NEEDHAM PLANNING BOARD Tuesday April 12, 2022 10:30 a.m.

Virtual Meeting using Zoom

Meeting ID: 880 4672 5264 (Instructions for accessing below)

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Direct Link to meeting: https://us02web.zoom.us/j/88046725264

- Decision: 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.
- 2. Peer review pursuant to M.G.L. c.44, §53G Traffic impacts associated with the Highland Innovation Center, 557 Highland Avenue, Needham, MA.
- 3. Minutes.
- 4. Report from Planning Director and Board members.
- 5. Correspondence.
- 6. Executive session pursuant to M.G.L. c.30A, §21(a)(3) to pending litigation—Appeal of Planning Board decision on 1688 Central Avenue.

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

AMENDMENT TO DECISION April 12, 2022

Major Project Site Plan Special Permit SPMP No. 2005-07 Needham Gateway, LLC 100, 120 Highland Avenue Application 2005-07

(Original Decision dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, MA (hereinafter the Petitioner), for property located at 100 and 120 Highland Avenue, Needham, Massachusetts, shown on Assessor's Map No. 73 as Parcel 18 containing 82,582 square feet and partially located in the New England Business Center Zoning District and partially located in the Highland-Commercial 128 Zoning District.

This decision is in response to an application submitted to the Board on January 25, 2022, by the Petitioner for: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested Major Project Site Plan Review Special Permit amendment would, if granted, allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.

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 15, 2022 at 7:40 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 March 15, 2022 proceedings. The hearing was continued to Tuesday, April 5, 2022 at 7:45 p.m. by Zoom 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. 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 Transmittal letter from Attorney Rick Mann, dated January 24, 2022.
- Exhibit 2 Application Form for Further Site Plan Review completed by the applicant dated January 25, 2022. (with supplemental application signed by Carbon Health, dated February 24, 2022).
- Exhibit 3 Rider A to application.
- Exhibit 4 Physician Profile of Sujal S. Mandavia, MD.
- Exhibit 5 Memorandum to Mike Moskowitz Needham Gateway LLC, from Michael A. Santos, BSC, Group, re: Parking Evaluation, dated November 19, 2021.
- Exhibit 6 Letter to Board Members from David Roche, Needham Building Commissioner, dated December 29, 2021.
- Exhibit 7 Floor Plan entitled "Needham MA Gateway Shops," prepared by Environments for Health Architecture, dated January 12, 2022.
- Exhibit 8 Legal memorandum to Carbon Health, from Foley & Lardner LLP, dated January 19, 2022.
- Exhibit 9 Parking Memorandum to Mike Moskowitz Needham Gateway LLC, from the BSC Group to Mike Moskowitz, Eclipse Management, dated November 19, 2021.
- Exhibit 10 Emails from Elizabeth Kaponya, dated January 4, 2022 and March 14, 2022.
- Exhibit 11 Letters to Board Members from Attorney Rick Mann, dated February 18, 2022 and February 28, 2022.
- Exhibit 12 Parking evaluation letter from the BSC Group to Richard Mann, Esq., dated February 28, 2022 and attached satellite photo of site.
- Exhibit 13 Letters to Lee Newman from Attorney Rick Mann, dated March 14, 2022 and March 25, 2022.
- Exhibit 14 Parking Memorandum to Mike Moskowitz Needham Gateway LLC, from the BSC Group to Mike Moskowitz, Eclipse Management, dated March 24, 2022.
- Exhibit 15 Email from Derek Wade, 41 Riverside Street, dated March 15, 2022.
- Exhibit 16 Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated February 10, 2022; IDC from Thomas Ryder, Assistant Town Engineer, dated March 10, 2022; IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated February 11, 2022; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated February 10, 2022.
- Exhibits 2, 3, 7, 9, 11 and 12 are hereby referred to as The Project Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its Decision dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 except as modified herein.

- 1.1 The Petitioner is seeking the modification of Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 (hereinafter "the Decision"), to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.
- 1.2 The Decision issued by the Needham Planning approved the construction of two buildings on the land, one located at 100 Highland Avenue containing 10,628 square feet of floor area and the other located at 120 Highland Avenue containing 12,820 square feet of floor area (both buildings, together with all other improvements on the Land are herein collectively referred to as the "Shopping Center").
- 1.3 Section 3.2 of the Decision, allows the use of 10,628 square feet of the building at 100 Highland Avenue and 8,020 square feet of the building at 120 Highland Avenue for general retail purposes and craft, consumer, professional or commercial service establishments dealing directly with the general public and 4,800 square feet of said building for a fast food restaurant. Further, although otherwise allowed as of right or by special permit in the underlying Highland Commercial-128 Zoning District, Section 3.3 of the Special Permit as amended expressly prohibits the following uses in the Shopping Center: (1) all sit down food and beverage restaurants; (2) all fast food pick up and/or delivery restaurants, excepting Panera Bread; (3) all sports clubs; and (4) all convenience markets.
- 1.4 The Petitioner proposes to amend the Decision to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District. The proposal consists of leasing approximately 3,275 gross square feet of floor area in the building at 120 Highland Avenue to Carbon Health Medical Group of Florida, PA, a Florida professional corporation d/b/a "Carbon Health", duly registered as a foreign corporation in the Commonwealth of Massachusetts, which is wholly owned by a single physician licensed in the Commonwealth of Massachusetts. Based on its ownership, Carbon Health asserts that it will not be required to be licensed as a clinic under GL Chapter 111, Section 51.
- 1.5 Carbon Health proposes to use the premises principally for the provision of primary and walk-in medical care and will have a maximum aggregate of eight (8) medical and non-medical staff on the premises at any one time (typically 4-6), including no more than two licensed physicians. Hours of operation are expected to be 9 AM 7 PM, seven days a week.
- 1.6 By letter dated December 29, 2021 (Exhibit 6), a copy of which has been submitted with this application, the Building Commissioner has determined that the proposed use constitutes a "professional office" which is allowed as a matter of right in the Highland Commercial-128 District in which the premises are located. The Commissioner concluded that Carbon Health's proposed use fits the definition of a "Professional Office" allowed as a matter of right in the Highland Commercial 128 District and is not a Group Practice, Medical Clinic or a Medical

Services Building, nor is it an alternative medicine practice, physical therapy or wellness treatment facility as defined.

The Petitioner requests that the Planning Board adopt a finding that Carbon Health's proposed use fits the generic use category of a professional or commercial service establishment dealing directly with the general public that is more specifically categorized under the By-Law as a "professional office" as determined by the Building Commissioner and that the proposed use as a "professional office" is allowed as a matter of right in the Highland Commercial - 128 District based on the foregoing analysis.

- 1.7 No changes are proposed to the parking area.
- 1.8 The total number of parking spaces on-site is currently 97. With the installation of a dumpster on one parking spaces, as approved by Amendment dated March 28, 2022, there will be one fewer space, for a total of 96.
- 1.9 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) to enable full occupancy of the building located at 120 Highland Avenue. The parking requirement for the building located at 120 Highland Avenue is calculated as follows. The total parking requirement for the fast-food use namely, Panera Bread will be 64 spaces (130 seats divided by 3 = 43.33 seats, plus 20 seats for two take-out stations =63.33 spaces). For this parking requirement each cash register is considered a take-out station. The parking requirement for Carbon Health will be 17 spaces (3,275 divided by 200 = 16.375) and for Geico Insurance will be 16 spaces (4,745 divided by 300 =15.81). Accordingly, the parking requirement for the building located at 120 Highland Avenue will be 97 spaces (64+17+16 =97) and only 96 parking spaces are provided. A waiver of 1 parking space is required to allow full occupancy of the building located at 120 Highland Avenue as noted above.
- 1.10 No parking waivers are currently being sought by the Petitioner under Section 5.1.2 to enable occupancy of the now vacant former Frank Webb's Bath Center building at 100 Highland Avenue who use is yet to be determined. The Petitioner has acknowledged that the former Frank Webb's Bath Center building at 100 Highland Avenue shall remain empty and untenanted until further Planning Board approval is obtained following submittal of a further parking waiver request and an updated parking study demonstrating an adequate parking supply at the Shopping Center.
- 1.11 A Parking Study dated March 24, 2022 (Exhibit 9) was prepared by the BSC Group, Inc. The study evaluated changes in parking demand at the Shopping Center under the following assumptions: (1) Omaha Steaks, SuperCuts, and Hamra are replaced with a Carbon Health urgent care facility consisting of approximately 3,275 sf of space at 120 Highland Avenue; (2) Panera Bread and Geico Insurance remain as tenants at 120 Highland Avenue; and (3) The former Frank Webb's Bath Center building at 100 Highland Avenue remains empty and untenanted until further Planning Board approval is obtained. The parking evaluation consisted 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. The evaluation demonstrated that the existing parking supply will accommodate the proposed changes in use under the above noted assumptions.
- 1.12 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 5.1.3 (Parking Plan and Design Requirements). More particularly, the Petitioner seeks a waiver from Section 5.1.3 (j) to waive the ten (10) foot parking setback requirement from the front lot line along Second Avenue to seven (7) feet and in

- Section 5.1.3 (k) to waive the associated ten (10) foot wide landscape requirement as it pertains to said (10) foot front setback along Second Avenue.
- 1.13 No exterior changes are proposed to the building or site by this Amendment. The site is fully developed. The completed improvements protect adjoining premises against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site includes a surface water drainage system connecting to the municipal system that accommodates surface water runoff.
- 1.14 The proposed use will insure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The existing design for vehicular and pedestrian movement within the property stresses the safety and convenience of both types of movement and no modifications to the parking area are proposed. Access is provided by way of the existing driveways. No inconvenience or safety hazard either on site or on adjacent streets will be created. The parking area is ADA compliant.
- 1.15 An adequate arrangement of parking and loading spaces in relation to the already approved uses of the premises for general retail/fast food use, has been provided and noted in Major Project Site Plan Special Permit Nos. 2005-7, January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022. No changes to the parking area are proposed by this Amendment. (A recent and independent amendment, dated March 28, 2022, permitted a new dumpster enclosure in the parking lot.)
- 1.16 Adequate methods for disposal of refuse and waste will be provided. The site is already fully developed with adequate infrastructure in place. All waste and refuse will be disposed of in conformance with all applicable regulations. The entire site is connected to the municipal sanitary sewerage system. The site is presently fully developed, and the footprint of the building will not change. Only minor façade changes are contemplated, which are necessary to combine the prior tenant spaces into one new space (the subject proposed Carbon Health facility).
- 1.17 The proposed project will not have any adverse impact upon the Town's resources, including water supply and distribution system, sewer collection and treatment, fire protection, and streets. The municipal system has adequate capacity to service the project.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District and the Highland-Commercial 128 Zoning District, if the Board finds that the proposed Project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Project Plan, as conditioned and limited herein, for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable by-law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.
- 1.19 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 (Required Parking) 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 requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, 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.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively); subject to 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 of such construction activity on the site to begin on the site until and unless he finds that the Project 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 Project Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Project Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. No Plan Modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022, are ratified and confirmed except as modified herein. 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 3.25 hereof.

- 3.1 The Carbon Health facility shall have a licensed physician, physician's assistant or nurse practitioner on site at all times.
- 3.2 The use of the premises shall be limited to the Carbon Health facility where primary and walk-in medical care is provided for episodic acute illness or injury that is not life or limb threatening and is either beyond the scope or availability of the typical primary care practice.

- 3.3 The Carbon Health facility shall provide specialized treatment of a disease, illness, or injury presented on an episodic basis. The disease, illness or injury which is to be treated in the Carbon Health facility setting shall usually be one of an acute nature. Because of the focus on only episodic problems, the Carbon Health facility practitioners shall not provide obstetric services, in-hospital admission, or long-term management of chronic diseases such as cancer, diabetes, heart disease, hypertension, or other conditions requiring long term medical management and continuity of care using the medical record history. People who present to the Carbon Health facility with life threatening situations shall be stabilized and then immediately transferred to the Hospital Emergency Department or referred to the 911 EMS system. The Carbon Health facility may also provide a full range of testing services including Department of Transportation exams and preplacement drug tests.
- 3.4 Authorization for the Carbon Health facility to operate under this decision is solely as a "Professional Office", allowed as a matter of right in the Highland Commercial 128 District, under Section 3.2.5.1 (f), of the By-law and not as a Group Practice, Medical Clinic or a Medical Services Building, nor as an alternative medicine practice, physical therapy or wellness treatment facility as those terms are further defined in the By-Law.
- 3.5 The Carbon Health facility shall include an X-ray department for basic radiology covering fracture care, chest exams, etc., a laboratory department for routine blood test and other diagnostic procedures and a procedure room for lacerations and fractures, all as shown on the Plan.
- 3.6 The Carbon Health facility shall be limited to no more than seven (7) exam rooms (between "urgent care" and "primary care") and one (1) room for x-rays and phlebotomy, as shown on the Plan.
- 3.7 The waiting room as shown on the Plan shall be limited to four (4) seats and shall include all non-office or staff chairs excepting those located in the exam rooms. The patients shall not be permitted to wait in staff areas (break room). No more than four (4) patients shall be permitted within the facility at any one time. If a complaint is registered with the Building Commissioner, the Building Commissioner shall request that the Center conduct a census of the number of patients in the clinic at a designated time; the facility shall return the results of the census to the Building Commissioner within a reasonable time, not to exceed thirty (30) days.
- 3.8 Staffing at the Carbon Health facility shall include a physician, physician's assistant, nurse practitioner and other medical staff comprised of Medical Assistants, Lab Technologists, x-ray Technologists and other medical support personnel. All Carbon Health facility physicians shall be Board Certified in Family Practice or Emergency Medicine.
- 3.9 The Carbon Health facility shall not have more than eight (8) medical and non-medical staff on the premises at any one time (typically 4-6). No more than 2 medical professionals (physician, physician's assistant, or nurse practitioner) shall be present on the premises at any one time.
- 3.10 The Carbon Health facility may be open and operated seven (7) days a week from 9:00 a.m. to 7:00. No care sessions may be conducted outside the above-stated operating hours. A maximum of 20 patients may be seen at the Carbon Health facility per day.
- 3.11 The proposed floor plans and use therein shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions or modifications to the Plan shall require approval by the Board.

- 3.12 The site is not licensed to receive ambulances. Ambulances will, on rare occasion, pick up at the Carbon Health facility, in the case of an emergency.
- 3.13 No signs shall be permitted on the inside of windows or transparent doors.
- 3.14 After operating hours, the sign located on the parking lot side of the building shall be turned off.
- 3.15 The Petitioner shall share the same dumpsters and dumpster enclosure as other uses on the site already use. All biological waste shall stay in the Carbon Health facility until it is picked up by the appropriate licensed entity. Such biological waste pickups shall only be during normal office hours.
- 3.16 The former Frank Webb's Bath Center building located at 100 Highland Avenue shall remain empty and untenanted until further Planning Board approval is obtained following submittal of a further parking waiver request and an updated parking study demonstrating an adequate parking supply at the Shopping Center for the then proposed use.
- 3.17 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.18 The following interim safeguards shall be implemented during construction:
 - a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery or removal of construction material or debris shall only occur between the hours of 7:45 a.m. and 8:15 p.m. Monday through Saturday. Notwithstanding the above, interior construction work at night or on Sundays is permissible provided the Petitioner does not make, cause or permit to be made any noise which is audible at the perimeter of the site.
 - b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue.
- 3.19 No building permit shall be issued in the pursuance of the Special Permit and Site Plan Approval until:
 - a) The final plans shall be in conformity with those previously approved by the Board and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b) The Petitioner shall have recorded with the Norfolk Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.20 The portion of the building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall not be occupied until:

- a. An as-built plan and Final Affidavit, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
- b. That there shall be filed, with the Building Inspector, a statement by the Board approving the asbuilt plan and Final Affidavit for the facility, in accordance with this Decision and the approved Plan.
- 3.21 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.22 The portion of the building or structure authorized for construction by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.23 The Petitioner, by accepting this Decision, 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.
- 3.24 This Special Permit to operate a Carbon Health facility at 100 Highland Avenue is issued to Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA, prospective lessee, only and may not be transferred, set over, or assigned by Carbon Health Medical Group of Florida, PA without the prior written consent of the Board following such notice and hearing, if any, as the Board in its sole discretion shall deem necessary and appropriate under all of the circumstances.
- 3.25 Violation of any of the conditions of this Approval 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 Approval, 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 Approval 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 Approval if the Town prevails in such enforcement action.

LIMITATIONS

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

4.1 This permit applies only to the improvements, which are the subject of this petition. All construction to be conducted within the 3,275 gross square feet of floor area of leased space 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 approvals 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 board, 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 Major Project Site Plan Special Permit shall lapse on April 12, 2024, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to April 12, 2024. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the 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 is recorded with Norfolk District Registry of deeds and until 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 owners of the lots and the executors, administrator, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 12 th day of A	April, 2022.	
NEEDHAM PLANNING BOARD		
Paul S. Alpert, Chairman		
Adam Block		
Natasha Espada		
Martin Jacobs		
Jeanne S. McKnight		
COM Norfolk, ss	IMONWEALTH OF MASSAC	CHUSETTS2022
appeared	, one of the members to me through satisfactory, to be the person wh	he undersigned notary public, personally of the Planning Board of the Town of evidence of identification, which was use name is signed on the proceeding or act and deed of said Board before me.
	Notary Public nar My Commission	ne: Expires:
Project proposed by Carbon Heal	th Medical Group of Florida, eway LLC, 66 Cranberry Lane	day appeal period on the approval of the PA, 300 California St (Suite 700), San, Needham, MA, for Property located at
and there have been no appealsthere has been an appeal filed.	s filed in the Office of the Town	n Clerk or
Date	T	heodora K. Eaton, Town Clerk
Copy sent to:		
Petitioner-Certified Mail # Town Clerk Building Inspector Conservation Commission Parties in Interest	Board of Selectmen Engineering Fire Department Police Department	Board of Health Director, PWD Design Review Board Rick Mann, Attorney

THE LAW OFFICE OF RICHARD S. MANN

ATTORNEY

845 WASHINGTON STREET SUITE 501 NEWTON, MA 02460

RICHARD S. MANN, ESQ. TEL: 617-771-3361 RMANN@RICKMANNLAW.COM

April 11, 2022

Planning Director and Members of the Planning Board Town of Needham 50 Dedham Avenue Needham, MA 02492

Re: Needham Gateway Center—Carbon Health Application for Amendment to Special Permit

Dear Director and Board Members:

First and foremost, I want to thank you for your time, energy and diligence in considering the pending application for Amendment to the existing Special Permit to allow the Carbon Health facility at the Needham Gateway Center.

My clients and I have reviewed the draft Amendment decision and, while the findings and decisions are for the most part conceptually fine, there a number of issues, particularly with the some of the conditions, that require further discussion.

Attached are my proposed redlined revisions to the draft decision. By way of further explanation as to the more significant of these changes, the following is provided:

Sections 1.9. 1.10 and 1.11: The existing Decision provided a waiver from the 127 required parking spaces based on then actual and anticipated tenant uses for the entire Shopping Center, reducing the number of spaces required for those uses in the Shopping Center to 97. That waiver was further modified to allow 96 spaces by the recent dumpster amendment. The implication of the language in Section 1.9 of the Amendment decision as drafted is that somehow this previously issued waiver has been lost by virtue of adding an as of right use to the Center which, worst case, adds six (6) required parking spaces to the number of required spaces based on the tenant spaces it will replace. I do not believe this is the appropriate analysis or result. Frank Webb (and its predecessors) occupied 10,628 s.f. of space and was used for retail purposes. Under the Zoning By-Law, this use required 35.42 parking spaces at 1/300 s.f. (rounded to 36). In a worst case, the replacement tenant for the Frank Webb space should be allocated 30 parking spaces of the 36 spaces assumed in the previously granted parking waiver (36 less the additional 6 spaces required for Carbon Health).

Therefore, any new proposed use of the building at 100 Highland Avenue requiring more than 30 parking spaces under the By-Law will require an additional parking waiver. If the Board grants the requested waiver for the six additional spaces required by Carbon Health, there will be 24 spaces remaining under the existing waiver to apply towards a new use of the building at 100 Highland Avenue.

<u>Sections 3.2 and 3.3:</u> The restrictions on use, particularly the limitation of services to episodic treatment and the inability to provide long term treatment for chronic conditions, are far too severe and do not recognize the breadth of primary care practice. Carbon Health cannot agree to these restrictions.

Section 3.7: The number of patients in the facility at any one time will, of necessity be limited to the number of patient exams rooms (7), x-ray and phlebotomy room (1) and the number of seats in the waiting room (4). While Carbon Health's actual experience as noted at the hearings strongly indicates that such maximum utilization will be rare indeed, nonetheless, any limitation on the number of patients as suggested in the draft decision should reflect the actual capacity of the facility.

<u>Section 3.9</u>: At the last hearing, a suggestion was made by a Board member that the decision include a prohibition against there being more than two of any combination of physician, physician's assistant and nurse practitioner present in the premises at any one time. Carbon Health agreed to this concept with the one exception that this number may exceeded from time to time by the presence of trainees and the like (i.e. people who are not on premises to administer medical treatment). I have revised this section include this exception.

Section 3.10: The limitation on the number of patients to 20 per day is unacceptable to Carbon Health Petitioner and is tantamount to a denial of the application. Carbon Health's business is caring for patients. It will not turn away any patient in need. Moreover, I am personally unaware of any zoning decision in Needham or any other jurisdiction that attempts to limit the number of customers a store may allow in on a daily basis. I also have serious questions concerning the legality of such a condition. The number of patients seen per day will be determined by the marketplace and the physical limitations of the facility and the Shopping Center.

<u>Section 3.24</u>: The Special Permit must be assignable to another party for the uses permitted by the Amendment without being subjected to a completely discretionary approval by the Board. Carbon Health will be making a substantial capital investment in this facility and if it later determines as a business matter that, for whatever reason, it desires to sell this location, provided the transferee's use is consistent with use allowed by the Amendment, the transferee is properly licensed and acknowledges that it will be subject to all of the terms of the Amendment, the reasonable interests of the Board will be satisfied.

My proposed changes would require prior notice of the transfer to the Board together with a written acknowledgment by the proposed transferee confirming that: (a) its intended use of the premises as described in such notice is included in the uses permitted by this Amendment; (b) it and its employees possess all the required licenses to engage in such use; and (c) it will be subject to and shall abide by all of the terms of this Amendment.

With the modifications as contained in the attached Amendment, the Petitioners are prepared to accept the decision.

Again, I appreciate the efforts of the Board and the Planning Department and hope we are able to reach agreement on the terms of the Amendment decision.

Very traly yours,

Richard S. Mann, Esq.

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AMENDMENT TO DECISION

April 12, 2022

Major Project Site Plan Special Permit SPMP No. 2005-07 Needham Gateway, LLC 100, 120 Highland Avenue Application 2005-07

(Original Decision dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022)

DECISION of the Planning Board (hereinafter referred to as the "Board)" on the petition of Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA ("Carbon Health") and Needham Gateway LLC, 66 Cranberry Lane, Needham, MA (hereinafter the "Petitioner)", for property located at 100 and 120 Highland Avenue, Needham, Massachusetts, shown on Assessor's Map No. 73 as Parcel 18 containing 82,582 square feet and partially located in the New England Business Center Zoning District and partially located in the Highland-Commercial 128 Zoning District.

This decision is in response to an application submitted to the Board on January 25, 2022, by the Petitioner for: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law (hereinafter the "By-Law}") and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 finding that Carbon Health's proposed use is categorized under the By-Law as a "professional office" and confirming that such use is allowed in the Shopping Center as a matter of right; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested Major Project Site Plan Review Special Permit amendment (herein sometimes referred to as the "Amendment") would, if granted, allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.

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 15, 2022 at 7:40 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 March 15, 2022 proceedings. The hearing was continued to Tuesday, April 5, 2022 at 7:45 p.m. by Zoom 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. 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:

Exilient 1	Transmittar fetter from Fitter Mann, dated variating 21, 2022.	
Exhibit 2 -	Application Form for Further Site Plan Review completed by the applicant dated January 25, 2022. (with supplemental application signed by Carbon Health, dated February 24, 2022).	
Exhibit 3 -	Rider A to application.	
Exhibit 4 -	Physician Profile of Sujal S. Mandavia, MD.	
Exhibit 5 -	Memorandum to Mike Moskowitz Needham Gateway LLC, from Michael A. Santos, BSC, Group, re: Parking Evaluation, dated November 19, 2021. HOW DOES THIS DIFFER FROM EXHIBIT 9?	Formatted: Font: 11 pt
Exhibit 6 -	Letter to Board Members from David Roche, Needham Building Commissioner, dated December 29, 2021.	
Exhibit 7 -	Floor Plan entitled "Needham MA Gateway Shops," prepared by Environments for Health Architecture, dated January 12, 2022 (the "Floor Plan").	
Exhibit 8 -	Legal memorandum to Carbon Health, from Foley & Lardner LLP, dated January 19, 2022.	
Exhibit 9 -	Parking Memorandum to Mike Moskowitz Needham Gateway LLC, from the BSC Group to Mike Moskowitz, Eclipse Management, dated November 19, 2021.	Formatted: Font: 11 pt
Exhibit 10 -	Emails from Elizabeth Kaponya, dated January 4, 2022 and March 14, 2022.	
Exhibit 11 -	Letters to Board Members from Attorney Rick Mann, dated February 18, 2022 and February 28, 2022.	
Exhibit 12 -	Parking evaluation letter from the BSC Group to Richard Mann, Esq., dated February 28, 2022 and attached satellite photo of site.	
Exhibit 13 -	Letters to Lee Newman from Attorney Rick Mann, dated March 14, 2022 and March 25, 2022.	
Exhibit 14 -	Parking Memorandum to Mike Moskowitz Needham Gateway LLC, from the BSC Group to Mike Moskowitz, Eclipse Management, dated March 24, 2022.	Formatted: Font: 11 pt
Exhibit 15 -	Email from Derek Wade, 41 Riverside Street, dated March 15, 2022.	
Exhibit 16 -	Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated February 10, 2022; IDC from Thomas Ryder, Assistant Town Engineer, dated March 10, 2022; IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated February 11, 2022; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated February 10, 2022.	
Exhibits 2, 3, 7	7, 9, 11 and 12 are hereby referred to as Thethe Project Plan.	

FINDINGS AND CONCLUSIONS

Transmittal letter from Attorney Rick Mann, dated January 24, 2022.

Exhibit 1 -

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its Decision dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 except as modified herein.

- 1.1 The Petitioner is seeking the modification of Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022 (hereinafter "herein the "Decision"), to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District.
- 1.2 The Decision issued by the Needham Planning approved the construction of two buildings on the land, one located at 100 Highland Avenue containing 10,628 square feet of floor area and the other located at 120 Highland Avenue containing 12,820 square feet of floor area (both buildings, together with all other improvements on the Land are herein collectively referred to as the "Shopping Center").
- 1.3 Section 3.2 of the Decision, allows the use of 10,628 square feet of the building at 100 Highland Avenue and 8,020 square feet of the building at 120 Highland Avenue for general retail purposes and craft, consumer, professional or commercial service establishments dealing directly with the general public and 4,800 square feet of said building for a fast food restaurant. Further, although otherwise allowed as of right or by special permit in the underlying Highland Commercial-128 Zoning District, Section 3.3 of the Special Permit as amended expressly prohibits the following uses in the Shopping Center: (1) all sit down food and beverage restaurants; (2) all fast food pick up and/or delivery restaurants, excepting Panera Bread; (3) all sports clubs; and (4) all convenience markets
- 1.4 The Petitioner proposes to amend the Decision to allow a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care and uses accessory thereto, which use is allowed as a matter of right in the Highland-Commercial 128 Zoning District. The proposal consists of leasing approximately 3,275 gross square feet of floor area in the building at 120 Highland Avenue to Carbon Health Medical Group of Florida, PA, a Florida professional corporation d/b/a "Carbon Health", duly registered as a foreign corporation in the Commonwealth of Massachusetts, which is wholly owned by a single physician licensed in the Commonwealth of Massachusetts. Based on its ownership, Carbon Health asserts that it will not be required to be licensed as a clinic under GL Chapter 111, Section 51.
- 1.5 Carbon Health proposes to use the premises principally for the provision of primary and walk-in medical care and will have a maximum aggregate of eight (8) medical and non-medical staff on the premises at any one time (typically 4-6), including no more than two licensed physicians. Hours of operation are expected to be 9 AM 7 PM, seven days a week.
- By letter dated December 29, 2021 (Exhibit 6), a copy of which has been submitted with this application, the Building Commissioner has determined that the proposed use constitutes a "professional office" which is allowed as a matter of right in the Highland Commercial-128 District in which the premises are located. The Commissioner concluded that Carbon Health's proposed use fits the definition of a "Professional Office" allowed as a matter of right in the Highland Commercial 128 District and is not a Group Practice, Medical Clinic or a Medical Services Building, nor is it an alternative medicine practice, physical therapy or wellness treatment facility as defined.

The Petitioner requests that the Planning Board adopt a finding that Carbon Health's proposed use fits the generic use category of a professional or commercial service establishment dealing directly with the general public that is more specifically categorized under the By-Law as a "professional office" as determined by the Building Commissioner and that the proposed use as a "professional office" is allowed as a matter of right in the Highland Commercial - 128 District based on the foregoing analysis.

- 1.7 No changes are proposed to the parking area-from any previously approved changes.
- 1.8 The total number of parking spaces on-site is currently 97. With the installation of a dumpster on one parking spaces, as approved by Amendment dated March 28, 2022, there will be one fewer space, for a total of 96.
- 1.9 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking) to enable full occupancy of a new proposed use at the building located at 120 Highland Avenue, along with all other existing uses. The parking requirement for the existing uses in the building located at 120 Highland Avenue is calculated as follows. The Pursuant to the Zoning By-Law, the total parking requirement for the fast-food use namely, Panera Bread will be calculated as 64 spaces (130 seats divided by 3 = 43.33 seats, plus 20 seats for two take-out stations = 63.33 spaces). For this parking requirement each cash register is considered a take-out station. The Pursuant to the Zoning By-Law, the parking requirement for the Carbon Health will befacility is calculated as 17 spaces (3,275 divided by 200 = 16.375) and for the Geico Insurance will be facility is calculated as 16 spaces (4,745 divided by 300 =15.81). Accordingly, pursuant to the Zoning By-Law, the parking requirement for the building located at 120 Highland Avenue will becurrent and proposed uses in the Shopping Center is 97 spaces (64+17+16 = 97) and only 96 parking spaces are provided. A waiver of 1 Under the existing Decision it was calculated that 127 parking space is spaces were required to allow full occupancy under the Zoning By-Law for the then proposed and anticipated uses of the entire Shopping Center, including the building at 100 Highland Avenue. In the Decision, the Board granted a waiver of 30 spaces, requiring only 97 parking spaces for the Shopping Center. This waiver was further modified to allow 96 spaces by the recent dumpster amendment. As noted above and in the Petitioner's application, 17 parking spaces are required under the By-Law for the proposed new use by Carbon Heath. This is 6 parking spaces more than the eleven (11) parking spaces required by the existing uses of premises as calculated under the By-Law. The Board confirms the existing parking waiver as set forth in the Decision as recently modified and increases the waiver to allow the six (6) additional parking spaces required by the Carbon Health use. In the event that the proposed future use of the building at 100 Highland Avenue exceeds the number of spaces required by the former use by Frank Webb's Bath Center, the Board reserves the right to review of the building located at 120 Highland Avenue as noted above the future proposed use, including an updated parking study, to determine whether the need for such additional parking spaces should be waived.

1.10 No additional parking waivers are currently being sought by the Petitioner under Section 5.1.2 to enable occupancy of the now vacant former Frank Webb's Bath Center building at 100 Highland Avenue whowhose use is yet to be determined. The Petitioner has acknowledged that Any future use for which the By-Law requires more parking spaces than the prior use by Frank Webb's Bath Center will require the former Frank Webb's Bath Center building at 100 Highland Avenue shall remain empty and untenanted until further Planning Board approval is obtained following submittal of a further parking waiver request for confirmation of the existing waiver and/or expansion thereof and an updated parking study demonstrating an adequate parking supply at the Shopping Center, consistent with the terms of the existing Decision.

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A Parking Study dated March 24, 2022 (Exhibit 9) was prepared by the BSC Group, Inc. The study evaluated changes in parking demand at the Shopping Center under the following assumptions: (1) Omaha Steaks, SuperCuts, and Hamra are replaced with a Carbon Health urgent care facility consisting of approximately 3,275 sf of space at 120 Highland Avenue; (2) Panera Bread and Geico Insurance remain as tenants at 120 Highland Avenue; and (3) The former Frank Webb's Bath Center building at 100 Highland Avenue remains empty and untenanted until further Planning Board approval is obtained, as set forth in Sections 1.9 and 1.10 above and to the extent required under the terms of the existing Decision. The parking evaluation consisted 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. The evaluation demonstrated that the existing parking supply will accommodate the proposed changes in use under the above noted assumptions.

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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 5.1.3 (Parking Plan and Design Requirements). More particularly, the Petitioner seeks a waiver from Section 5.1.3 (j) to waive the ten (10) foot parking setback requirement from the front lot line along Second Avenue to seven (7) feet and in Section 5.1.3 (k) to waive the associated ten (10) foot wide landscape requirement as it pertains to said (10) foot front setback along Second Avenue.

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.14 The proposed use will insure The Shopping Center, as constructed, insures the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The existing design for vehicular and pedestrian movement within the property stresses the safety and convenience of both types of movement and no modifications to the parking area are proposed. Access is provided by way of the existing driveways. No inconvenience or safety hazard either on site or on adjacent streets will be created. The parking area is ADA compliant.

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1.15 An adequate arrangement of parking and loading spaces in relation to the already approved uses of the premisesShopping Center for general retail/fast food use; has been provided and noted in Major Project Site Plan Special Permit Nos. 2005-7, January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022. No changes to the parking area are proposed by this Amendment; and therefore, an adequate arrangement of parking and loading spaces in relation to the already approved uses of the Shopping Center and the new use allowed by this Amendment will continue to be provided. (A recent and independent amendment, dated March 28, 2022, permitted a new dumpster enclosure in the parking lot and the consequent reduction of one parking space.)

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1.16 Adequate methods for disposal of refuse and waste will be provided. The site is already fully developed with adequate infrastructure in place. All waste and refuse will be disposed of in conformance with all applicable regulations. The entire site is connected to the municipal sanitary sewerage system. The site is presently fully developed, and the footprint of the building will not change. Only minor façade changes are contemplated, which are necessary to combine the prior tenant spaces into one new space (the subject proposed Carbon Health facility).

- 1.17 TheNeither the Shopping Center nor the proposed projectCarbon Heath facility will-not have any adverse impact upon the Town's resources, including water supply and distribution system, sewer collection and treatment, fire protection, and streets. The municipal system has adequate capacity to service the project. Shopping Center, including the proposed Carbon Heath Facility.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District and the Highland-Commercial 128 Zoning District, if the Board finds that the proposed Project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Project Plan, as conditioned and limited herein, for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable by-law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.
- 1.19 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 (Required Parking) 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 requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, 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.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) an amendment to Major Project Site Plan Review Special Permit No. 2005-07 issued by the Needham Planning Board under Section 7.4 of the Needham Zoning By-Law and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2005-07 dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022, based on the Board's finding that Carbon Health's proposed use is categorized under the By-Law as a "professional office" and that the proposed use as a "professional office" is allowed as a matter of right in the Highland Commercial - 128 District and in the Shopping Center located therein; and (2) a Special Permit Amendment under Section 5.1.1.5 of the By-Law, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively); subject to 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 Project 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 of such construction activity on the site to begin on the site until and unless he finds that the Project 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, Carbon Health 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-Carbon Health shall submit nine copies of the final Project Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

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2.0 The Project Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the <u>Carbon HealthPetitioner</u>.

a. No Project Plan Modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Special Permit No. 2005-07, dated January 24, 2006, amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012, July 20, 2021 and March 28, 2022, are ratified and confirmed except as modified herein. 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 3.25 hereof.

- 3.1 The Carbon Health facility shall have a licensed physician, physician's assistant or nurse practitioner on site at all times.
- 3.2 The use of the premises shall be limited to the Carbon Health facility where primary medical care and walk-in medical care is provided. <u>for episodic acute illness or injury that is not life or limb threatening and is either beyond the scope or availability of the typical primary care practice.</u>
- 3.3 The Carbon Health facility shall provide specialized treatment of a disease, illness, or injury presented on an episodic basis. The disease, illness or injury which is to be treated in the Carbon Health facility setting shall usually be one of an acute nature. Because of the focus on only episodic problems, the Carbon Health facility practitioners shall not provide obstetric services, in hospital admission, or long term management of chronic diseases such as cancer, diabetes, heart disease, hypertension, or other conditions requiring long term medical management and continuity of care using the medical record history. People who present to the Carbon Health facility with life threatening situations shall be stabilized and then immediately transferred to the Hospital Emergency Department or referred to the 911 EMS system. The Carbon Health facility may also provide a full range of testing services including Department of Transportation exams and pre-placement drug tests.
- 3.4 Authorization for the Carbon Health facility to operate under this decision is solely as a "Professional Office", allowed as a matter of right in the Highland Commercial 128 District, under Section 3.2.5.1 (f), of the By-law and not as a Group Practice, Medical Clinic or a Medical Services Building, nor as an alternative medicine practice, physical therapy or wellness treatment facility as those terms are now or hereafter further defined or allowed the Highland Commercial 128 District in the By-Law.
- 3.5 The Carbon Health facility shall include an X-ray department for basic radiology covering fracture care, chest exams, etc., a laboratory department for routine blood test and other diagnostic procedures and a procedure room for lacerations and fractures, all as shown on the Project Plan.
- 3.6 The Carbon Health facility shall be limited to no more than seven (7) exam rooms (between "urgent care" and "primary care") and one (1) room for x-rays and phlebotomy, as shown on the Project Plan.
- 3.7 The waiting room as shown on the <u>Project</u> Plan shall be limited to four (4) seats and shall include all non-office or staff chairs excepting those located in the exam rooms. The patients shall not be permitted to wait in staff areas (break room). No more than <u>eightfour (4)(8)</u> patients shall <u>receive</u>

medical treatment be permitted within the premises facility at any one time at any one time. -If a complaint is registered with the Building Commissioner, the Building Commissioner shall request that the Carbon Health submit a certified Center conduct a census of the number of patients in the premiseselinie at a designated time; and Carbon Health the facility shall return the results of the census to the Building Commissioner within a reasonable time, not to exceed thirty (30) days.

- 3.8 Staffing at the Carbon Health facility may shall include a-physicians, physician's assistants, nurses, nurse practitioners and other medical staff comprised of Medical Assistants, Lab Technologists, x-ray Technologists and other medical support personnel. All Carbon Health facility physicians shall be Board Certified-to practice medicine. in Family Practice or Emergency Medicine.
- 3.9 The Carbon Health facility shall not have more than eight (8) medical and non-medical staff on the premises at any one time (typically 4 6). No more than two (2) of any combination of medical professionals (physician, physician's assistant, or nurse practitioner) shall be present on the premises at any one time-for the purpose of administering medical treatment.
- 3.10 The Carbon Health facility may be open and operated seven (7) days a week from 89:00 a.m. to 87:00 p.m. No care sessions may be conducted outside the above-stated operating hours. A maximum of 20 patients may be seen at the Carbon Health facility per day.
- 3.11 The proposed Ffloor Pplans and use therein shall contain the dimensions and shall be located on that portion of the locus <u>substantially exactly</u> as shown on the Floor Plan and in accordance with applicable dimension requirements of the By-Law. Any <u>material</u> changes, revisions or modifications to the Floor Plan <u>resulting</u> in the addition of patient exam or treatment rooms shall require approval by the Board.
- 3.12 The site is not licensed to receive ambulances. Ambulances will, on rare occasion, pick up at the Carbon Health facility, in the case of an emergency.
- 3.13 No signs shall be permitted on the inside of windows or transparent doors except for name, tel. number and hours of operation and except as allowed under Needham's Sign By-law.
- 3.14 After operating hours, the any illuminated sign located on the parking lot side of the building controlled by Carbon Health shall be turned off.
- 3.15 The <u>Carbon HealthPetitioner</u> shall share the same dumpsters and dumpster enclosure as other <u>usesusers</u> on the site already use. All biological waste shall stay in the Carbon Health facility until it is picked up by the appropriate licensed entity. Such biological waste pickups shall only be during normal office hours.
- 3.16 TheIt is anticipated that the future occupancy of the former Frank Webb's Bath Center building located at 100 Highland Avenue shall remain empty and untenanted untilrequire further Planning Board approval is obtained following including submittal of a further parking waiver request and an updated parking study demonstrating an adequate parking supply at the Shopping Center for the then proposed use, as and to the extent required by the existing Decision.
- 3.17 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Carbon Health Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to be filed with the filing of application for a Building Permit and shall be subject to the review and approval of the Building Commissioner.

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- 3.18 The following interim safeguards shall be implemented during construction:
 - a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery or removal of construction material or debris shall only occur between the hours of 7:45 a.m. and 8:15 p.m. Monday through Saturday. Notwithstanding the above, interior construction work at night or on Sundays is permissible provided that Carbon Healthe Petitioner does not make, cause or permit to be made any noise which is audible at the perimeter of the site.
 - b. <u>Carbon Health's The Petitioner's</u> contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue.
- 3.19 No building permit shall be issued in the pursuance of the Special Permit and Site Plan Approval pursuant to this Amendment until:
 - a) The final plans shall be in conformity with those previously approved by the BoardProject Plans and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b) The Petitioner shall have recorded with the Norfolk Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.20 The portion of the building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall not be occupied until:
 - a. An as-built plan and Final Affidavit, supplied by the architect of record certifying that the projectCarbon Health facility was built according to the approved documents, has been submitted to the Board.
 - b. That there shall be filed, with the Building Inspector, a statement by the Board approvingacknowledging receipt of the foregoing as-built plan and Final Affidavit for the Carbon Heath facility, in accordance with this Decision and the approved Project Plan.
- 3.21 In addition to the provisions of this <u>Amendment</u> approval, <u>Carbon Health the Petitioner</u> must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.22 The portion of the building or structure authorized for construction by this permitAmendment shall not be occupied or used, and no activity except the construction activity authorized by this permitAmendment shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.23 The Petitioner, by accepting this DecisionAmendment, 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.

3.24 This Special Permit to operate a Carbon Health facility at 100 Highland Avenue is issued to Carbon Health Medical Group of Florida, PA, 300 California St (Suite 700), San Francisco CA, prospective lessee, only and may not be transferred, set over, or assigned by Carbon Health Medical Group of Florida, PA to another party for substantially the same use as allowed hereby only after without the prior written consent of notice to the Board fof such intended transfer ollowing such notice and hearing, if any, as together with a written acknowledgment by the proposed transferee confirming that: (a) its intended use of the premises as described in such notice is included in the uses permitted by this Amendment; (b) it and its employees possess all the required licenses to engage in such use; and (c) it will be subject to and shall abide by all of the terms of this Amendment.

the Board in its sole discretion shall deem necessary and appropriate under all of the circumstances.

3.25 Violation of any of the conditions of this Approval Amendment I 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 Approval Amendment, 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, Carbon Health 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-Carbon Health 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 Approval Amendment including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. Carbon Health The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Approval Amendment if the Town prevails in such enforcement action.

LIMITATIONS

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

- 4.1 This permitAmendment applies only to the improvements, and the use which are the subject of this petition. All construction to be conducted within the 3,275 gross square feet of floor area of leased space shall be conducted in accordance with the terms of this permitAmendment and shall be limited to the improvements on the Project Plan.
- 4.2 There shall be no further development of this site without further site plan approvals 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 DecisionAmendment and to take other action necessary to determine and ensure compliance with the DecisionAmendment.
- 4.3 This DecisionAmendment applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental board, agencies or bodies having jurisdiction shall not be assumed or implied by this DecisionAmendment.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision Amendment.
- 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 Amendment to Major Project Site Plan Special Permit shall lapse on April 12, 2024, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to April 12, 2024. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This approval Amendment shall be recorded in the Norfolk District Registry of Deeds. This Amendment to Special Permit shall not take effect until a copy of this Decision Amendment bearing the certification of the Town Clerk that twenty (20) days have elapsed after the 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 is recorded with Norfolk District Registry of deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special PermitAmendment shall be binding upon every owner or owners of the lots and the executors, administrator, 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, Amendment in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 12th day of April,	2022.		
NEEDHAM PLANNING BOARD			
Paul S. Alpert, Chairman			
Adam Block	-		
Natasha Espada	-		
Martin Jacobs	-		
Jeanne S. McKnight	<u> </u>		 Formatted: Font: 11 pt
COMMO Norfolk, ss	NWEALTH OF MASSAC	HUSETTS2022	
appeared Needham, Massachusetts, proved to	, one of the members of me through satisfactory , to be the person who	the undersigned notary public, personally of the Planning Board of the Town of evidence of identification, which was use name is signed on the proceeding or act and deed of said Board before me.	
	Notary Public nam My Commission E		
Project proposed by Carbon Health M	ledical Group of Florida,	lay appeal period on the approval of the PA, 300 California St (Suite 700), San eedham, MA, for Property located at 100	
and there have been no appeals filed.	d in the Office of the Town	Clerk or	
Date	Th	neodora K. Eaton, Town Clerk	
Copy sent to:			
Petitioner-Certified Mail # Town Clerk Building Inspector Conservation Commission	Board of Selectmen Engineering Fire Department Police Department	Board of Health Director, PWD Design Review Board Rick Mann, Attorney	
Parties in Interest			 Formatted: Font: 11 pt



Greenman - Pedersen, Inc.

Engineering and Construction Services

April 5, 2022

Ms Lee Newman
Director of Planning and Community Development
Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492

ATTN: Mr. Thomas Ryder, PE

Town Engineer
Ms. Lee Newman

Director of Planning and Community Development

SUBJECT: Highland Science Center Peer Review

Proposed Scope of Work

Dear Mr. Hobbs:

As requested, *Greenman-Pedersen, Inc. (GPI)* is pleased to submit the attached Scope of Work for Engineering Services related to preparing a Peer Review of the traffic impacts associated with the proposed redevelopment of 557 Highland Avenue. The current proposal includes 506, 694 sf of rentable space with approximately 248, 347 SF of office space, 248, 347 SF of research and development space and approximately 10,000 SF of retail space. The project will accommodate up to 1,408 off-street parking spaces.

The work is anticipated to include the following:

SCOPE OF SERVICES

As part of the peer review, the CONSULTANT will:

- Verify the validity and accuracy of the analysis conducted by the developer's consultant, VHB with Town of Needham guidelines and standard engineering practice.
- Identify additional data or analysis required as part of the Traffic Impact Access Study (TIAS).
- Provide findings to the Planning Board.
- Assess the adequacy of the proposed mitigation to offset project impacts.
- Provide recommendations to the Planning Board on the need for additional measures to mitigate the impacts of the project on the adjacent roadway network.

The documents to be reviewed include:

Traffic Impact and Access Study for highland Science Center, Needham, Massachusetts; prepared by VHB, March 2022

The following provides a detailed scope of services to be conducted by the CONSULTANT.

Ms. Lee Newman April 5, 2022 Page 2

Task 1 – Initial Peer Review

The CONSULTANT will provide the following services in the performance of the proposed traffic peer review:

- Coordinate with the Town to discuss the history of the project, review project materials and request additional materials from the project proponent, if necessary, to complete a comprehensive review.
- Assess the adequacy of the proposed study area and, if necessary, make recommendations for additional study area intersection to be evaluated.
- Assess the appropriateness of the time periods for analysis included within the TIAS.
- Review that the study takes into account the effects of CoVID on the traffic analysis and is in compliance with the State's engineering directive on the effects of CoVID on traffic analyses.
- Conduct a field visit to observe existing field conditions, identify areas of existing concern related to traffic operations and access, verify sight distance measurements, and observe pedestrian, bicycle, transit, and vehicular activity.
- Review data collection techniques, methodology and seasonal adjustments / background growth, and compare traffic volumes with any other available counts from MassDOT or the Town of Needham.
- Review vehicle crash data from MassDOT and local police and input for crash rate worksheets.
- Review build-out condition analysis to ensure known planned developments have been factored into the analysis.
- Review trip generation methodology and compare with standard Institute of Transportation Engineers (ITE) data, as well as available empirical data collected at similar facilities.
- Review trip distribution methodology.
- Review the accuracy of the capacity and queue analysis performed by VHB.
- Review the site plan for adequate circulation and access (including emergency vehicles, pedestrians, bicyclists, buses, delivery vehicles, and tractor trailer trucks) and parking maneuvers.
- Evaluate the appropriateness of the location and alignment of the proposed access and egress driveways with respect to sight distances and proximity to other driveways along Central Avenue.
- Review the appropriateness of provisions for pedestrian access and circulation both on and off the site.
- Assess reasonableness of proposed mitigation measures, including Transportation Demand Management (TDM)
 measures, and provide recommendations on additional measures that may be required to mitigate project impacts
 or address other congestion, safety, access-related issues.
- Review compliance with the Traffic Impact Study, prepared by GPI dated November 2020.
- Review letters and documents prepared by town staff/officials.
- Summarize peer review findings and provide recommendations in an initial review draft Memorandum to the Planning Board. A copy of the Memorandum will also be delivered to the Department of Public Works, Town Engineer, Public Safety Officer, the Proponent, and the Proponent's engineer(s).

Following dissemination of the draft peer review Memorandum, a one (1) week review period will be provided to allow all parties receiving the draft Memorandum to provide comments or concerns to the CONSULTANT. Following the initial review period, the CONSULTANT will be provided one (1) week to revise the initial review Memorandum to address any comments or concerns raised on the draft Memorandum.

Task 2 – Response to Comments Review

It is anticipated that the Proponent or the Proponent's consultant will prepare at least one Response to Comments letter or memorandum to respond to comments raised by the CONSULTANT. The CONSULTANT will review this supplemental material for accuracy and compliance with the comments provided in the initial peer review. The CONSULTANT will then provide a final memorandum with recommendations on access/egress, site circulation, and measures required to mitigate the impacts of the proposed development.

The scope of services described above will be performed within two (2) weeks of receipt of all Response to Comments letters or materials to be reviewed.

Depending on the adequacy of the Proponent's response, the CONSULTANT will be available to review additional Response to Comments documents prepared by the Proponent and the Proponent's design team. Should more than one review of Response to Comments materials be required, a commensurate amendment to this contract may be required.

Task 3 – Meetings

Attendance at four (4) staff-level meetings with Town staff as well as attendance at four (4) public hearings (Planning Board or other review board) are included within this Contract.

The CONSULTANT will be available to attend additional meetings with Town staff, the Proponent, and/or the Planning Board, as requested by the Town. Should the Town or Proponent request the CONSULTANT's presence at additional meetings, an Amendment to this Scope and Fee will be required.

FEES:

The following table summarizes the costs and payment method of the tasks described in this Agreement. The schedule begins on the date written authorization to proceed is received. The schedule is also subject to the timely delivery of information to be provided to the CONSULTANT and is exclusive of delays caused by interim reviews.

TASK	Task Hours	TOTAL
1.0 -Peer Review of Traffic Memos	32	\$5,197.76
2.0 - Site Visit/Assessment	6	\$1,202.92
4.0 - Mitigation Plan/Concepts	36	\$5,698.26
5.0 - Draft Report	28	\$4,697.26
6.0 - Final Report	14	\$2,348.63
7.0 - Meetings and Consultation	40	\$11,154.00
TOTAL HOURS	156	\$30,298.84
Expenses		\$300.00
TOTAL PROJECT DESIGN COST	156	\$30,598.84

Should you have any questions, or concerns regarding this matter, please feel free to contact John W. Diaz at (978) 570-2953.

Very truly yours,

GREENMAN - PEDERSEN, INC.

John W. Diaz, P.E.

Vice President/Director of Innovation

			FEE PROPOSA					
Contract ID# TBD		Engineering S	ervices for Roadw	ay Design, Rehak	oilitation and/or Re	epair Related Pro	ograms and Project	:s
Assignment #								
Description	Highland Science	e Center Peer Rev	iew					
		Gre	enman-Pedersen,	Inc. (GPI)				
TASK	Project Director	Conior Engineer	ROW Engineer	Engineer	Assistant Engineer	Survey Toch	Survey Eng	TOTAL HOURS
Direct Cost*	\$ 97.50	\$ 56.40	\$ 45.50	Engineer \$ 43.75		Survey Tech \$ 33.24	Survey Eng \$ 39.50	TOTAL HOURS
Direct cost	\$ 37.30	30.40	ý 43.50	Ç 43.73	y 33.77	ÿ 33.24	\$ 33.30	
1.0 -Peer Review of Traffic Memos								
	4	16		12				32
SUBTOTAL	4	16		12	0	0	0	32
2.0 - Site Visit/Assessment								
	2	4						6
SUBTOTAL	2	4	0	0	0	0	0	6
3.0 - Site Plan Review	-	-	Ü	<u> </u>	Ü	Ü	Ü	Ů
	4	12		8				24
SUBTOTAL	4	12	0	8	0	0	0	24
4.0 - Mitigation Plan/Concepts								
	4	16		16	0	0	0	36
SUBTOTAL	4	16	0	16	0	0	0	36
5.0 - Draft Report			_	_	_	_	_	
	4	16	0	8	0	0	0	28
SUBTOTAL	4	16	0	8	0	0	0	28
6.0 - Final Report								
	2	8		4				14
SUBTOTAL	2	8	0	4	0	0	0	14
7.0 - Meetings and Consulation								
	40							40
CURTOTAL	40			•				
SUBTOTAL TOTAL HOURS	40 60	72	0 0	0 48	0 0	0 0	0 0	40 180
TOTAL HOURS	60	12	U	48	U	U	U	190
LABOR COSTS								
DIRECT LABOR COSTS*	* Lahor vary h	/ employee. Invoic	ing will he hased	on actual Direct	Costs Plus Overh	ead and Fee		
Sincer Electrication	Labor vary by			on dotadi birco	- COSTO 1 TOS OTENTO			
Project Director		60		@			\$ 97.50	\$ 5,850
Senior Engineer		72		@			\$ 56.40	\$ 4,060
ROW Engineer		0		@			\$ 45.50	\$
Engineer		48		@			\$ 43.75	\$ 2,100
Assistant Engineer		0		@			\$ 33.77	\$
Survey Tech Survey Eng		0		@ @			\$ 33.24 \$ 39.50	\$
				<u> </u>				
Direct Labor Cost					¢ 12.010.00		160%	\$ 12,010
Indirect Labor Cost (Overhead) Fixed Fee (10%)		10% x (\$ 12,010.80	+	\$ 12,010.80 \$ 19,217.28) X	160%	\$ 19,217 \$ 3,122
		10,0 % (Ţ 12,310.00		, 13,217.20	,		5,122
TOTAL LABOR COST								\$ 34,350
DIRECT COSTS (printing, mileage, equip, etc.)	1							\$ 300
DATA COLLECTION (Sub-Consultant)								-
DIRECT EXPENSE SUBTOTAL								\$ 300
DIRECT EXPENSE SUBTOTAL								\$ 300