NEEDHAM PLANNING BOARD Tuesday, April 5, 2022 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 www.zoom.us. 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 www.zoom.us 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: https://us02web.zoom.us/s/82658993198

- 1. ANR Plan Gordon C. Russell, Petitioner, (Property located at 18 and 62 Brookside Road, Needham, MA).
- 2. Public hearings:
 - 7:20 p.m. Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality Inc., d/b/a The James, 18 Cliftondale Street, Roslindale, MA, Petitioner. (Property located at 1027 Great Plain Avenue, Needham, Massachusetts). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces. *Please note: This hearing will not proceed on April 5, 2022 and will be re-noticed for a later date to be determined.*
 - 7:45 p.m. Amendment to Major Project Site Plan Special Permit No. 2005-07: Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco, CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioners. (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts). Regarding request for a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care. Please note: This hearing has been continued from the March 15, 2022 meeting.
- 3. De Minimus Change: Major Project Site Plan Special Permit No. 2019-03: PM Story Corporation, (President Apirak Chuenprapa), 952 Great Plain Avenue, Petitioner. (Property located at 952 Great Plain Avenue, formerly 946 Great Plain Avenue, Needham, Massachusetts). Regarding request to allow deliveries to be made from the public way.
- 4. Decision: Major Project Site Plan Special Permit No. 2022-01: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA,

Petitioners. (Property located at Greene's Field, Needham, Massachusetts, shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278). Regarding request to operate a farmers market on a portion of Greene's Field on Sundays during the renovation of the Town Common.

- 5. Planning Board Vote and Recommendation on Article 1: Amend Zoning By-Law -Schedule of Use Regulations, Brew Pub and Microbrewer for the May 2022 Special Town Meeting.
- 6. Planning Board Report on Article 7 referral from the May 2021 Annual Town Meeting. Citizens Petition Map Change to Single Residence B District. Property bounded generally to the northwest by Kendrick Street, to the northeast by the State Circumferential Highway, to the southeast by Cheney Street, and to the southwest by Hunting Road.
- 7. Request to Release Performance Bond: Hutter Ridge Definitive Subdivision: Southfield Associates c/o Petrini Corporation, 187 Rosemary Street, Needham, MA 02494, Petitioner (Property located at 1135 Webster Street, Needham, MA).
- 8. Minutes.
- 9. Report from Planning Director and Board members.
- 10. Correspondence.

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

TOWN OF NEEDHAM

MASSACHUSETTS



PLANNING BOARD

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2022 HAR 17 PH 4: 50

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

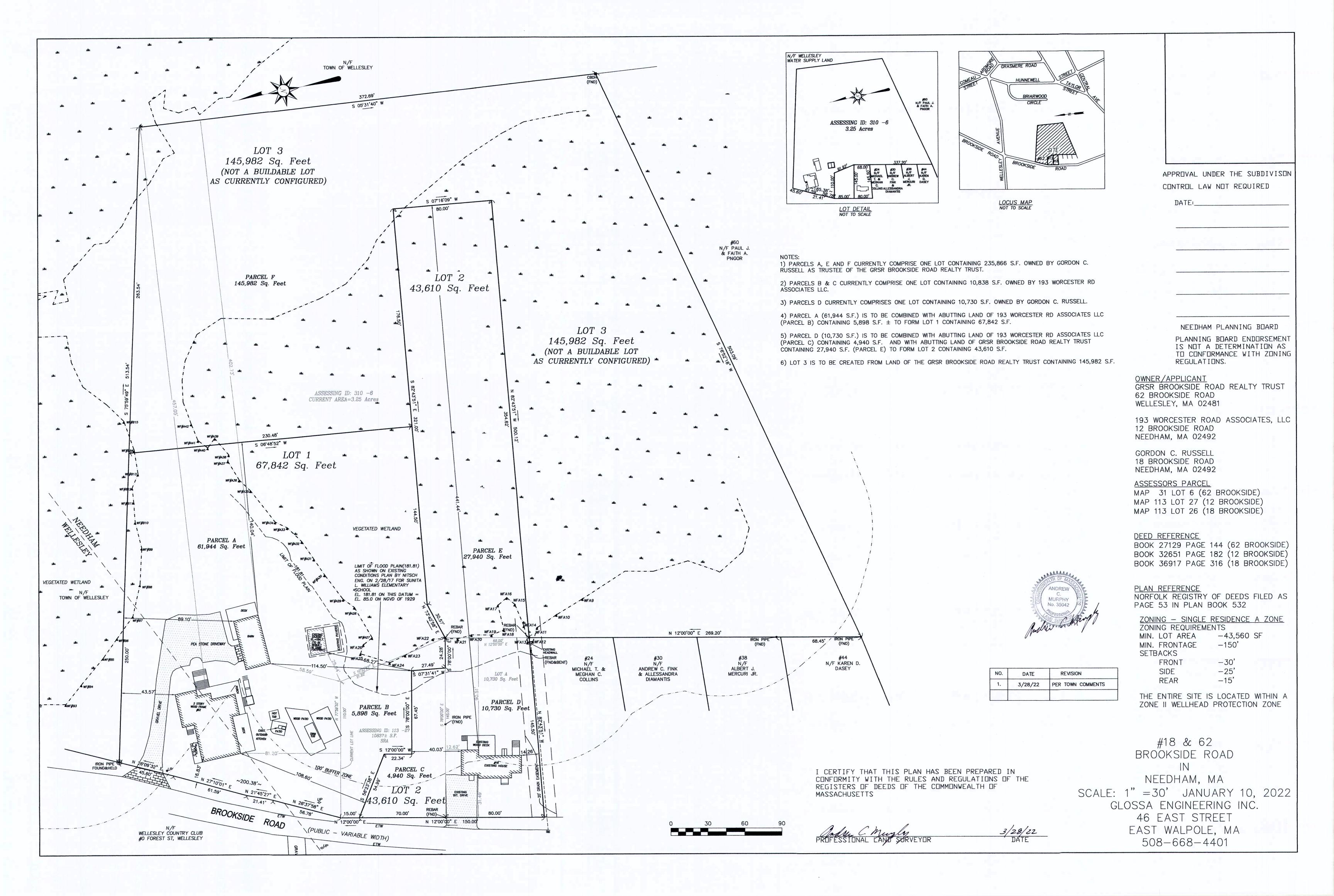
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

To the Planning Board:

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

1.	Name o	Applicant Gorden C. Russell
	Address	62 Brookside Road, wellesley, MA 02481
2.	Name o	f Engineer or Surveyor Glossa Eng. Inc
		: 46 East Street, East Walpole, MA 02032
3.		property recorded in Norfolk Registry, Book 27129 Page 144 Also 32651/182 E
4.	Location B	a and description of property # 18 and # 62 36 917 316
5.	Reasons	approval is not required (check as applicable):
	a)	Every lot shown has the area and frontage required by the Zoning By-Law on a way, as defined by Section 81-L, Chapter 41 of the General Laws. (LoT and LoT Z)
	b)	Land designated Lot 3 shall not be used as separate building lot(s) but only together with adjacent lots having the required area and frontage.
	c)	Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded prior to 3/26/1925, no land is available to make up the deficiency and the frontage and land area of such lots are not being reduced by the plan.
	. d)	
(If t	he applica	ant is not the owner, written authorization to act as agent must be attached) Signature of Applicant Gull Runelle
		Address GZ Brook Side Road, Wellesley, MA
		3.
		By(agent) 02481
App as d	lication aculy submit	tted under the rules and regulations of the Planning Board.
		By (All den () !



WILDER, SHEA & HIMMELBERGER, LLP

Counselors at Law One Hollis Street, Suite 400 Wellesley, Massachusetts 02482

Fax (781) 235-8242

Leslie B. Shea David J. Himmelberger Telephone (781) 235-3400 Telephone (781) 237-8180

February 16, 2022

Alexandra Clee, Assistant Town Planner Town of Needham 500 Dedham Street Needham, MA 02492

Re: ANR Plan for Brookside Road

Dear Ms. Clee:

I represent Gordon Russell, GRSR Brookside Road Realty Trust, and 193 Worcester Road Associates, LLC in connection with a proposed ANR Plan for 18 and 62 Brookside Road, Needham. Accordingly, your email to Mr. Russell, sent January 28, 2022, which provided your comments regarding the proposed ANR Plan has been shared with me. While I agree with your comments numbered 1 and 4, I believe that comments 2 and 3 are inapplicable to the ANR process.

Please find attached a revised proposed ANR Plan that now provides setbacks from all buildings to current and proposed lot lines, while also including bearings for all parcels affected by the proposed ANR Plan. However, I believe that the inclusion of build factor calculations for all new proposed building lots, and calculations of upland portions of the two buildable lots shown in plan, Lot 1 and Lot 2, are not required for the consideration and approval of the ANR Plan.

Pursuant to MGL ch 41, s 81P, the Planning Board is required to endorse an ANR Plan "unless such plan shows a subdivision". Endorsement of an ANR Plan may not be refused if each lot shown demonstrates that it possesses the required frontage under the local zoning bylaws. In the instant case, the land is located within the Single Residence A District, for which frontage of 150 feet is required. As shown in the proposed ANR Plan, 62 Brookside Road has frontage of 200.38 feet, while 18 Brookside Road has frontage of 150 feet. As each of the two proposed Lots 1 and 2 has the requisite frontage, an endorsement of the ANR Plan is appropriate.

The controlling case on this issue is <u>Smalley v Planning Board of Harwich</u>, 10 Mass. App. Ct 599 (1980). In <u>Smalley</u>, the Court held that the Planning Board's judgment under Ch 41, s 81P, "is confined to determining whether a plan shows a subdivision".

As both Lot 1 and Lot 2 have the required frontage on a public way, the reconfiguration of the land does not constitute a Subdivision, and therefore endorsement of the ANR Plan is required. In short, frontage is the only pertinent zoning dimension for determining whether a plan depicts a subdivision; and in this case the required 150 feet of frontage for both Lots 1 and 2 is demonstrated.

Additionally, we met today with the Building Commissioner to discuss this matter and my client's ability to raze and reconstruct a new home on Lot 2 subsequent to receiving the Planning Board's endorsement of the plan. Commissioner Roche advised that he believes that the Planning Board may endorse the ANR Plan and that there is no prohibition to creating Lot 2 as shown on the proposed ANR Plan with the existing pre-existing non-conforming home. While the zoning bylaws prohibit reducing a lot's area or frontage if it already has or would be caused to have less than the required area or frontage, there is nothing to prohibit adding land to an existing lot as is proposed for existing Lot D, thereby creating new Lot 2.

Commissioner Roche also advised that, once Lot 2 is created through the endorsement of the ANR Plan, he believes that the structure currently on the site retains its pre-existing non-conforming status and may be reconstructed as a matter of right, pursuant to Zoning Bylaw Section 1.4.7.3, so long as the new building is built in compliance with all front, side and rear setbacks, lot coverage, building height, and building story requirements.

I believe the revised proposed ANR Plan now complies with all necessary requirements and is now ready for submittal to the Planning Board. Could you confirm your agreement, and in the event that you disagree, advise as to the elements that you believe are missing?

I thank you for your attention to this matter.

Very truly yours,

David J. Himmelberger

Enclosure

CC: Lee Newman, Director of Planning and Community Development David A. Roche, CBO, Building Commissioner

From: <u>Lee Newman</u>
To: <u>Alexandra Clee</u>

Subject: FW: ANR Plan for Brookside Road

Date: Monday, March 28, 2022 11:00:47 AM

From: David Himmelberger <david@wshlawoffice.com>

Sent: Tuesday, March 15, 2022 4:31 PM

To: Lee Newman <LNewman@needhamma.gov>

Cc: David Roche <droche@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Subject: RE: ANR Plan for Brookside Road

Greetings: I have reviewed your email with my client. I am not authorized to include the requested additional language on the ANR Plan. While I can appreciate the fact that you have advised that this request is consistent with past Needham Planning Board practice, I don't believe that it is required statutorily. Unless you can provide some statutory guidance or citations that compel the inclusion of this language on an ANR Plan, my client declines to add this language, and we would request that this matter be set down for an ANR hearing as soon as possible, and consistent with the time line set forth in the statute. If you have any questions concerning the foregoing, please do not hesitate to contact me. I look forward to learning of the hearing date before the Planning Board. Best regards, David

David J. Himmelberger, Esq. Wilder, Shea & Himmelberger, LLP One Hollis Street, Suite 400 Wellesley, MA 02482 781 237-8180 fax 781 235-8242

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From: Lee Newman <<u>LNewman@needhamma.gov</u>>

Sent: Wednesday, March 2, 2022 3:41 PM

To: David Himmelberger < <u>david@wshlawoffice.com</u>>

Cc: David Roche < droche@needhamma.gov >; Alexandra Clee < aclee@needhamma.gov >

Subject: RE: ANR Plan for Brookside Road

David,

I am writing this email in response to your letter of February 16, 2022 regarding an ANR Plan for property located at 18 and 62 Brookside Road.

It is the practice of the Needham Planning Board to require a build factor calculation (Section 4.2.5) and Lot Area Calculation (Section 4.2.6) to appear on all ANR plans appearing before the Board. As I understand Lot 1 or Lot 2 as reconfigured may not meet the requirements of Section 4.25 and/or Section 4.2.6 we could add a note to the plan to clarify the lots protected nonconforming status. So after the data is listed on the plan regarding build factor and land excluded from the lot area calculation the following note could be provided to clarifying the lots protected nonconforming status.

Notwithstanding any nonconformity in lot size or shape, Lot 1 and Lot 2 have the benefit of Section 1.4.8 of the Needham Zoning By-Law, which provides that an increase in the area [or frontage?] of an existing improved lot shall not terminate the status of a [structure or?] building as a pre-existing non-conforming structure if it continues to be non-conforming following such increase [in area or frontage?].

If the words I put in brackets are deleted to make the note shorter, it would read:

Notwithstanding any nonconformity in lot size or shape, Lot 1 and Lot 2 have the benefit of Section 1.4.8 of the Needham Zoning By-Law, which provides that an increase in the area of an existing improved lot shall not terminate the status of a building as a pre-existing nonconforming structure if it continues to be non-conforming following such increase.

If only Lot 2 has the resulting non-conformity, then the reference to Lot 1 could also be deleted.

Given the historic practice in Needham the noted information will need to be added to the plan.

Happy to discuss further if you want to give me a call at 781-343-3120.

Lee

Lee Newman
Director of Planning and Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 ext. 270

https://www.needhamma.gov/https://www.needhamma.gov/1114/Planning-Boardwww.needhamma.gov/NeedhamYouTube

From: David Himmelberger < <u>david@wshlawoffice.com</u>>

Sent: Tuesday, March 1, 2022 3:53 PM

To: Lee Newman < <u>LNewman@needhamma.gov</u>>

Subject: ANR Plan for Brookside Road

Greetings: I am sorry I wasn't able to return your call yesterday. I called today and left a voicemail and am sending this email so that you will have my email address, should you wish to email me. Thanks, David

David J. Himmelberger, Esq. Wilder, Shea & Himmelberger, LLP One Hollis Street, Suite 400 Wellesley, MA 02482 781 237-8180 fax 781 235-8242

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From: <u>David Himmelberger</u>
To: <u>Lee Newman</u>

 Cc:
 David Roche; Alexandra Clee

 Subject:
 RE: ANR Plan for Brookside Road

 Date:
 Monday, March 28, 2022 11:25:05 AM

Greetings: This will supplement and confirm our telephone conversations of this morning. You have advised that the submitted ANR Plan contained Build Factor and Upland calculations, and that at least the Build Factor was incorrectly calculated. This will confirm that after speaking with my client, he does not wish to proceed with the flawed ANR Plan and will submit one without the Build Factor and Upland calculations. I believe this revised plan will be submitted either today or tomorrow, and we look forward to tonight's hearing being continued the Board's April 5, 2022 meeting. Finally, this will confirm that you have advised that the matter can be continued from tonight until 4/5, without the need for an appearance by me or my client. I apologize for the incorrectly submitted plan, and look forward to seeing you and the Board next Monday. Best regards, David

David J. Himmelberger, Esq. Wilder, Shea & Himmelberger, LLP One Hollis Street, Suite 400 Wellesley, MA 02482 781 237-8180 fax 781 235-8242

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From: Lee Newman <LNewman@needhamma.gov>

Sent: Wednesday, March 16, 2022 1:09 PM

To: David Himmelberger <david@wshlawoffice.com>

Cc: David Roche <droche@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Subject: RE: ANR Plan for Brookside Road

David,

As you client is not prepared to add the requested notes to the ANR plan for Brookside Road

detailed in my email below, he should just formally file the ANR Plan he wishes to have the Planning Board review and endorse. The Planning Board will determine if they are going to require our standard information and disclosures to be included.

Please have your client drop off the mylar and 3 prints of the plan at the Planning Office. We will also need the required ANR application and filing fee.

My assistant, Alex Clee is in the Planning office on Tuesday, Thursday, and Friday during normal office hours. I have copied her on this email so that your client can coordinate his submittal with Alex directly.

Best Regards,

Lee

From: David Himmelberger < <u>david@wshlawoffice.com</u>>

Sent: Tuesday, March 15, 2022 4:31 PM

To: Lee Newman < <u>LNewman@needhamma.gov</u>>

Cc: David Roche <<u>droche@needhamma.gov</u>>; Alexandra Clee <<u>aclee@needhamma.gov</u>>

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From: Lee Newman < <u>LNewman@needhamma.gov</u>>

Sent: Wednesday, March 2, 2022 3:41 PM

To: David Himmelberger < <u>david@wshlawoffice.com</u>>

Cc: David Roche < droche@needhamma.gov >; Alexandra Clee < aclee@needhamma.gov >

Subject: RE: ANR Plan for Brookside Road

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Lee

Lee Newman
Director of Planning and Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 ext. 270

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www.needhamma.gov/NeedhamYouTube

From: David Himmelberger < david@wshlawoffice.com>

Sent: Tuesday, March 1, 2022 3:53 PM

To: Lee Newman < <u>LNewman@needhamma.gov</u>>

Subject: ANR Plan for Brookside Road

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David J. Himmelberger, Esq. Wilder, Shea & Himmelberger, LLP One Hollis Street, Suite 400 Wellesley, MA 02482 781 237-8180 fax 781 235-8242

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LEGAL NOTICE Planning Board TOWN OF NEEDHAM NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Sections 7.4, 5.1.1.6, 5.1.2 and 5.1.3, the Needham Planning Board will hold a public hearing on Tuesday, April 5, 2022 at 7:30 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Henry Hospitality Inc., d/b/a The James, 18 Cliftondale Street, Roslindale, MA, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 1027 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map No. 51 as Parcel 11 containing 14,800 square feet in the Center Business Zoning District. The requested Amendment to Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 2007-04 dated February 4, 1992, amended March 23, 1993, November 15, 1994, and September 8, 2015, transferred on September 24, 1996, May 8, 2001, October 20, 2009 and September 8, 2015, and transferred on October 10, 2017. The requested amendment would permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces located on the eastern edge of the restaurant building which the Petitioner had previously made available for public use in the municipal parking lot on Chapel Street and on private property which the Petitioner controls along the southern edge of the restaurant building.

In accordance with the Zoning By-Law, Section 5.1.1.6, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement) of the Zoning By-Law. In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required.

To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 826-5899-3198

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Direct Link to meeting: https://us02web.zoom.us/s/82658993198

The application may be viewed at this link: https://www.needhamma.gov/PBapplications. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (http://masspublicnotices.org/).

NEEDHAM PLANNING BOARD



MEMORANDUM

March 24, 2022

To: Mike Moskowitz

Needham Gateway LLC

PO Box 920757

Needham, Massachusetts 02492

From: Wayne Keefner, PE, PTOE, LEED AP Proj. No. 28454.00

Re: Parking Evaluation

100 Highland Avenue – Needham, Massachusetts

BSC Group, Inc. has conducted an evaluation of the changes in parking demand related to changes in use of retail spaces located at the commercial plaza at 100 and 120 Highland Avenue (the "Project") in Needham, Massachusetts. The parking evaluation consists of 48-hour traffic counts at the driveways that serve the site, parking occupancy observations on the site, parking demand estimates related to the changes in use, and an analysis of the impacts of the changes in use. This evaluation indicates that the existing parking supply will accommodate the proposed changes in use, which are described in the following section.

Date:

Project Description

The Project site is located at 100 and 120 Highland Avenue at the intersection of Highland Avenue and Second Avenue in Needham, Massachusetts. The site is currently served by a two-way driveway on Highland Avenue and a two-way driveway along Second Avenue. The uses on the site consist of two buildings: a 10,628 square foot (sf) building that contains a Frank Webb's Bath Center and a 12,820 sf building that contains several uses including a Panera Bread, Omaha Steaks, SuperCuts, Hamra, and a Geico office. At the time of this study, the SuperCuts was not in operation.

The Project will replace the Omaha Steaks, SuperCuts, and Hamra with a Carbon Health urgent care facility consisting of approximately 3,275 sf of space. Panera Bread and Geico will remain as tenants. The site plan is shown in **Figure 1**. The details of the new uses are provided in the Appendix.

The proposed uses on the site are expected to have different parking needs and trends than the existing uses that they are replacing. This evaluation was prepared to document how the changes in use impact the existing parking supply by collecting existing parking data, estimating anticipated parking demand for the new uses, and developing expected future parking demand for the entire site with the new uses.

The following sections describe the evaluation.





Figure 1 Site Plan





Existing Traffic Volumes

Existing traffic counts were conducted at the two driveways that serve the site to estimate the level of activity at the site over the course of a Friday and Saturday. The counts were collected through automatic traffic recorders (ATRs) on Friday October 29 and Saturday October 30, 2021. The count data is presented in **Figure 2** for the Friday counts and **Figure 3** for the Saturday counts and the detailed data is provided in the Appendix.

Figure 2 Weekday Traffic Counts

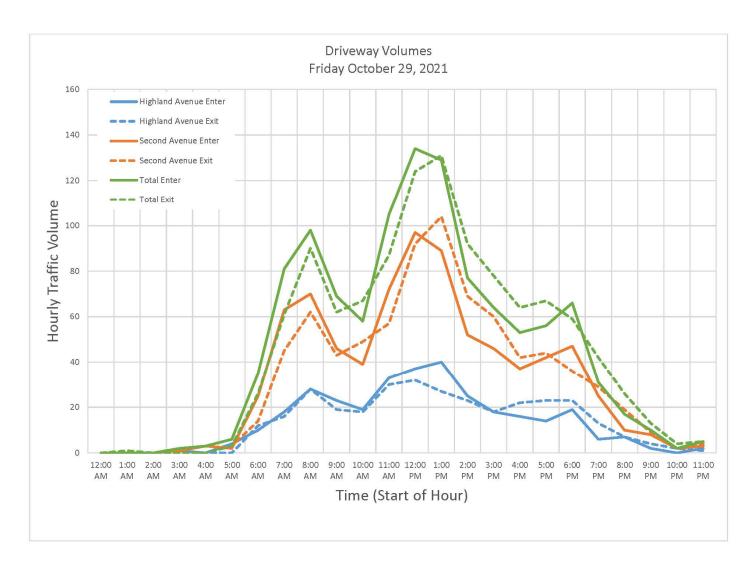


Figure 2 indicates that on a weekday the activity peaks during the afternoon around noon, with minor peaks at 8:00 AM and again at 6:00 PM. A total of 98 vehicles entered and 90 exited between 8:00 - 9:00 AM; 134 vehicles entered and 124 exited between 12:00 - 1:00 PM; and 66 vehicles entered and 59 exited between 6:00 - 7:00 PM. Entering and exiting vehicles follow similar patterns at both driveways throughout the day, indicating that the uses on the site experience quick parking turnover and that most vehicles do not remain





parked for the entire day. The counts indicate that a total of 1,101 vehicles entered the site and 1,102 vehicles exited the site over the course of the Friday. Approximately 71 percent of the activity occurred at the Second Avenue driveway, with the remaining 29 percent occurring at the Highland Avenue driveway.

Figure 3
Saturday Traffic Counts

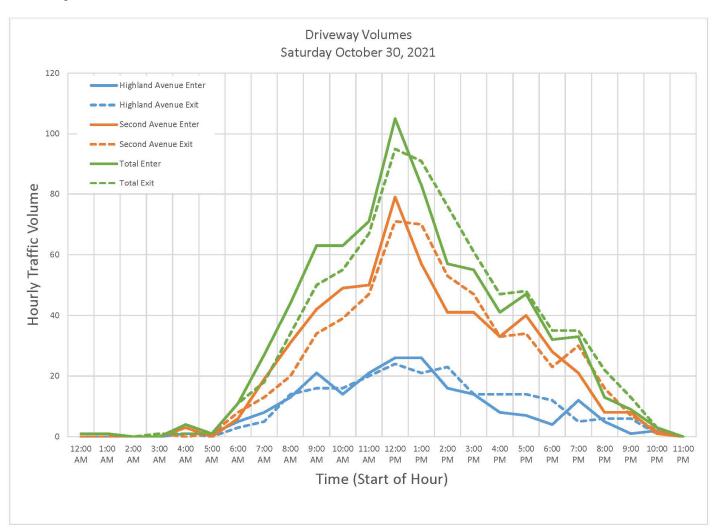


Figure 3 indicates that the activity on a Saturday has one primary peak during the afternoon around noon. A total of 105 vehicles entered and 95 exited between 12:00 – 1:00 PM during the count period. Similar to the weekday traffic counts, entering and exiting vehicles follow similar patterns at both driveways throughout the day, indicating that the uses on the site experience quick parking turnover and that most vehicles do not remain parked for the entire day. The counts indicate that a total of 764 vehicles entered the site and 766 vehicles exited the site over the course of the Saturday. Approximately 72 percent of the activity occurred at the Second Avenue driveway, with the remaining 28 percent occurring at the Highland Avenue driveway.



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Parking Evaluation

An evaluation of the existing and future parking demand was conducted to determine the impacts by the change in use to the parking supply. The evaluation used a three-step process to estimate the future parking demand with the new uses in place. The three steps include the following:

- Conduct a parking occupancy study to determine the existing parking demand on the site
- Collect customer/pedestrian data for the uses to be replaced
- Estimate parking demand for the new uses based on available industry data and anticipated operational information

The following sections describes each step of the process.

Parking Occupancy and Availability Study

The existing parking lot contains a total of 96¹ spaces and will not be modified as part of the change in use on the site. Parking occupancy counts were conducted at the 100 and 120 Highland Avenue parking lot over the course of 12 hours on Friday October 29 (between 8:00 AM and 8:00 PM) and Saturday October 30, 2021 (between 10:00 AM and 10:00 PM) to determine the existing utilization of the parking spaces on the site. The counts were conducted by camera in 15-minute intervals. These time periods were selected for evaluation to overlap with the peak activity related to the medical facility during normal business hours on weekdays.

The data from the parking occupancy and availability study is presented in **Figure 4** for Friday **Figure 5** for Saturday the two days on which data was collected. The detailed data is provided in the Appendix.

¹ The current parking area has 97 parking spaces. This is anticipated to be reduced to 96 spaces as a result of a dumpster relocation.





Figure 4
Existing Parking Occupancy and Availability - Friday

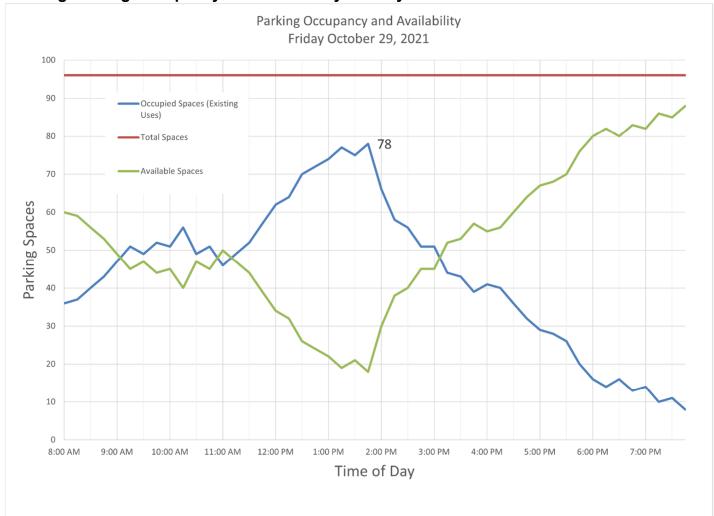


Figure 4 presents the overall parking supply (96 vehicles shown by the red horizontal line), the number of occupied spaces, and the number of available spaces between 8:00 AM and 8:00 PM on Friday October 29, 2021. Based on this evaluation, parking demand peaks between 1:00 - 2:00 PM on Friday, with a maximum of 78 parked vehicles occurring at 1:45 PM. A total of 18 parking spaces remain available during the busiest time of the day under the existing conditions.



Figure 5
Existing Parking Occupancy and Availability – Saturday

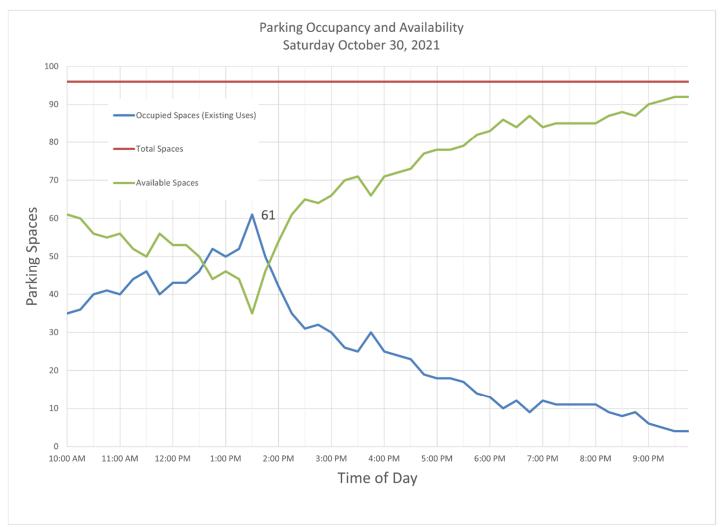


Figure 5 presents the overall parking supply (96 vehicles shown by the red horizontal line), the number of occupied spaces, and the number of available spaces between 10:00 AM and 10:00 PM on Saturday October 30, 2021. Based on this evaluation, parking demand peaks between 1:00 - 2:00 PM on Saturday, with a maximum of 61 parked vehicles occurring at 1:30 PM. A total of 35 parking spaces remain available during the busiest time of the day under the existing conditions. During the mid-afternoon through early evening, parking demand decreases steadily.

Pedestrian Counts

Concurrent with the parking occupancy study, pedestrian and customer counts were conducted using cameras to determine the activity at the existing Omaha Steaks and Frank Webb uses on the site. Only customers entering from the parking lot were counted to ensure that people arriving using other modes of transportation were not accounted for, since the goal of this study is to provide an evaluation of vehicle parking demand. The customer counts were then used to determine the parking demand for both uses that will be replaced. Customer counts were not conducted at Hamra or at Supercuts. Both of these uses were not expected to generate significant customer activity that would have any impact on this evaluation. In order to estimate the



MEMORANDUM

parking demand for the Omaha Steaks and the Frank Webb uses, the customers were counted in clusters to account for multiple people arriving in a single vehicle. The detailed pedestrian counts are provided in the Appendix. A graphical representation of the pedestrian counts is provided in the next section.

The pedestrian observations indicate that on Friday, the maximum parking demand for Omaha Steaks and F.W. Webb is 4 vehicles and occurs between 11:00 AM - 12:00 PM. On Saturday, the maximum parking demand for the same uses is 8 vehicles and occurs between 1:00 - 2:00 PM. These values are indicated on **Figure 6** for the Friday and on **Figure 7** for the Saturday as negative numbers, since this demand is being removed from the site. The parking demand to be removed by the existing uses are shown by the dashed line on these figures.

Future Parking Demand

Parking demand for the future conditions on the site with the changes of use in place was estimated to determine how the new uses impact the parking supply on the site. Parking demand estimates were calculated for the proposed Carbon Health urgent care facility using data provided in the Institute of Transportation Engineers *Parking Generation Manual*¹ using Land Use Code 630 – Clinic. The *Parking Generation Manual* provides a range of parking demands for this use based on data collected from similar uses throughout the country. The manual provides two different criteria to estimate the parking demand; gross square footage of the use and per employee. This evaluation uses the gross square footage criteria as it is more conservative. The manual also provides a time-of-day distribution for the parking demand. Based on this evaluation, the peak parking demand for the facility on the site is expected to be 16 vehicles, which will occur between 10:00 AM and 11:45 AM on weekdays.

Figure 6 and **Figure 7** show the parking demand for the Carbon Health facility, the existing uses to be removed, and the overall change in parking demand throughout the course of the day on Friday and Saturday, respectively.

-

¹ Parking Generation Manual, 5th Edition; Institute of Transportation Engineers; Washington, DC; 2019.





Figure 6
Change in Parking Demand with Change in Use – Weekday



Figure 6 shows the parking demand for the Carbon Health facility (blue line) and the existing uses that will be replaced (dashed line). The changes in the parking demand resulting from the changes in use are shown by the green line. The overall increase in parking demand is around 16 vehicles between 10:00 AM and 11:45 AM.





Figure 7
Change in Parking Demand with Change in Use – Saturday

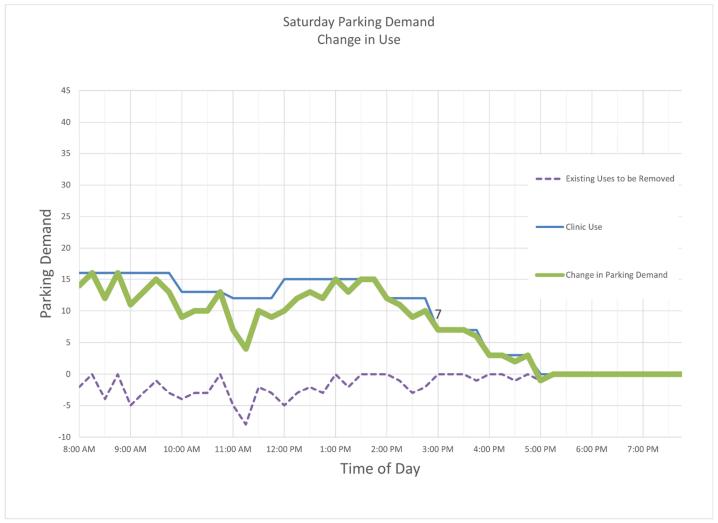


Figure 7 shows the parking demand for the Carbon Health facility (blue line), and the existing uses that will be replaced (dashed line). The changes in the parking demand resulting from the changes in use are shown by the green line. The overall increase in parking demand is around 16 vehicles between 8:15 AM and 8:45 AM.

The changes in parking demand were then compared to the available amount of parking observed during the parking occupancy evaluation. The changes shown in the green lines in Figures 6 and 7 were added to the existing parking demand on the site to develop the total future parking demand with the changes in use on the site. The new parking demand is shown on **Figure 8** for the weekday and **Figure 9** for Saturday.



Figure 8
Change in Parking Demand with Change in Use – Weekday

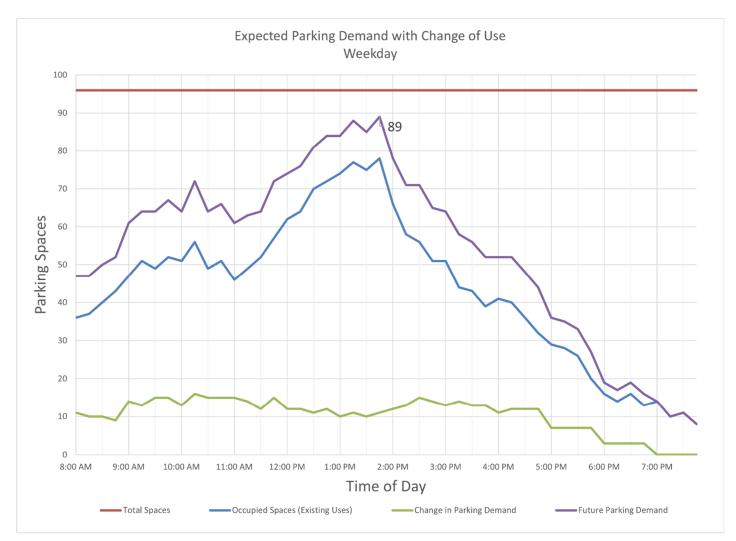


Figure 8 shows the existing parking demand based on the observations (blue line), the expected change in parking demand from the change in uses (green line), and the expected future parking demand for the entire site (purple line). The parking supply is also shown as a horizontal line and remains consistent with the existing conditions (96 total parking spaces). As shown on Figure 8, the future parking demand during the weekday will peak (89 vehicles) around 1:45 PM when the Carbon Health facility is open but not at full capacity. This specific time period also coincides with the latter portion of the lunch time rush that is experienced at the Panera Bread on the site. Based on this evaluation, there is sufficient parking on the site to accommodate the changes in use during on a Friday.





Figure 9
Change in Parking Demand with Change in Use – Saturday

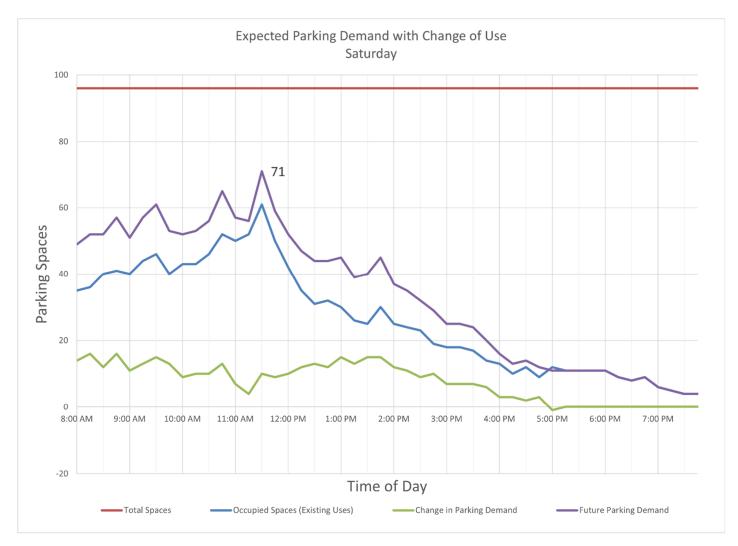


Figure 9 shows the existing parking demand based on the observations (blue line), the expected change in parking demand from the change in uses (green line), and the expected future parking demand for the entire site (purple line). The parking supply is also shown as a horizontal line and remains consistent with the existing conditions (96 total parking spaces). As shown on Figure 9, the future parking demand on a Saturday will peak (71 vehicles) around 11:30 AM when the Carbon Health facility is open. This specific time period also coincides with the Saturday peak of the Panera Bread on the site. Based on this evaluation, it is expected that there will continue to be plenty of available parking on the site to accommodate the changes in use throughout the majority of the day and that there is sufficient parking on the site to accommodate the changes in use during on a Saturday.



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Conclusions

The Project site is located at 100 and 120 Highland Avenue in Needham, Massachusetts. The Project proposes to change some uses on the site, which require a parking occupancy and demand evaluation. The Site consists of two buildings: a 10,628 sf building that currently houses a Frank Webb's Bath Center and an 12,820 sf building that contains a Panera Bread, Omaha Steaks, SuperCuts, Hamra, and a Geico office. The Project will replace the Omaha Steaks, SuperCuts, and Hamra uses with a Carbon Health urgent care facility (approximately 3,275 sf).

This evaluation included traffic counts at the driveways to understand general daily traffic trends of the site, parking occupancy counts on a Friday and Saturday to understand the parking demands of the existing uses, pedestrian counts at the Omaha Steaks and the Frank Webb spaces to understand activity specific to these uses that will be replaced, and parking demand estimates for the new uses that will be located on the site. The parking demand estimates are based on gross square footage of the Carbon Health facility, which is more conservative than basing the estimates on the number of employees.

Based on this evaluation, the existing parking supply will accommodate the Carbon Health urgent care facility. This conclusion is not altered if an additional parking space is taken for the purpose of a dumpster relocation (which would bring the total parking count to 95). The Carbon Health facility will have a peak parking demand of 16 vehicles, which will typically occur on weekday mornings. The peak parking demand for the Carbon Health facility will not overlap with the peak demand for the existing uses on the site, of which Panera Bread has the most intense parking needs.





APPENDIX

SITE INFORMATION

EXISTING DRIVEWAY COUNTS

PARKING OCCUPANCY DATA AND CALCULATIONS





SITE INFORMATION







EXISTING DRIVEWAY COUNTS

Job 807_010_BSC_ATR A
Area Needham, MA
Location Driveway, south of Highland Ave



Friday, October 29, 2021

Time	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit Truck	NB Multi-Unit Truck	NB Total Volume	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit Truck	SB Multi-Unit Truck	SB Total Volume
0000 0015	0	0	0	0	0 0	0	0 0	0	0	0	0	0 0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045 0100	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0115 0130	0	0 0	0	0	0	0	0	0	0	0 0	0	0	0	0 0
0130	0	0	1 0	0	0	0	1 0	0	0	0	0	0	0	0
0200 0215	0	0 0	0	0	0	0	0	0	0	0	0	0	0	0
0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330 0345	0	0 0	0	0	0	0	0	0	0 0	0 1	0	0	0	0 1
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415 0430	0	0 0	0	0	0	0	0 0	0	0	0	0	0	0	0
0445	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0500 0515	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0530 0545	0	0 0	0	0	0	0	0	0	1 0	0 3	0	0	0	1 3
0600	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0615 0630	0	0	3 5	0	0	0	3 5	0	0	6 2	0	0	0	6 2
0645	0	0	3	0	0	0	3	0	0	2	0	0	0	2
0700 0715	0	0	1 4	0	0	0	1 4	0	0	0 2	0	0	0	0 2
0730	0	0	4	0	0	0	4	0	0	7	0	0	0	7
0745 0800	0	0	7 8	0	0	0	7 8	0	0	7	0	0	0	7
0815 0830	0	0	3	0	0	0	3	1 0	0	5 6	0	0	0	6 6
0845	0	0	8 9	0	0	0	9	0	0	7	0	2	0	9
0900 0915	0	0 0	5 3	0	0	0	5 3	0	0	6 7	0	0	0	6 7
0930	0	0	5	0	0	0	5	0	0	7	0	0	0	7
0945 1000	0	0	3	0	0	0	<u>6</u> 3	0	0	3 5	0	0	0	<u>3</u>
1015	0	0	4	0	0	0	4	0	0	2	0	0	0	2
1030 1045	0 1	0 0	3 7	0	0	0	3 8	0	0	8 4	0	0	0	8 4
1100	0	0	6	0	0	0	6	0	0	5	0	0	0	5
1115 1130	0	0 0	5 12	0	0	0	5 12	0	0	1 <u>2</u> 5	0	0	0	12 5
1145	0	0	7	0	0	0	7	0	0	11	0	0	0	11
1200 1215	0	0 0	8 5	0	0	0	8 5	0	0 0	7 7	0	0	0	7 7
1230	0	0	11	0	0	0	11	1	0	14	0	0	0	15
1245 1300	0	0	7 5	0	0	0		0	0	8 10	0	1	0	8 11
1315 1330	0	0 0	10 5	0	0	0	10 5	0	0	9 8	0	0	0	9 8
1345	0	0	7	0	0	0	7	0	0	11	0	1	0	12
1400 1415	0	0 0	5 8	0	1 0	0	6 8	0	0	8 5	0	0	0	8 5
1430	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1445 1500	0	0	5	0	0	0	<u>4</u> 5	0	0	2	0	0	0	<u>8</u> 2
1515	0	0	4	0	0	0	4	0	0	5	0	0	0	5
1530 1545	0	0	4 5	0	0	0	4 5	0	0	7 4	0	0	0	7 4
1600	0	0	3	0	0	0	3	0	0	2	0	0	0	2
1615 1630	0	0 0	7 4	0	0	0	7 4	0	0	4 7	0	0	0	4 7
1645 1700	0	0	8	0	0	0	8	0	0	3	0	0	0	3
1715	0	0	7	0	0	0	7	0	0	6	0	0	0	6
1730 1745	1 0	0 0	7 5	0	0	0	8 5	0	0	3 2	0	0	0	3 2
1800	0	0	7	0	0	0	7	0	0	8	0	0	0	8
1815 1830	0	0 0	5 8	0	0	0	5 8	0	0	4 0	0	0	0	4 0
1845	0	0	3	0	0	0	3	0	0	6	0	1	0	7
1900 1915	0	0 0	4 2	0	0	0	4 2	0	0	1 0	0	0	0	1 0
1930	0	0	5	0	0	0	5	0	0	2	0	1	0	3
1945 2000	0	0	2	0	0	0	2	0	0	3	0	0	0	3
2015 2030	0	0	2	0	0	0	2 1	0	0	2 2	0	0	0	2
2030 2045	0 0	0	2	0	0	0	2	0	0 0	0	0	0	0	0
2100	0	0	1 2	0	0	0	1 2	0	0	1 0	0	0	0	1 0
2115 2130	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2145 2200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230 2245	0	0 0	1 1	0	0	0	1 1	0	0	0 0	0	0	0	0
2300	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2315 2330	0	0 0	0	0	0	0	0 0	0	0	1 0	0	0	0	1 0
2345	0	0	1	0	0	0	1	0	0	0	0	0	0	0

Job 807_010_BSC_ATR A
Area Needham, MA
Location Driveway, south of Highland Ave



Saturday, October 30, 2021

Jaturuay	NB	NB	NB	NB	NB	NB	NB	SB	SB	SB	SB	taRequest@BostonTra www.BostonTrafficD	ata.com	SB
Time	Bike	Motorcycle		Bus	Single-Unit Truck	Multi-Unit Truck	Total Volume	Bike		Automobile	Bus	Single-Unit Truck	Multi-Unit Truck	Total Volume
0000 0015	0	0 0	0 1	0 0	0	0	0	0	0 0	0 0	0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045 0100	0	0	1	0	0	0	<u>0</u> 1	0	0	0	0	0	0	0
0115 0130	0	0	0	0	0	0 0	0 0	0	0	0	0	0	0	0 0
0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200 0215	0	0	0	0	0	0 0	0 0	0	0	0	0	0	0	0 0
0230 0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315 0330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0345 0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0430 0445	0	0	0	0	0 1	0 0	0 1	0	0	0	0	0 1	0	0 1
0500 0515	0	0 0	0	0	0	0 0	0	0	0	0	0	0	0	0 1
0530	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0545 0600	0	0	1	0	0	0	0 1	0	0	1	0	0 1	0	2
0615 0630	0	0	0	0	0	0	0 1	0	0	0 2	0	0	0	0 2
0645	0	0	1	0	0	0	1	0	0	1	0	0	0	1
0700 0715	0	0	0 2	0	0	0 0	0 2	0	0	0 3	0	0	0	0 3
0730 0745	0	0	0	0	0	0	0	0	0	1 4	0	0	0	1 4
0800	0	0	1	0	0	0	1	0	0	2	0	0	0	2
0815 0830	0	0	4 5	0	0	0 0	4 5	0	0	4 5	0	0	0	4 5
0845 0900	0	0	2	0	0	0	4 2	0	0	2 5	0	0	0	2 5
0915	0	0	6	0	0	0	6	0	0	3	0	1	0	4
0930 0945	0	0	3 5	0	0	0	3 5	0	0	5 7	0	0	0	5 7
1000 1015	0	0 0	5 2	0	0 1	0 0	5 3	0 0	0	5 2	0	0	0	5 2
1030	0	0	3	0	1	0	4	0	0	5	0	0	0	5
1045 1100	0	0	<u>4</u> 8	0	0	0	<u>4</u> 8	0	0	4	0	0	0	2 4
1115 1130	0	0 0	2 5	0	0	0 0	2 5	0	0	4 3	0	0	0	4 3
1145	0	0	5	0	0	0	5	0	0	10	0	0	0	10
1200 1215	0	0	10 4	0	0	0 0	10 4	0	0	12 7	0	0	0	12 7
1230 1245	0	0	3 7	0	0	0 0	3 7	0	0	4 3	0	0	0	4 3
1300	0	0	3	0	0	0	3	0	0	8	0	0	0	8
1315 1330	0	0	3 8	0 0	0	0 0	3 8	0	0	11 2	0	0	0	11 2
1345 1400	0	0	7 11	0	0	0	7 11	0	0	5 4	0	0	0	5 4
1415	0	0	2	0	0	0	2	0	0	2	0	0	0	2
1430 1445	0 0	0 0	4 6	0 0	0 0	0 0	4 6	0	0 0	7 3	0 0	0 0	0	7 3
1500 1515	0	0	5 5	0	0	0 0	5 5	0	0	6 1	0	0	0	6 1
1530	0	0	0	0	0	0	0	0	0	6	0	0	0	6
1545 1600	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1615 1630	0	0	2 4	0	0	0 0	2 4	0	0	1 1	0	0 0	0	1 1
1645 1700	0	0	3 4	0	0	0	3 4	0	0	2	0	0	0	2
1715	0	0	3	0	0	0	3	0	0	3	0	0	0	3
1730 1745	0 0	0 0	5 2	0 0	0	0 0	5 2	0	0 0	2 1	0 0	0	0	2 1
1800 1815	0	0	5 2	0	0	0	5 2	0	0	1 2	0	0	0	1 2
1830	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1845 1900	0	0	2	0	0	0	2	0	0	2	0	0	0	2
1915 1930	0	0 0	1 1	0	0	0 0	1 1	0	0	1 4	0	0	0	1 4
1945	0	0	1	0	0	0	1	0	0	5	0	0	0	5
2000 2015	0	0	1 0	0	0	0 0	1 0	0	0	1 1	0	0	0	1 1
2030 2045	0	0 0	1 4	0	0	0	1 4	0	0	3	0	0	0	3 0
2100	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2115 2130	0	0	2 1	0 0	0	0 0	2 1	0	0	0 1	0	0	0	0 1
2145 2200	0	0	1	0	0	0	2 1	0	0	1	0	0	0	0 1
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230 2245	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0	0 0	1 0	0 0	0 0	0 0	1 0
2300 2315	0	0	0	0	0	0 0	0	0	0	0	0	0	0	0
2330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2345 Total	0	0	0 214	0	0 3	0	0 217	0	0	0 202	0	0 3	0	0 205

Job 807_010_BSC_ATR B
Area Needham, MA
Location Driveway, north of 2nd Ave

Friday, October 29, 2021



	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit	NB Multi-Unit	NB Total	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit	SB Multi-Unit	SB Total
Time					Truck	Truck	Volume					Truck	Truck	Volume
0000 0015	0	0	0	0	0	0	0	0	0	0	0 0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130 0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0215 0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300 0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330 0345	0	0 0	0 1	0	0	0	0 1	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415 0430	0	0	0 2	0	0	0	0 2	0	0	0	0	0	0	0
0445	0	0	0	0	0	1	1	0	0	0	0	0	0	0
0500 0515	0	0	0 1	0	0	0	0 1	0	0	0 1	0	0	0 1	0 2
0530	0	0	0	0	0	0	0	0	1	0	0	0	0	1
0545 0600	0	0	2	0	0	0	2	0	0	0 1	0	0	0	0 1
0615	0	0	3	0	1	0	4	0	0	0	0	0	0	0
0630 0645	0	0	11 8	0	0	0	11 8	0	0	5 6	0	2	0	7 6
0700 0715	0	0 0	12 12	0	0	0	12 12	0	0	4 9	0	0	0	4 10
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Job 807_010_BSC_ATR B
Area Needham, MA
Location Driveway, north of 2nd Ave





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PARKING OCCUPANCY DATA AND CALCULATIONS

Michael Santos, PE, PTOE Client: 807 010 BSC Project #: BTD #: Location 1 Needham, MA ocation TRAFFIC DATA Street 1: Parking Lot Street 2: 100 Highland Ave 10/29/2021 Count Date: Day of Week: Friday PEDESTRIANS PEDESTRIANS PEDESTRIANS Weather: Cloudy, 60°F **Omaha Steaks Store** Frank Webb Home **Existing Uses** from Parking Lot PARKING COUNT - Omaha Steaks from Parking Lot PARKING COUNT access access and FW Webb Removed Clinic Use New Parking Demand Occupied Future Parking Occupied Spaces (Existing Available Percent of Spaces Existing Uses to Change in (Remaining Start Time Total Spaces Available Space: Walk In Walk Out Walk In Walk Out Walk In Walk Out otal Spaces eak Demand Demand 8:00 AM 0.63 8:15 AM 0.63 8:30 AM 0.63 8:45 AM 0.63 9:00 AM 0.93 9:15 AM 0.93 9:30 AM 0.93 9:45 AM 0.93 10:00 AM 0.96 10:15 AM 0.96 10:30 AM 0.96 10:45 AM 0.96 11:00 AM 11:15 AM 11:30 AM 11:45 AM 12:00 PM 12:15 PM 0.8 12:30 PM 0.8 12:45 PM 0.8 1:00 PM 0.75 1:15 PM 0.75 1:30 PM 0.75 1:45 PM 0.75 2:00 PM 0.9 2:15 PM 0.9 2:30 PM 0.9 2:45 PM 0.9 3:00 PM 0.89 3:15 PM 0.89 3:30 PM 0.89 3:45 PM 4:00 PM 0.89 0.74 4:15 PM 0.74 4:30 PM 0.74 4:45 PM 0.74 5:00 PM 0.41 5:15 PM 0.41 5:30 PM 0.41 5:45 PM 0.41 6:00 PM 0.15 6:15 PM 0.15 6:30 PM 0.15 0.15 7:00 PM 7:15 PM 7:30 PM 7:45 PM ITE Rate per 1,000 sf: 4.77 Spaces Needed Square feet per space: 17 Spaces Needed per Zoning

Client: Michael Santos, PE, PTOE **BOSTON** 807 010 BSC Project #: BTD#: Location 1 Location: Needham, MA TRAFFIC DATA Street 1: Parking Lot Street 2: 100 Highland Ave 10/30/2021 Count Date: Day of Week: Saturday Weather: Rain, 60°F PEDESTRIANS PEDESTRIANS **PEDESTRIANS** Omaha Steaks Frank Webb Home **Existing Uses** PARKING COUNT from Parking Lot from Parking Lot PARKING COUNT - Omaha Clinic Use New Parking Demand Occupied Spaces Future Change ir Occupied Spaces (Existing Parking Total Percent of Existina Available Spaces Needed Uses to be Parking Total Spaces Walk In Walk Out Walk In Walk Out Walk In Walk Out Start Time Peak Demand Demand Uses) Available Spaces Uses) Spaces Spaces Needed Spaces Removed Demand 10:00 AM 0.96 10:15 AM 0.96 10:30 AM 0.96 10:45 AM 0.96 11:00 AM -5 11:15 AM -3 11:30 AM -1 11:45 AM -3 12:00 PM 0.8 -4 12:15 PM 12:30 PM 0.8 12:45 PM 0.8 1:00 PM 0.75 -5 1:15 PM 0.75 -8 1:30 PM 0.75 -2 1:45 PM 0.75 -3 2:00 PM 0.9 2:15 PM 0.9 2:30 PM 0.9 2:45 PM 0.9 3:00 PM 0.89 3:15 PM 0.89 -2 3:30 PM 0.89 3:45 PM 0.89 4:00 PM 0.74 0.74 4:15 PM 4:30 PM 0.74 -3 4:45 PM 0.74 5:00 PM 0.41 5:15 PM 0.41 5:30 PM 0.41 5:45 PM 0.41 -1 6:00 PM 0.15 6:15 PM 0.15 6:30 PM 6:45 PM 0.15 7:00 PM 7:15 PM Λ n 7:30 PM Ω Ω Ω Ω 7:45 PM Λ Λ 8:00 PM 8:15 PM 8:30 PM 8:45 PM 9:00 PM 9:15 PM 92 9:30 PM 92 9:45 PM ITE Rate per 1,000 sf: 4.77 Spaces Needed: Square feet per space: Spaces Needed per Zoning:

 From:
 Lee Newman

 To:
 Alexandra Clee

 Subject:
 FW: Needham Gateway

Date: Wednesday, March 16, 2022 11:08:38 AM

From: Derek W <derekw713@gmail.com> Sent: Tuesday, March 15, 2022 8:08 PM

To: Lee Newman <LNewman@needhamma.gov>

Subject: Needham Gateway

Dear Mr. Newman,

My name is Derek Wade and I am a resident of 41 Riverside Street. I am concerned about the proposal to put a high traffic business in the former Frank Webb building. The property already present significant challenges to the neighborhood. If the rumors I have heard are true, I have even greater concern about an unlicensed medical operation residing in that property. I hope these concerns will be taken into consideration when discussing the permitting.

Kind Regards,

Derek Wade

2022 That 24 PH 4: 57

TOWN OF NEEDHAM MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

AFFLICATION FOR SHE FLAN REVIEW
Project Determination: (circle one) Major Project Minor Modification Minor Project
This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.
Location of Property Name of Applicant Applicant's Address Phone Number 952 Great Plain Avenue PM Story Corporation, (President Apirak Chuenprapa) 952 Great Plain Avenue 952 Great Plain Avenue
Applicant is: Owner TenantX Agent/Attorney Purchaser
Property Owner's Name Stuart Pothman Property Owner's Address 907 Massachusett Ave Cambridge MA 02139 Telephone Number 617-547-6559
Characteristics of Property: Lot Area10,968 square feet _ Present Userestaurant Map # _47 _ Parcel # _4 _ Zoning District Center Business
Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
Current Decision for Little Spoon restaurant states that: "Loading, deliveries and trash pick-up shall be restricted to the rear parking area of the subject site and shall not occur on the public way." Request is now made that deliveries may be made from the public way.
Signature of Applicant (or representative) Apirak (huen propa Address if not applicant Selephone # 617-893-3516 Owner's permission if other than applicant Sudip Brata Deb
Owner's permission if other than applicant Sudip Brata Deb
SUMMARY OF PLANNING BOARD ACTION Received by Planning Board Date Rearing Date Parties of Interest Notified of Public Hearing Decision Required by Decision/Notices of Decision sent
Fee Paid Fee Waived Vithdrawn OTE: Reports on Minor Projects must be issues within 35 days of filing date

MAJOR PROJECT SITE PLAN SPECIAL PERMIT AMENDMENT TO DECISION April 5, 2022

PM Story Corporation 952 Great Plain Avenue (formerly 946 Great Plain Avenue) Application No. 2019-03

(Original Decision dated October 2, 2019)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of the PM Story Corporation, Apirak Chuenprapa, President, 952 Great Plain Avenue, Needham, Massachusetts (to be referred to hereinafter as the "Petitioner") for that certain property located at 952 Great Plain Avenue (formerly 946 Great Plain Avenue), Needham, Massachusetts (hereinafter referred to as the Property). Said Property is shown on Needham Town Assessor's Plan No. 47, as Parcel 4, containing 10,968 square feet in the Center Business Zoning District.

This decision is in response to an application submitted to the Board on March 24, 2022, by the Petitioner to amend Major Project Site Plan Special Permit No. 2019-03, dated October 2, 2019, for approval of minor revisions to the condition in the above-named decision regarding deliveries.

The changes requested are deemed minor in nature and extent and do not require public notice or public hearing. Testimony and documentary evidence were presented to the Board on Tuesday, April 5, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, Martin Jacobs and Natasha Espada were present throughout the April 5, 2022 proceedings. After testimony and documentary evidence were presented the Board took action on the matter.

EVIDENCE

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

- Exhibit 1- Completed Application for Further Site Plan Review, dated March 24, 2022.
- Exhibit 2- Letter from Jeffrey Feuerman, Brookline Development Corp LLC, dated January 7, 2022.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2019-03, dated October 2, 2019, were ratified and confirmed except as follows:

- 1. Paragraph 3.11 of the Decision is deleted and replaced with a new paragraph 3.11 that reads as follows:
 - 3.11 "All loading and deliveries shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading and deliveries may take place

on either the public way or in the rear parking area. Trash pick-up shall be restricted to the rear parking area of the subject site and shall not occur on the public way."

- 2. The Board hereby approves the modifications as described under Exhibits 1 above.
- 3. The proposed changes are deemed minor in nature and do not require public notice or hearing.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2019-03, dated October 2, 2019, are ratified and confirmed except as modified herein.

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. No 20-day appeal period from this Amendment of Decision is required.
- 2. That the requested modifications are granted.

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

Witness our hands this 5 th day of A	pril, 2022.	
NEEDHAM PLANNING BOARD		
Paul S. Alpert, Chairman		
Adam Block		
Natasha Espada		
Martin Jacobs		
Jeanne S. McKnight		
COM Norfolk, ss	MONWEALTH OF MASSACI	HUSETTS 2022
On thisday of appeared Needham, Massachusetts, proved	to me through satisfactory e	e undersigned notary public, personally of the Planning Board of the Town of evidence of identification, which was ose name is signed on the proceeding or e act and deed of said Board before me.
	Notary Public nar My Commission I	ne: Expires:
Copy sent to:		
Petitioner-Certified Mail # Town Clerk Building Commissioner Conservation Commission Parties in Interest	Engineering Fire Department Police Department	Board of Health Director, PWD Design Review Board pirak Chuenprapa, President)

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT DECISION Application No. 2022-01

Needham Farmers Market, Inc. Town of Needham March 28, 2022

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at Greene's Field, a Needham Park Facility, at Great Plain Avenue and Pickering Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet in the Single Residence B zoning district.

This Decision is in response to an application submitted to the Board on January 25, 2022 by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit would permit the operation of a farmers market on the southern portion of Greene's Field on Sundays. Needham Farmers Market, Inc. (NFM) has been successfully operating on the Town Common and Garrity's Way since 2017; however, NFM must relocate due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market proposes to operate at Greene's Field on Sundays beginning on June 12, 2022 through November 20, 2022, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 18 vendors, who will use booths, canopies, or other temporary structures on site. In addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, March 1, 2022, at 7:15 p.m. by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday, March 15, 2022, at 8:00 p.m. Board members Paul S. Alpert, Jeanne S. McKnight, Martin Jacobs, Adam Block and Natasha Espada were present throughout the March 1, 2022 and March 15, 2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1- Application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and for Special Permits under Sections 3.2.1 and 5.1.1.5 of the By-Law, dated January 25, 2022.
- Exhibit 2- Two letters from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated January 21, 2022.
- Exhibit 3- Site Plan entitled "Greene's Field Site Plan", prepared by Needham Department of Public Works, Engineering Division, dated May 22, 2013, revised June 4, 2013.
- Exhibit 4- License Agreement between the Needham Farmers Market, Inc., and the Town of Needham, dated January 18, 2022.
- Exhibit 5- Exhibit A", which consists of a portion of a plan highlighted to depict the specific location to be utilized by the NFM at Greene's Field.
- Exhibit 6 Plan entitled "Proposed Placement of Tents/Spaces on Greene's Field", prepared for NFM, dated March 7, 2022.
- Exhibit 7- Email from Jeffrey Friedman, President, Needham Farmers Market, Inc, to Lee Newman, Director of Planning and Community Development and Alex Clee, Assistant Town Planner, dated March 14, 2022.
- Exhibit 8- Two emails from Georgina Arrieta-Ruetenik to the Needham Planning Board, dated February 8, 2022 and March 1, 2022.
- Exhibit 9- Email from Rochelle Goldin to the Needham Planning Board, dated February 28, 2022.
- Exhibit 10- Email from George and Si Si Nyunt Goneconto to the Needham Planning Board, dated February 28, 2022.
- Exhibit 11- Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated February 23, 2022; IDC to the Board from Stacey Mulroy, Director, Needham Park and Recreation Department, dated February 8, 2022; IDC to the Board from Tom Ryder dated February 24, 2022; IDC to the Board from Chief Dennis Condon, Fire Department, dated January 31, 2022; IDC to the Board from Chief John Schlittler, dated February 8, 2022.

EXHIBITS 1, 2, 3, 4, 5, 6, and 7 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located in the Single Residence B zoning district at Greene's Field (Intersection of Great Plain Avenue and Pickering Street), Needham, Massachusetts. The property is owned by the Town of Needham and is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet.
- 1.2 The Needham Farmers Market, Inc. is a nonprofit corporation and civic organization based in Needham with the purpose of operating a farmers market in Needham and advancing community goals of healthy food and diet, especially for children, as well as providing a meeting place for Needham residents.

- 1.3 The Town of Needham has agreed to allow the Needham Farmers Market, Inc., to use the southern portion of Green's Field, a Needham Park Facility, at Pickering Street and Great Plain Avenue, for the operation of a farmers market from June 12, 2022 through November 20, 2022. This is pursuant to a License Agreement dated January 18, 2022, detailed under Exhibit 4 of this Decision. The application for Special Permit is for a one-year period as described under Section 4.6 of this Decision.
- 1.4 The Needham Farmers Market proposes to operate a farmers market on the southern portion of Green's Field adjacent to the Picker Street and Great Plain Avenue intersection for four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. Operation will begin on June 12, 2022 and will extend through November 20, 2022.
- 1.5 The Needham Farmers Market has proposed to have a maximum of 18 vendors on each market day, who will use booths, tables, canopies, or other temporary structures on the site. Each vendor will have approximately one person selling at its location. The Needham Farmers Market has stated that at least sixteen (16) vendors will sell food items. The Needham Farmers Market will have a staff of approximately two people on each market day. In addition to the vendors, a food truck is proposed which will be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Finally, in addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.
- 1.6 Set-up time is proposed to begin three hours before the start of the market and break down time is proposed to be for two hours after the market closes. The hours of operation shall be from 11:00 a.m. to 3:00 p.m.
- 1.7 The 18 vendors (maximum proposed to be present at any one time) will be located on the portion of Greene's Field shown on the plans detailed under Exhibits 5 and 6 of this Decision. The physical layout of the Market shall be entirely located within the licensed area.
- 1.8 During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. During Market hours, the vendors will be parked in the Dedham Street Municipal Parking Lot.
- 1.9 The Needham Farmers Market acknowledges that all food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met.
- 1.10 The Needham Farmers Market and its vendors propose to have liability insurance in effect during the farmers market as well as motor vehicle insurance.
- 1.11 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (off-street parking design requirements).
- 1.12 Under the By-Law Section 5.1.2, in the event that the Building Commissioner is unable to determine if a particular use relates to any use within the table of "Required Parking" (Section 5.1.2), the Planning Board shall recommend to the Building Commissioner a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. Based on the Department of

Public Works' recommendation, as recommended in Report 432 of the Planning Advisory Service for Off Street Parking Requirements for Farm Stands, the use requires 3 parking spots per every 1,000 square feet. The area of the property where the vendors will be stationed is calculated to be approximately 8,680 square feet. Therefore, the Board recommends a total parking requirement of 26 spaces $(8,860/1,000 \times 3 = 26)$. Accordingly, a waiver of 26 parking spaces is required.

- 1.13 During the operation of the Market, parking for motor vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots. The vendors will park at the Dedham Avenue Lot. The Board finds that the parking lots in the vicinity, as noted above, will satisfy the parking demands for the Needham Farmers Market.
- 1.14 The Planning Board finds that no parking study is required for the farmers market use as proposed, due to its being held on Sundays, when parking in the Center of Town is least scarce and the Town Hall is closed.
- 1.15 The Needham Farmers Market proposes to have free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players. Amplification, if any, would be limited and noise will not extend beyond the site.
- 1.16 Vendors will be permitted to use the restrooms of Walgreens, the YMCA and Bagels Best.
- 1.17 Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Additionally, the Petitioner has stated that the farmers market staff will assist in picking up and removing all trash from the site.
- 1.18 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The Market will be located at the southern end of Greene's Field next to Great Plain Avenue and will be separate from other activity on Greene's Field. The Petitioner proposes no construction and no permanent site changes. The Needham Farmers Market proposes to have musical entertainment that will either be un-amplified or slightly amplified from individuals or a small group, e.g., flute, fiddle, guitar. Sound volume from musicians playing at Green's Field will be reasonable and not loud or disruptive to neighbors and nearby businesses.
- 1.19 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly has been assured. During the operation of the Market, parking for shopper vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots, all within walking distance from the Market. The vendors will park at the Dedham Avenue Municipal Parking Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, with no traffic congestion on a Sunday afternoon. When NFM was previously located on the front lawn of First Parish (very close to Greene's Field) and on Garrity's Way and the Town Common, no traffic congestion resulted due to the operation of the Market. NFM has no accident-related history in 10 years of operation.
- 1.20 Adequacy of the arrangement of parking and loading spaces in relation to the proposed used of the premises has been assured. NFM will occur on Sunday afternoons from 11:00 a.m. to 3:00 p.m. Three nearby municipal parking lots are more than adequate for the parking needs of vendors and shoppers at the Market. The Dedham Avenue Parking lot has 87 parking

- spaces, the Chestnut Street/Lincoln Street Parking Lot has 231 parking spaces, and the Chapel Street Parking Lot has 127 parking spaces.
- 1.21 Adequate methods for disposal of refuse and waste will be provided. Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Needham Farmers Market staff will additionally assist in picking up and removing all trash from the site. Vendors may use the bathrooms at the YMCA, Walgreen's, and Bagel's Best. The wastewater system for these facilities is connected to the municipal sewer system.
- 1.22 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-law has been assured. The relationship of structures and open spaces to the natural landscaping, existing buildings and other community assets will remain unchanged. Any canopies, tables and equipment brought to the Market by NFM and its vendors will be removed by them after the Market closes. NFM will not permit the Market area to be overloaded, damaged, stripped, or defaced, or suffer any waste. NFM will not make any holes in Greene's Field.
- 1.23 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed use will not have an adverse impact on the Town's infrastructure. The existence of the Needham Farmers Market is an asset for Needham and will be a source of community in Needham.
- 1.24 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Single Residence B zoning district, provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.25 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a farmers market in the Single Residence B zoning district. On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.26 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure, or lot does not warrant the application of certain design and parking spaces requirements, but that a waiver of certain design and parking spaces requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances justifying the reduction in the number of required parking spaces and design requirements of the By-Law, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested

Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

2.0 No Plan modifications are required.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.17 hereof.
- 3.1 The Board approves the use by Needham Farmers Market of a farmers market on the southerly portion of Greene's Field, as shown on the Plan, from Sunday, June 12, 2022 through November 20, 2022.
- 3.2 The hours of operation shall be limited to four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. from Sunday, June 12, 2022 through November 20, 2022.
- 3.3 The operation of the farmers market at Greene's Field shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.13, 1.15, 1.16 and 1.17 of this Decision and as further described under the support materials provided under Exhibits 2, 3, 4, 5, 6, and 7 of this Decision.
- 3.4 The maximum number of vendors at any given time shall not exceed eighteen (18). In addition to the vendors, up to three tables, booths or canopies may be available for Needham nonprofit organizations; up to a maximum of six artists, musicians, and the NFM's Market Manager.
- 3.5 At least sixteen (16) vendors shall sell fresh produce and other food products from booths, tables, or other temporary structures. If a food truck is utilized it shall be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Truck engines shall be turned off during the market's business hours and no truck shall be moved during the market's business hours.

- 3.6 All food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met. Any ice used at the site shall be disposed of at a location approved by the Board of Health and in compliance with Board of Health and Town regulations. Disposal of ice within the Town's drainage system shall not be permitted.
- 3.7 Sale of alcoholic beverages by Needham Farmers Market vendors shall be prohibited. The drinking of alcoholic beverages on Greene's Field where the farmers market is located shall be prohibited.
- 3.8 Set-up time shall begin no earlier than 8:00 a.m., three hours before the start of the market and break down time shall last no longer than two hours after the market closes at 3:00 p.m. During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. The spaces shall not be reserved for this purpose, but rather utilized if vacant.
- 3.9 Due diligence must be exercised at all times to avoid excessive off-site parking traffic, tie-ups and unnecessary noise and congestion.
- 3.10 Needham Farmers Market vendors shall be directed to park in the Dedham Avenue Municipal parking Lot and patrons shall be directed to park in the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots.
- 3.11 Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Greene's Field. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision.
- 3.12 Vendors shall be permitted to use the restrooms of the YMCA, Walgreen's, and Bagel's Best. If vendors at any time are no longer allowed or able to use these restrooms, the Petitioner shall find other suitable arrangements and notify the Planning Board.
- 3.13 All trash and waste shall be confined to the site and shall be removed from the site promptly during the breakdown timeframe. No trash or waste shall be left on the site at the end of the breakdown at 5:00 p.m. The Petitioner shall also examine the vicinity adjacent to the market area and shall be responsible for the cleanup of any market trash or waste inadvertently left by patrons in that location. During the operation of the farmers market, trash receptacles shall be provided for the use of patrons.
- 3.14 This Special Permit to operate a farmers market at Greene's Field is issued to Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and may not be transferred, set over, or assigned by Needham Farmers Market, Inc. to any other person or entity without the prior written approval of the Board following such notice and hearing, if any as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.15 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

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

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This special permit is for one season only running from June 12, 2022 through November 20, 2022.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

NEEDHAM PLANNING BOARD		
Paul S. Alpert, Chairman		
Adam Block		
Natasha Espada		
Martin Jacobs		
Jeanne S. McKnight		
COMM	ONWEALTH OF MASSACHU	SETTS
Norfolk, ss		2022
On thisday of personally appeared the Town of Needham, Massachus which was the proceeding or attached docume said Board before me.	, one of the metts, proved to me through satis, to be the	nembers of the Planning Board of factory evidence of identification, person whose name is signed on
	Notary Public nam My Commission E	e: xpires:
TO WHOM IT MAY CONCERN: the Project proposed by Needham and the Town of Needham, 1471 Greene's Field, shown on Assessor and there have been no appealsthere has been an appeal filed.	Farmers Market, Inc., 28 Perrau Highland Avenue, Needham, M	alt Road, Apt. #1, Needham, MA, A, for Property at the location of as passed,
Date	Th	neodora K. Eaton, Town Clerk
Copy sent to:		
Petitioner-Certified Mail # Town Clerk Building Commissioner Conservation Commission Parties in Interest	Board of Selectmen Engineering Fire Department Police Department Jeffrey Friedman, NFM	Board of Health Director, PWD Design Review Board

Witness our hands this 28th day of March, 2022.

From: <u>friedmanesq@aol.com</u>

To: Lee Newman

Cc: Alexandra Clee; fundamentallynuts@gmail.com; ciararipperger@gmail.com; johnaterry15@gmail.com

Subject: Needham Farmers Market

Date: Friday, April 1, 2022 10:53:12 AM

Hi Lee.

Needham Farmers Market proposes the following changes to paragraph 3.5 of the Decision you sent me:

Delete from para. 3.5: "At least sixteen (16) vendors shall sell fresh produce and other food products from booths, tables or other temporary structures."

Insert in its place in para. 3.5: "The main activity at Needham Farmers Market shall be the sale of fresh and local produce and other food products from booths, tables or other temporary structures."

NFM's proposed changes hereto avoid a numbers issue with the stated, required minimum number of 16 food vendors (a mandate), which most probably is not possible factually (not feasible) due to circumstances beyond our control. It would violate the express language of Massachusetts General Laws chapter 40A, section 5, and related decisions of the Massachusetts Supreme Judicial Court. It is arbitrary under the Due Process Clause of the Fourteenth Amendment to the US Constitution and the Massachusetts Constitution.

Best, Jeff

Jeff Friedman President, Needham Farmers Market From: <u>Jeff Friedman</u>

To: Lee Newman; Alexandra Clee; fundamentallynuts@gmail.com; ciararipperger@gmail.com;

johnaterry15@gmail.com

Subject: Re: Planning Board meeting of Monday March 28, 2022, 7pm

Date: Tuesday, April 5, 2022 4:38:24 PM

Attachments: Chapter 3 to 3.2.1.pdf

Chapter 3 to 3.2.1.doc

Two attorneys not three attorneys, below. Jeff

Sent from my iPhone

On Apr 5, 2022, at 4:25 PM, Jeff Friedman < Friedman Esq@aol.com > wrote:

Thanks Lee. When NFM applied to locate on the front lawn of First Parish Church in 2012, Bruce Eisenhut, then Chair of the Planning Board, dealt with this question directly, as you may remember. And no one appealed that decision that under the ByLaw, NFM was allowed to use that site for the Market. Two members of the current Board, lawyers, both were on that Board. In law, that decision is a binding precedent (res judicata). You can forward my email to the current Board.

Thanks.

Jeff

Sent from my iPhone

On Apr 5, 2022, at 1:45 PM, Lee Newman <LNewman@needhamma.gov> wrote:

Jeff.

I was asked to reach out to you by a Planning Board member. In addition to discussing with the Board the concerns you have requiring 16 food tables (out of 18) at the market, the Board member asked that you be prepared to explain to the Board the more basic issue of how the Greene's Field site is an "existing parking area", as required by the Farmers Market use category (page 20 of our Zoning By-Law). I have attached to this email the referenced by-law provision.

Thanks for your attention to this Board member question.

Lee

From: Jeff Friedman <friedmanesq@aol.com>

Sent: Friday, April 1, 2022 7:17 AM

To: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee

<aclee@needhamma.gov>

Cc: fundamentallynuts@gmail.com; ciararipperger@gmail.com;

johnaterry15@gmail.com

Subject: Re: Planning Board meeting of Monday March 28, 2022, 7pm

Lee,
Added "not" in red text below.
Jeff

Sent from my iPhone

On Mar 31, 2022, at 10:57 PM, friedmanesq@aol.com wrote:

Lee.

A major caveat or problem with the language in this Decision is that: "At least sixteen (16) vendors. . . " in para. 3.5 and "The maximum number of vendors at any given time not exceed eighteen (18)" in para. 3.4 really means that we' re back to a ratio somewhat like the 80% rule, which violates MGL c. 40A, section 5. Also, this does not reflect the real possibility that NFM might not be able to find 16 food vendors this year, due to circumstances beyond our control. Why is it necessary to state a minimum number of food vendors, who will always significantly outnumber artists, which are relatively small in number? .The main activity will always be the sale of fresh and local food. NFM has operated for 10 seasons with no complaints from Needham residents. Members of the Select Board regularly attend NFM,. In a Certificate of Appreciation to NFM, dated September 25, 2018, they stated: "NFM has become a vibrant gathering place for the community while offering fresh and local products, live music and artists each week. Congratulations!"

Jeff

--Original Message-----

From: friedmanesq@aol.com
To: LNewman@needhamma.gov

<LNewman@needhamma.gov>; aclee@needhamma.gov

<aclee@needhamma.gov>

Cc: fundamentallynuts@gmail.com

<fundamentallynuts@gmail.com>; ciararipperger@gmail.com

<ciararipperger@gmail.com>
Sent: Thu, Mar 31, 2022 9:44 pm

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Lee,

I reread the final Decision that you sent me, attached (I added Greene's Field to the file name). Under Conditions on page 6, the Market's operating paragraphs are:

- 3.4 The maximum number of vendors at any given time shall not exceed eighteen (18). In addition to the vendors, up to three tables, booths or canopies may be available for Needham nonprofit organizations: up to a maximum of six artists, musicians, and the NFM's Market Manager.
- 3.5 At least sixteen (16) vendors shall sell fresh produce and other food products from booths, tables, or other temporary structures. If a food truck is utilized it shall be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Truck engines shall be turned off during the market's business hours and no truck shall be moved during the market's business hours.

These look fine to me, as well as the rest of the Decision. Very minor, in paragraph 3.4 after "Needham nonprofit organizations," change the colon to semicolon. This paragraph was taken from the License Agreement paragraph 1b on page one. I'll call you tomorrow at 10 am to confirm.

Thanks, Jeff

----Original Message-----

From: Lee Newman < LNewman@needhamma.gov > To: Alexandra Clee < aclee@needhamma.gov >; 'friedmanesq@aol.com' < friedmanesq@aol.com >

Cc: fundamentallynuts@gmail.com

<fundamentallynuts@gmail.com>; ciararipperger@gmail.com

<ci>ciararipperger@gmail.com> Sent: Thu, Mar 31, 2022 4:32 pm

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Jeff let's just start with the two of us tomorrow. Just give me a call at 781-343-3120.

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

From: Alexandra Clee < <u>aclee@needhamma.gov</u>>

Sent: Thursday, March 31, 2022 3:37:27 PM

To: 'friedmanesq@aol.com' < friedmanesq@aol.com>; Lee

Newman < LNewman@needhamma.gov>

Cc: <u>fundamentallynuts@gmail.com</u> < <u>fundamentallynuts@gmail.com</u>>;

ciararipperger@gmail.com <ciararipperger@gmail.com>

Subject: RE: Planning Board meeting of Monday March 28,

2022, 7pm

I will not be participating.

THanks, alex.

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

From: friedmanesq@aol.com < friedmanesq@aol.com >

Sent: Thursday, March 31, 2022 3:36 PM

To: Lee Newman < LNewman@needhamma.gov>

Cc: fundamentallynuts@gmail.com; ciararipperger@gmail.com;

Alexandra Clee <aclee@needhamma.gov>

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Lee,

Fine. Can you patch in Alex and Lisa? I'm not sure I can add others, I'm not tech savvy, although alternatively we have a conference call number we use, (717) 908-1499 944718 #1, for our monthly Board meetings. However you want to arrange it.

Thanks, Jeff ----Original Message-----

From: Lee Newman < LNewman@needhamma.gov > To: 'friedmanesq@aol.com' < friedmanesq@aol.com >

Cc: fundamentallynuts@gmail.com

< fundamentallynuts@gmail.com >; ciararipperger@gmail.com

<<u>ciararipperger@gmail.com</u>>; Alexandra Clee

<aclee@needhamma.gov>
Sent: Thu, Mar 31, 2022 3:02 pm

Subject: RE: Planning Board meeting of Monday March 28,

2022, 7pm

A phone call is fine. I am working remote on Friday. Give me a call at 781-343-3120.

Thanks.

Lee

From: friedmanesq@aol.com <friedmanesq@aol.com>

Sent: Thursday, March 31, 2022 2:14 PM

To: Lee Newman < LNewman@needhamma.gov >

Cc: fundamentallynuts@gmail.com; ciararipperger@gmail.com;

Alexandra Clee aclee@needhamma.gov>

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Lee,

Yes, 10 am is fine. Do you want to meet in your office or by phone? I live 5 minutes away. Lisa might be able to join us. Either is fine.

Thanks, Jeff

----Original Message-----

From: Lee Newman < LNewman@needhamma.gov>

To: Jeff Friedman < friedmanesq@aol.com >

Cc: Lisa Cherbulier < fundamentallynuts@gmail.com; Ciara Ripperger < ciararipperger@gmail.com; Alexandra Clee < aclee@needhamma.gov

Sent: Thu, Mar 31, 2022 1:57 pm

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Jeff,

I would like to set up a time for us to talk this through. I have time tomorrow morning at 10. Let me know if that works for you.

Lee

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

From: Jeff Friedman < friedmanesq@aol.com > Sent: Tuesday, March 29, 2022 6:59:28 PM
To: Lee Newman < LNewman@needhamma.gov >

Cc: Lisa Cherbulier < fundamentallynuts@gmail.com >; Ciara

Ripperger < ciararipperger@gmail.com >

Subject: Re: Planning Board meeting of Monday March 28,

2022, 7pm

Lee,

After that, the License Agreement in para. 1b also states on page 1: "In addition to the vendors there shall be allowed up to nine (9) tables, booths or canopies for the Needham Community Farm and/or other Needham-based not for profit organizations, artists, artisans, musicians, and the Licensee which are to be located solely in the Licensed Area." NFM can accept that in the Special Permit Decision, already accepted by the Town Manager. Please add those words to the Decision.

Jeff

Sent from my iPhone

On Mar 29, 2022, at 5:46 PM, Lee Newman < <u>LNewman@needhamma.gov</u>> wrote:

Jeff,

The license agreement calls for a maximum of 18 vendors. That is where the 18 maximum comes from.

Lee

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: friedmanesq@aol.com>

Sent: Tuesday, March 29, 2022 5:33:41 PM

To: Lee Newman

<LNewman@needhamma.gov>; Alexandra Clee

<aclee@needhamma.gov>

Cc: fundamentallynuts@gmail.com <fundamentallynuts@gmail.com>; ciararipperger@gmail.com <ciararipperger@gmail.com>

Subject: Fwd: Planning Board meeting of

Monday March 28, 2022, 7pm

Lee and Alex,

Thanks Lee for sending us the final Decision. We are very pleased that the 80% rule was removed from it, consistent with MGL c. 40A, section 5 requirements. Qualitative criteria, community goals, and of course fresh and local food are very important for a farmers market and Needham residents, not quantitative standards.

The Decision states there are 18 vendors in multiple places in the Decision, which is incorrect.. As noted in Exhibit 6, "Proposed Placement of Tents/Spaces on Greene's Field", NFM will have a total of 16 food vendors (2 produce farms, 1 meat/egg, and 13 other food vendors) and 3 artists for a grand total of 19. We are still examining the Decision.

Thanks again.

Jeff

Jeff Friedman President, Needham Farmers Market

Begin forwarded message:

From: Lee Newman

<<u>LNewman@needhamma.gov</u>> **Date:** March 29, 2022 at 11:52:22

AM EDT

To: Jeff Friedman

< Friedman Esq@aol.com >,

Alexandra Clee

<aclee@needhamma.gov>

Cc: Lisa Cherbulier

<fundamentallynuts@gmail.com>
Subject: RE: Planning Board
meeting of Monday March 28,
2022, 7pm

Jeff,

I have attached the decision for the Needham Farmer's Market as it was voted by the Board. Both a redline and clean copy are attached.

The Board addressed the issue you had raised for paragraphs 1.5 and 3.5 by eliminating the 80% requirement and just stating that 16 of the 18

vendors would sell food items as you had indicated was the market's plan for the upcoming year.

The Board will sign the decision this week and we plan to file it with the Town Clerk thereafter. Let me know if you have any questions.

Lee

From: Jeff Friedman < friedmanesq@aol.com>
Sent: Tuesday, March 29, 2022 7:24 AM
To: Alexandra Clee aclee@needhamma.gov>

Cc: Lee Newman

<LNewman@needhamma.gov>; Lisa Cherbulier

<fundamentallynuts@gmail.com>

Subject: Fwd: Planning Board meeting of

Monday March 28, 2022, 7pm

Alex,

Was paragraph 3.5, the 80% requirement mandate also deleted? It does not comply with MGL c. 40A, section 5, thus is null and void ab initio as a matter of law (ultra vires), per SJC decisions. Also, para. 3.5 violates procedural due process under 14th Amendment US Constitution and MA Constitution.

Jeff

Sent from my iPhone

Begin forwarded message:

From: friedmanesq@aol.com
Date: March 28, 2022 at 11:42:29

PM EDT

To: aclee@needhamma.gov
Cc: LNewman@needhamma.gov,
fundamentallynuts@gmail.com
Subject: Planning Board meeting
of Monday March 28, 2022, 7pm
Reply-To: friedmanesq@aol.com

Alex,

I was waiting on the Zoom meeting this evening, and I was not brought into the meeting as a panelist so I did not have an opportunity to

discuss my objection to the 80% rule and replace the language with "predominantly" from the farmers market by-law. Was the 80% rule eliminated, as it did not comply with M.G.L. c. 40A, section 5 requirements? The 80% rule is effectively a substantive amendment to the by-law, and must comply with section 5 requirements. The 80% rule (language in the Decision) is null and void ab initio. I did not have an opportunity to be heard at the meeting. Were you aware that I was waiting to be brought on as a panelist? I was pleased that the Board approved the Decision, but I don't know whether the Board deleted the 80% rule and was replaced with "predominantly"?

Lisa Cherbulier was waiting on the Zoom meeting tonight also, but she left the meeting at 11:00 p.m., as she had to get up early in the morning.

Jeff

----Original Message---From: Alexandra Clee
<aclee@needhamma.gov>
Cc: Lee Newman
<LNewman@needhamma.gov>;
Elisa Litchman
<elitchman@needhamma.gov>
Sent: Fri, Mar 25, 2022 12:08 pm
Subject: Planning Board meeting of
Monday March 28, 2022, 7pm

Dear everyone who has an agenda item at the Planning Board's meeting of Monday March 28, 2022 (7pm),

I have attached the agenda for the meeting. Please plan to log onto Zoom in advance of your time by logging in as an "attendee" (audience member) here: **Direct**

Link to meeting:

https://us02web.zoom.us/j/88046725264

Once your agenda item comes up, I will move you from being an

"attendee" to being a "panelist", where you can unmute yourself & turn on your video to be heard and seen. You will also be ale to share your screen, so please plan to have that information ready if you will want to show a plan or photographs.

Also, let me know the full name of everyone you wish to have moved over as a panelist for your agenda item.

You can see the full packet the Board will review at this link (it may take a few moments to open). Any additional materials that we receive will be added but the link will remain the same.

https://www.needhamma.gov/Archive.aspx? ADID=9583

Thanks, alex.

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

ARTICLE 1: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY

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

1. In Section 1.3 <u>Definitions</u>, by adding the following after the existing definition of "Basement" and before the existing definition of "Building (or part or parts thereof)":

<u>Brew Pub</u> – Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

2. In Section 1.3 <u>Definitions</u>, by adding the following after the existing definition of "Medical Services Building," and before the existing definition of "Mixed-Use Building":

Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty-one (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. Any such facility may provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. A tasting room devoted to the provision of such samples, not to exceed twenty-five percent (25%) of the establishment's gross square footage, is permitted as an accessory use. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

3. In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.2, <u>Uses in Business</u>, <u>Chestnut Street Business</u>, <u>Chestnut Street Business</u>, <u>Avery Square Business and Hillside Avenue Business Districts</u>, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Brew Pub	SP	SP*	SP	SP	N"

^{*}Applies only to the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N.

4. In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.1, <u>Uses in the Rural Residence-Conservation</u>, <u>Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-1,</u>

A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	RRC SRA	<u>SRB</u>	<u>GR</u> <u>&3</u>	<u>A-1,2</u>	Ī	IND	IND-1
Brew Pub	N	N	N	N	N	SP*	N
Microbrewery	N	N	N	N	N	N	SP"

^{*}Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary, otherwise N.

- 5. In Section 3.2.4 <u>Uses in the New England Business Center District</u>, Subsection 3.2.4.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery, allowable only in the portion of the New England Business Center District located west and south of Second Avenue." and new paragraph (l) that states "Brew Pub, allowable only in the portion of the New England Business Center District located west and south of Second Avenue."
- 6. In Section 3.2.5, <u>Uses in the Highland Commercial-128 District</u>, Subsection 3.2.5.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (q) that states "Microbrewery, allowable only in the portion of the Highland Commercial-128 District located north of Highland Avenue and south of Highland Avenue and west of Second Avenue." and a new paragraph (r) that states "Brew Pub, allowable only in the portion of the Highland Commercial-128 District located north of Highland Avenue and south of Highland Avenue and west of Second Avenue." and by renumbering former paragraphs (q), (r) and (s) as paragraphs (s), (t) and (u) respectively.
- 7. In Section 3.2.6, <u>Uses in the Mixed Use-128 District</u>, Subsection 3.2.6.2, <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery" and a new paragraph (l) that states "Brew Pub" and by renumbering former paragraphs (k), (l) as paragraphs (m) and (n) respectively.
- 8. In Section 3.2.7 <u>Uses in the Highway Commercial 1 District</u>, Subsection 3.2.7.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (m) that states "Microbrewery" and a new paragraph (n) that states "Brew Pub" and by renumbering former paragraphs (m) and (n) as paragraphs (o) and (p).

Or take any other action relative thereto.

ARTICLE 1: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY

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 - 3. In 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 inserting immediately below the row that reads "medical clinic" a new entry, which shall read as follows:

" <u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Brew Pub	SP	SP*	SP	SP	N"

- *Applies only to the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N.
- 4. In Section 3.2, <u>Schedule of Use Regulations</u>, Subsection 3.2.1, <u>Uses in the Rural Residence-Conservation</u>, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment

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" <u>USE</u>	RRC SRA	<u>SRB</u>	<u>GR</u> <u>&3</u>	<u>A-1,2</u>	Ī	<u>IND</u>	IND-1
Brew Pub	N	N	N	N	N	SP*	N
Microbrewery	N	N	N	N	N	N	SP"

^{*}Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary, otherwise N.

- 5. In Section 3.2.4 <u>Uses in the New England Business Center District</u>, Subsection 3.2.4.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (k) that states "Microbrewery, <u>allowable only in the portion of the New England Business Center District located west and south of Second Avenue</u>," and new paragraph (l) that states "Brew Pub, <u>allowable only in the portion of the New England Business Center District located west and south of Second Avenue</u>."
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- 8. In Section 3.2.7 <u>Uses in the Highway Commercial 1 District</u>, Subsection 3.2.7.2 <u>Uses Permitted by Special Permit</u>, by adding a new paragraph (m) that states "Microbrewery" and a new paragraph (n) that states "Brew Pub" and by renumbering former paragraphs (m) and (n) as paragraphs (o) and (p).

Or take any other action relative thereto.

Formatted: No underline

From: <u>Louis Wolfson</u>

To: <u>Lee Newman</u>; <u>Alexandra Clee</u>

Subject: RE: Brewery Zoning

Date: Wednesday, March 30, 2022 8:15:38 PM

Lee,

Thank you, I am typically aware of zoning issues as I do follow the emails sent out by Alex. Especially ones that impact me directly. I was unaware of these until I was sent the information from a friend regarding the meeting on Monday which prompted me to reach out to you. I am unhappy that the input from the public meeting is a day late and a dollar short in that based on the notice it is too late unless the board reconsiders its position and delays brining it to town meeting until the fall and reconsiders that there are also existing zones that can benefit allowing the microbrewer and craft manufacturing in the industrial zones that already permit most if not all the uses as laid out by the proposal as a primary use per the current zoning bylaws. I would also like clarification on Brewery (which is manufacturing and bottling) a Brewpub (food and beer) microbrewery (brewery and tasting) I realize none of these are presently allowed in any other zone with the exception of New England Business Park. And why it is the intent to limit based solely on terminology the ability for a potential tenant to determine their own business model and financial ability.

In our 15 years of ownership the only one that has made a change or proposed change to Crescent Road is the Governor who is now looking toward housing within ½ mile of the T. The problem with housing is the ability to make it financially feasible vs the existing uses that are allowed.

Please pass these continued concerns and request to extend the proposed vote for town meeting unto the other planning board members for the next meeting.

Louis

Louis Wolfson Crescent Road Realty 29 Cimino Road Needham, MA 02494

617-799-3326

From: Lee Newman

Sent: Wednesday, March 30, 2022 4:17 PM

To: 'Louis Wolfson' <lw29@comcast.net>; Alexandra Clee <aclee@needhamma.gov>

Subject: RE: Brewery Zoning

Louis,

Nice speaking with you this afternoon. As we discussed the idea of pursuing zoning for a brewery

use has been discussed at a number of public meetings. I reviewed both the Planning Board meeting agendas and that for the Select Board.

These are the meetings I identified.

- 1. Select Board meeting of November 23, 2021. This was a joint meeting between the Planning Board and Select Board. A copy of the agenda packet for this meeting is attached.
- 2. Planning Board meetings of January 4, 2022, February 9, 2022, March 1, 2022, and March 28, 2022. A copy of the agenda for each of these meetings is attached.

Copies of the packets for each of the noted Planning Board meetings can be found on the Town's webpage. Additionally, as these meetings were conducted by zoom they are now posted on the Town's YouTube link if you want to listen to the discussion.

Lastly, as we discussed this zoning review was initiated and discussed by the Council of Economic advisors at their meeting of November 10, 2021. A copy of their letter to the Select Board of November 17, 2021 asking that zoning for breweries be advanced is attached.

Let me know if you have any further questions.

Lee

From: Louis Wolfson < lw29@comcast.net>
Sent: Monday, March 28, 2022 10:23 PM

To: Lee Newman <<u>LNewman@needhamma.gov</u>>; Alexandra Clee <<u>aclee@needhamma.gov</u>>

Subject: RE: Brewery Zoning

Lee

I am unhappy that once again Crescent Road has been overlooked in the potential rezoning. This time is the Brewery Zoning. We meet every are aspect of the items layout as to Craft uses, bottling, entertainment, restaurant, manufacturing. To use the excuse that we already enter thru a muti residential area and allow it to go across directly across from a temple and in a residential area I find more than troubling.

There was mention by Adam, that there had been a working study group regarding this. I have not seen any notice regarding the working group posted, or given the option to contribute to this process. This meeting tonight is a last minute push to present it to the town prior it truly being aired. Arbor St is not an industrial area as you indicated.

I would like the proposal reconsidered to include the Industrial zone on Crescent prior to presentation to town meeting for adoption.

Louis

Louis Wolfson Crescent Road Realty 29 Cimino Road Needham, MA 02494

617-799-3326

From: Louis Wolfson

Sent: Friday, March 25, 2022 11:03 AM

To: 'Lee Newman' <<u>LNewman@needhamma.gov</u>>; 'Alexandra Clee' <<u>aclee@needhamma.gov</u>>

Subject: Brewery Zoning

Lee,

I understand there is a public hearing on Brewery Zoning. Allowed uses in the Industrial area of Crescent Road already allows for manufacturing, bottling, craft operations as well as food and entertainment. All of which are consistent with Brewery, Brewpubs and Craft Operations.

I suggest and hope any zoning changes, if implemented, will include this existing area of our community. It will add more options for business seeking to open in Needham that want or need to close to the train and the heights.

Sincerely

Louis

Louis Wolfson Crescent Road Realty 29 Cimino Road Needham, MA 02494

617-799-3326



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

April 5, 2022

Needham Planning Board Public Service Administration Building Needham, MA 02492

RE:

Hutter Ridge Road- Definitive Subdivision

Construction and Maintenance Bond-Release of Bond

Dear Members of the Board,

The Engineering Division per your request conducted final inspections of the subdivision. The subdivision work is complete, and we are anticipating a Town Meeting Article for the acceptance of the way.

We do not object to the release of the bond with the exception of \$10,000 in case of street maintenance needs. If you have any questions regarding the above, please contact our office at 781-455-7550.

Sincerely,

Thomas Ryder Town Engineer



MEMORANDUM

TO: Thomas Ryder –Engineering Department

CC: Carys Lustig – Public Works Department

FROM: Planning Department

DATE: March 15, 2022

SUBJECT: Reduction of Surety - DEFINITIVE SUBDIVISION PLANS

Hutter Ridge Road – 1135 Webster Street Definitive Subdivision

Enclosed please find a copy of a letter from John Connelly, Hinckley Allen, directed to Lee Newman, Director of Planning and Community Development, dated February 11, 2022. Mr. Connelly is requesting the reduction of the surety being held for roadway improvements on the Hutter Ridge Definitive Subdivision.

The Town is presently holding One Hundred Sixty Thousand Dollars and 00/100 cents (\$160,000.00). This amount includes One Hundred Thirty Five Thousand Five Hundred Dollars and 00/100 cents (\$135,500.00) to be held for roadway improvements in accordance with the recommendations of the Needham Public Works Department and Twenty Four Thousand Five Hundred Dollars and 00/100 cents (\$24,500.00) to be held for off-street drainage in accordance with the recommendations of the Board of Health. The off-street drainage surety required is being held for Lots 1-7 inclusive.

Please review this request and provide the Planning Board with a recommendation relative to the reduction of the above-described performance surety. The Planning Board will be considering this request at its meeting of Tuesday, March 28, 2022, and would appreciate receiving your recommendation by that time.

For your review I have enclosed your original bond estimate and Mr. Connelly's request.

Thank you for your attention to this matter.



28 State Street Boston, MA 02109-1775

p: 617-345-9000 f: 617-345-9020 hinckleyallen.com

John P. Connelly jconnelly@hinckleyallen.com

February 11, 2022

BY ELECTRONIC MAIL

lnewman@needham.ma.gov

Lee Newman, Director of Planning and Community Development Town of Needham Public Services Administration Building 500 Dedham Avenue, Suite 118 Needham, MA 02492

Re: Hutter Ridge Road

Dear Lee:

As you know, our client Petrini Corporation has commenced the process of having Hutter Ridge Road (HRR) accepted by the Town of Needham as a public way. I have enclosed a copy of my previous letter to Kate Fitzgerald on this matter, along with the following additional items:

- 1. An additional Petition from the Owner of Lot 5;
- 2. The legal description of HRR;
- 3. The as-built plans for HRR; and
- 4. Documents pertaining to the landscaping plans and work for Lot 7 which you asked our client about.

Our client's goal is to have HRR accepted as a public way at the Annual Town Meeting in May. Further, our client requests that the bond which it posted for the HRR roadwork be released to it. Our client is not requesting that the bond for the off-street drainage be released to it at this time.

Please let us know if you have any questions, or if you need anything other or further from us at this time. We look forward to hearing back from you as to what the next steps on this matter will be.

Thank you, and best regards,

John P. Connelly

JPC/cz Enclosures Lee Newman, Director of Planning and Community Development February 11, 2021 Page 2

cc: Kate Fitzpatrick (by email w/enclosure)
Thomas A Ryder (by email w/enclosure)
Gregory L. Petrini (by email w/enclosure)
Curtis Petrini (by email w/enclosure)



28 State Street Boston, MA 02109-1775

p: 617-345-9000 f: 617-345-9020 hinckleyallen.com

John P. Connelly jconnelly@hinckleyallen.com

February 11, 2022

BY ELECTRONIC MAIL

lnewman@needham.ma.gov

Lee Newman, Director of Planning and Community Development Town of Needham Public Services Administration Building 500 Dedham Avenue, Suite 118 Needham, MA 02492

Re: Hutter Ridge Road

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Our client's goal is to have HRR accepted as a public way at the Annual Town Meeting in May. Further, our client requests that the bond which it posted for the HRR roadwork be released to it. Our client is not requesting that the bond for the off-street drainage be released to it at this time.

Please let us know if you have any questions, or if you need anything other or further from us at this time. We look forward to hearing back from you as to what the next steps on this matter will be.

Thank you, and best regards,

John P. Connelly

JPC/cz Enclosures Lee Newman, Director of Planning and Community Development February 11, 2021 Page 2

cc: Kate Fitzpatrick (by email w/enclosure)
Thomas A Ryder (by email w/enclosure)
Gregory L. Petrini (by email w/enclosure)
Curtis Petrini (by email w/enclosure)



FISCAL YEAR 2021 (July 1, 2020 – June 30, 2021)

TOWN CLERK'S RECORDS OF THE

STATE PRIMARY Tuesday, September 1, 2020

SPECIAL TOWN MEETING Sunday, October 4, 2020

STATE ELECTION Tuesday, November 3, 2020

ANNUAL TOWN ELECTION Tuesday, April 13, 2021

SPECIAL TOWN MEETING Saturday, May 1, 2021

ANNUAL TOWN MEETING Monday, May 3, 2021

westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running

S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running \$42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

ACTION: The main motion was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

ARTICLE 7: CITIZEN'S PETITION/AMEND ZONING BY-LAW – MAP CHANGE TO SINGLE RESIDENCE B ZONING DISTRICT

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

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

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

And so much of said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the southerly side of Kendrick Street, at the intersection with Hunting Road, thence running westerly 250.08 feet to the southwesterly side of the State

Circumferential Highway; thence running generally southeasterly along the southwesterly side of the State Circumferential Highway a distance of 224.63 feet to Cheney Street; thence running southerly along the westerly line of Cheney Street a distance of 371.7 feet to the intersection with Hunting Road; thence running northwesterly along Hunting Road, a distance of 14.19 feet; thence running southerly by Hunting Road, along a curved line, a distance of 68.91 feet; thence running northwesterly along the northeasterly side of Hunting Road 444.24 feet; thence running along a curved line at the intersection of Hunting Road and Kendrick Street a distance of 95.20 to the point of beginning.

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

Or take any other action relative thereto.

Article Information: This article describes the geographical area proposed to be placed in the Single Residence B Zoning District. The affected area consists of 23 separate parcels of land, containing, in total, approximately 360,892 square feet of land, located between the Circumferential Highway (Route 128) and Hunting Road, starting at the property known and numbered 176 Hunting Road and continuing to Cheney Street. The affected area is currently located within the Single Residence A zoning district. The Planning Board's recommendation on the article will be made at Town Meeting.

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

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

southeast by Cheney Street, and to the southwest by Hunting Road, said land comprising Parcels 1, 2, 3, 4, 18, 19, 20, 21, 22, 23 and 24 on said Map No. 58.

So much of said land comprising Parcels 65, 66, 67, 68, 69, 70, 71, 72 and 73 on said Map No. 66 and Parcels 25, 26 and 27 on Needham Assessor's Map No. 58 being bounded and described as follows: Beginning at a point on the northeasterly side of Hunting Road at the northwesterly end of Parcel 73 on Needham Assessor's Map No. 66; thence running southeasterly along the southwesterly side of the State Circumferential Highway a distance of 1,792.15 feet to Kendrick Street; thence running westerly and northwesterly along the northerly side of Kendrick Street, 328.72 feet to Hunting Road; thence running northwesterly along the northeasterly line of Hunting Road, 1,359.60 feet, to the point of beginning.

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

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

Kim Marie Nicols (Precinct B) noted that she first thought this was a neighborhood issue, but then saw that one of the petitioners is a developer. She questioned whether the Town had restrictions on teardowns and larger houses being constructed in their place.

Daniel P. Matthews, Member, advised that the concern of the Select Board is that it would be by right and should be referred back.

Michael J. Greis (Precinct J) advised that he had the same reaction as Ms. Nicols. Mr. Greis moved to refer the subject matter of the main motion under Article 7 to the Planning Board, Select Board and Finance Committee for further study and report back to Town Meeting at the 2022 Annual Town Meeting or sooner.

Jeffrey D. Heller (Precinct F) rose in opposition to the main motion under Article 7 and the motion to refer. He suggested that the proponents should be forthright.

Artie J. Crocker expressed concern with this article but would support the motion to refer.

Phillip R. Murray (Precinct E) rose in support of Article 7. He advised that there are 23 houses with more restrictions than the neighbors across the street. He noted that Residential B Zoning District requires a 10,000 Square Foot lot. William J. Paulson (Precinct E) advised that an 80-foot street front is required in the Residential B Zoning District. The proponent has the required frontage, but also has an easement.

A motion to move the previous question on the main motion and the motion to refer was offered by Peter Sergey Panov (Precinct J). The motion to move the previous question was presented and carried by the required two-thirds vote on a voice vote declared by the Moderator.

ACTION: The motion to refer was presented but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by voice vote declared by the Moderator.

ARTICLE 8: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Select Board, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

The moderator announced that no action has been requested under the Omnibus Article.

At this time, the Moderator thanked Town Meeting Members for their service and hopes this would be the last Open Air Town Meeting! He also thanks the town services including Department of Public Works, Parks, Maintenance, and the Town Manager for turning on the lights. He acknowledged the huge amount of work required to set up Town Meeting at Memorial Park parking lot. He also thanked State Representative Denise C. Garlick for attending and for the work she does for Needham. The Moderator announced that Sandra Cincotta is retiring and thank her for manning the audio-visual component of our Town Meetings. He wished her success as she embarked on a well-earned retirement.

At 800 P..M. Mr. Matthew D. Borrelli, on behalf of the Select Board moved to dissolve the Annual Town Meeting with the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of Needham residents who have died due to COVID-19

WHEREAS:

COVID-19 is a contagious disease caused by a new strain of coronavirus that produces a respiratory illness ranging from mild flu-like symptoms to severe pneumonia and multi-organ failure; and

WHEREAS:

On March 10, 2020 Governor Baker declared a State of Emergency in the Commonwealth of Massachusetts, and on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

From: Kim Marie Nicols

Cc: artie.crocker@gmail.com; Oscar Mertz; justinforneedham@gmail.com

Subject: Hunting Road Zoning Change
Date: Monday, April 4, 2022 2:49:19 PM

Dear Planning Board,

At the May 2021 Town Meeting, I spoke out against the proposal to change the zoning on Hunting Road, and I continue in my opposition.

The Citizen's Petition last year had not disclosed that it was brought forth by a developer, but a little investigation found that the person circulating it owned two large parcels on the proposed area on Hunting Road and was also a developer. In addition to engaging the services of a lawyer who accompanied him to Town Meeting, he was highly motivated to get the signatures of other Hunting Road home owners, many who were elderly residents who might have eventually sold their properties to him. The current 23 parcels on an acre (43,560 square feet) could become over 100 units on 10,000 square feet if zoning had been changed from Single Residence A to Single Residence B.

My concern is that the change of zoning would destroy modest homes with yards, in favor of cookie-cutter large condo townhouses on postage-stamps. Within a few blocks from my home in Needham Heights, there was the complete eradication of entire streets 10 to 15 years ago. Where there were once homes for people with moderate incomes, became condo units that originally sold for about \$1 million each. Check out Dale Street, Birch Street, Andrea Circle, and Bobsled Drive, and know that this is what will happen to Hunting Road, too.

This changes neighborhoods. Many of the people who originally lived on those streets were immigrants or people of lower income that added to the diversity of Needham, which is already so sorely lacking. The residents of the new townhouses were more homogeneous, predominantly white and upper-middle class.

It also affected the neighbors nearby. For each project, we were subjected to the sounds and dust of homes being destroyed and each street completely bulldozed. Then there were the constant noises from the heavy trucks and construction of dozens of townhouses. This had a negative impact on the neighbors' peace and well being, for many months, year after year, as each street was rebuilt.

I live on Crescent Road which has had an inordinate share of tear downs, although there has been not the mass destruction experienced like those on nearby streets. A few years ago, a modest 2 bedroom home owned by an elderly widow was sold for about \$800,000 and torn down. In its place was built a 2 unit townhouse with 4 bedrooms and 5 bathrooms each, and each unit sold for about \$1,125,000 apiece. The back yards are each the size of a small room, and there are no front yards. Therefore, the children play on the street, and just yesterday (Sunday, April 3rd), a little boy was seriously injured in a car accident. Crescent Road does not have as much traffic as Hunting Road, where this could be an even greater risk for children.

I urge you to not consider changing the zoning on Hunting Road!

Sincerely,

Kim Marie Nicols TMM Precinct B 12 Crescent Road Needham Heights 781-223-6948



NEEDHAM PLANNING BOARD MINUTES

January 18, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, January 18, 2022, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting includes 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 Hearings:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Street, Needham, MA).

Town Counsel Christopher Heep noted the Chestnut and Lincoln Street <u>parking</u> lot was approved in 1998 and there have been several revisions since then. There is seasonal outdoor seating for the restaurants that abut the lot. The <u>t</u>Town site plan special permit covers the entire lot and does not account for outdoor seating. He thought it was necessary to amend the special permit to allow <u>room for</u> the restaurants to conduct seasonal outdoor seating in <u>some portions of</u> the lot. He believes there will be no loss of parking spaces. He added no <u>restaurantone</u> is applying for any seating <u>plan approval as part of this application</u>. This is just allowing <u>room for</u> others to come in to seek permission on an individual basis.

Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon with comments; an email from Tara Gurge of the Health Department noting no comments at this time and a letter from Acting Town Engineer Thomas Ryder with no comments or objections. Mr. Alpert noted his understating is that Hearth Pizzeria is using space outside for seating, that, pre-covid, were parking spaces but on private property. Marsala Art is also using pre-covid parking spaces. The Planning Board has jurisdiction for Marsala Art and Hearth Pizzeria but if another restauranteur moving into a building abutting the parking lot, moved in it would be the Select Board, since this application is to allow the Select Board to have discretion to allow outdoor seating on any part of the parking lot. It is the entire lot. Mr. Jacobs asked if Mr. Heep, on behalf of the Town, would have any objection if the Board put a condition on there would be no loss of parking spaces. Mr. Heep stated he would have no objection. Ms. Newman noted, however, that the seating would be on areas that are shown on the previously-approved site plan as parking spaces. Mr. Heep noted the spaces in questionbeing used not have not been used as parking spaces since before Covid. He would like a little flexibility where a restaurant may want to use individual spaces. He noted each restaurant would have to apply for relief from conditions of its own special permit from the Planning Board.

Ms. Newman stated the goal is to amend the <u>parking lot</u> Special Permit so the Planning Board or Select Board could entertain an application to put outdoor seating on parking spaces through a process. A discussion ensued. Ms. McKnight noted that the Select Board, for any spaces <u>for restaurants</u> abutting the parking lot, can allow outdoor seating anywhere, but any restaurant with a special permit would need to come to the Planning Board. Mr. Heep stated the existing <u>parking lot special</u> permit covers the entire lot. He is only asking for spaces near the restaurants they are currently occupying. Ms. Newman noted, if the Board issues a permit for another restaurant and they decide 2 years later to get outdoor seating, it would go back to the Select Board. Mr. Jacobs commented the Board needs to be careful <u>writingreading</u> the draft decision. It would be hard to describe.

Mr. Alpert noted correspondence from Bernie Segaloff, of Segaloff's Jewelers, to Amy Haelsen, of the Town, forwarded to the Planning Board, with comments regarding concerns with losing parking spaces. He noted this amendment would allow for future applications that would have to be approved by the Planning Board or Select Board.

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:

Planning Board Minutes January 18, 2022

VOTED: to close the hearing.

Mr. Jacobs stated it needs to be clear in the decision the Town does not intend to give up any more parking spaces.

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2006-04: Sol Soul Family Foods LLC, c/o Ivan Millan-Pulecio, Chef/Owner, d/b/a Hearth Pizzeria, 59 Mount Vernon Avenue, Needham, MA 02492, Petitioner (Property located at 974 Great Plain Avenue, Needham, MA).

Ivan Millan-Pulecio, chef and owner, thanked the Board for allowing him to operate the patio last year. He would like to keep the patio. He noted it is not on any parking spots on the left side. There may be one on the right side. He has 33 seats outside, a service station, handwashing station and bathrooms just inside the back door. He would like to legalize the seating. Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon with comment he is ok with allowing this year round; an email from Police Chief John Schlittler noting the police are ok with approved safety measures previously approved and keeping the jersey barriers in place; an email from Tara Gurge of the Health Department with no comments and a letter from Acting Town Engineer Thomas Ryder with comments that the applicant would need Select Board approval as well.

Mr. Block stated he is glad it was working before, and he is glad to continue it. He asked if it would be a certain percentage of the number of seats inside that would be allowed outside. Ms. Newman noted it would be 30% but they are amending the special permit for 3 conditions; (1) outdoor dining, (2) on an outdoor lot and (3) year round. Mr. Block stated he is pleased to support the application. Mr. Jacobs noted a reference to the *Town's existing easement. Ms. McKnight asked who owns the fee. Ms. Newman noted the fee is owned by the Simons. When the municipal lot was created it was done with private owners. The property lines run through the lot. The Town has rights to access the property. She will get a copy of the easement documents for the Board members.

Ms. McKnight understood the Town was the holder of the easement and someone else held the fee. Ms. Newman confirmed Fthat is correct. Mr. Alpert asked if the dumpster will be moved. Mr. Millan-Pulecio stated there are 5 parking spaces and one is used for the dumpster. The dumpster has been moved but the enclosure is still there. He noted there are 2 CVS dumpsters behind the area where the patio is proposed. Mr. Jacobs asked if the Town has surrendered the right to allow Hearth to continue the patio. He wants to understand. Ms. Newman will pull out the easement documents for the Board members to review. Mr. Alpert stated initial approval was from the Select Board for outdoor seating. They will need to get copies of the easement agreement.

Ms. McKnight stated the application was not clear. It was said that Tthe property owner is Solomon [Simon?] but the owner's name is Copley Investments. Ms. Newman noted it is owned by the Simon Family. A motion was made to close the hearing and allow for easement information to be submitted post-hearing. Mr. Alpert commented the Board may want further discussion. The motion was withdrawn. A motion was made to continue the hearing. Mr. Millan-Pulecio stated the space he fixed to have the outdoor seating is behind the CVS dumpsters. It is not on any parking spaces. He noted the Farmhouse (restaurant) is taking the parking spaces.

Ms. Newman noted the next meeting will have to start at 7:00 p.m. She will have this on the agenda for 7:00 p.m. Ms. McKnight would like a copy of the parking lot plan and architectural drawings to be provided. Mr. Jacobs stated they may need to reopen the previous hearing te: the Town parking lot after this discussion. Artic Crocker stated nothing has been better for the community than the opening of outdoor seating. What would this mean in the future? This is a huge benefit for the community. Mr. Jacobs thanked Mr. Crocker for his comments. Ms. Espada stated she is also in support. She wants to make sure it is written correctly so the applicant does not have to come back in the future. Carolyn Day raised the point to remember the rat situation of a few years ago with the outside dining. She wants the Board of Health to stay on top of 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 continue the hearing to 2/1/22 at 7:00 p.m.

Appointment:

7:45 p.m. - George Guinta Jr.: Discussion of possible redevelopment at 888 Great Plain Avenue.

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Mr. Alpert recused himself from this discussion. Mr. Block chaired the discussion. Mr. Block noted the Board received 27 emails and letters regarding this proposal. Other communications received last November are already in the record. Some are concerned they were not provided notice for tonight's agenda itemhearing. He explained sometimes the developer would ask for an appointment to get feedback on aspects of their proposal. This is not a public hearing and does not require notice. He noted when the developer comes with a plan there is a public hearing with notice. Comments are helpful and are part of the decision making process.

George Giunta Jr., representative for the applicant, provided a set of plans to give the Board an idea of what the applicant is proposing. He noted this is an example of what might happen and is a starting point for discussion and not a final point. The property is zoned for single family residential in the middle of multiple zones with commercial on 2 sides and parking areas and a church. It does not make sense to be a single-family house. The applicant is requesting to extend the Center Business District. Some other zoning relief may be a better idea which is the reason for the discussion. He discussed the relief sought on the side yard setback. He prepared supplemental information that he shared with the Board. Currently there is a 50-foot setback requirement adjacent to the residential boundary. The Center Business District Overlay allows for underground parking up to 10 feet from the lot boundary. He is proposing to extend the Center Business District with relief from the 50-foot setback through a special permit process. To limit it to the Overlay District zoning as currently in place would make itbe difficult to develop the lot without some relief.

Mr. Giunta Jr. noted, even now if Center Business Zoning were to be extended, the first floor cannot be residential so they would need a 50-foot setback. They are asking for relief to get some flexibility. He would like feedback to help move it forward so there could be some reasonable development here. Mr. Block noted there is some misconception that may be affecting some people's understanding of the proposal. He asked if it is in a residential zone and the structure was a house but has been used as a garden center as a lawful pre-existing non-conforming use? He noted there is a desire to promote mixed-use. There are challenges and there is no curb cut between Dedham Avenue and Warren Street. Mr. Giunta Jr. stated the driveway may be the only curb cut on the block. Mr. Block stated that may be an issue. A ton of children go to Greene's Field and this is a walking path for many. This will be 24 residential units and 3 commercial units. There could be an intensive use coming out of the one curb cut. It could be problematic with people coming in and out of the pizza place and Abbott's Custard.

Mr. Block stated everyone needs to be cognizant of safety. He is not closed off to it as proposed, but he is not a fan of it. He would recommend that the buildingto have access through the municipal lot and that be only vehicular access with pedestrian access in the front. He has strong concerns. He does not mind the concept of retail on the first floor with to residential above. He is not sure he is comfortable with the density, though. The setback requirement is 50 feet. To go from 50 feet to 10 feet is a high bar to achieve. He is not comfortable with that change. He has a question with regard to height. He is using 35 feet and 3 stories as the appropriate standard. A number of homehomes in the area are at least that height. If the building were Dedesigned to look at least like a house, it may have an easier time. Smaller, shorter and access from Dedham Avenue or Warren Street may be better. He is not convinced this rezoning could go through Town Meeting. He is not sure, but it may be spot zoning. The applicant should think about extending the Mmixed-Uuse District from Dedham Avenue to Warren Street.

Ms. McKnight noted Mr. Giunta Jr. is here to get responses. She noted that Mr. Block suggested the prior use was a lawful, pre-existing, non-conforming under the By-Law but she is not convinced. It was an allowed agricultural use which is allowed in residential districts. Mr. Giunta Jr. noted the only relief sought would be on the side but she noted that the rear also abuts residential wouldn't. Tthe project would need relief on the back? Mr. Giunta Jr. stated the rear setback abuts in the Center Business District and it borders residential only on the left side not the rear. He noted, with regards to spot zoning, this borders the Center Business District on 2 sides and this squares off the district.

Ms. Espada asked for clarification as to whethered 3 sides would require a 50-foot setback now but the plan shows 15 feet, 20 feet and 20 feet. Mr. Giunta Jr. stated his understanding is this property was a single-family house and used for Hillcrest Gardens agricultural activity. After they began using the property, the town changed the zoning to require 2½ acres for agricultural use, making it non-conforming. Ms. McKnight noted a serious issue is the back alley having an entrance to underground parking. It iswould be tense whenever someone came out of the garage. There is no driver visibility until you are at the sidewalk. She would like to see a driveway back to a side or rear entrance to the underground parking, and suggested the developer look at 15-17 Oak Street that was recently built. She commented she would not like to see the entrance to the garage coming right out to the sidewalk. She noted the dimensional table mentions a 35-foot height and

with the overlay it can go to 37 feet. She asked if the developer would consider going up as an alternative if they do not get the 50-foot setback relief. Mr. Giunta Jr. stated they very well might but do not want to go too high.

Nicholas Landry, architect, stated they are trying to keep the building at a lower height to keep it in line with the commercial building next door but he can look at it. For the parking, there was talk about having the entrance coming off the parking lot but this was not looked at. A couple of parking spaces may be lost. Ms. McKnight asked if the number of spaces are what are required or are more being provided. Mr. Giunta Jr. stated 1½ spaces per unit would be 36 spaces. They wanted to get as much parking as possible but may need a waiver. They will know once they begin the plans.

Ms. McKnight noted the Housing Plan Working Group is looking at this area. Retail is having a hard time. She asked if stand_-alone multi-family housing should be talked about-or multi-family housing. Is it economically feasible? Does Mmixed-Uuse add economic value? Jay Derenzo, applicant, stated there definitely needs to be a commercial component to make it economically feasible. The Board discussed if it made sense to require 1½ parking spaces for multi-family housing that is transit oriented, how many units will be affordable, and curb cuts. Mr. Giunta Jr. noted the existing curb cut is at the driveway. The proposed curb cut has been shifted slightly to the other side to shift it away from Pickering Street.

Ms. Espada noted the Church adjacent to the property seems to be over the property line. She asked if that was an easement. Mr. Giunta Jr. noted the Assessor's map shows it really close but he is not sure it is accurate. Mr. Landry got the plan off the internet. It is not a survey. It could be an error and should be set fauther over. Ms. Espada stated she had similar concerns to Ms. McKnight. She has a concern with traffic going directly out of the property and this should be taken into consideration. Mr. Block noted more green space would be able to be created. Mr. Giunta Jr. noted they looked at doing something in the back early on. The tail piece abutting the property is owned by the same owner as 60 Dedham Avenue. Something would have to be worked out with them, but the rest of the parking lot is owned by the Town. They would need to work something out with the Town, get Town Meeting approval and would need to reconfigure the parking lot. Mr. Block noted the project would need to go to Town Meeting anyway.

Mr. Jacobs informed the applicant he would not be on the Board in April. He thinks the driveway from Great Plain Avenue across the sidewalk to the underground parking is problematic. They should try to access the underground parking from the rear or a new drive from Great Plain Avenue going down the side. He views this site as an anomaly to be zoned single residence but is a transitional lot. It should be viewed differently. This needs to be setback from the street line more than zero and needs a lot more greenery. He likes the idea of maybe reducing the parking requirement from 1½ to 1 space per unit. He asked if 3 commercial spaces on the ground floor were really needed to make it work economically. He is not sure he is willing to accept more stand_alone multi-family.

Ms. McKnight agreed with Mr. Jacobs on not using a zero setback. The visibility from the driveway will be better with a front setback, and it would not be disharmonious with the area. Mr. Derenzo stated he would like to have another working meeting with the Planning Board. He will go back to the original plans.

Mr. Alpert rejoined the meeting as Chairman.

Minutes

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 9/21/21 Planning Board meeting as red-lined.

Report from Planning Director and Board members.

Ms. Newman reviewed upcoming meetings. The Housing Plan Working Group is having a meeting on 1/27/22. There will be a community wide meeting to discuss the status of affordable housing in Needham and the housing patterns. It will let the residents give ideas on what they see as problems. She would encourage all Planning Board members to participate. Ms. Espada encouraged community members to attend. It is a listening session. They want to get input at the beginning of the process. Ms. McKnight commented the Housing Plan Working Group thought to send out a survey but decided against it at this time, as it was too complicated and too early. They thought it would be a benefit to first get thoughts and ideas from community members. Mr. Block stated he has access to MLS and can get any information or data needed for the last

5 to 8 years. Ms. McKnight suggested he communicate directly with Community Housing SpecialistDirector Karen Sunnarborg. Ms. Sunnarborg has put together a lot of data and he may be able to assist her with additional information.

Ms. Newman reminded the Board there will be a Chair/Vice-Chair meeting with the Finance Committee on 2/2/22. She had a meeting with the Finance Committee and thinks it went well. She noted she is working with Latina Restaurant. The restaurant wants to retain the outdoor seating installed during Covid. She is having an issue as the seating is located on the right of way that services the building they are in and the multi-family dwelling next door. The applicant is having trouble getting a formal license agreement to allow them to keep the seating out there permanently. The owner was able to get a letter from the property owner next door acknowledging the use and stating he has no issue with the use and its continuation. She was hoping the Board would accept that rather than a formalized license agreement to allow the use to continue on a more permanent basis.

Ms. Newman thinks it is a good use and would like the Board to allow the use to remain in place after 4/1/22 when the Covid protections expire. She noted a lot of restaurants want to make the arrangement permanent. Mr. Alpert was confused who owns the land. Ms. Newman noted it is a private right of way. Both Brookline Development Corporation and Mr. Fuhrman, who owns 50 Dedham Avenue, have an easement over it to allow access to the rest of the property. She has a letter from the property owner of 50 Dedham Avenue stating he is ok with it. The dumpster in back can be accessed coming through the other area. She asked if Mr. Fuhrman's letter is sufficient to formalize the seating? Mr. Jacobs commented the Board needs to recognize the two owners could end it-this accommodation at any time. Mr. Alpert stated the letter had conditions that he wants to exist. He asked if there were special permits on these 2 parcels that need to be [mixed use?] defined to allow this use.

Ms. Newman stated Latina would come in front of the Board and ask they be allowed to keep this. The Board would need to allow Latina to accept deliveries off Great Plain Avenue so that Latina can comply with the conditions set forth in the letter from Mr. Fuhrman. The issue of where it is located has been the impediment, but the abutter has now said he would allow it to go forward. Ms. McKnight is all in favor of going ahead using the letter as authorization. Usually, the Board would want to see the a formal license agreement, but they are not going to require it in this case. She noted the Select Board is very supportive of outdoor dining. Ms. Espada feels the Board should have Town Counsel look at these to make sure they are ok. Ms. McKnight feels seeking the opinion of Town Counsel would be perceived as being difficult. Ms. Newman agreed. Restaurants are relying on outdoor dining to maintain their business. The Town needs to be supportive of these restaurants. Mr. Alpert noted the Board needs to recognize the fact permission needs to be granted by 50 Dedham Avenue. Granting permission does not negate the applicant needing permission from 50 Dedham Avenue.

Mr. Block feels the issue was more about deliveries coming through the driveway instead of and not from Great Plain Avenue. This would solve that issue and make it better. Mr. Alpert feels the language should be clear that no rights are being taken away from 50 Dedham Avenue. A discussion ensued. Mr. Jacobs noted the Board talked about a policy of non-enforcement when this started 2 years ago. The Board is trying to make it happen quickly to allow people to do the outdoor seating. Ms. Newman noted outdoor seating has only been effective during the time of the Governor's order and will expire once the Governor's order expires. There would be a minor modification for 50 Dedham Avenue. Ms. Newman understands the next steps.

Correspondence

Mr. Alpert noted a notice of a zoning public hearing from Wellesley's Planning Board. Ms. McKnight stated some interesting zoning changes to Wellesley and Westwood. She would like to know more. Ms. Newman will get copies and reach out to the Planners of those towns. Mr. Alpert noted an email from Elizabeth Kaponya, Precinct J, expressing concerns as to a medical clinic proposed where Panera Bread is.

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:

that the Planning Board enter into executive session under M.G.L. c 30A, S 21(a)(7), for the purposes of complying with M.G.L. c.30A, S 22, to review and approve the minutes of the executive session held on November 8, 2021 and that the Board not return to open session at the conclusion of the executive session.

Executive session purpose 7: Approve minutes of executive session held November 8, 2021.

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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 minutes of the 11/8/21 executive session.

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 10:15 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

From: noreply@civicplus.com

To: Alexandra Clee; Lee Newman; Elisa Litchman

Subject: Online Form Submittal: Contact Planning Board

Date: Monday, March 28, 2022 10:03:40 AM

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

Full Name:: Susan Welby

Email Address:: swelby@comcast.net

Address:: 857 Webster Street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 617/834-6097

Comments / Questions: The League of Women Voters of Needham will host Warrant Meetings for the Annual Town Meeting on Monday, April 25, at 7:30 p.m. at the Center at the Heights.

The League of Women Voters-Needham has decided to return to in-person Warrant Meetings in an effort to educate Town Meeting Members about the Warrant. The Warrant Meetings will follow the usual format, we will meet in 5 rooms, two precincts each, hear details about the articles, and ask questions. A League member in each room will lead the discussion. We would very much like to have a member of the Planning Board in each room to answer questions that might arise.

Please let me know by Friday, April 22, if your Board is able to have a representative in each room and the preferred Precincts to be covered.

Precincts A and B

Precincts C and D

Precincts E and F

Precincts G and H

Precincts I and J

If you have any questions or require further information, please feel free to contact me by email or by phone: 617-834-6097 (cell).

Thank you. Susan Welby League of Women Voters-Needham Warrant Meeting Coordinator

Additional Information:

Form submitted on: 3/28/2022 10:03:28 AM

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