

NEEDHAM PLANNING BOARD MINUTES

October 5, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, October 5, 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 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 are posted on the town's website.

Public Hearing:

Decision: Major Project Site Plan Special Permit: 2021-03: Needham Nutrition LLC, 915 Great Plain Avenue, Needham, MA, Petitioner (Property located at 915 Great Plain Avenue, Needham, MA). Regarding proposal to occupy approximately 864 square feet of existing first floor commercial space to operate a business selling Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks, and similar items for consumption on and off the premises.

Mr. Alpert noted he was not present at the last meeting and turned the meeting over to Vice-Chairman Block for this hearing. Mr. Block noted the hearing was closed at the last meeting and it was requested the Planning Director prepare an affirmative decision. Ms. Newman stated she had been hopeful to implement screening behind the dumpsters. She sent some photos of the site and asked Engineering to verify if there was space to screen. Engineering reported it was too tight and there was not sufficient space. They do not recommend a permanent fixture be installed. Sections 1.7, 1.4, 2.1 and 3.14 would need to be revised to reflect the engineering comments. Mr. Block went to the site and agrees with Engineering. Those references should be struck from the decision. Ms. Newman stated there was a request to have parking stickers for all employees.

Ms. McKnight agrees a wooden enclosure would not work. She wonders whether along the boundary of the property a fence could be erected along that side that would screen the area. Has any consideration been given to that? Ms. Newman stated she did not speak with the DPW about that option. Evans Huber, representative for the applicant, stated there is a very narrow strip of paved land behind the building where the 2 rear exits are. That would make it difficult to access the dumpster from the rear of the building. The space between the bulkhead and the rear of the property is slightly more than the width of the dumpster. A truck would not be able to maneuver into the space to empty the dumpster. Ms. McKnight is proposing a fence along the property line where the granite curb is. Mr. Huber noted that is the location he is describing. With the bulkhead on one side and a fence on the other side it is unlikely a fence would not be damaged. Ms. McKnight retracted her comment.

Mr. Jacobs asked if Mr. Huber had a chance to review the decision. Mr. Huber stated he had a couple of concerns and reviewed it with his client. His client wants to be a good corporate citizen and will go along so they have no issue with the decision as written.

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

VOTED: with the changes made, approve the relief requested for (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.2 of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; and (4) the requested Special Permit under section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), subject to the following plan modifications,

conditions and limitations with regard to the application of Needham Nutrition LLC for the property at 915 Great Plain Avenue.

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

VOTED: to adopt the decision dated 10/5/21 with the changes to the various sections having to do with fencing and enclosure of the dumpster that were discussed at this meeting and with the paragraph 3.20 reference revised.

Mr. Alpert returned as Chair of the meeting.

Public Hearing:

7:20 pm. – Article 2: Amend Zoning By-Law – Chestnut Street Business District Front Setback.

Mr. Alpert noted this Special Town Meeting Article was sent to the Select Board for review. The Select Board sent it back and this is the public hearing.

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 waive the reading of the public hearing notice.

Mr. Alpert noted the Article was in the packet. It makes 2 changes – one to Section 4.4.4 of the By-Law to make clear the intention of the phrase “Business District” and to make a change to the front setback in the Chestnut Street Business District. Currently it is 20 feet along Chestnut Street and 0 along the rest of the district, which includes some small side streets. He described the district. Mr. Jacobs noted this is an attempt by written proposal to create a 10-foot setback where there is a 0 setback now. He understands the intent, but his concern is going to a 10-foot setback. Without further study a 0-foot setback is not justified. One owner recently built to 8 feet and 5 feet. He is open to suggestions. He does not want a 0 setback but would not require a 10-foot setback at this point.

Ms. McKnight stated in downtown (Needham Center zoning district) there is a 0 setback. Chestnut Street is different and the side street abutting. She gave it thought and felt 10 feet was appropriate. The Board has interpreted the By-Law in the past for a 10-foot setback. Mr. Jacobs stated he would leave the Oak Street property as a lesser setback. Ms. McKnight noted it would be prior non-conforming. Ms. Newman stated a 10-foot setback has been in place at least 60 years. When Chestnut Street was created in 1989 the setback was increased. The historical practice has been to apply a 10-foot setback across the entire district. Mr. Jacobs is concerned the window is opened for a short period of time and will close in October.

Mr. Block asked if Mr. Jacobs was thinking 5 feet in paragraphs 1 and 2. Mr. Jacobs stated that is one possibility. He feels a study can be done after the vote and changes can be made after that. Ms. Espada agreed with Ms. McKnight and understands Mr. Jacobs’ thoughts. This creates a chance to revisit for better setbacks. Ms. McKnight commented they have been talking about restructuring Chestnut Street and downtown zoning, and the setback would be part of that. Mr. Alpert stated the Board could vote to amend the proposed By-Law; vote to withdraw and leave it as status quo; vote to leave as drafted with a 10-foot setback; vote to remove paragraph 2 and leave paragraph 1 to fix the Business District issue or vote to change 10 feet to 5 feet. He stated all property owners would be equal to this building that is set back 5 feet. He does not feel a study is necessary. He suggested Town Meeting could be told the Planning Board intends to study this and will bring it back. He is ambivalent. He would be ok with any decision for 10 feet, 5 feet or 0 feet. He feels the Board could justify any of those setbacks.

Ms. Espada feels it should not be withdrawn and it should not be 0 setback. She is ok with 10 feet but would also support 5 feet. Mr. Alpert stated he has a problem with the 7-11 building parcel. He would not like to see a 0-foot setback at the corner of Chestnut and Oak. Mr. Block asked who received notice of this hearing. Ms. Newman noted it was in the paper and went to surrounding towns and property owners in this district. Mr. Block stated he is inclined to proceed with 10 feet but would go with 5 feet if the Board wants that. Ms. McKnight stated the streets are relatively narrow. She feels 10 feet is better for these streets.

David Levy, of 20 Freeman Place, is inclined to say there should be a study. He feels it should be left as is. It is not affecting anyone. He would not have a problem with 0 feet and would agree with 10 feet, but he would not change to 5 feet without a study.

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

VOTED: to close the hearing.

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

VOTED: to recommend to Town Meeting approval to amend the Zoning By-Law for the Chestnut Street Business District front setback as presented.

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 meetings of the Planning Board.

Ms. Espada recused herself from this hearing.

Evans Huber, representative for the applicant, stated there has been a lot of discussion regarding allegations of ethical violations. He wrote the Board regarding his position. This Board is not an appropriate venue to be discussing those allegations while those allegations are addressed in another forum. He does not feel they should be discussing this. The proponent started having some substantive discussions. The Town Peer Reviewer John Glossa, of Glossa Engineering, had a discussion with John Diaz, of GPI. The only open issue regards the drainage at the entrance to the site. Mr. Glossa has redesigned the drainage there. This may not be resolved tonight. He suggests for things like that to be resolved through conditions, understanding that was an open item not fully addressed. He stated they have not talked about traffic yet.

Mr. Huber noted there was a lot of discussion regarding the barn. He feels, as long as the barn is used solely for the purpose of the NCC, it is protected under 40A, Section 3. He stated there have been a lot of rumors and innuendo that he would like to address. It is true originally a portion of the barn was going to be used for storage and Mr. Borelli’s use. Two uses are not allowed so the plans had to be adjusted for the barn. The barn will be used solely for NCC because of the provision in the By-Law. The Board can place a condition that the barn cannot be used for anything other than NCC. That can be readily addressed with a condition. Mr. Jacobs stated he wants a date on record this is their final decision. Mr. Huber noted it was stated at the last hearing. He is not sure if it was mentioned earlier than that.

Mr. Huber stated the description of the use of the barn has changed, which has caused suspicion. It has been suggested the barn should come down. He does not agree, and the applicant is not willing to take it down. The Board will have to make a decision. Various modifications have been made to the plan and they would not be open to revising again. He wants the Board to be aware of the substantial number of emails and letters in support of the proposal received in the last 2 weeks. Some have said drop offs at the current location do not occur all at once like at schools. Some commented on how professional the staff is and the time the staff has put into responding to concerns regarding covid and being a respectful neighbor. A careful analysis has been done that shows queueing of cars will not spill onto Central Avenue. If there are any issues Ms. Day will adjust the pickup and drop off schedules. People will attest she is incredible and does what she says.

Mr. Alpert noted the Board needs to get the traffic issues in front of them. He brought everyone up to date. Town Counsel gave an opinion which was questioned by some people if he was able to do that. Town Counsel sent a letter to the State Ethics Commission and a response was received, which is on the Town website. His interpretation was they only discussed issues on 268A Laws. Nothing is in 268A that deals with the authority of the Planning Board. As far as 268A is concerned the Board should proceed. He spent time discussing that members of the Board are under 268A and should continue accordingly. He also asked the Town to hire an independent counsel to give an opinion. There has been no response yet. All communications received in the last few weeks were from members of the town who support this. He feels this is a

great opportunity for the townspeople to participate. They have done so admirably and civilly. The Board members intend to go through all the correspondence. He thanked all in the town for participating and giving feedback.

Mr. Huber asked John Gillon, of Gillon Associates, to summarize the queueing and backup traffic analysis. Mr. Gillon heard from Ms. Day and how she intends to run this facility. The analysis is based on random arrivals and used 60 second drop off intervals. A staff member takes the child out of the car and takes the child into the building for another staff member to take over. He used an 80-minute arrival period. There would not be a queue of more than 7 vehicles. The p.m. pick up was a 2½ hour window. Central Avenue has 16,000 cars per day, 1,360 during the a.m. peak. Traffic can be accommodated. He agreed with the peer reviewer it is a B Level southbound at capacity in the a.m. and better in the p.m. Central and Charles River is operating at a very poor level now. If splits and cycles were changed the intersection would get to a D Level in the p.m. There would be a 48 second delay southbound.

Mr. Huber clarified how they came up with the numbers, which was based on the way Ms. Day intends to operate with a maximum of 115 children and the total maximum staff. Tuesday through Thursday would be peak days with a maximum of 16 staff and 2 administrators, Monday there would be 15 staff and 2 administrators and Friday would have 13 staff and 2 administrators. The children do not arrive in a random fashion. Of the 115 children, 55 would arrive between 7:30 and 8:50 a.m. and another 30 would arrive around 9:00 a.m. There are 30 after school children who would arrive in buses. Mr. Alpert asked if it would be acceptable to condition no more than 85 students prior to the afterschool children. Mr. Huber stated yes, a component of the 115 is the afterschool children. He noted a significant number of children are siblings so there would only be one car per arrival. Ms. Day's data confirmed with 55 kids in the a.m., about 30 would be siblings so only 40 vehicles would be arriving. He noted the drop off lane and access lane and stated the staff would arrive before students and would not add to the length of the queue. The staff can go directly to the back through the access lane. He does not agree there would be random arrivals for all 85 students. They do know when the 55 children would arrive as that is when their program starts. He noted the issue of the traffic backing up on Central Avenue was contributed to by the timing of the lights at Central and Charles River and that contributes to delays as currently set. They have looked at if the timing could be better.

Mr. Jacobs asked who has the legal authority to change the timing and who has the skill set to do it properly. Mr. Huber stated Mr. Gillon used to have the authority and has the skill set but no longer has authority. Someone in the town has authority. He noted changing the timing is not an expensive cost. Mr. Diaz stated his only concern is the monitoring. Making the change to the control is simple but it needs to be monitored. Mr. Jacobs asked if the lights are optimized are other issues created. Mr. Diaz stated they are minor changes. There may have been issues if there were other intersections close by but there are none.

Mr. Diaz stated the 8/26/21 correspondence was the latest sent. He reviewed it, looked at everything and requested a new traffic study. Mr. Gillon prepared a report dated 8/11/21 and they hashed out a number of problems. He described the methods they used. They used the square footage of the building for expected traffic – 10,034 square feet with 30 parking spaces. The trip generation is 58 entering and 51 existing in the a.m. and 52 entering and 59 exiting in the p.m. based on square footage. Mr. Block stated, based on historical data, somewhere around 85 students would be arriving between 7:00 a.m. and 9:00 a.m. There is a significant concern with 60 vehicles coming southbound and taking a left into the driveway. That would have a substantial impact stopping northbound traffic. He asked what the longest delay would be. Mr. Diaz stated the signal to the south would deal with traffic coming north. Anything you put in that lot would have traffic backed up to the turn in with the service Level B.

Mr. Huber stated the applicant is prepared to agree to have a police detail during peak a.m. and p.m. hours for the first few weeks to alleviate issues and would continue it with input from the Police Chief. Mr. Block asked how many vehicles they expect to queue from the driveway to Great Plain Avenue to make a left into the driveway. Mr. Alpert stated traffic goes northbound on Central Avenue. There is very little gap from the northbound traffic from Dover and eastbound traffic on Charles River Street turning left onto Central Avenue. The red light does not really create a gap. Mr. Block asked if any kind of calculation was done. Mr. Gillon stated he did look at the volume going into the property and inflated the volume for the peak time factor. The software does all the calculations and estimates. There is not going to be a substantial queueing to get in the driveway. He noted p.m. works better than a.m.

Mr. Huber stated Mr. Block's question is based on hypothesis that 10 vehicles would arrive at the same time. There is an 80-minute window here children would arrive. Theoretically it is possible for 10 cars to arrive in one minute, but the chances are exceedingly low. Cars will arrive in a random way. Mr. Block noted Ms. Day has a summary record of cars that arrived and what time for state requirements. Ms. Day clarified it was not cars, but parents who are required to sign in and sign out at the end of the day and state the time. Mr. Block noted there were challenges with the data set. The circumstances at the church are different from the new site. He would like to see the breakdown again of 15-minute intervals from 7:15 a.m. to 9:30 a.m. for the school year that began prior to Covid from September through December. Ms. Day stated it would be the same but with Covid the hours were shortened. Mr. Huber will work with Ms. Day to get the information.

Mr. Diaz stated the analysis was done using the standard traffic engineering analysis which showed a Level B. The software was done the way it was supposed to be. The offer of an officer at the driveway would alleviate any issues and he would suggest a monitoring study down the road. The numbers make sense. They are talking about 60 vehicles entering and existing this site. It is not going to back up to the dump because someone is turning into the school. Ms. McKnight noted Mr. Diaz is the peer reviewer hired by the town. There is a lot of talk about how Ms. Day runs the NCC. The level of service is based on the square footage of the building and ITE applies to that. This is a satisfactory level of service. She is in agreement with police at the beginning and monitoring after a while. She feels they are focusing too much on the operation. She has a concern with that many siblings, but it does not matter as they are using objective level-of-service data here.

Mr. Diaz noted traffic will not be spilling out onto Central Avenue and causing backups. He has not seen the information on the optimized terms for the traffic signal. He will look at that. For the site plan, Mr. Diaz wants to clarify the drainage discussed at the beginning. The outstanding comments are 1) sidewalks along frontage of property and if they should be reconstructed now and 2) the issue about delivery trucks accessing the space. Mr. Alpert stated Mr. Gillon mentioned new information Mr. Diaz has not seen yet. Mr. Huber noted #10 and #11 were not addressed yet. Mr. Diaz stated the situation regarding southbound traffic that was Level A needs to have the tables fixed. Also, the operations at Charles River Road are not based on actual timings. He asked if the signals could be optimized. Mr. Huber stated an analysis was done in early September. He dropped the ball and did not forward it to the town.

Mr. Alpert stated the question is, based on the building having a 64-foot setback, if the building was pushed back to 150 or 200 feet would that alleviate traffic concerns. Mr. Diaz stated the number of cars entering is not changing. Mr. Alpert asked about lengthening the driveway or pushing the spaces back farther. Mr. Diaz stated it would depend on what the site looks like with the addition of a storage lane that alleviates queueing in the a.m. They just spent the last half hour talking about traffic at the driveway. He would need 2 site plans to compare. Mr. Huber commented that no matter how many times they redesign, people will still say cars will spill out. The question is does the Board trust the professionals they have heard and what they have calculated. Mr. Block noted the 8/26/21 letter from Mr. Diaz regarding paragraphs 2, 3 and 4, that says 30 spaces is sufficient based on the town calculations. How did the town calculate that? Mr. Huber stated the ITE figures generate expected parking requirements. The town has used a different formula. Mr. Diaz clarified ITE is for trip generation and not parking. Mr. Huber stated the formula the town has traditionally used is based on 8 spaces for more than 45 children, one space for every 40 children and one space for each staff, which would be 29 in this case.

Mr. Block noted the catch basin in the driveway apron. Has the applicant agreed to remove it? Mr. Glossa has revised and submitted the revised drawings. Ms. Newman stated they were not submitted to the town. She did not receive anything formal from the applicant. Mr. Huber stated Engineering has responded to Mr. Diaz's comments. He feels it needs to be addressed to Mr. Diaz's satisfaction. Mr. Diaz stated originally it had a single catch basin. Then it was revised with 2 catch basins at the end of the drive but still had a single catch basin in the center. Then the last set had 2 gone and the single still there. Mr. Glossa stated 9/28/21 were the last plans. On sheet 4 the 2 basins are still on the plan. Mr. Diaz commented that issue is still outstanding. Mr. Block stated the level of service on Central Avenue goes from A to B at this site. Mr. Diaz noted it does on the southbound approach.

Holly Clarke, of 1562 Central Avenue, commented it is good that people are finally getting to speak and get heard. Mr. Huber said reports would just go to the experts and that's it. People who live in this area are concerned and it is good to have this public discussion. It is important this be transparent and open. The neighbors have been very clear about the concerns with this project. Traffic is a huge concern. When they say Central Avenue is a Level Service A in the a.m. that

is simply not true. This is a heavily traveled road. She called the Town Traffic Engineer and he did not have an explanation for her. The intersection at Charles River is an F. There is a 672-foot backup in the p.m. which is past the driveway. It is the same thing in the a.m. She can never just pull out of her driveway onto Central Avenue. She is not opposed to the day care center. She lives next to one, but she wants a full understanding of this street and wants to see mitigations. It is just not a Level A. Mr. Jacobs asked if there is a misunderstanding of Level Service A. Can what Ms. Clarke says be true and this be a Level A. Mr. Diaz stated this calculates how the left turn enters the site, how the movement works and how the driveway works. This should be looked at as a corridor. They are just looking at individual movements. He can look at as a network, which is a different analysis to include under one. He can reanalyze and see what it shows. Mr. Jacobs stated that should be done.

Mr. Huber stated this is a 40A Section 3 project. Mr. Alpert stated this Board can make reasonable regulations. Cases give this Board the ability to put regulations. He requested Mr. Huber not speak after each witness testimony as it is delaying the process. Mr. Jacobs noted the wrong analysis was done on traffic. It should be treated as a corridor and another analysis done. Ms. Clarke stated a fuller analysis is really important. There is an impact on surrounding streets and neighborhoods. A 40A is not a get out of zoning jail. There is a real concern to putting a commercial use in residential. Central Avenue is a critical road and intended to get traffic through. There are no shoulders and no sidewalks on the easterly side. On the west side it is a trail and not a sidewalk. At the church, there is on-street parking and an auxiliary parking lot. There are different ways to get to NCC at its current church site, such as pedestrian. None of that can happen here. It is important to consider that.

Ms. Clarke noted people will have to cross the heaviest lane of traffic in the morning and they will be backed up. This site is uniquely concerned with houses on the other side of the street. It has to be acknowledged this is a problem. 450 people signed letters of concern back in April. Central Avenue is a parking lot on some days. She is not opposed to change but this is reality. The town needs to plan for reality. This is what traffic is and it has increased over the years. That reality will impact those going to the day care center and that needs to be looked at. She stated she went to NCC to see what the times were. She went 2 days in September, and it was not one minute to drop kids off. She submitted a document that gives the Board the actual student capacity of this building. She respects Pat Day but in terms of planning, the changing sands in the plan has been difficult. The plan asked for 100 children and now it is 115. What is the actual capacity of the building and the plan for that? She submitted that analysis and questions that the Board can think about.

Mr. Diaz stated the base analysis or ITE Standards are based on day cares and the square footage of buildings based on a day care center. He wanted to make that point clear. He did not base it on Ms. Day's calculations. Mr. Jacobs commented his concern is he is hearing 2 totally different scenarios. He has heard it is a Level of Service A, but Ms. Clarke says it is a parking lot. Mr. Diaz stated what is causing the backup is the timing of the signal. If there was no signal traffic would flow freely. The driveway falls in the queue from the signal. He will look at the area as a corridor. Mr. Alpert stated the Board has the ability to put in regulations that alleviate concerns. Conditions could be put in that there be better timing at the lights and a police officer at the site directing traffic for a few weeks or even permanently. He stated this would not alleviate congestion on Central Avenue. The police can control the impacts of the driveway and mitigate the driveway. Ms. McKnight noted they can require better timing of the traffic light and a police officer will be done. The third thing is monitoring over time to make sure things do not get worse over a year. If monitoring shows there needs to be a change, there would need to be a change.

Ms. Clarke wants the Board to consider Country Way, the Central Avenue intersection and other driveways. Mr. Diaz noted the left turn timing out of Country Way and Central Avenue is an F. In terms of mitigation, he is not sure what could be on the table for that. The police can see if there is a negative effect, and a signal can assist. He appreciates what is being said but does not want to do an analysis just for the sake of an analysis. Ms. Clarke noted he is saying there is terrible traffic, and this is adding fuel to the fire. Mr. Diaz is saying there is immeasurable impact. The counts will be done but there is an 80 second delay now with a Level F and if the project goes in and it is an 85 second delay it is still a Level F.

Mr. Block noted Ms. Clarke is saying Central Avenue is already a fire storm of traffic and this is adding gasoline to that fire. The Town has the authority to say this project does not fit if it causes that much problem and becomes an impossibility to cure. The best option is an ongoing police and traffic signal. He asked Ms. Clarke if she is saying this should not be built. Ms. Clarke believes, legally, if there is a problem that cannot be mitigated the Board can say no. Or part of the mitigation could be that it needs to be smaller. It was suggested everyone else be put off to the next meeting. This takes a

lot of time and the Board is trying to give it the time it needs. Ms. McKnight noted the lighting on page 2 of Mr. Ryder's memo has not been addressed. He wanted updated plans with the lighting shown. Mr. Huber stated he is sure they can provide updated plans with the lighting shown.

Ms. Clarke stated she has more comments, but this is a logical stopping place. She will write down her comments and send them to the Board. Mr. Diaz would like further analysis prior to the next meeting and would like a complete set of plans with all changes. The meeting will be continued to the 10/19 meeting and the Board will discuss other issues if the information is not received in time.

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 the hearing to 10/19/21 at 7:45 p.m.

Mr. Alpert commented the Board members are reading all emails. People should feel free to send emails with comments.

Request to Extend Temporary occupancy permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Ms. Espada rejoined the meeting.

Ms. Newman stated there is a problem with the Land Court and the inability to get a consolidation plan approved by the Court. The Planning Board may need to reconsider this requirement under their decision as it is delaying the whole process. She will speak with Town Counsel, but the Board should extend the temporary Occupancy Permit through 10/28/21.

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 extend the temporary Occupancy Permit through 10/28/21.

At-large appointments to the housing plan working group 2021.

Ms. McKnight and Ms. Espada were present, and Mr. Jacobs was also involved in recent interviews of candidates for appointment to the Housing Plan Working Group. Ms. McKnight noted there were 4 candidates interviewed. Ms. Espada participated by video. They interviewed Amanda Berman, Rhonda Spector, Oscar Mertz and Emily Cooper. Rhonda and Oscar were the best candidates. She reviewed their qualifications. Emily Cooper had good experience with homelessness and disabled housing, but her study is broader. She would be glad to participate and assist with input. Amanda Berman has the same skills as Karen Sunnarborg, and she felt that was duplicative. She looks forward to working with Rhonda and Oscar. Ms. Espada agreed. She noted there were a lot of great candidates and she hopes others run for other positions. Mr. Block asked for Mr. Jacobs' thoughts. Mr. Jacobs stated he had the same thoughts. All four would be great. He felt Rhonda was a good fit but questioned if Oscar duplicated the skills Ms. Espada has. He would have taken Amanda in a heartbeat, but he is fine with the 2 that were picked. Ms. McKnight stated she appreciated Mr. Jacobs' participation.

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

VOTED: to appoint Rhonda Spector and Oscar Mertz to be community members of the Housing Plan Working Group.

Ms. McKnight stated there should be someone from the Zoning Board of Appeals (ZBA) on the committee. It is particularly important because of the role the ZBA plays in the 40B process and the Accessory Dwelling Unit (ADUs) history. Ms. Newman noted no one from Park and Recreation has come forward. Ms. McKnight noted they do not need someone from Park and Recreation but do need someone from the ZBA. Mr. Alpert said he is concerned about Oscar's appointment. He seems to be a one issue candidate. He hopes he broadens his perspective when on this Committee. It is more than just ADUs and affordable housing. Mr. Jacobs suggested Mr. Alpert watch the interview. He feels it would change his mind.

Mr. Alpert stated there will be a meeting with the Select Board next Tuesday night to discuss zoning articles. Ms. Newman noted there is a Citizen's Petition on ADUs. Mr. Jacobs stated it seems strangely vague as written. Mr. Alpert noted the Select Board will look for a formal opinion next week.

Mr. Alpert has arguments against the petition. He feels it is too soon to revisit ADUs. They should wait 4 or 5 years and then revisit. There was discussion and debate about allowing people to rent. It has only been 2 years and it should be given a chance. He noted this only adds 3 units. He does not want to go through the whole process with Town Meeting for only 3 units. The Planning Board is going forward with looking at these issues and they should let the process work. Ms. Newman suggested they could recommend the Article be referred back. Mr. Alpert would like to reject it and tell Town Meeting to vote no.

Ms. McKnight stated there is a movement going on. Oscar is a leader and he responded when people said ADUs needed to be revisited. There is a lot of energy in the town right now and the ADU issue needs to be studied. Mr. Block feels it is very vague and will have a minor outcome. He would support a proposal to reject and would speak to it at Town Meeting that concept should be part of a broader proposal. Ms. McKnight suggested it should be referred to the Select Board for further study. Mr. Alpert stated it would have to go back to Town Meeting and let them know what has been done. The Housing Plan Working Group will not have anything by then. Ms. Newman stated there would not be a draft article by then. They need to get through the needs analysis and articulate strategies, goals and policies. It is more realistic for the Fall Town Meeting. Ms. McKnight thought the study would be far enough along to at least give a report to Town Meeting. Mr. Alpert noted if the Committee is ready for May Town meeting that is great. It would be discussed and go forward. He wants it to be part of Ms. McKnight's committee and not a standalone.

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 spoke in the negative):

VOTED: to vote against the Citizen's Petition.

Ms. Newman stated they need to agree on 2 Planning Board members to present at Town Meeting. It will be a video presentation. Mr. Block will present the Outdoor Dining and Mr. Alpert will present the Chestnut Street Business District. Mr. Jacobs and Ms. Newman will not be going to Town Meeting but will participate via zoom.

Ms. Newman stated she needs some direction for the shuttle service. She had some correspondence since the last meeting about the need to participate. She spoke with Mr. Schlager of Bullfinch. He does not want to participate but would provide Uber services. She spoke with the 128 Business Council Shuttle Director and found all members required to participate are participating per the permits. Mr. Block stated the landlord at Bullfinch Group should be directed to continue compliance with the Special Permit and provide shuttle service required therein effective immediately. Mr. Jacobs asked why immediately. Mr. Block stated if Bullfinch continues not to participate the shuttle service is in jeopardy. All need to be in compliance with the requirements in the Special Permits. Mr. Alpert does not like the idea Mr. Schlager is trying to get around it with one car Uber or Lyft, which is what they are trying to prevent. He has a requirement he has to have a shuttle service. All others are doing that. Mr. Jacobs understands and feels the same way but why is Monica saying the service is in jeopardy but can start 1/1/22. A motion was made to direct the Bullfinch Group to return to compliance no later than 1/1/22. Mr. Alpert stated the Board is giving him a break no one else has asked for. He does not deserve the break. They can afford this service. He has no sympathy for the 128 Business Council. They are a large group and have plenty of money. This Board should not allow him to not comply with this requirement. Mr. Jacobs and Ms. Espada have no objections. An amendment was made to the motion to require return to compliance effective 11/1/21.

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 direct Bullfinch Group to return to compliance no later than 11/1/21.

Board of Appeals – October 21, 2021

Scott Lubker -- 25 Fenton Road

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

VOTED: "No comment."

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 11:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk