Avenue, Needham, MA).

Henry Haff, representative for the Town, noted this is a minor modification. The Town proposes to put 2 stations with 2 charging stations each at the Public Services Administration Building (PSAB). The parking spaces for these stations will be the first 4 spaces next to the handicap spaces. The first station is for one space and one handicap space. He showed the location of the old and new transformers. The original thought was they could connect to the existing transformer but access to the transformer was not available by Eversource. The second transformer has been moved as close as possible to the first transformer and the fence will be moved to cover both transformers. This keeps all the equipment as far as possible from the existing swale.

Mr. Alpert asked how high the fence is and was informed the existing fence is about 6 feet high. Mr. Jacobs asked how long it takes for cars to charge. Mr. Haff stated his hybrid plug-in car takes about 2 hours to charge but he only gets 20 miles. A Tesla would take about 8 hours. He noted the chargers they are installing are Level 2 chargers. Mr. Jacobs stated they are trying to encourage the use of electric. He asked if it should be real clear there is a limit on how much time a car can be parked in these spots and if they have thought about that. Mr. Haff noted the town has the ability to charge for charging. Other towns charge a low rate for the first 4 hours then a higher rate for hours after that. A time limit could be added but that would need to be monitored. He noted that to charge you need to give all your data and your credit card. It could be monitored that way, but it will be a policy discussion.

Mr. Jacobs asked whose policy? Mr. Haff noted the Select Board's. Also, the Traffic Advisory Committee may weigh in. Mr. Jacobs asked if the Select Board has begun to think about that. Mr. Haff stated the Select Board is working on

a climate action plan. He feels these will be part of that. There will be EVIP grant funding and “make ready” funding. Each station installed could be expanded up to 8 or 10 charging stations. Mr. Alpert asked who will use these stations at PSAB. Mr. Haff stated three employees have electric vehicles as of now and the stations will be open to the public. The town has two electric vehicles and will consider EVs on all future purchases.

Ms. Espada stated she was concerned at first with the transformer being in the way, but she is satisfied with that. Ms. McKnight is glad to have this presentation. It clarifies some things for her that she had misunderstood. She does not think an extension of the fence will detract from the area.

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

VOTED: to treat this as a de minimus change.

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

VOTED: to allow the relief requested.

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, October 5, 2021 and October 19, 2021 meetings of the Planning Board.

Mr. Alpert stated a question was raised at the last hearing regarding his part in these proceedings. He is turning the hearing over to Vice-Chairman Block. Mr. Block stated there is no definitive resolution of the alleged conflict with respect to Mr. Alpert so he will invoke the Rule of Necessity. A vote of at least 4 members is necessary to approve this project. The Board lacks a sufficient number of members necessary as a result of 2 members with conflicts – Ms. Espada and Mr. Alpert. In order to invoke the Rule of Necessity it is necessary for each member to disclose the facts that cause the conflict. Ms. Espada stated her house is across the street from the property being discussed so she has recused herself from the hearing.

Mr. Alpert stated he is legal counsel to Temple Beth Shalom as a non-voting Board member. The Temple has a children’s center. It was put that he was a trustee of another children’s center in town and has a conflict. He worked with Town Counsel Christopher Heep, and they called the Ethics Commission to see if he had a conflict. The lawyers from the State Ethics Commission asked multiple questions and they answered all the questions. The conclusion was the Ethics Commission would not state he had a conflict but could not state he did not have a conflict of interest. Their advice is that he recuse himself and not participate in the hearing. He takes this seriously and will not be a part of the hearing as of now.

Mr. Block stated, with only 3 members remaining but 4 members required to hear and vote, they needed to see if there were other Boards that could hear this. They talked with Town Counsel and there are no other Boards, so there is a need to recall Mr. Alpert. Every effort was made to find a Board with legal power to act for the Planning Board. As a last resort he will invoke the Rule of Necessity. He, Mr. Block, will now Chair the public hearing process. Mr. Alpert noted there is an opinion from Town Counsel Heep, dated 11/2/21, which is part of the public record and is on the website. Mr. Jacobs noted the Chair has not said he wished to recall Mr. Alpert and that he accepts. Do we need to make that clear? Mr. Alpert clarified, once the Rule of Necessity is invoked, all members with a conflict are automatically called back and sit on the panel. Ms. Espada has missed more than one meeting under the Mullen Rule so she will not be recalled.

Mr. Block reviewed the ground rules for this hearing. When any new information is provided by applicants the Chair will return back to the public for any questions. He will limit each speaker to 5 minutes total so all can be heard. He requested people not use the 5 minutes to repeat what previous speakers have said. Evans Huber, attorney for the applicant, stated, at Mr. Block’s request, Ms. Day went through all sign in sheets for 2 months – one during the

pandemic and one at full enrollment and submitted 2 charts. These charts have been prepared by Needham Children's Center (NCC) and represent actual arrivals of vehicles in 15-minute increments. The main take away is the vehicles do not all arrive in a 15 or 30-minute bunch and are well spread out in an 80-minute arrival window. In the morning there are never more than 10 vehicles arriving in a 15-minute window. There is a 10-vehicle drop off lane and plenty of parking. The concern that has been articulated will not happen as a matter of reality.

Mr. Huber noted the other update regards the traffic analysis and Level of Service. There was further discussion regarding how to analyze that between Mr. Gillon and Mr. Diaz and a memo was submitted. The main take away is during rush hour it is a Level D or F. This facility, if built, would somewhat further degrade the level of service at rush hour. If the lights are left alone there would be no meaningful impact and there would be a 932-foot backup. If the timing of the lights is changed how long the backups are north and south could be manipulated. It does not need to be all or nothing. The timing of the lights could be changed to make it somewhat better. That will be an engineering call. He stated Mr. Gillon used the numbers Mr. Diaz wanted him to use and are based on the square footage of the building. He feels that is a conservative analysis.

Mr. Huber noted there has been a lot of discussion regarding the barn and using it for storage. Ms. Day went through the Baptist Church and identified all areas used for storage. Currently they are using 1,850 square feet of room space, sheds and garages. There is a need for storage and the intent to use the barn is real. Ms. Day prepared a list of the kinds of things she uses storage for. Some people continue to insist the use of the barn is not allowed. He noted that provision of the By-Law is superseded by the Dover Amendment. He noted the Temple Aliyah next door is running more than one non-residential use on a lot. The Dover Amendment allows them to do that.

Ms. McKnight stated she looked at Mr. Gillon's report and focused on figures 6, 7 and 8 in the report. She thought the concern was southbound traffic and taking a left turn across northbound traffic in the morning. That traffic will be delayed due to the northbound traffic volume. She would like that addressed. John Diaz, of Greenman-Pedersen, Inc. (GPI), stated there was a lot of confusion at the last meeting. They are looking at once cars arrive at the driveway what is the delay. The difference between driveway operations and queues to the driveway is 885 feet from the stop line at the light and the driveway. He looked at existing conditions. There is a 900-foot queue with a 2-minute delay and south in the afternoon there is an 800-foot queue with a one-minute delay. Mr. Huber stated that is based on current traffic counts and adjusted up by 30% for Covid.

Mr. Diaz explained the rationale and stated it has decreased between 2019 and 2020. There is a long queue northbound in the morning and a long queue southbound in the afternoon. This is with construction and based on square footage. In the morning it goes up by 11 seconds with construction. Southbound is up by 7-feet, which is less than a vehicle. The afternoon impacts the signal operations. The 907-foot queue goes up to a 950-foot queue, about 7 vehicles, with no change to signal operations. If the signal operations were optimized in the afternoon the queue can be reduced from 950-feet to 670-feet. He has asked the proponent to look at the morning again. A preliminary improvement would optimize. Ms. McKnight would like to focus on Figure 8. Are cars going to be able to zoom right in when they get to the driveway? Mr. Diaz stated for the most part as it will be a Level B for the left turn movement. Ms. McKnight noted in the evening pickup more would be heading southbound and that is a Level Service A. Mr. Diaz stated that is correct.

Mr. Jacobs stated his overall impression is under the optimized scenario they can make the traffic end up with shorter queues. Mr. Diaz noted that is correct southbound in the afternoon. Mr. Jacobs noted that does not clarify for him. Can it be improved? Mr. Diaz stated the concern has been the queue southbound in the afternoon. With timing, the queues can be 600 feet to under 400 feet. Mr. Block stated Mr. Diaz sent a letter the Board just received. He is going to leave the hearing open, so all have the opportunity to review it. Mr. Diaz stated he got new traffic counts in October and adjusted for Covid. He ran it as a work analysis under the existing no build. It would knock the queue down if the signal timings were optimized. He would need to figure out in town how to optimize those. He will follow up with a traffic study when the site is occupied and the police detail is in operation.

Mr. Diaz stated he has asked for truck turning templates several times and has not seen anything yet. The driveway apron and catch basin still have grading issues there. It could be the spot grades are in the wrong spot. He noted they are still requesting sidewalks be reconstructed in front of the property to a 6-foot width. John Glossa, of Glossa

Engineering, Inc., stated the numbers were swapped on the grading for some reason. It did work if the numbers are correct. He noted he sent his client information on trash trucks. The sidewalk would be a decision for the Planning Board. Ms. McKnight noted Mr. Diaz's memo regarding mitigation. She asked what if the police detail goes on for months and still there is an arriving vehicle backup. What in the decision would say at that point there would be a requirement to extend the driveway? Mr. Alpert stated he would like to get an opinion from the town engineer regarding the sidewalk issue.

Ms. Newman spoke with engineering and agrees with the recommendation from John Diaz that the sidewalk should be constructed as he says. Mr. Huber noted right now there is a raggedy bridle path there and not a sidewalk. Putting an ADA 200-foot compliant sidewalk there does not make sense. Mr. Diaz stated the point is it is not safe now and below the grade of the road. The driveways and ramps at the drive opening are already being paved and they are putting in a drainage structure. Aesthetically and safety wise it should be done. Ms. McKnight commented it has been done in the past i.e.: Sunrise Terrace. It is a way of gradually improving the sidewalks.

Mr. Alpert stated the Baptist Church is in the Single Residence B District. The same rules are here. He asked how many separate buildings are at the church lot and the size of them. He would like to know more about the storage space at the church and what types of structures. Pat Day, owner operator of NCC, stated there is a large storage area attached to the building, a shed in the playground area, then an oversize double garage. The church has a lot of space and she would not have the amount of storage at the new space. This opens up a lot of possibilities for her. Ms. Newman called out to the Board's attention, and the attorney for the project, on this issue the zoning compliance table needs to be revised. The dimensional setback they used is mistakenly from Single Residence B. The standards are from an institutional use in Business District in this area. All is compliant but the zoning table needs to reflect actual setbacks and there is an actual FAR standard and carbon standard not reflected in the table. She noted they should be using Section 4.24. Mr. Huber noted Ms. Newman brought this to his attention. They are well within setbacks and all requirements. The Board took a brief recess.

Holly Clarke, of 1652 Central Avenue, stated Eileen Sullivan has been on every call and she would like to pass to her so she can participate. Mr. Block stated others had their hands up previously. He will continue the hearing in 2 weeks and in fairness to others with their hands up he will not let Ms. Sullivan speak now. Ms. Clarke noted she became aware of the matter in April. All the abutters thought if they combined their presentations together it would help. She contacted all back in April. She appreciates all the time the Board has put into this. She feels it would be helpful for the DPW to see the report on traffic. Just changing the traffic light would impact traffic in this neighborhood. One of the biggest concerns is nothing has been mentioned about driveways, neighbors, Country Way and how they will get out. You cannot just get into or out of your driveways. There are no gaps. Traffic gets filled in by Country Way and Charles River people. Taking a left across rush hour traffic you have to wait. If there are more than 100 trips there should be a turning lane but there is no room for a turning lane. She noted the driveways directly across would not be able to get out and this has not been discussed. That needs to be looked at. If someone has to stop to turn in that is where the backup would begin, and it would go beyond Pine Street. She asked how they would take care of the rest of the street.

Mr. Block stated the Board members take all submissions seriously. He encourages all to submit concerns or comments in writing. Rob Dimasia, of 1681 Central Avenue, stated he lives directly across from the project. He wants to point out a simple math error. The traffic study noted traffic declines by 30% but has to go up by 43% to bring it up to par. He stated Mr. Huber summed it up. The applicant has lost the trust of the neighborhood. He has indicated at every turn he has no plans to be respectful, has no respect and has no desire to be a good neighbor. The property is an eyesore. The Board must consider the precedent of a 200-foot setback of the only other commercial building in the neighborhood. The Board should consider the permanent mitigations that would be placed in the neighborhood.

Elyse Park, of 19 Walker Lane, lives ¼ mile down from this site. She thanked the Board and noted she sent most of her comments prior. She has lived here for 8 years and sent her kids to preschools here. Traffic has become intolerable over the 8 years. She wants the Board to consider the residents' quality of life. There is no quantitative information. The Board should reconsider the data. Any data collected in the last 1½ years is totally inaccurate. They are comparing apples to oranges. The church day care is on Great Plain Avenue and people can walk to it. The situation is not the same here. There would be working parents and people going to the trains. A chaotic situation is being created. The

area is treacherous and no one can walk around the area. Cars will start using surrounding streets as cut throughs. The Board should think about why this is being considered. There are 3 elementary schools on this one street. The project is a burden to the neighbors. She asked the Board to listen to the residents.

Matthew Heideman, of 1708 Central Avenue, noted he is an immediate abutter and thanked the previous speakers for their comments. This has been a saga since 2020 when the land was purchased. All the same issues were raised many months ago and 500 people signed a petition against this due to impacts on all streets in this area. Over 100 trips per day are being brought here. To say there is a policy issue on traffic lights is appalling. He noted one of his children was almost hit by a car when retrieving a basketball that went into the street. Cars travel at 50 to 60 miles per hour to get to the light. This will cause a major issue where safety is a major concern. He raised this before the process ever began. He is upset this is even being considered. It is unethical and smoke and mirrors by the developer.

Tara Killeen, of 339 Country Way, stated she is a working parent with a 13-year old son who was in day care all the time. The day care took walks to local parks. That will not happen here. She is concerned with the location of this day care. There are no buses and trains for workers to get there. She is concerned traffic will spill over on South Street and other streets. The barn was not to be used, then it was to be used for storage for the children. She stated there needs to be a Plan B for the barn. Dave Lazarus, of 115 Oxbow Road, stated there are significant safety concerns. The Board has the ability to decide this cannot be developed. Traffic is a disaster on Central Avenue. He has 3 little children and there are a lot of little children here. It is not safe on Central Avenue. School buses are not allowed to let kids off on the left side of Central Avenue due to safety. The traffic is terrible. People will be focused on getting out of driveways and not on people on the bridle trail riding bikes or walking. A police detail does nothing for the other streets. There are many accidents there at Charles River and Central as it is a dangerous section of roadway. He is not opposed to daycare. It is really important to put daycares in, but it needs to be done smartly and safely. Once this is built it is too late. The RTS building had great concerns with traffic but was mitigated by not allowing people to work there. Then a couple of meetings ago they allowed people to work there at least for the time being. This shows once built it is too late.

Mr. Lazarus stated the Federal Highway Commission says driveways are potential conflict points. Good management starts with planning. Sidewalks help prevent issues. There are no sidewalks here and it is shocking the developer does not want to put one in. It is appalling to him, and the future tenant should be appalled, that the developer is not putting one in. The applicant should have to put a sidewalk in down to the light. Pedestrian crashes are 60 to 65%. He has wanted a crosswalk at Charles River and Central for a long time, but it is on the master plan for 40 years for a crosswalk there. The setback has to be pushed back. It is illegal to allow them to use the barn as they want. It cannot be permitted. It can be mitigated if you push it back. He implores the Board to put in conditions that the property cannot be further developed or subdivided. The public has been told 4 different things. The Board should decline to allow this to proceed.

Eric Sockol, of 324 Country Way, has been a resident for 54 years. He thanked the Board for the opportunity to speak. All the people who spoke before him spoke well and he reiterates their voices. It is bad traffic now and it is a joke to think you could put in a daycare center of that size and think traffic would be less. It would potentially be extremely disruptive and dangerous. 500 of his neighbors would be adversely affected. He is also speaking on behalf of future residents who will question how Needham could approve such a development in its current format. The state statute that permits this type of development may have good intentions, but you cannot fit a square peg in a round hole. It is critical a development of this significance have proper oversight and restrictions to reduce the probability of negative future outcomes. Needham needs to exercise sound judgements to avoid regrets. It is extremely challenging for a rational person to acknowledge this would improve traffic and safety. If approved, traffic and safety would be adversely affected. It is the moral obligation of the parties to do the right thing. The further back the building is placed, the more favorable the impact would be for traffic and safety. The Temple is set back 200 feet to mitigate issues. In a span of 2½ miles there are 2 elementary schools and a proposed daycare. This could lead to the perfect storm of traffic congestion. This will be a permanent structure with permanent problems. He asked the Planning Board and the developer to do the right thing. Tear down the barn, set the center back as far as possible and limit the size to something reasonable.

Abigail Wilk, of 100 Windsor Road off Country Way, agrees with the previous speakers. She is the parent of 2 young children and soon to have a third. She is vehemently opposed to this. Most parents are dropping off the second you can, to get the most for your money, and picking up the latest possible. She is not sure where the studies are coming from and the 60 seconds per child for drop-off. It does not take 60 seconds per child. Conversations need to be had with teachers and kids need help getting out of the cars. It is a gross understatement of time. It is a lofty goal but not feasible. Her 2 kids take the bus to Newman. She is concerned what this will do to the buses. She walks dogs and is very concerned with safety. There will be a spillover effect to other streets. This has not been adequately addressed.

Beth Moskowitz, of 66 Cranberry Lane, stated she lives in the neighborhood, is a member of Temple Aliyah as a lay leader, and is not here in an official capacity. There are 29 children in their preschool. Drop off is from 8:00 a.m. to 9:00 a.m. but mostly around 9:00 a.m. The religious school afternoon pickup is around 5:00 p.m. She wants to make sure that is taken into consideration. She walks to the synagogue with her grandchildren, and it is treacherous. The sidewalks are awful. If they need to evacuate the building in an emergency, where are they going to go? Cars and traffic are a concern. She questions the use of the barn, and the lack of transparency makes her uncomfortable.

Patricia Falco, of 19 Pine Street, stated she lives where Central Avenue runs at Pine Street. They had a 5-car crash a couple of months ago. Pine Street residents have been before the Traffic Management Committee several times to enforce the one-way street. Traffic has failed them repeatedly over the years. She is a 38+ year resident and 35 years at Pine Street. She is a mother and used the Carter Church Day Care in the commercial zone. This is a one-acre residential zone and is way overdeveloped. They are asking for over one acre of commercial use. This should not be put in. There is an August 11 date on the traffic study. She asked if that is the date of the report or the date of observation. Many are on vacation and there is no one at the temple in August. She does not believe this information. Planning Board members asked if this is a bad fit for the neighborhood and she feels it is absolutely a bad fit. To get into town she needs to take a left onto Charles River then a left onto Central. This only increases their ride to town. She can't get out of the drive between 4:30 and 6:30 p.m. People speed and there are no blind driveway signs or slow down signs. She cannot imagine it getting worse. School buses stop all along Central Avenue as it is too dangerous for the kids to walk. She does not think that is taken into account. There definitely should be a larger setback. There should be conditions the lot not be used for anything else and cannot be subdivided. She noted an LLC is a for profit and does not belong here. It makes no sense to her. She noted Mr. Jacobs and Mr. Block asked if it is a bad fit. She stated it is a terrible fit.

Kristy Thompson, of 50 Windsor Road, has live here for 8 years and in Needham for 15 years. Her son went to NCC. She agrees with the previous panelists on the traffic. She noted her husband is a health care worker and needs to get to work on time. He is having to leave earlier and earlier and is losing family time. She is also concerned with contaminants and that particles of lead could be released into the site. The report says this will be addressed or is not a concern. Lead could be released up to 20 years. She wants to know what the mitigations will be and that the soil will be tested. Also, the surrounding neighbors' soils should be tested so kids are not exposed.

Gregg Darrish, of 34 Country Way, noted overflow and traffic patterns. There is already an overflow issue with Charles River and Country Way. It is too difficult to pull out of Country Way onto Central Avenue. There is a backup on South Street and Chestnut Street now due to people avoiding Central Avenue. This is going to make the light longer on Charles River and people rush down Village Lane to avoid the light. He noted the correspondence between Mr. Borrelli and Ms. Day is a conflict of interest and they are being told it is not an issue. Ms. Day is not a client of Mr. Borrelli as there is no lease. Why are we talking about Ms. Day and her childcare center if there is no lease and there is no obligation for her to be a tenant there? This is not relevant if there is no business relationship.

Mr. Block noted it was 10:20 p.m. and he was going to allow 2 more speakers. Lois Merrill, of 31 Bridle Trail Road and a retired attorney, stated she worked in municipal law early in her career. She appreciates all the Board members do. She has lived here 42 years. She asked if the study calculations of drop off times at the current location were adjusted for the new enrollment. She assumes there will be an increase in enrollment. Mr. Huber noted the charts clearly state the number of children. The last chart says 105 children. The new center will have 115 children. They are not doubling the enrollment. Mr. Block stated, if the project is conditioned for 115 children, they cannot exceed that. If the center is sold, that would also be a condition for the new owner. Ms. Merrill stated the Board should lower the number. There was a comment that everything could be better by changing the lights. If it was that simple, why

has it not been done? The Board of Health was on board for a site study due to an unlicensed body shop there. One month later that is not necessary, and she asked why? She commented that if Mr. Borrelli was concerned with being such a good neighbor, where is he?

Andrea Brayden, of 185 Country Way, stated she has not heard anyone in favor of this. She has heard a lot of neighbors, and no one is in favor. The Board should consider that. They do not want it. She is not anti-daycare. She has kids in daycare. Listen to the traffic study. You can put the numbers in to get the results you want. School was not in session on 8/11/21. It will take ½ hour to drive from Country Way to Newman School. Every car will have to cut across traffic and she disagrees with the one minute drop off. Kids do not do things on your schedule. This will have a major traffic impact. She urges the Board not to accept that and just drive down Central Avenue. She stated she sat through 5 hours of hearings and there was a petition signed by a lot of neighbors.

Eileen Sullivan, of 1695 Central Avenue, stated she is a teacher and lives directly across the street. She has attended most meetings and has many concerns about the proposal. The building is pretty much on top of the street and very high. It will sit right on Central Avenue. It will not fit in the residential neighborhood. People live here and raise their children here. The sidewalk is not a sidewalk but a joke. It is dangerous to walk there. The building does not fit in the neighborhood. The Temple has been pushed back and is screened by trees in front. She has dealt with their traffic. Newman School starts at 9:00 a.m. due to traffic. She agrees with everyone who has spoken. She implores the members to come sit in her driveway to see the traffic. The proposed drop off is not one minute per child to get them out. Toddlers may not get out of the car, there are snow suits, back packs, car seats. It is not reasonable to assume the children are in the building in one minute.

Ms. Sullivan noted the overflow off Central. It is not realistic trying to make it work out. It is a huge inconvenience for abutters and travelers from other towns. There is more and more increased traffic since she has lived there. She leaves her house at 7:00 a.m. to get to work in Newton. It takes 45 minutes but on non-school days it only takes 20 minutes. Cars do not follow the speed limit. She noted her school has 2 lanes for drop off and there is none here. There is no way for people to go around cars here. She also noted you cannot enforce a staggered drop off. She thanked the Board members. It is not an easy process, and she thanked all the neighbors. This is their home and a residential neighborhood. She requested they please consider that and the safety of the children.

Mr. Block noted the following attendees with their hands up that will be first to speak at the next meeting: Stan Keller, Evan Roche, Maggie Abruzese, Matt Heidman, Steven Spitz, Holly Clarke, David Lazarus, Joe Abruzese, Sara Lyons, Patricia Falco and Gregg Darrish. Ms. Newman noted there are 2 other hearings on the agenda for the 11/16 meeting and 2 appointments. The next meeting on 12/8 is open. She stated they have been pushing people off to accommodate this project. Mr. Huber stated the first schedule for this hearing was in May. There have been 8 scheduled meetings and a number of continuances and delays not contributable to the applicant. He would not like any more delays. It is not fair to the applicant. He would like it continued to 11/16 even if it has to start at 9:00 p.m.

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

VOTED: to continue this hearing to 11/16/21 at 8:30 p.m.

Mr. Block assured the public the Board members do not take anything lightly. They take this very seriously and weigh all comments and information. He stated the public's voice is important.

Mr. Alpert returned to the Chair position and Ms. Espada returned to the meeting.

Board of Appeals – November 18, 2021

646 Webster Street – Silva Development, LLC, applicant

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: "No comment."

43 Brackett Street – Ravi Talasila and Anupama Manachikalapudi, owners

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: “No comment.”

Minutes

Mr. Block noted on page 2, 2nd to last paragraph, the sentence should be revised to say, “if it would require a special permit.”

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 accept the minutes of 8/17/21 as amended.

Correspondence

There is no correspondence.

Report from Planning Director and Board members

Ms. Newman stated she and Assistant Planner Clee have been working with the Town Manager’s office for a timeline for outdoor dining to implement new zoning. She expects they will be looking at a lot of applications. She noted a complicated site plan was issued to the Select Board for outdoor seating on the municipal lot on Chapel Street. The protocol is the Select Board issues permits for outdoor dining. They need to amend the site plan to show which spaces will be eliminated. Once the Planning Board approves, the Select Board issues the permit. It would be better to allow the Planning Board to amend the underlying Special Permit and to allow the Select Board to approve outdoor dining on that municipal parking lot. The Planning Board could set the parameters for number of spaces allowed to be tied to the condition under Section 6.9. It could be modified but in a broad-based way.

Mr. Alpert stated they should give the Select Board discretion to approve outdoor dining in the municipal parking lot. Mr. Block noted it should be made clear only as affect the parking lot in the Chapel Street lot. All agreed. Ms. Newman noted the Select Board wants to waive the filing fees for restaurants for the 2022 calendar year for outdoor dining. They want to know if the Planning Board would be willing to waive their fees. The Planning Board charges \$100 for the outdoor dining process and \$1,000 if it is an amendment. The Select Board charges a \$25 fee. She asked if all fees should be the same. Mr. Block asked what the rationale is for what they charge. Ms. Newman noted she did a comparable with other communities as of 5 years ago. It is \$250 if it is a deminimus change.

Mr. Jacobs asked what the impact to the Planning Board budget would be. Mr. Alpert explained that when fees are collected, they go into the general revenue of the town and are not earmarked for the Planning Board. It is controlled by the Town Manager and Finance Committee. Mr. Jacobs stated restaurants have suffered but so have a lot of other small businesses. Maybe it should be done for others. Mr. Block agreed. Ms. McKnight stated they should waive the minor fees but should not change the regular fee of a major project. A discussion ensued. A motion was made to waive fees to mirror the policy of the Select Board for calendar year 2022 for outdoor dining for restaurants. Ms. McKnight stated she would vote against. Minor fees should be waived but if it is anticipated it would be a major project with a hearing the full fee should be paid. An amendment was suggested to waive filing fees for deminimus changes and applications to amend a special permit for the purpose of allowing outdoor seating.

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

VOTED: to waive the filing fees for deminimus changes and applications to amend special permits for the purpose of allowing outdoor seating.

Ms. McKnight noted they had the first meeting of the housing plan working group. She felt good about it. It was well planned and went smoothly. She asked if there has been a ZBA appointee yet. Ms. Newman stated there has not been but maybe Ms. McKnight should reach out to Jon Schneider personally to see if they can get a Zoning Board delegate. Ms. Espada noted it was a great committee. There was a lot of discussion and voices. Mr. Alpert thanked Ms. McKnight for her great handling of getting the Citizen's Petition referred back at the recent Special Town Meeting.

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 11:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk