

NEEDHAM PLANNING BOARD
Tuesday, September 20, 2022
7:00 p.m.

Powers Hall
Needham Town Hall, 1471 Highland Avenue
AND
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/j/82658993198>

1. Public Hearing:

7:10 p.m. Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner. (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to make certain changes to the approved permit, including a request to eliminate the “appointment-only” operational requirement for the facility.

7:45 p.m. Major Project Site Plan Special Permit No. 2022-03: WELL Belfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio, 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 28 Alzheimer’s/Memory Care units. *Please note: this hearing has been continued from the August 16, 2022 meeting of the Planning Board.*

2. Zoning Recommendation on Article 1: Amend Zoning By-Law – Schedule of Use Regulations Brew Pub and Microbrewery.
3. De Minimus Change: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts). Regarding staffing at the Jack Cogswell Building.
4. ANR Plan – Needham Enterprises, Inc., Petitioner, (Property located at Lot 251 on Lawton Road abutting 93 South Street, Needham, MA).
5. Presentation of Compliance Guidelines for Multi-family Zoning Districts under Section 3A of the Zoning Act.
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

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



PLANNING & COMMUNITY
DEVELOPMENT
PLANNING DIVISION

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, and Special Permit 2017-01, Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, September 20, 2022 at 7:10 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 826-5899-3198 (further instructions for accessing by zoom are below), regarding the application of Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, formerly known as Sage Naturals, Inc., for a Major Project Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 29-37 Franklin Street, Needham, MA, located in the Mixed Use 128 Zoning District. The property is shown on Assessors Plan No. 75 as Parcels 6 and 8 containing a total of 13,365 square feet. The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to do the following: FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr. SECOND: by requiring the Petitioner to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health. THIRD: by eliminating the “appointment-only” operational requirement for the facility. FOURTH: by allowing sales of marijuana products other than those cultivated and processed at the Petitioner’s Milford facility. FIFTH: by allowing an increase in the maximum number of sales stations from five to seven. SIXTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Petitioner’s main facility in Milford, and by allowing two vans to be kept in the garage at the facility. SEVENTH: by making such additional amendments to the Original Decision dated June 13, 2017 as are needed to comport with the preceding proposed amendments.

In accordance with the Zoning By-Law, Section 7.4, a Site Plan Special Permit Amendment is required. In accordance with Special Permit No. 2017-01, Section 4.2, further site plan approval 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/j/82658993198>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . 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

Needham Hometown Weekly, September 1, 2022 and September 8, 2022.

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

July 26, 2022

BY HAND DELIVERY, AND ELECTRONIC MAIL

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.
Application for Amendments to Special Permit

Dear Members of the Board:

I represent Sira Naturals, Inc., d/b/a Ayr (hereinafter "Sira"), of 300 Trade Center, Suite 7750, Woburn, MA 01801, formerly known as Sage Naturals, Inc. (hereinafter "Sage"). Sira is proposing amendments to the Special Permit which the Planning Board granted to Sage in 2017 for operation of a medical marijuana facility at 29-37 Franklin Street, Needham (hereinafter, the "facility"). The amendments pertain to certain restrictions on operation of the facility, as will be detailed below.

In support of this application, Sira is submitting two originals of this letter and its listed exhibits, and two originals of the following additional materials and information:

1. Application for Amendments to Special Permit.
2. Memorandum to Dave Roche, Building Commissioner, from the Planning Department, dated June 23, 2022, with materials attached thereto.
3. First Floor Plan, Updated July 21, 2022, by Peter Quinn Architects.
4. Filing fee check of \$1,000.00.

Background

On June 13, 2017, the Planning Board granted special permits to Sage for operation of a medical marijuana treatment center at the facility. Special permits were also granted to alter a non-conforming building, and to waive certain parking plan and design requirements.

The Applicant has been operating a treatment center at the facility since obtaining a special permit from the Needham Planning Board in 2017. To the best of the Applicant's knowledge, there have been no traffic, parking, safety, or other issues in connection with the operation of the facility.

No changes to the footprint of the building(s) at the facility, or to its parking space layout, are contemplated as part of this application.

Since the grant of the Special Permit in 2017, the number of registered medical marijuana facilities in Massachusetts has increased dramatically, from 15 to over 80. The General Court enacted legislation creating the Cannabis Control Commission (CCC), and regulation of marijuana facilities is now entrusted to the CCC, rather than to the Massachusetts Department of Public Health. The CCC has promulgated detailed and comprehensive regulations for medical marijuana facilities, at 935 CMR 501 *et seq.* The CCC requires all medical and retail operators to comply with a comprehensive "seed to sale" program, called Metrc. Vertical integration of cultivation, processing, and dispensing operations is no longer required.

Proposed Amendments to the Special Permit

Sira seeks to amend the Special Permit in the following respects:

FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr.

SECOND: by requiring the Applicant to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health.

THIRD: by eliminating the "appointment-only" operational requirement for the facility.

FOURTH: by allowing sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

FIFTH: by allowing an increase in the maximum number of sales stations from five to seven.

SIXTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Applicant's main facility in Milford, and by allowing two vans to be kept in the garage at the facility.

SEVENTH: by making such additional amendments to the DECISION as are needed to comport with the preceding proposed amendments.

In support of the requested amendments, Sira submits the following:

I. Authorize Sira Naturals, Inc. d/b/a Ayr, rather than Sage Naturals, Inc. to operate a medical marijuana treatment center at 29-37 Franklin Street, Needham.

The 2017 Special Permit Decision, Section 3.11, requires written approval of the Planning Board for an entity other than Sage Naturals, Inc. to operate the facility. Written approval authorizing Sira Naturals, Inc., d/b/a Ayr should be granted.

First, the corporate name was changed from Sage Naturals, Inc. to Sira Naturals, Inc. on November 27, 2017. See Exhibit A, attached.

Second, the Cannabis Control Commission approved the change of name on September 3, 2021. See Exhibit B, attached.

Third, the Community Benefit Agreement with the Town was amended on September 21, 2021, to authorize this change. See Exhibit C, attached.

Fourth, a filing indicating that Sira Naturals, Inc. is doing business as Ayr was made with the Needham Town Clerk on March 11, 2022. See Exhibit D, attached.

II. Require Sira to comply with the requirements of the Cannabis Control Commission rather than the Massachusetts Department of Public Health.

The Massachusetts state legislature established the Cannabis Control Commission, by Chapter 55 of the Acts of 2017, and it mandated a transfer of the administration and oversight of the Massachusetts Medical Use of Marijuana Program from the Department of Public Health to the CCC as of December 31, 2018. See Exhibit E, attached.

III. Eliminate the “appointment only” requirement for operations.

Section 1.8 of the Planning Board’s Special Permit Decision requires to Sira to operate on an “appointment-only” basis. The Applicant requests that this restriction be removed.

The requirement of appointments creates an administrative burden for Sira employees and patients. Patients often cancel appointments at the last minute, or simply don’t come on the dates and times of their appointments. This leaves designated appointment times unused. In addition, requiring an appointment may keep a patient from coming to the facility at a time which is convenient for the patient. Managing an appointment calendar, in addition to conducting the normal check-in process, takes more time for the processing of each visit.

Walk-in visits are the norm in the medical marijuana business. Garden Remedies in Newton, Ethos Cannabis in Watertown, and Holistic Industries, Inc. in Somerville, for example, do not require appointments. Sira's Somerville facility operates without an appointment requirement. Sira would like its Needham facility to be comparably treated.

As noted by Vanasse & Associates, removal of an appointment requirement is likely to result in a modest increase in transaction activity, but there exists sufficient capacity on site to accommodate this increase. Overall daily demand is low and the facility has a lot of room, not only in the waiting area, but on the sales floor. Sira's experience in Somerville confirms that elimination of an appointment requirement does not cause patient arrivals to be unduly bunched.

IV Allow Sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

Section 1.4 of the Planning Board Special Permit limits dispensing of medical marijuana products to those cultivated and processed at the Applicant's Milford facility. The Applicant requests that this limitation be removed.

In the early phases of the regulation of medical marijuana facilities, a form of "vertical integration" was required. Under Department of Public Health regulations at 105 CMR 725.105(B), a cultivation location of a registered marijuana dispensary that acquires, cultivates, possesses, processes, sells, and dispenses marijuana products (RMD) could cultivate marijuana only for that RMD, or up to two additional RMDs under a common non-profit corporation, and under 105 CMR 725.105(N)(2), an RMD was prohibited from acquiring marijuana or marijuana plants except through the cultivation of marijuana by that RMD, with a limited exception. See Exhibit E, attached.

In 2018, the CCC contracted with a private company, called Metrc, to create a "seed to sale" tracking system, to assist the state in regulating the cultivation, tracking, transport, testing, and sale of medical and adult use cannabis. See Exhibit G, attached. Sira has complied with that requirement. With the advent of the tracking system requirement, there was no longer any need to prohibit local medical marijuana dispensaries from selling marijuana products cultivated and processed at facilities other than their own.

The CCC's regulation at 935 CMR 501.050(4), titled Dispensing Operations, Medical Marijuana Treatment Centers (MTCs, formerly known as RMDs), provides in pertinent part: "An MTC may perform dispensing operations at the address approved to do so by the Commission. At the dispensing location, the MTC may purchase and transport Marijuana Products from MTCs and transport, sell, Repackage or otherwise transfer Marijuana Products to MTCs and to Registered Qualifying Patients." (*NOTE THE PLURALS*). Neither the Operational Requirements section, 935 CMR 501.105, nor any other section of the CCC's medical marijuana regulations, prohibits the acquisition

and sale of marijuana from facilities other than the RMDs own. See Exhibit H, attached.

Other medical marijuana facilities in the area, and Sira itself in Somerville, routinely sell marijuana products other than those cultivated and processed at their own facilities. Limiting Sira's sales to Sira's own products cultivated in Milford puts Sira at a competitive disadvantage, while providing no health or safety benefit.

V. Allow an increase in the number of sales stations from five to seven.

Section 3.5 of the Planning Board Special Permit limits the number of sales stations to five. The Applicant would like to increase that number to seven.

The addition of two sales stations to the five currently permitted will allow Sira to complete transactions with patients more quickly, resulting in a reduction in the time a patient's vehicle will be parked at the facility.

Since the Planning Board special permit already allows Sira to have eight employees on site at one time, there will be enough staff for seven sales stations. The First Floor Plan, submitted herewith, shows there is adequate room for the two additional sales stations.

VI. Eliminate the requirement that any van for home deliveries be returned each evening to Milford, and authorize two vans to be stored at the Needham facility.

Currently, Section 3.9 the Planning Board's special permit Decision requires any delivery van to be housed overnight in Milford, and it contemplates only one van. In practice, this restriction has prevented the Applicant's from making home deliveries, which are allowed by the Decision. Home deliveries would reduced the need for patients to drive to the facility, park, and drive home.

This restriction causes significant operational problems. Requiring the housing of delivery vehicles in Milford means that at the end of each day, these vehicles are driven empty to Milford, only to be driven back the next morning, empty, before they can be filled with the day's orders for delivery to patients in Needham and surrounding communities. Milford is a 45-minute drive from Needham. This is a waste of gas.

There are no operational or safety reasons to require return of vans being used for home deliveries to Milford each evening. The vans will be stored in the garage, which is safely locked at night.

VII. Other amendments.

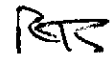
Approve such other Special Permit amendments as may be required in connection with the above-listed amendments.

Request for Hearing

I understand that you will be filing copies of the Application and related materials to the Town Clerk.

Please confirm that this matter will be heard at the Planning Board's September 20, 2022, hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Smart".

Robert T. Smart, Jr.

Cc: Sira Naturals, Inc.

**TOWN OF NEEDHAM
MASSACHUSETTS**

PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7526

APPLICATION FOR AMENDMENTS TO SPECIAL PERMIT

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.

Location of Property: 29 and 37 Franklin Street, together with a parking and access easement over part of 55 Franklin Street, Needham, MA 02494

Name of Applicant: Sira Naturals, Inc. d/b/a Ayr, formerly known as Sage Naturals, Inc.

Address: 300 Trade Center, Suite 7750, Woburn, MA 01801

Applicant is: Owner ☐ Tenant ☒

Property Owners:

As to 29 Franklin Street: Mad Dog Realty Trust, 29 Franklin St., Needham, MA 02494

As to 37 Franklin Street: 37 Franklin LLC, 280 Cocasset St., Foxborough, MA 02035

As to 55 Franklin Street: 55 Franklin LLC, 280 Cocasset St., Foxborough, MA 02035

Characteristics of Property: Lot Area: 13,365 sq. ft. Present Use: Medical Marijuana Treatment Center

Map #: 75 Parcels #s: 6 and 8 Zoning District: Mixed Use - 128

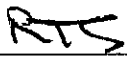
Description of Proposed Amendment: See attached Exhibit A

Signature of Applicant:

(or his representative)

Address if not Applicant:

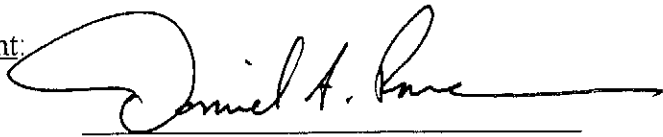
Tel #:



Robert T. Smart, Jr., Esq.
399 Chestnut Street
Needham, MA 02492
781-444-9344

Owner's permission if other than applicant:

As to 29 Franklin Street:

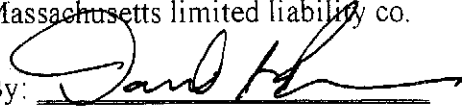


Daniel A. Roma, Trustee of
Mad Dog Realty Trust

As to 37 Franklin Street:

37 Franklin, LLC, a
Massachusetts limited liability co.

By:


Manager

As to 55 Franklin Street:

55 Franklin, LLC, a
Massachusetts limited liability co.

By:

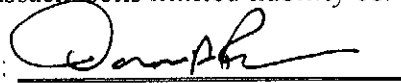

Manager

EXHIBIT A

**TOWN OF NEEDHAM
MASSACHUSETTS**

PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7526

APPLICATION FOR AMENDMENTS TO SPECIAL PERMIT

Name of Applicant: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.

Description of Proposed Amendment:

The Applicant proposes to amend the Planning Board's DECISION, Granting of Special Permits, dated June 13, 2017, in the following respects:

FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr.

SECOND: by requiring the Applicant to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health.

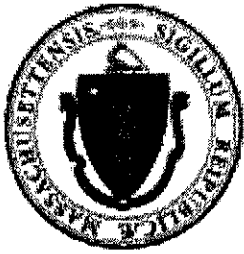
THIRD: by eliminating an "appointment-only" operational requirement for the facility.

FOURTH: by allowing sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

FIFTH: by allowing an increase in the maximum number of sales stations from five to seven.

SIXTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Applicant's main facility in Milford, and allowing two vans to be kept in the garage at the facility.

SEVENTH: by making such additional amendments to the DECISION as are needed to comport with the preceding proposed amendments.



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$15.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Articles of Amendment

(General Laws, Chapter 180, Section 7)

Identification Number: 465147723

We, MICHAEL DUNDAS ☒ President ☐ Vice President,

and MICHAEL DUNDAS ☒ Clerk ☐ Assistant Clerk,

of SAGE NATURALS, INC.

located at: 13 COMMERCIAL WAY MILFORD, MA 01757 USA

do hereby certify that these Articles of Amendment affecting articles numbered:

☒ Article 1 ☐ Article 2 ☐ Article 3 ☐ Article 4

(Select those articles 1, 2, 3, and/or 4 that are being amended)

of the Articles of Organization were duly adopted at a meeting held on 11/1/2017, by vote of: 0 members, 6 directors, or 0 shareholders, being at least two-thirds of its members/directors legally qualified to vote in meetings of the corporation (or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to vote therein):

ARTICLE I

The exact name of the corporation, **as amended**, is:
 (Do not state Article I if it has not been amended.)

SIRA NATURALS, INC.

ARTICLE II

The purpose of the corporation, **as amended**, is to engage in the following business activities:
 (Do not state Article II if it has not been amended.)

ARTICLE III

A corporation may have one or more classes of members. **As amended**, the designation of such classes, the manner of election or appointments, the duration of membership and the qualifications and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

ARTICLE IV

As amended, other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the business entity, or of its

directors or members, or of any class of members, are as follows:
(If there are no provisions state "NONE")

The foregoing amendment(s) will become effective when these Articles of Amendment are filed in accordance with General Laws, Chapter 180, Section 7 unless these articles specify, in accordance with the vote adopting the amendment, a *later* effective date not more than *thirty days* after such filing, in which event the amendment will become effective on such later date.

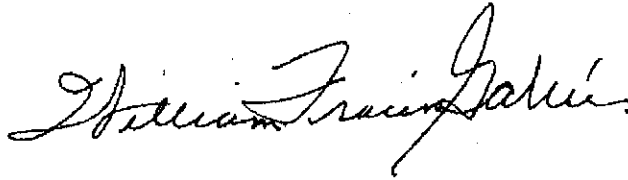
Later Effective Date:

Signed under the penalties of perjury, this 27 Day of November, 2017, MICHAEL DUNDAS, Its ,
President / Vice President,
MICHAEL DUNDAS, Clerk / Assistant Clerk.

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears
that the provisions of the General Laws relative to corporations have been complied with,
and I hereby approve said articles; and the filing fee having been paid, said articles are
deemed to have been filed with me on:

November 27, 2017 09:44 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Corporations Division

Business Entity Summary

ID Number: 001312028

[Request certificate](#)

[New search](#)

Summary for: **SIRA NATURALS, INC.**

The exact name of the Domestic Profit Corporation: SIRA NATURALS, INC.

Converted from SIRA NATURALS, INC. on 02-07-2018

Entity type: Domestic Profit Corporation

Identification Number: 001312028

Date of Organization in Massachusetts:
02-07-2018

Last date certain:

Current Fiscal Month/Day: 12/31

Previous Fiscal Month/Day: 12/31

The location of the Principal Office:

Address: 2601 SOUTH BAYSHORE DRIVE, SUITE 900

City or town, State, Zip code, MIAMI, FL 33133 USA

Country:

The name and address of the Registered Agent:

Name: CORPORATE CREATIONS NETWORK INC.

Address: 225 CEDAR HILL STREET #200

City or town, State, Zip code, MARLBOROUGH, MA 01752 USA

Country:

The Officers and Directors of the Corporation:

Title	Individual Name	Address
PRESIDENT	DAVID S. ROSENBERG	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
TREASURER	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
SECRETARY	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	DAVID S. ROSENBERG	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	JONATHAN SANDELMAN	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	ERIC J. WARDROP	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33408 USA

Business entity stock is publicly traded: ☐

The total number of shares and the par value, if any, of each class of stock which this business entity is authorized to issue:

Class of Stock	Par value per share	Total Authorized		Total issued and outstanding
		No. of shares	Total par value	No. of shares
CNP	\$ 0.00	137,500	\$ 0.00	0
CNP	\$ 0.00	137,500	\$ 0.00	0

**Consent****Confidential
Data****Merger
Allowed****Manufacturing****View filings for this business entity:**

ALL FILINGS
Administrative Dissolution
Annual Report
Application For Revival
Articles of Amendment
Articles of Certificate of Incorporation

[View filings](#)**Comments or notes associated with this business entity:**[New search](#)

September 3, 2021

Sira Naturals, Inc.
MR283946; MR283886; MR282672; RMD245; RMD625; RMD325
Aodian@siranaturals.org

NOTICE: CHANGE OF NAME APPROVAL

WHY ARE YOU RECEIVING THIS NOTICE?

This letter provides notice that the Marijuana Establishment ("ME") and/or Medical Marijuana Treatment Center ("MTC") has been approved by the Commission to officially add the d/b/a name of Sira Naturals, Inc. d/b/a Ayr.

WHAT ARE YOUR NEXT STEPS?

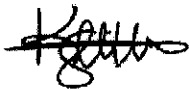
The ME/MTC may now change its business name with the Massachusetts Secretary of the Commonwealth. Within 30 days from the date of this notice, the ME/MTC shall submit to the Commission a certificate of good standing from the Massachusetts Secretary of the Commonwealth, Articles of Organization, and Bylaws reflecting the new name of the ME/MTC. This information shall be sent to licensing@cccmass.com.

If your change of name involves a d/b/a name, please send municipal approval or confirmation of the d/b/a name within 30 days. This information shall be sent to licensing@cccmass.com.

Please be advised that the ME/MTC, within 30 days, should be in full compliance with Commission regulations pertaining to disclosing or displaying the business name on buildings and products. The ME/MTC is subject to inspection, at any time without prior notice, to ensure full compliance with 935 CMR 500.000 and 935 CMR 501.000. 935 CMR 500.301; 935 CMR 501.301.

If you have any questions regarding this notice, please contact the Commission by email at licensing@cccmass.com.

Sincerely,



Kyle Potvin, Esq.
Director of Licensing



**AMENDMENT TO COMMUNITY BENEFIT AGREEMENT
BETWEEN THE TOWN OF NEEDHAM AND SIRA NATURALS, INC. d/b/a Ayr.
(f/k/a SAGE CANNABIS, INC.)**

WHEREAS, the Town of Needham (the "Town") and Sage Cannabis, Inc. are parties to the Community Benefit Agreement dated June 14, 2016; and

WHEREAS Sage Cannabis, Inc. has changed its name to Sira Naturals, Inc., and also wishes to designate a new point of contact for purposes of Section 11 of the Community Benefit Agreement and update certain provisions.

NOW THEREFORE, in consideration of the provisions contained in the Community Benefit Agreement and this amendment thereto, the parties hereby amend the Community Benefit Agreement specifically as follows:

1. All references in the Community Benefit Agreement to Sage Cannabis, Inc. and/or Operator shall henceforth be construed as referring to Sira Naturals, Inc. d/b/a Ayr, and Sira Naturals, Inc. d/b/a Ayr expressly agrees that it is subject to all of the terms and conditions contained therein.

2. For purposes of Section 11 of the Community Benefit Agreement, the contact for Operator is:

Dwan Packnett, Vice President Government Relations & Community Investment
Sira Naturals, Inc. d/b/a Ayr
300 Trade Center, Suite 7750
Woburn, MA 01801

3. Section 1 Annual Payments is amended by deleting subsection (c) in its entirety, and inserting in its place the following:

(c) Each Annual Payment shall be paid to the Town not later than May 15 following the calendar year. To the extent the Annual Payment is to be made before the Operator has submitted its audited financial records and certification of gross sales as required by section 2(a), said payment shall be based on a gross sales draft estimate and shall be subject to reconciliation not later than June 15.

4. Section 2 Financial Records and Audit Rights of Town, subsection (a) shall be amended by deleting the date "March 15" and inserting in place the date "May 15".

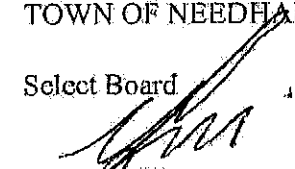
Except as specifically noted above, all remaining terms of the Community Benefit Agreement shall remain unamended and in full force and effect.

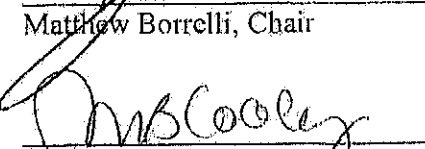
IN WITNESS WHEREOF, the Parties to this Agreement have hereunto set their hands and seals
on this 20th day of September, 2021.

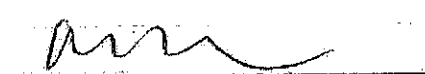
TOWN OF NEEDHAM

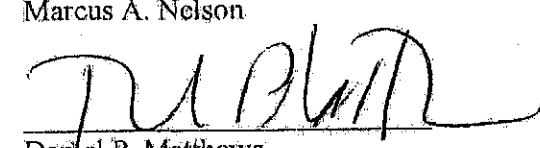
OPERATOR

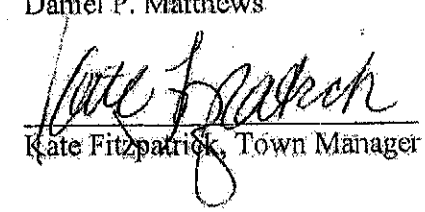
Select Board


Matthew Borrelli, Chair


Marianne B. Cooley, Vice Chair


Marcus A. Nelson


Daniel P. Matthews


Kate Fitzpatrick, Town Manager


Dwan Packnett, Vice President
Government Relations & Community Investment
Sira Naturals, Inc. d/b/a Ayr



Fee: \$60.00

The Commonwealth of Massachusetts

Town of Needham

Theodora K. Eaton, MMC
Town Clerk

1471 Highland Avenue, Needham, MA 02492
Tel: 781-455-7500 / Fax: 781-455-1248

Certificate # 8990Issue Date: 3/11/2022Expiration Date: 3/11/2026

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

Name of Business: Sira Naturals, Inc. d/b/a "Ayr" is conducted at

Address of Business: 29 Franklin Street, Needham Heights, MA 02494

Type of Business: Retail Cannabis Telephone Number: 617.818.4022

Business is conducted by the following named persons: ** If a corporation is the owner, please provide the corporate name and address, plus the name and title of the signing officer.

Louis F. Karger, Treasurer 300 Trade Center Drive, Ste. 7700 Woburn, MA 01801

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Signed

(Signature)

(Signature)

(Signature)

(Signature)

The Commonwealth of Massachusetts

Middlesex ss.

March 10, 2020

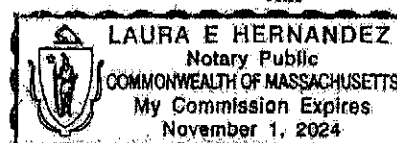
Personally appeared before me the above named Louis Karger
and made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. A statement under oath must be filed with the City/Town Clerk upon discontinuing, retiring or withdrawing from such business or partnership. (M.G.L. Chapter 110, s. 5 and Ch. 337 of the Acts of 1985)

My Commission Expires: November 1, 2024

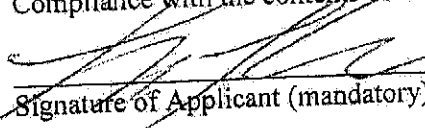
(Seal)

Laura E. Hernandez
Notary Public
Title



Pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to the best of my knowledge and belief, have read and am in Compliance with the contents of MGL Chapter 62C, Section 49A (included with this application).


Signature of Applicant (mandatory)

Sira Naturals, Inc. d/b/a "Ayr" - Treasurer
By Corporate Officer (if applicable)

465147723

Either a Social Security Number or
Federal Identification Number Must be
Supplied

3/10/22
Date

This License will not be issued unless this certification clause is signed by the applicant

**News / Administration of Massachusetts
Medical Marijuana Program to Transfer to
Cannabis Control Commission**

Contact

Cedric Sinclair
Director of Communications
857-268-6454

Maryalice Curley
Press Secretary
857-292-4891

Press@CCCMass.Com

**For Immediate Release
December 6, 2018**

**Administrati
of
Massachuset
Medical
Marijuana
Program
to
Transfer
to
Cannabis**

Control Commission

Boston, MA (December 6, 2018): On December 23, 2018, administration and oversight of the Massachusetts Medical Use of Marijuana Program will transfer from the Department of Public Health (DPH) to the Cannabis Control Commission (CCC), a change that is mandated by Massachusetts law, **Chapter 55 of the Acts of 2017, AN ACT TO ENSURE SAFE ACCESS TO MARIJUANA**. The law requires that the transfer take place by December 31, 2018.

During the transition, patients who are currently registered with the Medical Use of Marijuana Program should not experience any substantial change in their service. The only major change expected is the move of administration of the Medical Use of Marijuana Program to a different state agency that also oversees adult-use cannabis in Massachusetts.

“We have worked very hard to put in place an effective, high-quality, and streamlined medical marijuana program that is focused on patient safety and access,” said Public Health Commissioner Monica Bharel, MD, MPH. “We want to assure medical marijuana patients in the Commonwealth that we have worked closely with the CCC and our constituents over the past several months to support a smooth transition of the Program and to ensure that patient access is not impacted by this change.”

DPH has overseen the Medical Use of Marijuana Program since its launch in 2014. Currently, there are 47 Registered Marijuana Dispensaries (RMDs) approved for sales across Massachusetts, serving more than 57,000 patients and more than 7,000 personal caregivers. The 22 staff employed by DPH as part of the Medical Use of Marijuana Program will become employees of the Cannabis Control Commission.

“The upcoming transfer of the Medical Use of Marijuana Program would not have been possible without considerable collaboration between DPH and the CCC,” said CCC Chairman Steven J. Hoffman. “We appreciate the guidance that Commissioner Bharel and her team have provided for many months, and look forward to welcoming Program staff to the CCC who will help us maintain consistent, top-notch care that all Massachusetts patients deserve.”

The program's **website** has been updated with information to answer questions that patients may have about the transfer.

For more details, contact the Medical Marijuana Program Support Center at (617) 660-5370 or by email at **MedicalMarijuana@state.ma.us**. For inquiries related to adult-use cannabis, call (617) 701-8400.

##

Administration of Massachusetts Medical Marijuana Program to
Transfer to Cannabis Control Commission

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Sign up for Updates

725.105: continued

- (6) Procedures to ensure accurate recordkeeping, including inventory protocols;
- (7) Plans for quality control, including product testing for contaminants in compliance with 105 CMR 725.105(C)(2);
- (8) A staffing plan and staffing records in compliance with 105 CMR 725.105(I)(4)(c);
- (9) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
- (10) Alcohol, smoke, and drug-free workplace policies;
- (11) A plan describing how confidential information will be maintained in accordance with 105 CMR 725.200;
- (12) A description of the RMD's patient education activities in accordance with 105 CMR 725.105(K);
- (13) The standards and procedures by which the RMD determines the price it charges for marijuana, and a record of the prices charged, including the RMD's policies and procedures for the provision of marijuana to registered qualifying patients with verified financial hardship without charge or at less than the market price, as required by 105 CMR 725.100(A)(6);
- (14) Written policies and procedures for the production and distribution of marijuana, which shall include, but not be limited to:
 - (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories;
 - (b) A procedure for handling voluntary and mandatory recalls of marijuana. Such procedure shall be adequate to deal with recalls due to any action initiated at the request or order of the Department, and any voluntary action by an RMD to remove defective or potentially defective marijuana from the market, as well as any action undertaken to promote public health and safety;
 - (c) A procedure for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated marijuana is segregated from other marijuana and destroyed. This procedure shall provide for written documentation of the disposition of the marijuana;
 - (d) Policies and procedures for patient or personal caregiver home-delivery; and
 - (e) Policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs.
- (15) A policy for the immediate dismissal of any dispensary agent who has:
 - (a) Diverted marijuana, which shall be reported to law enforcement officials and to the Department; or
 - (b) Engaged in unsafe practices with regard to operation of the RMD, which shall be reported to the Department; and
- (16) A list of all board members and executives of an RMD, and members, if any, of the entity, must be made available upon request by any individual. This requirement may be fulfilled by placing this information on the RMD's website.
- (17) Policy and procedure for the handling of cash on RMD premises including, but not limited to, storage, collection frequency, and transport to financial institution(s).

(B) Cultivation, Acquisition, and Distribution Requirements.

- (1) The following requirements pertain to cultivation of marijuana for medical use:
 - (a) Only an RMD is permitted to cultivate marijuana, with the exception of a registered qualifying patient granted a hardship cultivation registration or that patient's personal caregiver;
 - (b) A cultivation location of an RMD may cultivate marijuana for only that RMD, and up to two additional RMDs under an entity;
 - (c) All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 105 CMR 725.110(D)(1)(d) through (i);
 - (d) Application of any pesticide not approved by the Department in the cultivation of marijuana is prohibited. An RMD may label marijuana and MIPS with the word "organic" only if all cultivation is consistent with U.S. Department of Agriculture organic requirements at 7 CFR Part 205;
 - (e) Soil for cultivation shall meet the *U.S. Agency for Toxic Substances and Disease Registry's Environmental Media Evaluation Guidelines* for residential soil levels; and

- (f) The cultivation process shall use best practices to limit contamination, including but not limited to mold, fungus, bacterial diseases, rot, pests, pesticides not approved by the Department, mildew, and any other contaminant identified as posing potential harm.
- (2) An RMD may acquire marijuana from or distribute marijuana to another RMD when:
 - (a) An documented emergency situation occurs such as loss of crop, vandalism, or theft, or other circumstance as approved by the Department; or
 - (b) The distribution and acquisition of marijuana, except MIP's, to and from all other RMDs does not exceed, cumulatively, 45% of the RMD's total annual inventory of marijuana as measured by weight; and
 - (c) The distribution and acquisition of MIPs to and from all other RMDs does not exceed, cumulatively, 45% of the RMD's total annual inventory of MIPs as measured by its dry weight equivalent to marijuana.

(C) Requirements for Handling and Testing Marijuana and for Production of MIPs:

- (1) Except for a registered qualifying patient or personal caregiver, who are not subject to 105 CMR 725.105, only a registered RMD is permitted to produce MIPs. An MIP production facility of an RMD may produce MIPs for only that RMD, and up to two additional RMDs under an entity.
- (2) The RMD is responsible for having all marijuana cultivated by the RMD tested in accordance with the following:
 - (a) Marijuana shall be tested for the *cannabinoid* profile and for contaminants as specified by the Department including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of pesticides. The Department may require additional testing;
 - (b) The RMD shall maintain the results of all testing for no less than one year;
 - (c) The RMD must follow established policies and procedures for responding to results indicating contamination as well as:
 - 1. notification within 72 hours by the RMD and the independent testing laboratory separately and directly to the Department on a form prescribed by the Department of any results indicating contamination that cannot be remediated; and
 - 2. submission of any information regarding contamination immediately upon request by the Department.

Such policy shall be available to registered qualifying patients and personal caregivers. Any notifications indicating contamination that cannot be remediated shall include a proposed plan for destruction of contaminated product and assessment of the source of contamination;
 - (d) All testing must be conducted by an independent laboratory that is:
 - 1. Accredited to International Organization for Standardization (ISO) 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement; or
 - 2. Certified, registered, or accredited by an organization approved by the Department.
 - (e) The RMD shall arrange for testing to be conducted in accordance with the frequency required by the Department;
 - (f) An RMD must have a contractual arrangement with a laboratory for the purposes of testing marijuana;
 - (g) An executive of an RMD, or a member, if any, of the entity, is prohibited from having any financial or other interest in a laboratory providing testing services for any RMD;
 - (h) No individual employee of a laboratory providing testing services for RMDs may receive direct financial compensation from any RMD;
 - (i) All transportation of marijuana to and from laboratories providing marijuana testing services shall comply with 105 CMR 725.110(E);
 - (j) All storage of marijuana at a laboratory providing marijuana testing services shall comply with 105 CMR 725.105(D); and
 - (k) All excess marijuana must be returned to the source RMD and be disposed of pursuant to 105 CMR 725.105(J).

(M) Reports to the Department. The Department may require ongoing reporting on operational, quality, and financial information in a form and manner determined by the Department.

(N) Prohibitions.

- (1) An RMD may not dispense, deliver, or otherwise transfer marijuana to a person other than a registered qualifying patient or to his or her personal caregiver, to another RMD as specified in 105 CMR 725.105(B)(2), or to a laboratory as specified in 105 CMR 725.105(C)(2).
- (2) An RMD may not acquire marijuana or marijuana plants except through the cultivation of marijuana by that RMD or another RMD as specified in 105 CMR 725.105(B)(2), provided however that an RMD may acquire marijuana seeds, cuttings or genetic plant material. Cuttings or genetic plant material may only be acquired within 90 days of receiving a final certificate of registration, or such other time period approved by the Department and otherwise as authorized under 105 CMR 725.105(B)(2).
- (3) An RMD is prohibited from acquiring, possessing, cultivating, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist registered qualifying patients.
- (4) An RMD may not give away any marijuana except as required pursuant to 105 CMR 725.100(A)(6). An RMD may not provide any samples of marijuana.
- (5) An RMD may not receive orders for marijuana in any manner other than from a registered qualifying patient or personal caregiver in-person at the RMD, except in the cases of delivery, in which an order may be received by telephone or through a password-protected, internet-based platform.
- (6) An RMD may not fill orders for marijuana in any manner other than to a registered qualifying patient or personal caregiver in-person at the RMD, except in the case of delivery, in which an order may be delivered only to the primary residence of a registered qualifying patient or personal caregiver or the caregiving institution of a registered qualifying patient. The qualifying patient or caregiver receiving the delivery must who possess a registration card and valid photo identification as required pursuant to 105 CMR 725.105(F)(2).
- (7) An RMD may not sell any products other than marijuana, including MIPs and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.
- (8) Consumption of marijuana on the premises or grounds of any RMD is prohibited, provided however that an RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.
- (9) An RMD may not adulterate marijuana, including with psychoactive additives or other illicit substances.
- (10) An RMD may not sell marijuana to a registered qualifying patient with a hardship cultivation registration or to his or her personal caregiver(s), provided however that the RMD may sell seeds to such individuals.

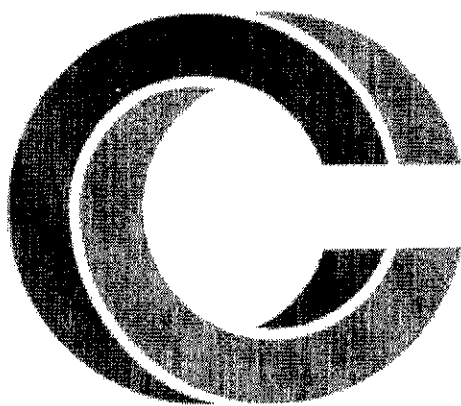
(O) Requirements Upon Expiration, Revocation, or Voiding of Certificate of Registration of RMD.

- (1) If a registration to operate expires without being renewed, is revoked, or becomes void, the RMD shall:
 - (a) Immediately discontinue cultivation and production of marijuana;
 - (b) Weigh and inventory all unused marijuana in all stages of cultivation and all MIPs in any stage of production, and create and maintain a written record of all such items;
 - (c) Dispose of the unused marijuana in accordance with 105 CMR 725.105(J) subsequent to approval by the Department. Such disposal shall be considered to be in the best interests of the general public, and the Department shall not be held liable in any way for any financial or other loss; and
 - (d) Maintain all records as required by 105 CMR 725.105(I)(7).
- (2) If the RMD does not comply with the requirements of 105 CMR 725.105(O)(1), the Department shall have the authority to, at the RMD's expense, secure the RMD, and after a period of 30-calendar days, seize and destroy the inventory and equipment and contract for the storage of RMD records.

MASSACHUSETTS

The state set up the Cannabis Control Commission in 2017. Metrc was contracted the following year, charged with helping the state regulate the cultivation, tracking, transport, testing, and sale of medical and adult-use cannabis and to assist in the creation of what Massachusetts Governor Charlie Baker called the “safe, reliable, legal market.”

GREETING PROGRAM OVERVIEW TRAINING AND INFO VIDEOS RECENT BULLETINS AND RESOURCES



Cannabis
Control
Commission

COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS WELCOMES YOU

Translate »

The Cannabis Control Commission (CCC) welcomes you to the Massachusetts Metrc webpage. Massachusetts' licensees must utilize the seed-to-sale system to track all marijuana products being cultivated, manufactured, transported, tested, and sold in the Commonwealth.

This portal contains important resources, training, and updates for Marijuana Establishments and their agents. The information and tools provided by Metrc are critical in ensuring that your establishment remains in compliance with the laws and regulations of the state of Massachusetts and the CCC.

We look forward to working with you to ensure a safe, equitable, and effectively run adult use marijuana industry.

CANNABIS CONTROL COMMISSION

EVENTS LOGGED

338771754

NUMBER OF SALES

30009693

PROGRAM OVERVIEW

Partnership Start: November 2018

The Cannabis Control Commission set to work to establish the parameters of the medical and adult-use markets, creating inventory quotas, an economic empowerment program, licensing guidelines, fee structures, and more. Sales of recreational cannabis are subject to a 10.75 percent excise tax, plus the state's normal 6.25 percent sales tax, and an optional local excise tax of up to three percent. Metrc's system tracks cannabis-related products through the point of sale, helping the state reconcile tax obligations. Purchasers pay no taxes on medical marijuana. In 2021, Metrc worked with the CCC to establish the state's first-ever product catalog, listing all the flower, pre-rolls, tinctures, beverages, and edibles sold legally in Massachusetts. The catalog provides valuable assistance to police, parents and regulators identifying licensed products versus those sold on the illicit market.

REGISTER FOR A TRAINING

MA New Business Metrc System Training

March 30, 2022 at 12:00 PM EDT

MA Advanced Retail Metrc System Training

March 31, 2022 at 12:00 PM EDT

MA Advanced Manufacturer Metrc System Training

March 31, 2022 at 10:00 AM EDT

MA Advanced Cultivator Metrc System Training

April 05, 2022 at 12:00 PM EDT

[SEE ALL TRAININGS](#)

QUICK LINKS

[INTEGRATION AND API](#)

[FAQ](#)

VALIDATED INTEGRATORS

We've made it easier to find licensed businesses in Metrc's validated integrators list. Search and sorting functionality has been added to the system to help users find what they need quickly and easily.

[SEE MASSACHUSETTS' VALIDATED INTEGRATORS](#)

TRAINING VIDEOS



[Translate »](#)

RECENT METRC BULLETINS FOR MASSACHUSETTS

MA BULLETIN 55:
ITEM CATEGORY
REQUIREMENTS
March 1, 2022

MA BULLETIN 54:
TISSUE CULTURE
PLANT BATCH
TYPE
March 1, 2022

MA BULLETIN 54:
TISSUE CULTURE
PLANT BATCH
TYPE
January 12, 2022

MA BULLETIN 53:
METRC LEARN
AND METRC
KNOWLEDGE
CENTER
March 1, 2022

MA BULLETIN 51:
TRANSFERS OF
IMMATURE
PLANTS TO
RETAILERS
November 17, 2021

MA BULLETIN 50:
NEW FEATURE
RELEASE - SAVE
TABLE
CONFIGURATIONS,
FIXED GRID
HIGHLIGHTING,
UPDATED CSV
GUIDE
October 22, 2021

MA BULLETIN 49:
LAB TEST BATCH
GUIDELINES
UPDATE
October 18, 2021

MA BULLETIN 48:
LAB TEST BATCH
GUIDELINES
October 18, 2021

MA BULLETIN 47:
NEW LAB TEST
BATCH UPDATE,
SOURCE
PRODUCTION
BATCH FIELD
April 9, 2021

MA BULLETIN 46:
NEW LAB TEST
BATCHES UPDATE
July 2, 2021

MA BULLETIN 45:
ITEM CATEGORY
CHANGES
October 27, 2021

MA BULLETIN 44:
EDIT SAVED
TRANSPORTER
INFO,
PRODUCTION
MANAGEMENT
REPORT, AND
UPDATED GUIDES
June 15, 2021

MA BULLETIN 43:
NEW LAB TEST
BATCHES
2021

MA BULLETIN 42:
UPDATE TO
ADULT-USE SALES
DELIVERIES
April 27, 2021

MA BULLETIN 41:
SAME ITEM
FUNCTIONALITY
AND GUIDANCE
ON ITEM

MA BULLETIN 40:
RENAME
HARVEST, DATA
OPTIMIZATION.
REMEDIATION

Translate »

CREATION
March 23, 2021

REVISION
HISTORY, AND
INGREDIENTS
March 10, 2021

MA BULLETIN 39:
404 ERROR
RESOLVED
March 1, 2021

MA BULLETIN 38:
ITEM
REQUIREMENT
DEADLINE
EXTENSION
February 8, 2021

MA BULLETIN 37:
ADDITIONAL ITEM
CATEGORY
GUIDANCE
January 28, 2021

MA BULLETIN 36:
ADDITION OF
NEW ITEM
CATEGORIES
January 20, 2021

BULLETIN ARCHIVE

RESOURCES FROM MASSACHUSETTS

Forms and Templates

Guidance Documents

Program News and Updates

info@metrc.com | TEL: 1-877-566-6506

3111 West Pipkin Rd. Suite 140 | Lakeland, FL 33811



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Translate »

501.050: continued

(c) Tier Expansion. An MTC may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. An MTC may change tiers to either expand or reduce production. If an MTC is applying to expand production, it shall demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production for an indoor cultivator, or during the harvest season, prior to the application for expanded production for an outdoor cultivator.

(d) Tier Relegation. In connection with the License renewal process for MTC, the Commission will review the records of the MTC during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator. The Commission may reduce the Licensee's maximum Canopy to a lower tier if the Licensee sold less than 70% of what it produced during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator.

(e) Tier Factors. When determining whether to allow expansion or relegate a Licensee to a different tier, the Commission may consider factors including, but not limited to:

1. Cultivation and production history, including whether the plants/inventory suffered a catastrophic event during the licensing period;
2. Transfer, sales, and excise tax payment history;
3. Existing inventory and inventory history;
4. Sales contracts; and
5. Any other factors relevant to ensuring responsible cultivation, production, and inventory management.

(3) Product Manufacturing Operations. An MTC may perform manufacturing operations only at the address approved to do so by the Commission. At the Processing location, MTCs may obtain, Manufacture, Process and package Marijuana Products, to transport Marijuana Products to MTCs and to Transfer Marijuana Products to other MTCs, but not to Patients.

(4) Dispensing Operations.

(a) An MTC may perform dispensing operations only at the address approved to do so by the Commission. At the dispensing location, the MTC may purchase and transport Marijuana Products from MTCs and transport, sell, Repackage or otherwise transfer Marijuana Products to MTCs and to Registered Qualifying Patients.

(b) MTCs may perform home deliveries to Registered Qualifying Patients or Personal Caregivers from their dispensing location if approved by the Commission to do so. An MTC shall only deliver to an Institutional Caregiver at their Caregiving Institution.

501.052: Independent Testing Laboratories

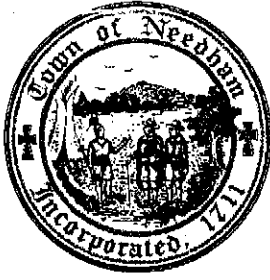
(1) An Independent Testing Laboratory shall apply for licensure in the manner prescribed in 935 CMR 500.101: *Application Requirements*.

(2) The Commission will accept certificates of registration for Independent Testing Laboratories validly issued prior to the Program Transfer. A certificate will remain valid until the certificate expires or the laboratory is licensed pursuant to 935 CMR 500.101: *Application Requirements*, whichever occurs first.

(3) An Independent Testing Laboratory may not cultivate Marijuana.

(4) An Independent Testing Laboratory may not possess, transport or Process Marijuana other than that necessary for the purposes of testing in compliance with 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000. Laboratories registered prior to the Program Transfer and that have not been licensed pursuant to 935 CMR 500.101: *Application Requirements*, are limited to possessing, transporting or Processing Marijuana for the purposes of testing in compliance with 935 CMR 501.000.

(5) An Executive or Member of an MTC is prohibited from being a Person or Entity Having Direct or Indirect Control in an Independent Testing Laboratory providing testing services for any MTC, except as otherwise provided in 935 CMR 501.200.



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

TO: Dave Roche, BUILDING COMMISSIONER
FROM: PLANNING DEPARTMENT *AC*
DATE: June 23, 2022
SUBJECT: Required parking
Sira Naturals, Inc. dba Ayr, formerly Sage Naturals
Property located at 29-37 Franklin Street, Needham, MA

The Planning Board is in receipt of a letter dated June 7, 2022, from Robert Smart, Attorney, requesting the Board's recommendation as to the number of parking spaces that should be required for the above-named medical marijuana facility, after proposed changes to operation (namely, the elimination of the by-appointment requirement, all as further described in the attachments). Upon review of the parking requirement for the above-named project, and after receiving the recommendations of the Department of Public Works (DPW) on the matter, the Board recommends a total number of required parking spaces of 18 spaces. The Planning Board's recommendation of 18 spaces was based upon the applicant's representation, as described in the letter from Robert Smart, Attorney, dated June 7, 2022, as well as a review of the following materials:

1. Memorandum from Scott W. Thornton, Vanasse & Associates, Inc., dated June 7, 2022, regarding traffic and parking assessment.

DPW's recommendation is that the use requires 18 parking spaces, and such recommendation relies on the information provided by the applicant. See letter directed to Planning Board, from Thomas Ryder, Town Engineer, dated June 16, 2022.

Accordingly, the Board voted to recommend a parking requirement total of 18 parking spaces contingent upon the property being used as described in the materials provided and detailed above (copies enclosed).

Should you have any questions regarding this matter, please feel free to contact me directly.

cc: Carys Lustig - DPW
Tom Ryder - TOWN ENGINEER
Robert Smart, Attorney



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

June 16, 2022

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Sira Naturals, Inc. (formerly Sage Naturals)
Required Parking

Dear Members of the Board:

The Department of Public Works has completed its review of the above referenced request for a parking requirement determination. The applicant is proposing to amend the 2017 Special Permit, to change the operations of the facility to remove the limitation of the site's "appointment only", expand the sales positions, and expand delivery services.

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

1. Letter directed to Planning Board, from Attorney Robert T Smart Jr., Esq. dated June 7, 2022.
2. Letter directed to Planning Board, from Scott W Thornton, PE Vanasse & Associates, Inc. dated June 7, 2022 with attached parking study report.

Our comments and recommendations are as follows:

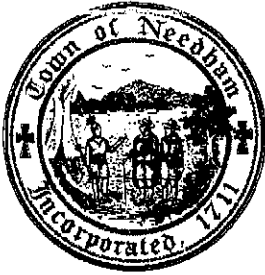
We agree with the conclusion that the facility's 18 spaces, plus the available on street parking, and the noted home delivery services proposed will be sufficient to accommodate the anticipated increase in parking demand.

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

Truly yours,

Sincerely,

Thomas A Ryder
Town Engineer



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMO

TO: Carys Lustig - DPW
Tom Ryder - TOWN ENGINEER

FROM: PLANNING BOARD *AC*

DATE: June 9, 2022

SUBJECT: Required parking
Sira Naturals, Inc. dba Ayr, formerly Sage Naturals
Property located at 29-37 Franklin Street, Needham, MA

The Planning Board is in receipt of a memo dated June 7, 2022, from Robert Smart, Attorney, requesting the Board's recommendation as to the number of parking spaces that should be required for the above-named medical marijuana facility, after proposed changes to operation (namely, the elimination of the by-appointment requirement, all as further described in the attachments). Please review the attachments and provide the Board with a recommendation as to the number of parking spaces that should be provided for this use based on the expected parking needs of occupants, users, and employees. As the parking generation requirements for this use are not studied in the Institute of Traffic Engineers Parking Generation Manual, you will need to select an alternative technical source in making your recommendation to the Board.

Accordingly, please find attached:

1. Letter form Robert T. Smart, Attorney, dated June 7, 2022.
2. Memorandum from Scott W. Thornton, Vanasse & Associates, inc., dated June 7, 2022, regarding traffic and parking assessment.

The Planning Board has scheduled this item for discussion on Tuesday, June 21, 2022, and would appreciate receiving your written comments prior to that meeting (and ideally by Wednesday June 22, 2022).

Should you have any questions regarding this matter, please feel free to contact me directly, Thank you for your cooperation.

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

June 7, 2022

BY HAND DELIVERY, AND ELECTRONIC MAIL

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.
Application for Amendments to June 13, 2017 Special Permit
29-37 Franklin Street, Needham, MA

Dear Members of the Board:

I represent Sira Naturals, Inc., d/b/a Ayr (hereinafter "Sira"), of 300 Trade Center, Suite 7750, Woburn, MA 01801, formerly known as Sage Naturals, Inc. (hereinafter "Sage"), which is currently operating a medical marijuana facility at 29-37 Franklin Street, Needham, MA. Sira intends to file an application in July of 2022 to amend the 2017 special permit which was granted by Planning Board.

The amendments to be proposed will include several operational changes: (a) removal of the "appointment only" limitation, (b) allowing sales of marijuana products in addition to those cultivated and processed at Sira's Milford facility, (c) allowing an increase in the maximum number of sales stations from five to seven, and (d) allowing delivery vans to be garaged overnight in a locked building at the Needham facility, rather than requiring them to be garaged in Milford.

Members of the Sira team and I met in April of 2022 with Lee Newman and Alexandra Clee, to discuss the upcoming application. They suggested that we conduct a traffic and parking analysis, to determine the parking demand which the revised operations would generate. Further, they suggested that the analysis be submitted by June 7, 2022, so the Board could obtain input from the Department of Public Works, in advance of the Board's meeting on June 21st. Finally, they suggested that the Board could consider and vote on the applicable parking demand standard at its June 21, 2022 meeting.

Accordingly, I enclose two copies of a June 7, 2022 letter from Scott Thornton, of Vanasse and Associates, Inc., which provides the required traffic and parking analysis. Scott's letter includes copies of the Sira data which he reviewed in order to conduct his analysis.

Please let me know if any additional materials are needed from Sira, and confirm that Sira's parking demand determination will be conducted by the Planning Board at its June 21, 2022 meeting.

Thank you for your consideration.

Very truly yours,



Robert T. Smart, Jr.

Cc: Sira Naturals, Inc.
Scott Thornton

Ref: 9320

June 7, 2022

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Proposed Operations Changes to Sira Naturals
Needham, Massachusetts

Dear Members of the Board:

As requested by Sira Naturals, Vanasse & Associates, Inc. (VAI) has prepared this traffic and parking assessment of proposed operations changes for the Sira Naturals facility located at 29-37 Franklin Street in Needham. These operations changes consist of the following:

- removal of the appointment-based system for patients,
- expansion to provide an increase in the number of sales positions from 5 to 7, and
- expanded delivery service.

To assess the traffic and parking implications of these changes, VAI conducted parking counts and a review of transaction data from the existing Needham facility as well as from the Sira facility located at 240 Elm Street in Somerville, Massachusetts. Our findings are that the proposed removal of the appointment basis for patients is likely to result in a modest increase in transaction activity; however, there exists sufficient parking on site to accommodate this increase. In addition, we have assumed an increase in sales activity based on the additional sales positions to provide a conservative treatment of the analysis, although this is likely to speed processing time of transactions rather than increase the number of transactions. Finally based on information provided by Sira, a 10% reduction in on-site transactions is expected with the expansion of home deliveries. The net result of these changes is that while an increase in activity is expected on-site, the on-site parking capacity can accommodate the anticipated increase. Should additional parking be required, a review of on-street parking demand on Franklin Street that was also conducted indicates that there are sufficient spaces on Franklin Street to provide additional parking capacity if required.

PROJECT DESCRIPTION

The Sira Naturals site is a Medical Cannabis Facility. The facility is open seven (7) days a week from 10:00 AM to 8:00 PM and currently operates on an appointment basis only. Based upon information provided by the proponent, the site can accommodate up to 200 patients per day but typically services half or less on a given weekday, with fewer patients typically on Saturday and Sunday. Currently the number of employees on site total eight (8) including five (5) sales associates, two (2) security officers, and one manager. The project site is situated on the east side of Franklin Street, north of Highland Avenue. Access to the project site is provided by way of Wexford Street that intersects Highland Avenue from the north while Franklin Street intersects Wexford Street from the west. A total of 18 parking spaces are on-site and accommodate eight (8) staff spaces and ten (10) patient spaces. In addition, Franklin Street permits on-street parking, with approximately 18 available spaces not reserved by other entities on Franklin Street.

PREVIOUS TRAFFIC STUDY

VAI prepared a traffic study in 2017 for the facility which reviewed traffic generation and parking impacts of the proposed project. Additional items of study included area intersection counts, projections of future conditions, and level-of-service (LOS) analyses of the following locations:

1. Highland Avenue at Wexford Street
2. Wexford Street at Franklin Street

The 2017 study estimated traffic at the proposed facility by counting The Garden Remedies facility located at 697 Washington Street in Newton. At that time, Garden Remedies was a similar appointment only facility, which could service up to five (5) patients at a time. The Garden Remedies facility was monitored for customer counts on Wednesday, December 21, 2016 between the hours of 11:00 AM and 2:00 PM and 5:00 and 8:00 PM to determine midday and evening traffic generation. A summary of the peak counts is presented in Table 3. The project was expected to result in the vehicle trips noted in Table 1 below.

Table 1
INITIAL TRIP-GENERATION SUMMARY

Time Period/Direction	Trips Generated
<i>Evening Peak Hour:</i>	
Entering	11
<u>Exiting</u>	<u>11</u>
Total	22
<i>Midday Peak Hour:</i>	
Entering	15
<u>Exiting</u>	<u>15</u>
Total	30

In general, operations at these locations were not expected to change as a result of the project traffic, with no changes in LOS due to the addition of the project trips.

In addition, the 2017 study included a parking accumulation survey of Franklin Street conducted during a typical weekday in December between the hours of 11:00 AM and 2:00 PM and between 5:00 and 8:00 PM, as these were expected to be the peak time periods of the facility. The survey indicated that the peak demand was 14 spaces (12:15 PM, 12:30 PM and 2:00 PM) between 11:00 AM and 2:00 PM and seven spaces (5:00 PM) between 5:00 and 8:00 PM with on-street spaces available throughout the study period. This survey indicated that sufficient on-street parking supply was available on Franklin Street should it be occasionally required, but the on-site supply was expected to provide sufficient capacity for the project.

It should be noted that currently, the U-Do-It Electronics store has reserved 6 spaces for their customer parking across from the Sira Naturals site. This reduces the available 24 space total on-street supply to 18 spaces.



CURRENT STATUS

Removal of Appointment-Only Basis

Sira is proposing changes to their Needham operations in order to make them consistent with other area medical cannabis facilities. With the increase in the number of medical facilities, as well as in the number of adult retail cannabis facilities, demand at individual facilities and Sira's Needham facility in particular has declined. Most facilities have eliminated appointment-only operations. This system was required at many locations in order to manage the expected customer traffic and not overwhelm a store's capacity to process patient demand. However, Sira has determined that this system is no longer necessary and may in fact hamper their ability to compete with other similar stores that do not have a similar requirement and are easier for patients to do business with.

To address concerns raised during the COVID pandemic, Sira voluntarily operated its Somerville facility under an appointment-only basis for a limited time. This facility was able to return to a non-appointment basis in July 2021. This experience allows Sira to provide transaction data with both appointment-based operations and post-appointment-based operations. This data indicates a minor increase in transactions with the removal of the appointment system. Sira provided data to VAI for the month of April for both 2021 (appointment) and 2022 (non-appointment) for a review of the most recent time period comparison. This data is summarized in Table 2 below.

Table 2
NON-APPOINTMENT/APPOINTMENT TRANSACTION COMPARISON*

Time Period	April 2021 Data (Appointment)	April 2022 Data (Non-Appointment)	Increase (Decrease), percent
<i>Weekday Total</i>	6,124	7,049	15.1
<i>Weekend Total</i>	2,307	2,169	(6.0)

*Based on data provided by Sira for their Somerville store.

As shown in Table 2, the data indicates an increase in weekday transactions for the non-appointment basis operations compared to the appointment-only operations. Although a decrease was noted in the weekend operations, this is not pertinent to this discussion as the Needham facility has a higher activity during the weekday conditions than weekends; therefore, the weekend data above is not being used in future analysis.

Additional Sales Clerks

Sira is also proposing up to two additional sales clerks at their Point of Sale (POS) locations. Currently the facility has a maximum of five (5) sales clerks on site in order to accommodate the existing demand. However, to accommodate an expected increase in demand and to increase the pace of transactions so that duration of parking space use is minimized, the two additional POS locations are proposed. With a total of 7 POS locations and assuming 15 minutes per transaction, approximately 28 transactions per hour could be processed. However, Sira indicates that transactions take at most 15 minutes, with most requiring between 5 and 10 minutes. Transaction data from May 25, 2022 at the Needham facility indicated approximately 8 minutes between transactions over the course of the day. The additional sales clerks can accommodate additional transactions as needed and are not expected to create an increase in business. However, an



increase due to the additional clerks was in fact assumed, to provide a conservative treatment of project traffic changes.

Increased Home Deliveries With Change in Van Storage Requirement

Sira's special permit allows home deliveries, but contemplates only one delivery van, and requires that delivery van to be housed overnight in Milford. These requirements make home delivery from the Needham facility impractical. Sira is proposing to house up to two delivery vans overnight in its garage in Needham. There is ample room in the garage for this. Based on its experience at other facilities, Sira expects that the proposed changes will account for up to a 10 percent decrease in on-site transactions. These transactions would be made through online order with vehicles making deliveries to patients. The vehicles would be loaded at the beginning of the day for deliveries and could return in the off-peak times between 2:00 PM and 5:00 PM or at the close of business after 8:00 PM. These vehicles would result in fewer patients' vehicles coming to the store. Accordingly, a 10 percent reduction in on-site transactions was incorporated into site traffic calculations.

Trip Calculations

Trip estimates were calculated based on the proposed changes to the Needham facility. The starting point was the transactional data provided by Sira for a representative weekday (May 25, 2022) at the Needham facility for the midday (11:00 AM to 2:00 PM) period and the evening (5:00 to 8:00 PM) period. This data was then adjusted as follows:

- Increased 35 percent to account for an average weekday number of transactions based on April 2022 data,
- Increased 15.1 percent to account for removal of appointment basis,
- Increased by 40 percent to account for additional POS positions,
- Adjusted the three-hour data to average hour and then incorporated a 40 percent peaking factor to account for peak-hour parking demands within the three-hour window of transactions provided,
- Decreased by 10 percent to account for reductions in on-site transactions due to delivery service.

For simplicity of calculations, no sharing of vehicles or reduction due to mode split was assumed, so that the transactions were assumed to equal vehicle trips. The resulting trips are shown in Table 3.



Table 3
TRIP-GENERATION SUMMARY

Time Period/Direction	5/25/2022 Current Transactions	Adjusted to Monthly Weekday Average ^a	Adjusted for Removal of Appointment Basis ^b	Adjusted for Increase in Sales Positions ^c	Average Hourly Distribution ^d	Peak Hour Distribution ^e	Reduction due to Delivery ^f
Weekday Midday							
11AM-2PM (3 hours)							
Entering	19	26	30	42	14	20	18
Exiting	19	26	30	42	14	20	18
Total	38	52	60	84	28	40	36
Weekday Evening							
5PM-8PM (3 hours)							
Entering	26	36	42	59	20	28	26
Exiting	26	36	42	59	20	28	26
Total	52	72	84	118	40	56	52
Daily							
Entering	75	101	117	164	--	--	--
Exiting	75	101	117	164	--	--	--
Total	150	202	234	328	--	--	--

^aBased on transaction data for Needham month of April 2022 indicating 101 average transactions per weekday

^bBased on review of Somerville data indicating a 15% increase in transactions following lifting of appointment basis (1.15 factor applied)

^cBased on increase from 5 positions to 7 positions (140 percent increase)

^dDivided 3-hour ranges by 3 to derive average hour over period

^eAssumed peaking based on difference between average parking demand and 85th percentile parking demand (140 percent increase)

^fBased on 10% reduction as noted by Sira staff

As shown in Table 3, the proposed changes have the net result of transactions/trips similar to what was identified in the 2017 traffic study. This is shown in Table 4.

Table 4
TRIP-GENERATION COMPARISON

Time Period/Direction	Initial Trips Estimated (2017)	Current Trips Estimated (2022)
<i>Midday Peak Hour:</i>		
Entering	15	18
<u>Exiting</u>	<u>15</u>	<u>18</u>
Total	30	36
<i>Evening Peak Hour:</i>		
Entering	11	26
<u>Exiting</u>	<u>11</u>	<u>26</u>
Total	22	52

Increases are expected during both time periods, with the weekday evening peak hour time period expected to experience a higher increase than the weekday midday peak hour period. However, this is expected over a one-hour basis, and with transactions likely to average 10 minutes or less, parking supply is expected to meet demand, as shown in the following section.

PARKING ANALYSIS

Parking counts were conducted at the Needham facility on May 25, 2022. Counts were conducted during the periods identified previously (11:00 AM to 2:00 PM and 5:00 to 8:00 PM) and accounted for parking on-site and on-street. A total of 18 parking spaces are on-site and accommodate staff and patient parking, while Franklin Street accommodates 24 parking spaces. However, 6 of the Franklin Street spaces are signed for U-Do-It Electronics customer use only; therefore, these spaces were not included in calculations. These spaces are shown on Figure 1.

The results of the parking accumulation survey are shown in Figure 2 for on-site spaces and Figure 3 for off-site spaces. Figure 2 indicates the maximum parking demand during the midday time period was 9 spaces or 50 percent utilization while the maximum parking demand during the evening time period was 7 spaces, or 39 percent utilization. This included staff vehicles.

Figure 3 indicates the maximum parking demand on Franklin Street was 14 spaces during the midday time period or 78 percent utilization while the maximum parking demand during the evening time period was 10 spaces or 56 percent utilization, without including the 6 U-Do-It spaces. It should be noted that the maximum utilization was observed between 5:00 and 5:15 and after that interval the maximum demand decreased to 8 spaces or 50 percent.

The transaction data from May 25, 2022 indicated approximately 8 minutes between transactions over the course of the day. A 10-minute transaction time would allow each of the 10 spaces reserved for patients to turn over 6 times, for an average capacity of 60 vehicles to be parked. Since a maximum of 26 transactions are expected during the evening peak hour time period, this would leave sufficient capacity for the patients

Traffic and Parking Memorandum - Site Natural - Needham, Massachusetts

Legend:

- On Site = 18 Parking Spaces
- Off Site = 18 Parking Spaces
- Total = 36 Parking Spaces

5 SPACES

FRANKLIN STREET

13 SPACES



0 30 60 Scale in Feet

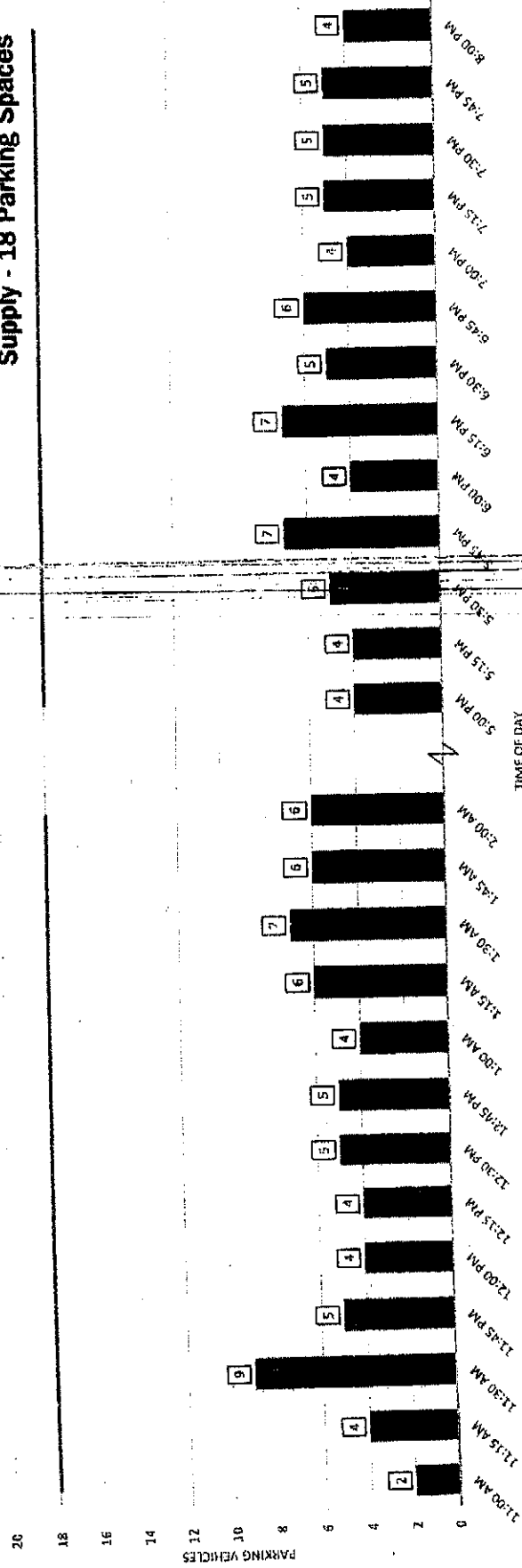


Vanasse &
Associates inc

Figure 1

Parking Inventory

Supply - 18 Parking Spaces



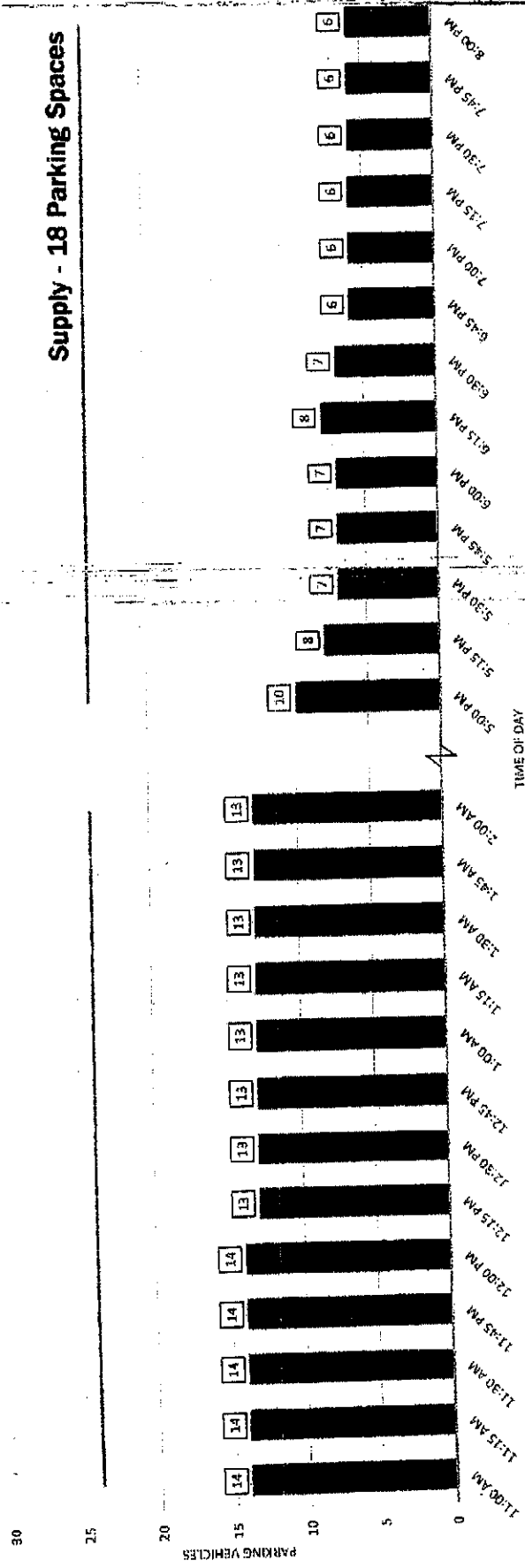
Source: VAI Survey

Figure 2

Parking Demand Study
On-Site Spaces
Wednesday, May 25, 2022

VAI Vanasse & Associates inc

Supply - 18 Parking Spaces



Source: VMI Survey

Figure 3

Parking Demand Study
Off-Site Spaces
Wednesday, May 25, 2022

VMI Vanasse & Associates inc

to park their vehicles on-site. In addition, during the evening there would be between 8 and 10 available spaces on Franklin Street available for use.

CONCLUSION

VAI has conducted a traffic and parking assessment of the changes proposed for the Sira Naturals Medical Cannabis Facility located at 29-37 Franklin Street in Needham, Massachusetts. Based on the proposed changes of removal of appointment-only service, an increase in the sales positions from 5 to 7, and a decrease in on-site transactions due to expanded delivery service, an overall increase in on-site activity is expected. However, the on-site parking capacity can accommodate the anticipated increase. Should additional parking be required, a review of on-street parking demand on Franklin Street indicates that there are sufficient spaces on Franklin Street to provide additional parking capacity if required.

Sincerely,

VANASSE & ASSOCIATES, INC.



Scott W. Thornton, P.E.
Principal

cc: D. Packnett, Sira Naturals, Inc. d/b/a "Ayr"
R. Smart, Esq.
File

Enclosures: Technical Appendix



APPENDIX

**TRANSACTION DATA
PARKING COUNTS
TRIP GENERATION CALCULATIONS**



Day	2022	Column2	2022 Som Trans	2021	Day of Week 22	2021 Som Trans	Day of Week Needham	Needham 4/2022:
1	4/1/2022	Thu	271	271	4/1/2021	Wed	269	121
2	4/2/2022	Fri	278	278	4/2/2021	Thu	332	96
3	4/3/2022	Sat	214	214	4/3/2021	Fri	342	92
4	4/4/2022	Sun	214	214	4/4/2021	Sat	240	101
5	4/5/2022	Mon	208	208	4/5/2021	Sun	215	106
6	4/6/2022	Tue	231	231	4/6/2021	Mon	290	91
7	4/7/2022	Wed	227	227	4/7/2021	Tue	283	106
8	4/8/2022	Thu	409	409	4/8/2021	Wed	298	114
9	4/9/2022	Fri	353	353	4/9/2021	Thu	380	103
10	4/10/2022	Sat	372	372	4/10/2021	Fri	313	97
11	4/11/2022	Sun	268	268	4/11/2021	Sat	316	83
12	4/12/2022	Mon	264	264	4/12/2021	Sun	206	118
13	4/13/2022	Tue	299	299	4/13/2021	Mon	220	75
14	4/14/2022	Wed	376	376	4/14/2021	Tue	250	108
15	4/15/2022	Thu	486	486	4/15/2021	Wed	259	107
16	4/16/2022	Fri	441	441	4/16/2021	Thu	384	103
17	4/17/2022	Sat	331	331	4/17/2021	Fri	384	69
18	4/18/2022	Sun	295	295	4/18/2021	Sat	299	70
19	4/19/2022	Mon	389	389	4/19/2021	Sun	273	92
20	4/20/2022	Tue	584	584	4/20/2021	Mon	496	108
21	4/21/2022	Wed	386	386	4/21/2021	Tue	177	88
22	4/22/2022	Thu	451	451	4/22/2021	Wed	191	81
23	4/23/2022	Fri	377	377	4/23/2021	Thu	282	93
24	4/24/2022	Sat	349	349	4/24/2021	Fri	204	79
25	4/25/2022	Sun	176	176	4/25/2021	Sat	209	73
26	4/26/2022	Mon	139	139	4/26/2021	Sun	237	92
27	4/27/2022	Tue	170	170	4/27/2021	Mon	239	97
28	4/28/2022	Wed	191	191	4/28/2021	Tue	232	90
29	4/29/2022	Thu	263	263	4/29/2021	Wed	251	116
30	4/30/2022	Fri	256	256	4/30/2021	Thu	360	111

Row Labels	Sum of 2022 Som Trans	Sum of 2021 Som Trans	Rate of Increase/Decrease
Sun	903	1064	-15.1%
Mon	1000	931	7.4%
Tue	1284	1245	3.1%
Wed	1180	942	25.3%
Thu	1880	1268	48.3%
Fri	1705	1738	-1.9%
Sat	1266	1243	1.9%
Grand Total	9218	8431	9.3%
Weekday Total	7,049.0	6,124.0	15.1%
Weekend Total	2169	2307	-6.0%

Row Labels	Sum of Needham 4/2022:	Average of Needham 4/2022: 2	Count of Needham 4/2022: 2
Sun	327	81.75	4
Mon	408	102	4
Tue	371	92.75	4
Wed	392	98	4
Thu	542	108.4	5
Fri	506	101.2	5
Sat	328	82	4
Grand Total	2874	95.8	30
Total of weekday customers	2219		
Average customers	100.8636364		
with 15.1% increase	116.0985912		

SEAL

CONSULTANT

PROJECT

SIRA
NATURALS
NEEDHAM

29 FRANKLIN STREET
NEEDHAM, MA 02494
PREPARED FOR

Sira Naturals, Inc.

300 Trade Center

Suite 7700
Woburn, MA 01801

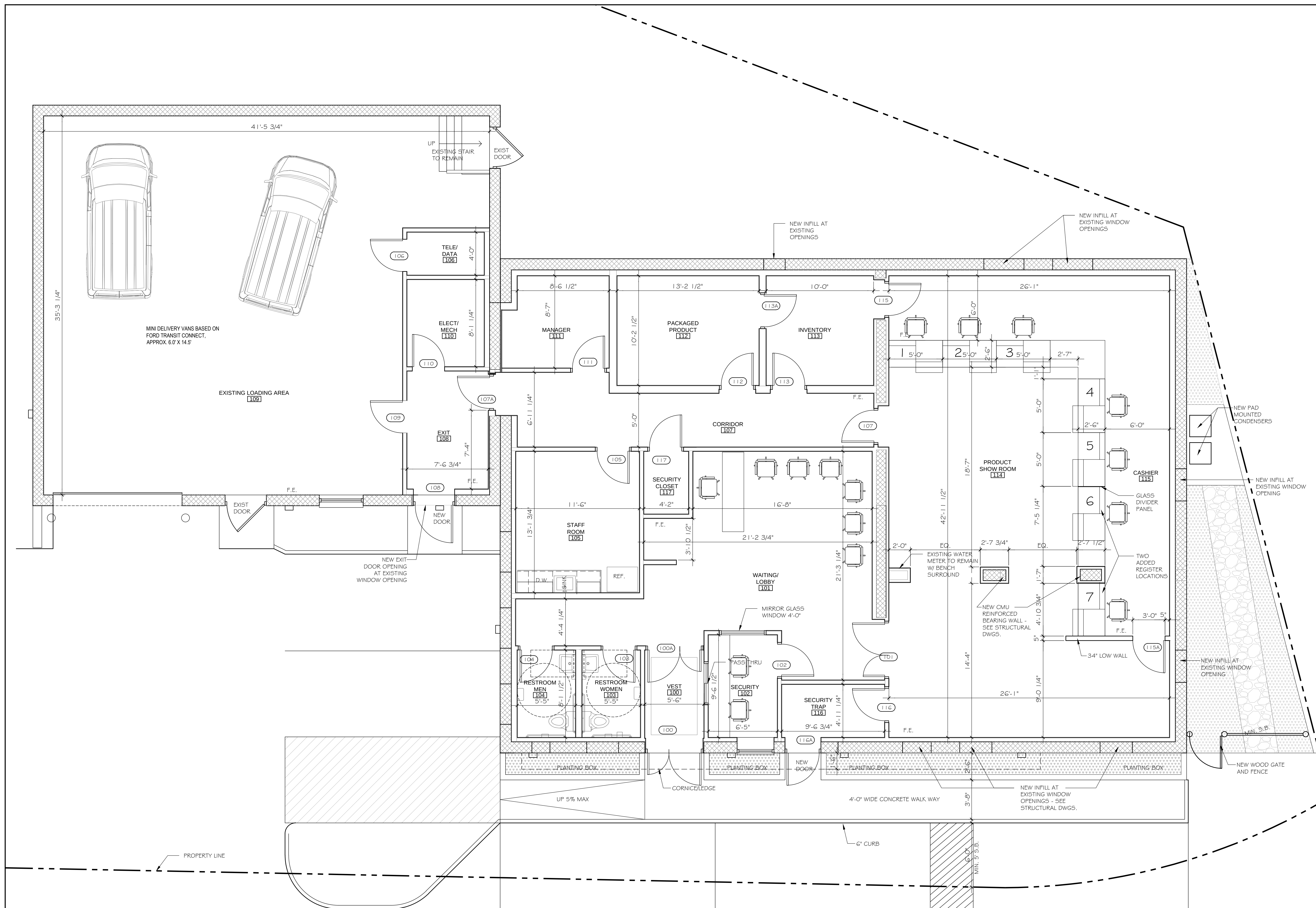
DRAWING TITLE

FIRST FLOOR PLAN
UPDATE 7-21-22

SCALE AS NOTED

REVISION / ISSUE	DATE
PROPOSED PLAN UPDATES	21 JUL. 2022
PROPOSED PLAN UPDATES	22 APR. 2022
AS BUILT PLAN	02 JAN. 2018
PERMIT SET	07 JUN. 2017
DRAWN BY AMF	REVIEWED BY PQ
SHEET	

A1.1



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2017 JUN 19 PM 1:20

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

DECISION Granting of Special Permits June 13, 2017

PLANNING

Sage Naturals, Inc. (formerly known as Sage Biotech, Inc. and Sage Cannabis, Inc.)
29-37 Franklin Street, Needham, MA 02492
Application No. 2017-01

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Sage Naturals, Inc., formerly known as Sage Biotech, Inc. and Sage Cannabis, Inc., 13 Commercial Way, Milford, MA 01757 (hereinafter referred to as the Petitioner), for property located at 29 and 37 Franklin Street, together with a parking and access easement over a portion of 55 Franklin Street, Needham, MA, shown on Assessors Plan No. 75 as Parcels 6 and 8 containing 13,365 square feet. Note that 55 Franklin Street is shown on Assessors Plan No. 75 as Parcel 5. Said parcels are all located in the Mixed Use – 128 Zoning District.

This Decision is in response to an application submitted to the Board on March 28, 2017, by the Petitioner for: (1) a Special Permit under Sections 3.2.6.2(h) and 6.10 of the Needham Zoning By-Law (hereinafter referred to as the By-Law) for the operation of a Medical Marijuana Treatment Center in the Mixed Use – 128 Zoning District; (2) a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement or reconstruction of a non-conforming building; (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 Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, Subsection 5.1.3(h) (Parking Space Layout), Subsection 5.1.3(j) (Parking Setbacks), Subsection 5.1.3(k) (Landscaped Areas), Subsection 5.1.3(l) (Trees) and Subsection 5.1.3(m) (Location); (4) findings and determinations required by Sections 7.5.2 and 7.5.2.1 of the By-Law; and (5) a finding that the criteria set forth in Section 6.10 of the By-Law are met.

The requested Special Permits, would, if granted, permit the Petitioner to construct and operate a Medical Marijuana Treatment Center at 29-37 Franklin Street. The Petitioner proposes to dispense medical marijuana, marijuana-infused products and vaporizers to patients at the site. The medical marijuana will be grown, processed and packaged off-site at the Petitioner's cultivation facility in Milford, Massachusetts and delivered to the Needham site approximately once per day. The Needham facility will only dispense medical marijuana products that are cultivated and processed at the Petitioner's Milford facility. The proposed facility will be designed and operated in accordance with state and local regulations for registered marijuana dispensaries and will be subject to oversight by the Massachusetts Department of Public Health.

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, Elizabeth J. Grimes, on Tuesday, April 25, 2017 at 7:45 p.m. in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to May 23, 2017 at 7:30 p.m., in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members, Elizabeth J. Grimes, Paul S. Alpert, Martin Jacobs, Jeanne S. McKnight, and Ted Owens were present at the April 25, 2017 and May 23, 2017 public hearings. 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 - Properly executed Application for a Special Permit under Section 1.4.6 of the By-Law, Sections 3.2.6.2(h) and 6.10 of the By-Law, and Section 5.1.1.5 of the By-Law as well as a request for findings that the criteria set forth in Section 6.10 of the By-Law have been met. Said application submitted on March 28, 2017.
- Exhibit 2 - Letter to Planning Board Members, from Attorney Roy A. Cramer, dated March 24, 2017, with Exhibits A and B.
- Exhibit 3 - Plans entitled "Site Development Plans, for 29 and 37 Franklin Street, Needham, MA 02494," prepared by Kelly Engineering Group, Inc., 0 Campenelli Drive, Braintree, MA 02184, consisting of 5 sheets: Sheet 1, entitled "29 and 37 Franklin Street, Needham, MA," dated January 3, 2017; Sheet 2, entitled "Existing Conditions Plan," dated January 3, 2017; Sheet 3, entitled "Layout Plan," dated January 3, 2017, revised March 17, 2017; and Sheet 4, entitled "Site Plan," dated January 3, 2017; Sheet 5, entitled "Detail Sheet," dated January 3, 2017.
- Exhibit 4 - Plans entitled "Needham Dispensary, 29 Franklin Street," prepared by Peter Quinn Architects, 259 Elm Street, Suite 301, Somerville, MA 02144, consisting of 4 sheets: Sheet 1, Sheet A-1.0, entitled "Rendered Elevation and 3D View," dated February 6, 2017, revised March 21, 2017; Sheet 2, Sheet A-1.1, entitled "Floor Plan," dated February 6, 2017, revised March 21, 2017; Sheet 3, Sheet A-1.2, entitled "Roof Plan," dated February 6, 2017, revised March 21, 2017; and Sheet 4, Sheet A2.0, entitled "Elevations," dated February 6, 2017, revised March 21, 2017.
- Exhibit 5 - Transportation Impact Assessment, 29-37 Franklin Street, prepared by Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, MA 01818, dated January 2017.
- Exhibit 6 - Letter from Brandon Li, Project Engineer, Kelly Engineering, directed to Anthony Del Gaizo, Needham Town Engineer, dated January 3, 2017.
- Exhibit 7 - Two plans showing 500 and 1,000 foot radius from subject property to the potential "protected uses" described in Section 6.10, undated.
- Exhibit 8 - Information sheet on Charles River Pathway Conservation Area in Newton, MA.
- Exhibit 9 - Letter to Planning Board Members, from Attorney Roy A. Cramer, dated March 27, 2017, with exhibits.
- Exhibit 10 - Information sheets on Newton Upper Falls Greenway in Newton, MA. Exhibit comprises 4 pages.
- Exhibit 11 - Lease Agreement by and between 37 Franklin LLC and Mad Dog Realty Trust, as Landlord, and Sage Biotech, Inc., dated October 17, 2016.
- Exhibit 12 - Parking Easement Agreement by and between 55 Franklin LLC and Sage Biotech, Inc., executed March 23, 2017.

- Exhibit 13 - Letter from Peter Quinn, project architect, directed to Roy A. Cramer, Attorney, dated March 22, 2017.
- Exhibit 14 - Letter to Planning Board Members, from Attorney Roy A. Cramer, dated May 15, 2017, with exhibits.
- Exhibit 15 - RAB Lighting Technical Specifications Cut Sheet for SLIM37N.
- Exhibit 16 - Plans entitled "Needham Dispensary, 29 Franklin Street," prepared by Peter Quinn Architects, 259 Elm Street, Suite 301, Somerville, MA 02144, consisting of 3 sheets: Sheet 1, Sheet L1.1, entitled "Site Lighting Plan," dated May 11, 2017; Sheet 2, Sheet L1.2, entitled "Photometric Plan," dated May 11, 2017; and Sheet 3, Sheet L1.3, entitled "Photometric False Color Diagram," dated May 11, 2017.
- Exhibit 17 - Email from Attorney Roy Cramer, dated May 17, 2017, with attached letter from Daniel Roma, Nature Springs Water Company, dated May 15, 2017.
- Exhibit 18 - Letter from Marianne Connaughton, 19 Brook Road, Needham, dated May 18, 2017, with attachments.
- Exhibit 19 - Letter to Planning Board Members, from Attorney Roy A. Cramer, dated May 22, 2017, with exhibits.
- Exhibit 20 - Letter of non-opposition from Needham Board of Selectmen, to the Massachusetts Department of Public Health, dated June 14, 2016.
- Exhibit 21 - Community Benefit Agreement, between the Town of Needham and Sage Cannabis, Inc., dated June 14, 2016.
- Exhibit 22 - Letter from Eric Sheehan, Interim Bureau Director, Massachusetts Department of Public Health, dated July 12, 2016.
- Exhibit 23 - Email from Attorney Roy Cramer, dated May 22, 2017.
- Exhibit 24 - Letter from David Roche, Needham Building Commissioner to Attorney Roy Cramer, dated May 23, 2017.
- Exhibit 25 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, by memo dated April 20, 2017 and May 19, 2017; IDC to the Board from Lt. John Kraemer, Needham Police Department, dated April 19, 2017; and IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated April 21, 2017.

Exhibits 3, 4 and 16 are referred to hereinafter as the Plan.

Submitted following the close of the public hearing were the following exhibits:

- Exhibit 26 - Letter to Planning Board Members, from Attorney Roy A. Cramer, dated June 6, 2017, with exhibits.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located at 29 and 37 Franklin Street, together with a parking and access easement over a portion of 55 Franklin Street, Needham, MA. The property located at 29 and 37 Franklin Street is shown on Assessors Plan No. 75 as Parcels 6 and 8 containing 13,365 square feet. The property located at 55 Franklin Street is shown on Assessors Plan No. 75 as Parcel 5. Said parcels are all located in the Mixed Use – 128 Zoning District.
- 1.2 29 Franklin Street consists of a one-story building containing approximately 2,925 square feet and an attached one-story garage containing 1,613 square feet. The square footage of the lot is 9,124 square feet. 37 Franklin Street, the adjoining property to the west, contains a one-story wood building of approximately 1,715 square feet. The square footage of the lot is 4,241 square feet. Together 29 and 37 Franklin Street comprise 13,365 square feet.
- 1.3 The Petitioner proposes to establish a Medical Marijuana Treatment Center location at 29 and 37 Franklin Street. The Petitioner is a Registered Marijuana Dispensary (RMD) with a state registered cultivating facility located in Milford, Massachusetts. The proposed facility will be designed and operated in accordance with state and local regulations for RMDs and will be subject to oversight by the Massachusetts Department of Public Health.
- 1.4 The Petitioner proposes to dispense medical marijuana, marijuana-infused products and vaporizers to patients at the subject site. The medical marijuana will be grown, processed and packaged off-site at the Petitioner's cultivation facility in Milford, Massachusetts and delivered to the Needham site approximately once per day. The Needham facility will only dispense medical marijuana products that are cultivated and processed at the Petitioner's Milford facility.
- 1.5 The Petitioner will operate the RMD within the framework established by the Department of Public Health, which requires that patients complete certain steps before coming to the dispensary. The patient must receive a certification from a certified physician who is registered with the State, and patients under 18 years old will need to receive prescriptions from two physicians. Patients will then register with the Department of Public Health, where they will be provided a photo identification card. Patients are required to re-register every year. After completing these steps, patients will be able to make an appointment with the Petitioner, which will operate by appointment only. In no case will people be able to enter the premises without showing the Department of Public Health identification. The Petitioner expects a substantial number of patients will prefer to receive their product by delivery.
- 1.6 The dispensary operation is proposed to be located primarily in the 2,925 square foot building at 29 Franklin Street. The attached garage will house the van to be used for home deliveries during the day and the van will be housed overnight at the Petitioner's main facility in Milford, Massachusetts. The building located at 37 Franklin Street will be utilized primarily for storage but will not be utilized for storage of any marijuana products.
- 1.7 In terms of the fit out of the interior space at 29 Franklin Street, the first floor plan establishes three important areas for patient contact; an initial check-in/entry area inside of the building, the main interior area where patients meet with patient-care advocates, and an exit area. Patients accessing the site will be buzzed in from the outside of the building to the entry area, and then buzzed in from the entry area to the main interior area. Patients will also be buzzed out of the building when exiting. The floor plan is designed so that security

staff can monitor and control access to the interior of the commercial space at both the entrance and exit points.

- 1.8 The facility will be operated on an appointment-only basis and will be opened seven (7) days per week from 10:00 a.m. to 8:00 p.m. The scheduled appointments will be not less than 15 minutes long and will be accommodated at five (5) sales stations in the facility.
- 1.9 The facility is designed to accommodate up to 200 appointments per day. Given a 10 hour work day, 5 sales stations and 15 minute scheduled appointments the maximum number of patients per day is 200. (4 appointments per hour per sales station x 5 sales stations = 20 appointments per hour x 10 = 200 appointments). Based upon information provided by the Petitioner, the facility is expected to accommodate on a typical day an average of seven (7) patients per hour and eighty-four (84) patients per day.
- 1.10 The maximum number of employees based at the site at any given time will be eight (8) including five (5) sales associates, two (2) security officers, and one (1) manager.
- 1.11 Under the By-Law Section 5.1.2, in the event that the Building Inspector 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 Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. In the subject case, the Board voted to recommend a parking requirement total of eighteen (18) parking spaces based upon recommendations from the Department of Public Works and contingent upon the property being used as stated in a letter from Roy A. Cramer, Attorney, dated January 19, 2017 (Exhibit 2).
- 1.12 A total of eighteen (18) parking spaces are on-site to accommodate eight (8) staff spaces and ten (10) patient appointments. The facility will have five (5) sales stations and the maximum patient demand of ten (10) spaces is based upon five (5) patients at appointments and five (5) patients waiting for the next appointment. Visits are by appointment only which will limit any peak parking demand. In addition, Franklin Street accommodates twenty-four (24) on-street spaces and observations by Vanasse & Associates, Inc. on December 20, 2016 indicate a maximum parking demand of fourteen (14) spaces between 11:00 a.m. and 2:00 p.m. and demand drops to seven (7) or less after 5:00 p.m. These spaces are available for overflow parking, but it is not anticipated that any will be needed and the on-site parking supply of eighteen (18) spaces will adequately service the peak parking demand.
- 1.13 A portion of parking spaces 16, 17 and 18, as shown on the Layout Plan, are located within the Franklin Street right-of-way. The Petitioner will request a permit authorizing that parking use within the right-of-way from the Board of Selectmen or other appropriate Town department. Parking spaces located partially on the property and partially within the Franklin Street right-of-way presently exist at the location and are currently perpendicular to the building, requiring vehicles to back out of the parking spaces. The proposed parking spaces have been rotated so that they are parallel with the building and Franklin Street, rather than perpendicular to the building. Parking spaces 1-7 are partially located on the property at 55 Franklin Street. Parking spaces 11-13 are designated as Employee Parking and are tandem spaces.
- 1.14 A portion of parking spaces 1-7, as shown on the Layout Plan, are located on and accessed from the abutting property at 55 Franklin Street. The Petitioner has secured a parking easement agreement from the Owner of 55 Franklin Street so that said parking spaces may

be used exclusively for the Medical Marijuana Treatment Center use at 29-37 Franklin Street. Additionally, the owner of 55 Franklin Street and the owner of the business at 55 Franklin Street have agreed that the trailer on 55 Franklin Street will be restricted from occupancy at the 55 Franklin Street site except as noted herein. The trailer may enter the site at approximately 8:00 a.m. two or three times a week. The unloading and loading of water bottles may then proceed for approximately 1 hour. After the loading/unloading operation is complete the trailer shall leave the site. The Petitioner has agreed to change its proposed opening time from 8:00 a.m. to 10 a.m. so that the Petitioner does not interfere with the loading/unloading operation and to assure that parking spaces 1-7 as shown on the Plan are available for the stated parking use.

- 1.15 The Petitioner has requested a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3, more specifically, in Subsection 5.1.3 (h), (“Parking Space Layout”), Subsection 5.1.3(j) (“Parking Setbacks”), Subsection 5.1.3(k) (“Landscaped Areas”), Subsection 5.1.3(l) (“Trees”) and Section 5.1.3(m) (“Location”).
- 1.16 The Petitioner provided a traffic study from Vanasse & Associates. Access to the project site is provided by way of Wexford Street that intersects Highland Avenue from the north while Franklin Street intersects Wexford Street from the west. The Project is expected to generate approximately 22 vehicle trips (11 entering and 11 exiting) during the weekday evening peak hour and 30 additional vehicle trips (15 entering and 15 exiting) during the Saturday peak hours. In order to assess the impact of the project on the roadway network, a traffic operations analysis was performed at two intersections 1) Highland Avenue at Wexford Street; and 2) Wexford Street at Franklin Street under 2015 Existing, 2023 No-Build and 2023 Build conditions. The study results indicated that the project will add some traffic to the area, but will not have a significant impact (increase) on motorist delays from the 2023 No-Build to the 2023 Build conditions at the noted intersections. None of the intersections had a drop in the Level-of-Service from the 2023 No-build to the 2023 Build condition.
- 1.17 The Petitioner is also proposing the following modest changes to the site and the exterior of the building: a façade change on the Franklin Street side of the building, installation of site landscaping, additional security cameras and lighting around the building to meet Department of Public Health requirements, two new accessible handicapped parking spaces, and restriping of the parking lot.
- 1.18 The Petitioner appeared before the Design Review Board on February 6, 2017, and obtained approval for the project.
- 1.19 The Petitioner has requested a Special Permit under Section 1.4.6 of the By-Law for the alteration of a lawful, pre-existing, non-conforming structure. Under Section 1.4.6 of the By-Law, a lawful, pre-existing, non-conforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2, provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. On the basis of the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, is to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not expand the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure. The Board notes that the structure is non-conforming in that the minimum side setback in the Mixed Use – 128 Zoning District is 10 feet but the minimum side setback of the building at

29 Franklin Street to the east is 0.4 feet and the minimum side setback to the west is approximately 2 feet. Portions of the building are also less than the minimum rear setback of 10 feet and the lot size of both 29 and 37 Franklin Street are both less than 10,000 square feet. The project does not contemplate a change in the footprint of the structures that comprise the project.

- 1.20 The Petitioner has requested a Special Permit under Sections 3.2.6.2(h) and 6.10 of the By-Law for the operation of a Medical Marijuana Treatment Center in the Mixed Use – 128 Zoning District. Under Section 3.2.6.2(h), a special permit may be granted to operate a Medical Marijuana Treatment Center in the Mixed Use – 128 Zoning District provided that the proposed use, building, structure, off-street parking or loading, modification of dimensional standards, screening or landscaping are in harmony with the general purposes and intent of the By-Law as set forth in Section 1.1 of the By-Law and is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area. The Board finds that the proposed development plan shown on the Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements. The Board further finds that the proposed use, structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from: (a) excessive noise, level of illumination, glare, dust, smoke or vibration which are higher than levels now experienced from uses permitted in the surrounding area; (b) emission or discharge of noxious or hazardous materials or substances, or pollution of waterways or ground water; (c) pollution of waterways or ground water. The Board notes that the proposed facility does not manufacture any product on site, is a secure facility with a maximum number of employees, maximum number of sales stations and a by appointment only business model.
- 1.21 The Petitioner has requested a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3, more specifically, in Subsection 5.1.3 (h), (“Parking Space Layout”), Subsection 5.1.3(j) (“Parking Setbacks”), Subsection 5.1.3(k) (“Landscaped Areas”), Subsection 5.1.3(l) (“Trees”) and Section 5.1.3(m) (“Location”). Under Section 5.1.1.5 of the By-Law, a special permit to waive strict adherence with the requirements of Section 5.1.3 (Parking Plan and Design Requirements) may be granted in the Mixed Use – 128 Zoning District provided the Board finds that: (a) The issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of the By-Law; (b) The ability to provide parking and design in accordance with the particular requirements of Section 5.1.3 of the By-Law was considered; and (c) The circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential traffic accidents on the site or in the surrounding area.

On the basis of the above findings and conclusions, the Board finds that the proposed project and plan, as modified by this Decision and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and will not be a detriment to the Town’s and neighborhood’s inherent use of the surrounding area. The Board also finds and determines that the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

- 1.22 The Board finds that the criteria set forth in Section 6.10 (a) of the Zoning By-Law are either inapplicable to the four properties/uses described below, or if applicable, the criteria are met. That section states in part that if the site on which a Medical Marijuana Treatment Center or Off-site Medical Marijuana Dispensary is more than 500 feet but less than 1,000 feet from a public or private elementary school, middle school or a municipal park or playground, that the Planning Board shall determine if the said “protected use” is sufficiently buffered such that its users will not be adversely impacted by the operation of the Medical Marijuana Treatment Center or Off-site Medical Marijuana Dispensary. The distance is to be measured in a straight line.

The first property is located across the Charles River in the City of Newton and is administered by the Newton Conservation Commission. The property consists of a short path (the Charles River Pathway Conservation Area) paralleling the Charles River that begins at Williams Street (off Oak Street) and ends at the foot of a steep railroad embankment. A portion of the path lies within the 1000 foot radius from the project site. The Board finds that pursuant to Section 6.10 of the By-Law that the Charles River Pathway Conservation Area, portions of which are located at least 500 feet distant but less than 1,000 feet distant from the proposed use, is not considered “a public or private elementary school, middle school, or secondary school, or a municipal park or playground” and as a result the provisions of Section 6.10 of the By-Law are not applicable to the pathway. The Board further finds, however, that in the event that the Charles River Pathway Conservation Area is considered a municipal park or playground (a protected use), that the project site is determined to be sufficiently buffered from such protected use such that its users will not be adversely impacted by the operation of the Medical Marijuana Treatment Center. The Board notes that the Charles River Pathway Conservation Area is located in Newton, Massachusetts on the other side of the Charles River and parallel to the Charles River. While portions of the conservation area are located less than 1,000 feet from the proposed facility as the crow flies, since the property in question is located on the other side of the Charles River it is not accessible from the proposed Medical Marijuana Treatment Center unless one travels from the City of Newton land to Oak Street in Newton then to Needham Street in Newton, crosses over the Charles River into Needham and proceeds west on Highland Avenue until Charles Street or Wexford Street are reached and then onto either street to the proposed Medical Marijuana Treatment Center on Franklin Street, a distance that is substantially greater than 1,000 feet and is sufficiently buffered from such “protected use”.

The second property, the Newton Upper Falls Greenway, is also located in the City of Newton on the other side of the Charles River. It is a walking path on a portion of the inactive old rail corridor that extended south from the MBTA Greenline D Branch through Newton Upper Falls to the Charles River. It runs roughly parallel to Needham Street. The MBTA owns the land and has entered into a long-term lease with the City of Newton. The Board finds that the Newton Upper Falls Greenway, portions of which are located at least 500 feet distant but less than 1,000 feet distant from the project site, is not considered “a public or private elementary school, middle school, or secondary school, or a municipal park or playground” and as a result the provisions of Section 6.10 of the By-Law are not applicable to the Newton Upper Falls Greenway. The Board further finds, however, that in the event that the Newton Upper Falls Greenway is considered a municipal park or playground (a protected use), that the project site is determined to be sufficiently buffered from such protected use such that its users will not be adversely affected by the operation of the Medical Marijuana Treatment Center or Off-Site Medical Marijuana Dispensary. The protected use is located on the other side of the Charles River from the project site and is not accessible unless one travels to Needham Street or Oak Street in Newton, crosses over the

Charles River and proceed west along Highland Avenue until Charles Street or Wexford Street are reached, and then onto either street until the project site on Franklin Street, a distance that is substantially greater than 1,000 feet.

The third property/use is the Montessori School located at 238 Highland Avenue. The Board notes as follows. The Board of Appeals on July 21, 2016 approved the operation of a Montessori School for toddlers and pre-schoolers at 238 Highland Avenue. As of the date of this Decision, no certificate of occupancy has been issued for the facility and it is not operational. The Board determines that Section 6.10 of the By-Law is not applicable because the Montessori School, which is limited to toddlers and preschoolers, does not constitute a “public or private elementary school, middle school or secondary school, or a municipal park or playground”. In addition, even if it were considered a protected use within the meaning of Section 6.10, the route from the Montessori School to the proposed Medical Marijuana Treatment Center involves crossing Highland Avenue (a major thoroughfare), as well as walking on several streets in order to reach the Franklin Street facility. While as the crow flies, the distance is approximately 965 feet from one property to the other, the walking distance is over 1450 feet so that even if the Montessori School is considered a school and covered by Section 6.10 of the By-Law, it is determined by the Board that the project site is sufficiently buffered from such protected use such that its users will not be adversely impacted by the operation of the Medical Marijuana Treatment Center or Off-Site Medical Marijuana Dispensary.

The fourth property/use is Riverside Community Care, located at 255 Highland Avenue. The Board notes the following: Riverside Community Care provides a variety of integrated behavioral health care and human services to individuals, families and communities. Services include programs for emergency services, early childhood services, home-based services such as in-home therapy, intensive family services and therapeutic mentoring, developmental disabilities programs and care coordination services. One component of Riverside Community Care is the Riverside School, a Chapter 766 approved facility that specializes in children with significant emotional difficulties or a psychiatric diagnosis. There is a high staff to student ratio in small group settings, with skilled educational and clinical professionals provided. Children are dropped off in the morning and picked up in the afternoon. They do not make their own way to and from Riverside. The Board doubts that this type of “therapeutic school” which is a Chapter 776 facility is the type of facility that falls within the definition of “public or private elementary school, middle school, or secondary school, or a municipal park or playground” within the meaning of Section 6.10 of the Zoning By-Law. The Board further finds, however, that the Riverside School is at least 500 feet from the project site, and the Board determines that the project site is sufficiently buffered from such protected use such that its users will not be adversely impacted by the Medical Marijuana Treatment Center or Off-Site Medical Marijuana Dispensary. The Board finds, the walking route from Riverside Community Care to Sage Naturals, Inc. would be along Highland Avenue, turning left onto Wexford Street and turning left again on Franklin Street, which is a distance of approximately 1,490 feet. The Board finds that the combination of the type of facility, the drop off/pick up requirement and the necessity of walking approximately 1,490 feet on several streets in order to reach 29-37 Franklin Street, enables the Board to determine that Sage Naturals, Inc. is sufficiently buffered from such protected use such that its users will not be adversely affected by the operation of Sage Naturals, Inc. and so finds.

- 1.23 The Board finds that the criteria set forth in Section 6.10 (b) of the Zoning By-Law are met. That section states that a Medical Marijuana Treatment Center or Off-site Medical Marijuana Dispensary may not be located in a building that contains a licensed daycare

center, or any facility providing educational, recreational or social programs or activities attended primarily by children enrolled in such facility. The Board finds that Sage Naturals, Inc. is not located in a building that contains a licensed daycare center, or any facility providing educational, recreational or social programs or activities attended primarily by children enrolled in such facility.”

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Special Permit under Sections 3.2.6.2(h) and 6.10 of the By-Law for the operation of a Medical Marijuana Treatment Center in the Mixed Use – 128 Zoning District; (2) the requested Special Permit under Section 1.4.6 of the By-Law for the alteration, enlargement or reconstruction of a non-conforming building; (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 Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law; (4) the requested findings and determinations required by Sections 7.5.2 and 7.5.2.1 of the By-Law; and (5) the requested finding that the criteria set forth in Section 6.10 of the By-Law are met; 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 Inspector 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 Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
 - a) The Plan shall be revised to show a reduction in the overall illumination level of the portion of the site between the buildings and Franklin Street.

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 3.32 of this Decision.
- 3.1 This special permit shall authorize Sage Naturals, Inc. to establish and operate a Medical Marijuana Treatment Center at 27 and 39 Franklin Street, Needham, in compliance with the Application Documents received March 28, 2017 and dated March 24, 2017, and supplemental documents and information submitted by the Petitioner to the Planning Board as referenced above in this Decision. This special permit does not authorize any activities related to marijuana cultivation or product manufacturing at 29 and 37 Franklin Street.

- 3.2 This special permit is conditioned upon the ongoing registration of the approved Medical Marijuana Treatment Center with the Massachusetts Department of Public Health, and shall terminate if such registration is terminated or fails to be renewed.
- 3.3 The approved Medical Marijuana Treatment Center shall be operated in accordance with all applicable state and local regulations, including but not limited to regulations set forth by the Massachusetts Department of Public Health as well as any additional regulations promulgated by local agencies that are applicable to the facility.
- 3.4 The Medical Marijuana Treatment Center may not be changed to a Recreational Marijuana facility under this permit without further approval of the Board through issuance of an amendment to this special permit under M.G.L., Ch. 40A, S.9 following a public hearing for which notice has been given as provided in M.G.L., Ch. 40A, S.11.
- 3.5 The proposed Medical Marijuana Treatment Center facility shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board, except that the floor plan may be modified without further Board review and approval provided that (a) the square footage of the facility is not increased, (2) the number of sales stations does not exceed five (5), and (3) the current level of security is maintained.
- 3.6 The parking areas, driveways, lighting, fencing, and landscape areas and other site features shall be located and constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan shall require approval by the Board.
- 3.7 The operation of the proposed Medical Marijuana Treatment Center at 27 and 39 Franklin Street, Needham, shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9., and 1.10 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 9, 11, 12, 15, 17, 19, and 23.
- 3.8 The maximum number of employees present at the site (excluding 2 delivery personnel, who will park their personal cars at the Milford facility) at any given time shall not exceed eight (8) including five (5) sales associates, two (2) security officers, and one (1) manager.
- 3.9 The delivery van to be used for home deliveries shall not be parked in any of the 18 on-site parking spaces. Said delivery van shall be housed in the garage at 29 Franklin Street during business hours and shall be housed at the Petitioner's main facility in Milford outside of said business hours.
- 3.10 The Medical Marijuana Treatment Center may be open for business seven (7) days per week from 10:00 a.m. to 8:00 p.m.
- 3.11 This Special Permit to operate a Medical Marijuana Treatment Center at 27 and 39 Franklin Street, Needham, is issued to Sage Naturals, Inc., 13 Commercial Way, Milford, MA 01757, and may not be transferred, set over, or assigned by Sage Naturals, 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.
- 3.12 Eighteen (18) parking spaces shall be provided for 27 and 39 Franklin Street at all times in accordance with the Plan. All off-street parking as shown on the Plan 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 requirements of Section 5.1.3 of the By-Law, except that the requirements noted more specifically, in Subsection 5.1.3 (h) the required parking space layout, in Subsection 5.1.3(j), the parking setback requirements, in Subsection 5.1.3(k), the landscape requirements, in Subsection 5.1.3(l), the tree requirements, and in Subsection 5.1.3(m) the location of parking, are hereby waived as further described in Section 1.15 of this Decision and as shown on the Plan. ‘

- 3.13 The Parking Easement Agreement described in Exhibit 12 shall be recorded at the Norfolk Registry of Deeds prior to the issuance of a building permit.
- 3.14 The Petitioner shall deliver to the Board an amendment to the Lease Agreement regarding the premises located at 29 and 37 Franklin Street that incorporates the terms and conditions of the May 15, 2017 letter signed by Daniel Roma (Exhibit 17) regarding the loading and unloading of the trailer serving the business located at 55 Franklin Street. A copy of said amendment shall be filed with the Board prior to the issuance of a building permit for Petitioner's project.
- 3.15 The Petitioner shall secure a permit from the Board of Selectmen or other appropriate Town department authorizing the placement of a portion of parking spaces 16, 17 and 18, as shown on the Layout Plan, within the right- of-way of Franklin Street. Said permit shall be filed with the Board prior to the issuance of a building permit for the Petitioner's project.
- 3.16 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity and design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.17 All lights shall be shielded during evening hours to prevent any annoyance to the neighbors and to minimize light pollution.
- 3.18 All deliveries and trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. The trash shall be picked up no less than two times per week or as necessary.
- 3.19 The maintenance of parking lot landscaping and site landscaping, as shown on the Plan, shall be the responsibility of the Petitioner.
- 3.20 The parking lot shall be swept a minimum of four times per year, at least once during April and again during September.
- 3.21 No unregistered vehicles or commercial vehicles are to be stored in the parking lot.
- 3.22 No maintenance operations, washing, oil changes, etc., are to be performed in the parking lot.
- 3.23 All snow shall be removed from the site so that the total number and size of parking spaces are not reduced.

- 3.24 Trash receptacles shall be provided if required, and the area shall be kept free of litter from the parking lot operation. The trash receptacles if required shall be emptied as needed, cleaned, and maintained to meet Board of Health Standards.
- 3.25 That 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.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that requires excavation or otherwise pose a danger to public safety.
 - 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.
- 3.26 No building permit shall be issued in pursuance of the Special Permit until:
- a) The Petitioner shall submit nine copies of the final Plans as approved by the Board.
 - b) Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approval to the Building Inspector.
 - c) The final plans shall be in conformity with those previously approved by the Board in this Amendment, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - d) Pursuant to Section 3.13 of this Decision, the Petitioner shall have recorded the Parking Easement Agreement described in Exhibit 12 of this Decision at the Norfolk Registry of Deeds.
 - e) Pursuant to Section 3.14 of this Decision, the Petitioner shall have delivered to the Board an amendment to the Lease Agreement regarding the premises located at 29 and 37 Franklin Street that incorporates the terms and conditions of the May 15, 2017 letter signed by Daniel Roma regarding the loading and unloading of the trailer serving the business located at 55 Franklin Street.
 - f) Pursuant to Section 3.15 of this Decision, the Petitioner shall have delivered to the Board a copy of the permit issued by the Board of Selectmen or other appropriate Town department authorizing the placement of a portion of parking spaces numbered 16, 17 and 18 within the right-of-way of Franklin Street.
 - g) The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit with the appropriate reference to the book and page number of the recording of the Petitioners title deed or notice endorsed thereon.
- 3.27 The space that is the subject of this Special Permit and Site Plan Approval shall not be

occupied until:

- a) A Final Affidavit and an as-built floor plan, signed by the registered 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 Certificate of Compliance and as-built plan floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
- c) An as-built plan site plan supplied by the surveyor of record certifying that the project was built according to the approved documents has been submitted to the Board and Department of Public Works.
- d) That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built site plan for the proposed improvements, in accordance with this Decision and the approved Plan.
- e) Notwithstanding the provisions of Sections c and d hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.

Operation of Sage Naturals, Inc. at the subject location shall not commence until a Final Certificate of Registration to operate an RMD is issued by the Massachusetts Department of Public Health and has been submitted to the Board.

- 3.28 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.
- 3.29 The portion of the building that is authorized for construction by this Approval 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 Inspector.
- 3.30 All solid waste shall be removed from the site by private contractor.
- 3.31 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.
- 3.32 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, as modified by this Decision.
- 4.2 There shall be no further development of this site without further approval by the Board. 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. 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 The Special Permits granted herein shall lapse on June 13, 2019 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 June 13, 2019. 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 decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, 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 office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered

undone.

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.

Witness our hands this 13th day of June, 2017.

NEEDHAM PLANNING BOARD



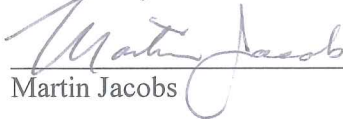
Ted Owens, Chairman



Paul S. Alpert, Vice Chairman



Elizabeth J. Grimes



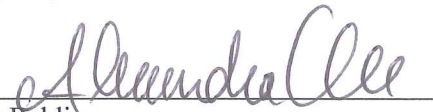
Martin Jacobs

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

June 13 2017

On this 13 day of June, 2017, before me, the undersigned notary public, personally appeared Ted Owens, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.



Notary Public

My Commission Expires: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Sage Naturals, Inc., formerly known as Sage Biotech, Inc. and Sage Cannabis, Inc., 13 Commercial Way, Milford, MA 01757 has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
Roy A. Cramer
Parties in Interest

PARKING EASEMENT AGREEMENT

This PARKING EASEMENT AGREEMENT (this "*Agreement*"), is entered into and made effective as of _____, 2017 (the "*Effective Date*"), by and between 55 Franklin LLC, a Massachusetts limited liability company ("*Grantor*") and Sage Biotech, Inc., a Massachusetts corporation ("*Grantee*").

RECITALS

WHEREAS, Grantor is the owner of that certain real property located in Norfolk County, Massachusetts known and numbered as 55 Franklin Street, Needham, as more particularly described in that certain deed dated August 16, 2011 and recorded with Norfolk County Land Court records as Document # 1246245, and noted on Certificate of Title # 183895 (the "*Grantor Property*");

WHEREAS, Grantee is the lessee of that certain real property known and numbered as 29-37 Franklin Street, Needham, located adjacent to the Grantor Property, as more particularly described in those certain deeds dated February 8, 2012 and recorded with the Norfolk Registry of Deeds in Book 29695, Page 288 and deed dated May 15, 2015, recorded with said Registry in Book 33131, Page 459 and filed with the Norfolk County Land Court as Document # 1328787 and noted on Certificate of Title #190807 (the "*Grantee Property*") pursuant to that certain lease, a memorandum of which is recorded herewith; and

WHEREAS, pursuant to the terms and conditions contained herein, Grantor desires to establish certain easements and rights through, across, on and over portions of the Grantor Property for the purpose of burdening the Grantor Property and serving and benefitting the Grantee Property, and the owner(s), licensee(s), tenant(s) and user(s) thereof.

NOW, THEREFORE, in consideration of the covenants, agreements, promises and consents contained herein, Grantor and Grantee, for themselves, their respective heirs, successors and assigns, do hereby agree as follows:

1. Grant of Parking Easement. Grantor hereby grants to Grantee and Grantee's successors and assigns, and their respective guests, licensees, invitees, customers, tenants, representatives, employees, contractors, subcontractors and agents (collectively, the "*Grantee Parties*"), for the period of time set forth herein, the exclusive right and easement for the use of ten (10) parking spaces located on

* * * * *

the Grantor Property and approximately shown on Exhibit A annexed hereto and made a part hereof (the "*Parking Area*"), together with an easement for incidental vehicular and pedestrian access, ingress, egress and regress on, over, across and through those entrances and drive aisles located on the Grantor Property that are from time to time necessary for Grantee and the Grantee Parties to access such Parking Area (collectively, the "*Parking Easement Area*").

2. Operations; Repairs; Restoration. Except as otherwise expressly provided in this Agreement, Grantor shall, at its own expense, and at all times during the term of this Agreement, (i) maintain or cause to be maintained the Parking Area in a reasonably safe, secure and orderly condition, and (ii) make all reasonable repairs necessary to so reasonably maintain the Parking Area (collectively, the "*Parking Area Maintenance Obligations*"). Notwithstanding anything contained herein to the contrary, the costs of performing any Parking Area Maintenance Obligations which are caused by the negligence, intentional misconduct or breach of this Agreement by Grantee (and/or the Grantee Parties) shall be fully reimbursed by Grantee to Grantor within thirty (30) days following Grantee's receipt from Grantor of written demand therefore and reasonable proof (including, without limitation, invoices) establishing the actual costs and expenses incurred by Grantor in connection with performing such work.

3. Indemnity. Grantee hereby agrees to protect, defend, indemnify and hold the Grantor and any lender holding a first priority security interest in the Grantor's Property (if any), and their successors and assigns, harmless from and against all costs, charges, demands, damages, expenses (including, but not limited to, reasonable attorneys' fees and expenses), losses, judgments, liabilities and claims, suffered or incurred by the indemnified parties in any manner arising from or relating to the exercise of the Grantee's rights under this Agreement or the use of any easement granted to the Grantee hereunder, including, without limitation, those arising from or connected in any way with any injury to persons or damage to property, including, without limitation, the Grantor Property, the Parking Area, and/or the Parking Easement Area. The foregoing provisions of this Section shall not apply to any such costs, charges, damages, expenses, losses, liabilities and claims to the extent arising from or connected with the negligent acts or omissions of the indemnified parties.

4. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

5. Binding Effect; Running with the Land; Termination. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto, and the terms and provisions of this Agreement shall run with the land and title to the Grantor Property and the Grantee Property. Notwithstanding the foregoing, upon expiration or earlier termination of the Lease, this Agreement shall automatically terminate and shall be of no further force or effect.

6. No Waiver. No delay or omission by either party in exercising any right or power accruing upon any noncompliance or failure of performance by the other party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof.

7. Modification. This Agreement may be modified by a written instrument executed by the parties hereto (i.e., the owners who are vested with fee simple title to the Grantor Property and Grantee Property at the time any such modification is executed).

8. Priority of Easements. This Agreement and all easements as specified herein are to be superior to all leases, sales, conveyances, transfers, assignments, contracts, mortgages and other encumbrances and documents in any way affecting the Grantor Property, and each and every portion thereof, and any party foreclosing any such mortgage, deed of trust, lien or encumbrance, and all persons or entities acquiring title or interest in any portion of the Grantor Property shall acquire and hold the title of such property or any portion thereof subject to the aforementioned easements.

9. Caption Headings. The headings and captions used in this Agreement are for convenience only and shall not be deemed to limit, amplify or modify the terms of this Agreement.

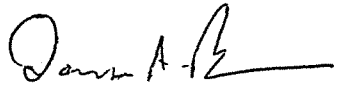
10. Governing Law. This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

[REMAINDER OF THE PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the duly authorized representatives of Grantor and Grantee have executed this Agreement as of the day and year first written above.

GRANTOR:

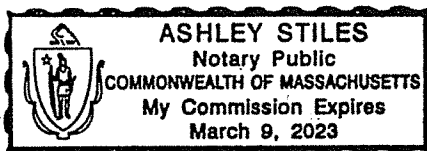
55 Franklin LLC,
a Massachusetts limited liability company

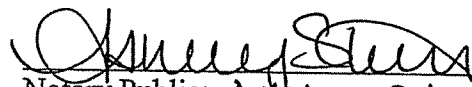
By: 
Daniel A. Roma, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 23rd day of March, 2017, before me, the undersigned notary public, personally appeared Daniel A. Roma, Manager of 55 Franklin LLC, a Massachusetts limited liability company, proved to me through satisfactory evidence of identification, which was drivers license, to the person whose name is signed on the preceding or attached document, and acknowledged to be that he signed it voluntarily for its stated purpose as Manager, and on behalf of said company.

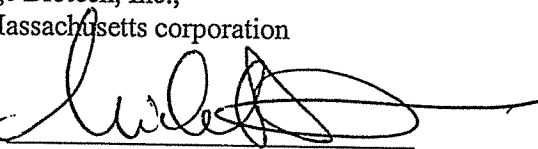


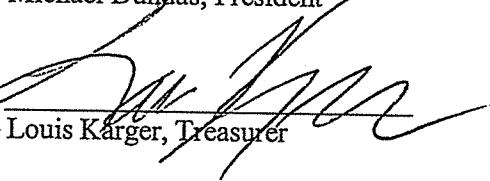

Notary Public: Ashley Stiles
My Commission expires: March 23, 2017

[Signatures Continue Next Page]

GRANTEE:

Sage Biotech, Inc.,
a Massachusetts corporation

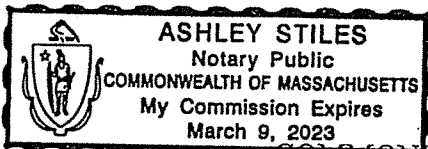
By: 
Michael Dundas, President

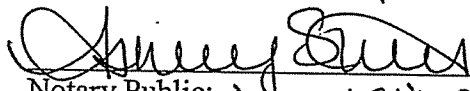
By: 
Louis Karger, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 23rd day of March, 2017, before me, the undersigned notary public, personally appeared Michael Dundas, President of Sage Biotech, Inc., a Massachusetts corporation, proved to me through satisfactory evidence of identification, which was drivers license, to the person whose name is signed on the preceding or attached document, and acknowledged to be that he signed it voluntarily for its stated purpose as President, and on behalf of said company.

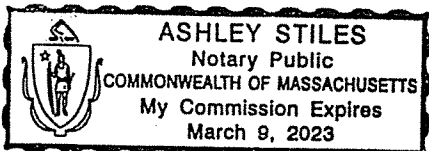


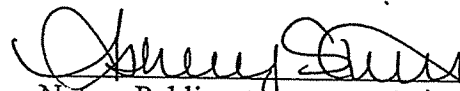

Notary Public: Ashley Stiles
My Commission expires: March 23, 2017

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 23rd day of March, 2017, before me, the undersigned notary public, personally appeared Louis Karger, Treasurer of Sage Biotech, Inc., a Massachusetts corporation, proved to me through satisfactory evidence of identification, which was drivers license, to the person whose name is signed on the preceding or attached document, and acknowledged to be that he signed it voluntarily for its stated purpose as Treasurer, and on behalf of said company.




Notary Public: Ashley Stiles
My Commission expires: March 23, 2017

CONSENT AND JOINDER OF MORTGAGEE

The undersigned, Citizens Bank, N.A., the mortgagee under that certain Commercial Mortgage, Security Agreement and Assignment of Leases and Rents dated May 15, 2015 and filed with the Norfolk County Land Court as Document # 1328779, and evidenced on Certificate of Title # 183895 hereby consents and joins in the foregoing Parking Easement Agreement, and subordinates its mortgage lien encumbering all or any part of the Grantor Property (as described in the foregoing Parking Easement Agreement) to the Parking Easement Agreement.

IN WITNESS WHEREOF, this Consent and Joinder is executed by the undersigned this _____ day of _____, 2017.

CITIZENS BANK, N.A.

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss

On this _____ day of _____, 2017, before me, the undersigned notary public, personally appeared _____, _____ of Citizens Bank, N.A., a _____, proved to me through satisfactory evidence of identification, which was _____, to the person whose name is signed on the preceding or attached document, and acknowledged to be that (s)he signed it voluntarily for its stated purpose on behalf of said company.

Notary Public:
My Commission expires:



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

August 30, 2022

Town of Needham Planning Board
Lee Newman / Town Planner
500 Dedham Ave.
Needham, MA. 024902

Re: 29 – 37 Franklin Street / Sira Naturals

Dear Planning Board Members,

Please be advised that I was asked to comment on the proposed changes to the Special Permit for Sira Naturals located at 29 – 37 Franklin Street. On August 29th I made a site visit at the Sira Natural site, the parking spaces were not clearly marked and needed to be repainted. The plan indicates that 7 parking spaces are used from 55 Franklin Street, this building has a spring water company in it that uses the same lot for pallets of water and parking of company vehicles. At the time of my visit the 7 spaces were unusable because of loading and un-loading operation of vehicles and should not be counted as parking for Sira Natural.

Secondly comments were made about parking spaces across from there operation that about U-Do-It Electronics, these spaces are marked as parking for U-Do-It and it is unclear if they are on town property or not. Because of heavy trees and shrubs against the U-Do-It building, and the actual size of the spaces marked on the ground this non-accessible and non-compliant parking should also not be used or counted as possible parking spaces.

I am concerned that opening to the general public for business without appointments could cause traffic issues on this street and interfere with the operation of other businesses in the area.

Any Questions please contact my office.

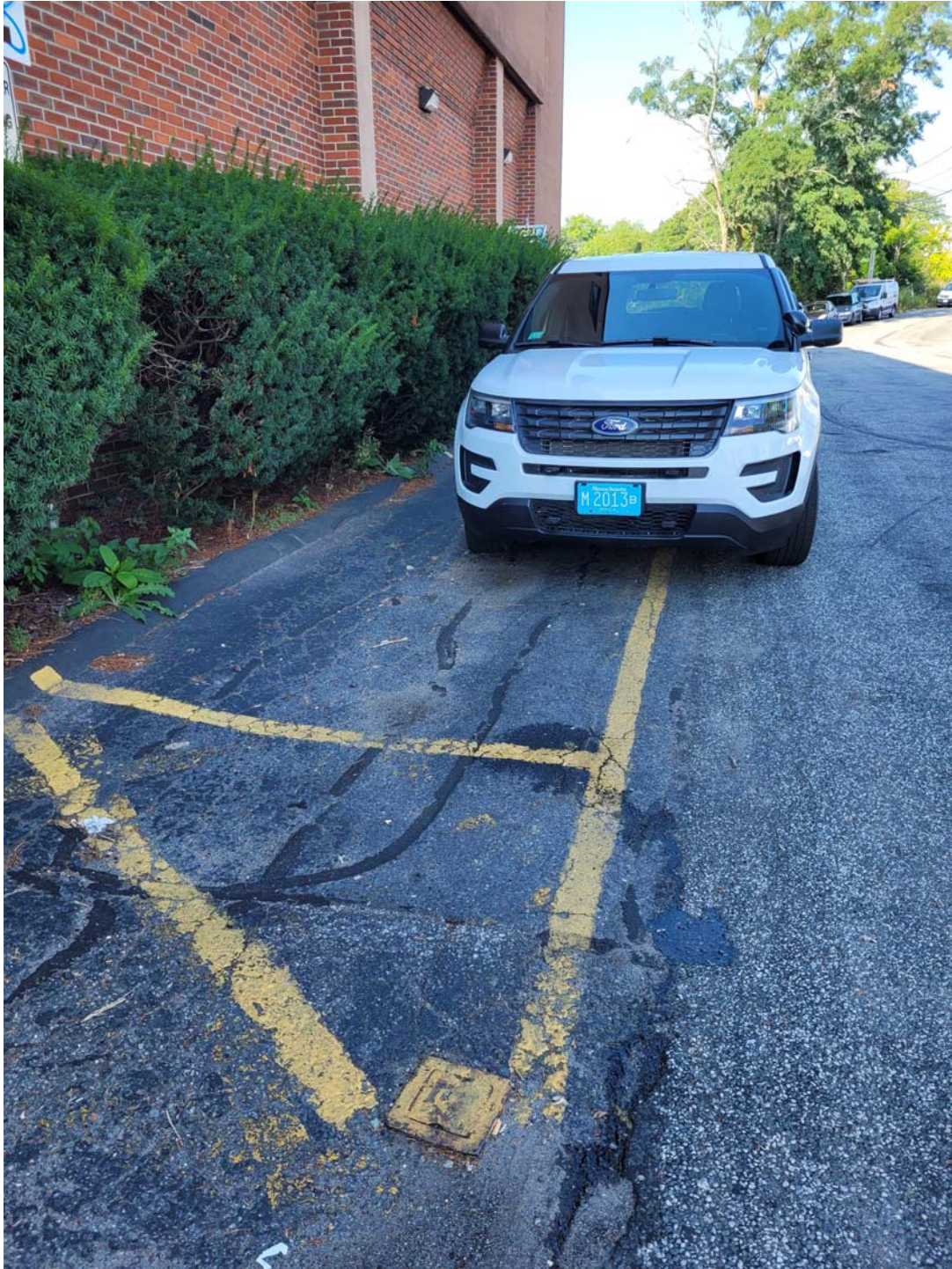
David A Roche
Building Commissioner
Town of Needham













Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

September 15, 2022

Town of Needham Planning Board
Lee Newman / Town Planner
500 Dedham Ave.
Needham, MA. 024902

Re: 29 – 37 Franklin Street / Sira Naturals / **Revised comments**

Dear Planning Board Members,

Please be advised that I was asked to comment on the proposed changes to the Special Permit for Sira Naturals located at 29 – 37 Franklin Street. On August 29th I made a site visit at the Sira Natural site, the parking spaces were not clearly marked and needed to be repainted. The plan indicates that 7 parking spaces are used from 55 Franklin Street, this building has a spring water company in it that uses the same lot for pallets of water and parking of company vehicles. At the time of my visit the 7 spaces were unusable because of loading and un-loading operation of vehicles and should not be counted as parking for Sira Natural. **On September 14th I met the owners, traffic consultant and attorney at the site to go over my concerns. The first issue was the use of the shared parking lot with the Spring Water Company. This has been resolved with a written agreement about the use and access of the 7 spaces in question.**

Secondly comments were made about parking spaces across from there operation that abut U-Do-It Electronics, these spaces are marked as parking for U-Do-It and it is unclear if they are on town property or not. Because of heavy trees and shrubs against the U-Do-It building, and the actual size of the spaces marked on the ground this non-accessible and non-compliant parking should also not be used or counted as possible parking spaces. **These spaces along the electronics building have not been counted by the traffic consultant in his assessment of the parking requirements. I have checked with The Town Engineering office and Franklin Street does not have any parking restrictions on it, therefore if on-street parking is available they can use it. As for the striped parking along the electronics building it appears that these spots may be on their property and for their use only.**

I am concerned that opening to the general public for business without appointments could cause traffic issues on this street and interfere with the operation of other businesses in the area. **The owner has agreed to re-stripe all the Sira Natural parking spaces to clearly identify them. After speaking with the owners and the traffic consultant I now agree that the spaces**

provided along with the written parking agreement addressing the 7 spaces should provide adequate parking for this facility.

Any Questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#); [Timothy McDonald](#)
Subject: RE: Request for comment - Sira Naturals
Date: Tuesday, September 13, 2022 5:10:57 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex -

The Needham Board of Health and Public Health Division conducted a review of the proposed amendments to the Sira Naturals medical marijuana facility at 29-37 Franklin Street. We have the following comments noted below:

1. Name change - No objection. Sira must submit an updated Medical Treatment Center (MTC), former Registered Medical Marijuana Dispensary (RMD), online permit application with the Public Health Division and note any changes/updates. A new permit will need to be issued with their new name, prior to operating under the new name.
2. Comply with Cannabis Control Commission rather than MDPH – A member of our BOH feels that this proposed change needs more discussion. (We will be reviewing this point at our upcoming monthly meeting on 9/20.)
3. Eliminating appointment only – Members of our BOH feel that this proposed change needs more discussion. (We will be reviewing this point at our upcoming monthly meeting on 9/20.)
4. Allowing products other than those from Milford - A member of our BOH feels that this proposed change needs more discussion. (We will be reviewing this point at our upcoming monthly meeting on 9/20.)
5. Increasing the number of sales stations - No objection.
6. Allowing delivery vans to be garaged on site - No objection as long as these vans do not contain product and are stored securely on site in a locked garage.
7. Additional amendments – Members of our BOH feel that these proposed changes need more discussion. (We will be reviewing this point at our upcoming monthly meeting on 9/20.)

We will forward to you any additional follow-up BOH discussion point comments received immediately following our meeting on 9/20, which should wrap up by 10 AM.

Please let us know if you have any questions on those initial comments.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov

Web- www.needhamma.gov/health



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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Wednesday, August 17, 2022 12:03 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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

Subject: Request for comment - Sira Naturals

Dear all,

We have received the attached application materials for the proposal for an amendment to the Sira Naturals medical marijuana facility at 29-37 Franklin Street. The proposal is to permit the following changes to the existing permit: (1) by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr; (2) by requiring the Petitioner to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health; (3) by eliminating the "appointment-only" operational requirement for the facility; (4) by allowing sales of marijuana products other than those cultivated and processed at the Petitioner's Milford facility; (5) by allowing an increase in the maximum number of sales stations from five to seven; (6) by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Petitioner's main facility in Milford, and by allowing two vans to be kept in the garage at the facility; (7) by making such additional amendments to the Original Decision dated June 13, 2017 as are needed to comport with the preceding proposed amendments.

More information can be found in the attachments.

The Planning Board has scheduled this matter for September 20, 2022. Please send your comments by Wednesday September 14, 2022 at the latest.

The documents attached for your review are as follows:

1. Letter from Attorney Robert Smart, dated July 26, 2022.
2. Application for the Amendment to Major Project Special Permit No. 2017-01, with Exhibits A-H.
3. Memorandum to David Roche, Building Commissioner, dated June 23, 2022, regarding parking determination, including backup materials for parking determination.
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5. Plan Sheet A1.1, prepared by Peter Quinn Architects, 259 Elm Street, Suite 301, Somerville, MA 02144, entitled "First Floor Plan Update 7-21-22, dated June 7, 2017, January 2, 2018, April 22, 2022 and July 21, 2022.

Thank you, alex.

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

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#); [Timothy McDonald](#)
Subject: FW: Request for comment - Sira Naturals - Revised Comments from BOH
Date: Tuesday, September 20, 2022 12:21:37 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex –

As promised, we are providing to the Planning Board the additional Board of Health comments that we received during our Board of Health meeting held this morning. Here are our revised comments, which were added to our initial comments, noted below.

The Needham Board of Health and Public Health Division conducted a review of the proposed amendments to the Sira Naturals medical marijuana facility at 29-37 Franklin Street. We have the following revised comments -

1. Name change - No objection. Sira must submit an updated Medical Treatment Center (MTC), former Registered Medical Marijuana Dispensary (RMD), online permit application with the Public Health Division and note any changes/updates. A new permit will need to be issued with their new name, prior to operating under the new name.
2. Comply with Cannabis Control Commission rather than MDPH – The Board of Health agreed that both regulations need to be followed. Along with the CCC regulation, the MA Dept. of Public Health standards, specifically 105 CMR 590.000 STATE SANITARY CODE CHAPTER X - MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS must be followed, specifically for the production, preparation, and storage (dry/cold-holding) of edibles or marijuana infused products (MIPs), as is written in the Needham Board of Health's Article 20: Regulation to Ensure Sanitary and Safe Operations of Marijuana Treatment Centers.
3. Eliminating appointment only – No objection.
4. Allowing products other than those from Milford – The Board of Health agreed to allow, only under the condition that the CCC's food safety trained, and qualified inspectors conduct frequent (at least 1x/year) on-site inspections of each facility that will be providing products to Needham, which is currently done at the local level through the Public Health Division. These routine inspections of the MTC sites where additional products will be coming from and will be sold in Needham, must include all areas, including retail, grow sites and edible production areas, where the marijuana products are grown, prepared, and packaged for retail sale. Also, as stated in the BOH Article 20 regulation, the Board also would like to maintain the right to allow our local Public Health Division inspectors to conduct an inspection of those additional MTC facilities, whenever the need to do so arises. This is noted in BOH Article 20, specifically, Section 20.5.1, ***'The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and processing conditions and practices.'***
5. Increasing the number of sales stations - No objection.
6. Allowing delivery vans to be garaged on site - No objection as long as these vans do not contain product and are stored securely on site in a locked garage.
7. Additional amendments – Not enough information was provided in order to provide comments on this point.

Please let us know if you have any questions or need additional information on those items.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
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From: Tara Gurge
Sent: Tuesday, September 13, 2022 5:11 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>
Subject: RE: Request for comment - Sira Naturals

Alex -

The Needham Board of Health and Public Health Division conducted a review of the proposed amendments to the Sira Naturals medical marijuana facility at 29-37 Franklin Street. We have the following comments noted below:

1. Name change - No objection. Sira must submit an updated Medical Treatment Center (MTC), former Registered Medical Marijuana Dispensary (RMD), online permit application with the Public Health Division and note any changes/updates. A new permit will need to be issued with their new name, prior to operating under the new name.

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Please let us know if you have any questions on those initial comments.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)

ASSISTANT PUBLIC HEALTH DIRECTOR

Needham Public Health Division

Health and Human Services Department

178 Rosemary Street

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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Wednesday, August 17, 2022 12:03 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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

Subject: Request for comment - Sira Naturals

Dear all,

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The Planning Board has scheduled this matter for September 20, 2022. Please send your comments by Wednesday September 14, 2022 at the latest.

The documents attached for your review are as follows:

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April 22, 2022 and July 21, 2022.

Thank you, alex.

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

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Sira Naturals
Date: Wednesday, September 14, 2022 2:49:48 PM

Alexandra,

The Police Departments major concern would be the increase in customers and the impact on traffic and parking. I have viewed several recreational businesses and there is a potential for a negative impact to the area. It is common for such businesses to see lines outside, increased parking demand that may impact parking for the surrounding businesses. I am also concerned with who will be monitoring the customers after they leave the establishment and go to their vehicle which is parked in the designated spots and use the acquired product

Thanks

Chief John J. Schlittler

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, September 14, 2022 1:51 PM
To: Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Fwd: Request for comment - Sira Naturals

Hi there,

I don't believe we received comments yet from you on this project. We will be finalizing our packets tomorrow morning so if you wish to send a comment, please do so today if possible.

Thanks!

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

From: Alexandra Clee
Sent: Wednesday, August 17, 2022 12:03:17 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - Sira Naturals

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More information can be found in the attachments.

The Planning Board has scheduled this matter for September 20, 2022. Please send your comments by Wednesday September 14, 2022 at the latest.

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Thank you, alex.

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

From: John Schlittler
Sent: Monday, September 19, 2022 9:48 AM
To: Robert Smart
Cc: Alexandra Clee
Subject: RE: Sira Naturals

Bob and Alex,

I have spoken with Attorney Smart this morning regarding this matter. I am amenable to allowing the changes proposed with a review in six months to address any impact if any to the area. Please let me know if you have any questions.

Thanks,

Chief John J Schlittler
Needham Police Department
88 Chestnut St
Needham, MA 02492
Office: (781-455-7583)
Fax: (781-453-9496)
FBINA 259
jschlittler@needhamma.gov

-----Original Message-----

From: Robert Smart <bob@robertsmart.net>
Sent: Friday, September 16, 2022 9:21 AM
To: John Schlittler <JSchlittler@needhamma.gov>
Subject: Sira Naturals

Chief Schlittler:

I'm Bob Smart, representing Sira Naturals. This email responds to the email you sent on September 14, 2022 to Alexandra Clee at the Planning Board. I'd like to address the concerns you raised.

Scott Thornton did a follow-up traffic study in June of this year, to address the traffic and parking impacts of the operational changes proposed by Sira at 29-37 Franklin Street. He found that the net result of the changes would be a modest increase in traffic activity, but that the 18 parking spaces on site would be sufficient to handle it. On June 16, Tom Ryder at the DPW wrote "We agree that the facility's 18 spaces, plus the available on street parking, and the noted home delivery services proposed will be sufficient to accommodate the anticipated increase in parking demand." On June 23, the Planning Board voted to recommend a parking requirement total of 18 parking spaces. There are 18 on site parking spaces.

Sira does not conduct a recreational marijuana business at the site. It is medical only. Since it opened in 2017, there have never been lines of patrons waiting to get in. To my knowledge there have never been any incidents on site, nor any calls or complaints to the Police Department. Sira has not been notified of any violations of its special permit by the Planning Board, and has met all the requirements of its agreement with the Select Board. It has operated throughout as a responsible, lawful business.

The business volume over the last several months has been less than half what it was at peak, and even at peak there were never lines outside the door. Nor is Sira aware of any use of medical product in the cars outside the facility. The reasons for the decrease in business are primarily two - this is not a prime

location like the one at the former Brookline Bank on Route 9 in Brookline, and there has been a dramatic increase in the number of licensed medical marijuana facilities in the area. The changes being proposed are modest, and Sira does not expect that business volume will return to anything close to what it was at peak.

Are you available to meet at any time on Monday? We could either meet on site or at the Police Department facility on Chestnut Street. Please let me know.

Bob



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

September 15, 2022

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Amendment Major Project Site Plan Special Permit 2017-01
29-37 Franklin Street Sira Naturals, Inc. (formerly Sage Naturals)

Dear Members of the Board:

The Department of Public Works has completed its review of the above referenced request to amend the Major Project Special Permit. The applicant is proposing to change the operations of the facility to remove the limitation of the site's "appointment only", expand the sales positions, and expand delivery services and parking provisions.

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

1. Letter from Attorney Robert Smart, dated July 26, 2022.
2. Application for the Amendment to Major Project Special Permit No. 2017-01, with Exhibits A-H.
3. Memorandum to David Roche, Building Commissioner, dated June 23, 2022, regarding parking determination, including backup materials for parking determination.
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Our comments and recommendations are as follows:

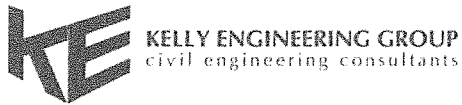
We have no comment or objection to the proposed modifications.

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

Truly yours,

Sincerely,

Thomas A Ryder
Town Engineer



August 29, 2022

Town of Needham Planning Board
500 Dedham Ave.
Needham MA 02492
Attn: Lee Newman

Cc: Michael K. Schonbrun – Balfour Senior Living
Thomas Ryder – Department of Public Works

Re: **Response to DPW Review Letter**
Special Permit & Site Plan Review
Balfour at Needham
100-110 West St.
Needham, MA

Dear Members of the Board:

The purpose of this letter is to respond to comments received from the Town of Needham Public Works Department in letter dated August 10, 2022 titled "Major Project Site Plan Special Permit No. 2022-03 Balfour at Needham-100-110 West Street". Comments are in plain text and responses are in *italics*.

- As part of the NPDES requirements, the applicant has submitted a letter proposing Public Out Reach & Education and Public Participation & Involvement control measures to be incorporated into the Planning Board's Decision to be completed prior to Certificate of Occupancy.

KEG: Acknowledged.

- The Engineering Division suggests that the applicant provide some stormwater recharge onsite in order to minimize future disruptions if EPA subjects properties greater 1-acre in size of this requirement. A stormwater recharge proposal is not a requirement at this time as the project does not trigger new construction standards. However, it may be advantageous to add while the site is under construction.

KEG: As noted, recharge is not required at this time. The applicant is fully committed to upgrading the stormwater management system to meet EPA's requirements when that time arrives.

If you have any questions or desire any additional information regarding this matter, please do not hesitate to call our office.

Sincerely,

KELLY ENGINEERING GROUP, INC.



David N. Kelly, P.E. President



0 Campanelli Drive – Braintree – MA 02184
Phone 781 843 4333 www.kellyengineeringgroup.com

August 7, 2022

To the Needham Planning Board

Hello – I am the branch manager of the Citizens Bank in the Heights. We are directly across from the Carter building. In May of this year, I attended the neighbor meeting organized by the people who own the building and plan to redevelop the building for assisted living. I was very pleased about the plans for the building.

I am writing to you to encourage you to vote to allow their plans and to do it on a timely manner.

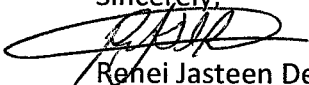
That building has been empty for years and it will really help the Heights to have that building upgraded and occupied. Adding life to that building will help all of the businesses in the heights. Between the residents, their families, visitors and employees, there will be hundreds of new potential customers for area businesses.

When the owner fixes up the building and improves the landscaping, it will benefit all of the neighbors. I'm looking forward to seeing all of the improvements and for there to be lots of residents and staff at the building.

It is a perfect location for senior housing since the senior center is in very close proximity and who doesn't love Trader Joes.

Thank you for your time.

Sincerely,



Renei Jasteen Del Rosario

Needham Planning Board

1471 Highland Ave, Needham, MA 02492

Adam Block Chair

Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Planning@needhamma.gov

August 8, 2022

**RE: Proposed Memorandum of Agreement between Needham and WELL Balfour
Needham Landlord LLC for the proposed development at 100 West Street**

Dear Needham Select Board and Town Manager,

I am writing to express my concerns about the proposed Memorandum of Agreement (MoA) between Needham WELL Balfour Needham Landlord LLC (WELL Balfour) related to the proposed assisted living development at 100 West St. While I have not been following this project closely since its inception, I was recently made aware of the significant changes in the proposed project, the application for a new Special Permit, and the proposed MoA. My understanding is that the new project includes only 127 assisted living units and 28 memory care units. The revised project eliminates the 72 independent living units including the nine (9) affordable units that were included in the original proposal.

Town Manager Kate Fitzpatrick's February 16, 2022 memorandum to the Planning Board clearly states the potential advantages of the original proposed project – "within walking distance to the train and the Center at the Heights, and the promised increased vibrancy that independent living would create along the Highland Avenue street edge" – and that these were the key considerations in Town Meeting's approval of the needed zoning changes. Ms. Fitzpatrick's memorandum further states: **"The Select Board urges the Planning Board to challenge Welltower and Balfour to rethink their proposed amendment and to keep the independent living component portion of the project. This will serve a need that has been identified by the Planning Board, Select Board, and Town Meeting to create additional housing options for seniors and to create additional affordable units in Town."**

From the language in the draft MoA, **it appears that WELL Balfour has not responded to the Town's key concerns in any meaningful way and has not modified its proposed project.** Rather, WELL Balfour has offered to make a \$1.9 million contribution to the Town.

As further described below, **with the elimination of the independent living units and the elimination of the affordable units I believe WELL Balfour's current application is not in the best interest of the Town and is clearly inconsistent with the rationale for Town Meeting's October 4, 2020 zoning change and the original Special Permit for the project.**

While the \$1.9 million proposed payment from WELL Balfour is not insignificant, it does not come close to approaching the cost of nine new affordable units in Needham. Moreover, the "increased vibrancy" that the original project would create in Needham Heights over the coming decades, will be virtually lost with the elimination of the independent living units. Thus, **on balance, the newly structured project and the proposed MoA is a significant economic loss to the Town compared with the original project that was issued a Special Permit.**

Another important consideration is the Town's ongoing efforts to increase the diversity of housing options, especially the need to add affordable units. It is very difficult to find or aggregate land to build (multifamily) affordable housing. The 100 West St. location is one of the few remaining large parcels where multiple affordable units can be built. I believe that any project at that site should include affordable units.

The proposed MoA has the Select Board agreeing to support the project (and presumably required Special Permit) with the developer paying the Town \$1.9 million to be used for the "Affordable Housing Trust, for Quiet Zone safety infrastructure improvements at the MBTA Commuter Rail West Street grade crossing, to support other local transportation safety initiatives, for improvements to the Needham Heights Common, and/or for any other lawful purpose in the discretion of the Town." There appears to be no guarantee that the funds will be used for affordable housing. Moreover, the only specific projects mentioned would be very beneficial to the developer and would normally be included as mitigation efforts related to project impacts.

In the event WELL Balfour does receive the Special Permit and the Select Board signs an MoA with the developer, I would urge the Board to modify the language in the MoA and direct 100% of any payments received from WELL Balfour to the Town's Affordable Housing Trust Fund. Note that the original approved project at 100 West St. would have created the nine affordable units in the next 2-3 years while the construction of new units (possibly with the support from the Affordable Housing Trust) is likely a much longer-term effort.

Finally, I understand that the Planning Board has scheduled a hearing on the 100 West St. project for next week on August 16 and the Town's Housing Plan Working Group is scheduled to release a draft plan in October. Given the critical importance of these ongoing efforts, the Select Board's consideration of a MoA for the project seems premature.

I urge the Select Board to reject the proposed MoA or at least postpone a decision until after the completion of the Planning Board hearing on the project and there is greater opportunity for community input.

Sincerely,

James Goldstein
40 Coolidge Ave.
Needham, MA 02492
617-429-2966 (m)

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Tuesday, August 16, 2022 10:58:48 AM

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

Full Name:: Wendy Blom

Email Address:: blom.wendy@gmail.com

Address:: 89 Parish Road

City/Town:: Needham

State:: MA

Zip Code:: 02494

Telephone Number:: 6176105632

Comments / Questions: Dear Planning Board:

I am very interested in how the development at 100 West Street unfolds because of its potential for providing convenient, high quality housing for seniors in Needham. While I understand that assisted living is important for many seniors, independent living units, including affordable options, would be substantially more beneficial for the Town. Seniors in independent units would be much more likely to shop locally, use the Senior Center, travel on the convenient bus and train lines, and contribute socially and economically to the Town. Affordable units would further the stated goals of the Select Board and the Planning Board to expand housing choice.

The present proposal does not achieve the goal of the overlay district to increase the commercial vitality of the Highland corridor. Offering a payment to the town does not come close to the benefits of senior housing at that particular site.

Perhaps if the developers were allowed to build a full fourth floor they would agree to add independent units to the project. Although I do not know the details of the special permit requirements, there must be other ways to negotiate that would be acceptable to all sides, with the bottom line for the Town being that independent units must be included.

I very much appreciate all the Planning Board does to make Needham the wonderful Town it is.

Thank. You.
Wendy Blom

Additional Information:

Form submitted on: 8/16/2022 10:58:43 AM

Submitted from IP Address: 73.126.76.143

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From: [Paula Dickerman](#)
To: [Planning](#)
Subject: 100 West Street Special Permit
Date: Tuesday, August 16, 2022 11:40:06 AM

To the members of the Planning Board,

I am writing in favor of a decision on the current 100 West Street special permit request that gives vigorous weight to the Town's desire for more housing choice.

Supporting the pursuing of all possible avenues that would result in some affordable units at that site are the following points.

- It's a perfect site for independent senior living, as Kate fitzpatrick stated in her memo of 2/16/22.
- The Town wants more affordable housing and more housing choice (i.e., a variety of price points) as evidenced by
 - Recent Town surveys
 - Analysis by Karen Sunnarborg
 - Resident feedback to the Housing Plan Working Group
 - The Town Meeting vote that created the Avery Square Overlay District
 - The Town Meeting vote that included a housing option in the zoning at the former Muzi site.

On a related point, should this development result in funds from the developer to the Town, I feel strongly that such funds be dedicated to Affordable Housing efforts only and not be used for any other Town needs.

Thank you for your consideration and for your dedicated work for our Town.

Respectfully,

Paula Dickerman
20 Burnside Road
Precinct J Town Meeting Member

From: [Sarah Miller](#)
To: [Planning](#)
Subject: Carter Development
Date: Monday, August 15, 2022 8:42:59 PM

Dear Needham Planning Board,

I live behind the Carter Building, previously Avery Crossing, with my family and am writing to share our support for the development of the Carter Building.

We've lived in our home for over ten years and have missed the building being occupied and maintained. We loved taking walks when my oldest daughter was a toddler and interacting with the residents.

It's a wonderful spot for senior living and had met with LBC in 2020 and more recently with Balfour. While we do wish that the plans included affordable housing, we miss the building being occupied and maintained. Assisted living & memory care are in demand in the area and will continue to grow. There are many families, possibly even ours, in the near future that will benefit from having a facility close by and one whose residents and workers will support the Heights community.

We are approaching 5 years (since Feb 2018) that the building has been unoccupied. It will require a significant amount of time & investment to make the improvements and hope that the town will move forward with Balfour's development.

Thank you for your time,

Sarah Miller
95 Dana PL
Needham, MA 02494
srfeldman@gmail.com
617.818.1704

From: [ismail mounni](#)
To: [Planning](#)
Subject: Comments on carter mill project
Date: Monday, August 15, 2022 3:40:42 PM

Needham Planning Board:

I support plans for renovating and putting

The Carter building to good use. The property's proximity to the Center at the Heights, multiple shops and food establishments, Avery Square, and the MBTA commuter rail stop underscore the obvious reasons why the Carter building is a perfect location for the future residents of the building, their visiting families and friends, and those who will work there.

The Carter Mill proposal is the highest and best use of a significant existing building. It would be good to have the property contributing more significantly to Needham's tax base and sense of place. The proposal may not be perfect, but it is by far the best outcome we could hope for at that location.

Thank you for your hard work serving Needham, and for giving these heartfelt comments your consideration.

Sincerely,
Ismail Mounni

From: [James Goldstein](#)
To: [Planning](#)
Subject: August 16th Hearing re: Proposed Assisted Living Development at 100 West St.
Date: Tuesday, August 16, 2022 9:16:44 PM

Dear Planning Board,

I was one of the members of the public who observed (remotely) the hearing this evening concerning the proposed assisted living development at 100 West St. and wanted to provide comments on the proposal. I will do so at the next hearing, and in writing. While I appreciate this is a large, complicated, and controversial project, and I understand it is difficult to manage public hearings on such projects, I was greatly disappointed with the Board's management of this hearing.

The Board scheduled two public hearings at the same meeting, and the agenda allotted only 45 minutes for the first hearing (on 100 West St.). The Chair instructed the applicant that it had 25 minutes for its presentation. However, the presentation by the applicant lasted a little more than one hour, well beyond the time for the entire hearing, which normally includes questions and comments from the Board as well as questions and comments from the public. The Board's questions and comments lasted about 40 minutes (until 8:45) at which point the Board passed a motion to continue the hearing until September 20th. I appreciate the Chair's statement that the continued hearing on Sept. 20th will begin with and have ample time for public comments and/or responses to comments received, but this is certainly sub-optimal in terms of the intent of having public participation in each session of the public hearing.

Obviously if the Board intends to even roughly follow its published agenda it cannot allow the applicant to utilize more time than the entire hearing schedule. In the future I urge the Board to establish a more realistic hearing schedule, to inform applicants well before the hearing of the time allotted for their presentations, and to actively enforce the time allotment for applicant presentations. Otherwise, I fear that future hearings may also be completely dominated by the applicant with little or no public input.

Thank you to all the Board members for your service. I know that serving on the Board is a time-consuming and sometimes difficult responsibility. I and other residents of the Town greatly appreciate your efforts.

James Goldstein
40 Coolidge Ave.

Dear Select Board,

Respectfully, I am writing to ask that you vote NO on the proposed Memorandum of Agreement with the Welltower Entities. I hope that you will read why I am asking you to rethink the proposed Memorandum of Agreement and that you will be open to considering whether Needham is better served by maintaining the Select Board's opposition to this project.

It is not in Needham's best interest for the Select Board to enter into the proposed agreement with the Welltower Parties.

The Agreement, and even just the proposed agreement, makes it more difficult for the Planning Board. It is harder for the Planning Board to deny an application when the practical effect of the denial is to "cost" the town the \$1.9M proposed in this agreement. The proposed agreement already has been used by the Applicant's attorney at the first Planning Board hearing to advocate for granting the Welltower Parties a Special Permit.

You may be under the impression that the new zoning amendment is not sufficient to permit the Planning Board to deny the Welltower Parties' application.

Let me discuss why I think there is strong legal authority to support the Planning Board's ability to deny this application for not including Independent Living.

1. Special Permit is Required.

The ASOD amendment requires the applicant to obtain a Special Permit in order to take advantage of the zoning benefits of the ASOD. The bylaw clearly states that a Special Permit is required for Assisted Living and/or Alzheimer's/Memory Loss facilities. Section 3.15.3.2 specifically provides:

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

...

(b) Assisted Living and/or Alzheimer's/Memory Loss Facilities

The Applicant argues that it may not need a special permit for the proposed Assisted Living/Memory Care facility due to the way Assisted Living is defined in the bylaws. This argument ignores completely the above quoted content of the recently enacted bylaw amendment and its explicit requirement of a special permit for the proposed use of an Assisted Living/Memory Care facility. Courts will not approve a bylaw interpretation that renders a significant portion of the bylaw superfluous. Advanced Development Concepts, Inc. v. Blackstone, 33 Mass. App. Ct. 228, 233 (1992).

Further, in Section 3.15.2, the bylaw amendment states that if the applicant is relying on the underlying zoning and not special permit, then "the provisions and requirements of this bylaw applicable in the underlying district shall control and the provisions of the Avery Square Overlay District shall not apply." This means that the Welltower Parties cannot take advantage of the benefits of the Avery Square Overlay District unless it obtains a Special Permit.

It is reasonable to read the ASOD amendment as requiring a Special Permit for an Assisted Living/Memory Care facility. A court will accord deference to a Town's reasonable interpretation of its

own bylaws. Cameron v. DiVirgilio, 55 Mass. App. Ct. 24, 29 (2002). Courts do not insist that there is only one reasonable reading of a law; rather, courts will allow a municipality to interpret its own bylaws and uphold the municipality's interpretation as long as it is a reasonable interpretation. Sinaiko v. Zoning Bd. Of Appeals of Provincetown, 93 Mass. App. Ct. 274, 282 fn. 18

The reasonableness of interpreting the bylaw to require a special permit is further bolstered by the fact that it was specifically discussed in the drafting process (where the Applicant's attorney participated) that the Assisted Living/Memory Care use and Independent Living use would be by Special Permit only, and it was specifically represented to Town Meeting that a special permit would be required for Assisted Living/Memory Care and Independent Living. "[I]t is a well-established canon of statutory construction that a strictly literal reading of a statute should not be adopted if the result will be to thwart or hamper the accomplishment of the statute's obvious purpose, and if another construction which would avoid this undesirable result is possible." Watros v. Greater Lynn Mental Health & Retardation Assn., 421 Mass. 573, 578 (2015).

2. The Planning Board has the Power to Deny the Special Permit

Because a Special Permit is required, the Planning Board has the discretion to deny this application.

Special Permits are discretionary. This means that the Planning Board does not HAVE to grant a Special Permit. Section 7.5.2 of the Needham bylaws specifically states, "An applicant is not entitled to a special permit and the [Planning Board], in its discretion, may decline to grant a special permit if it is unable to make a positive finding and determination as required in subparagraph 7.5.2.1." One of those findings and determinations required by subparagraph 7.5.2.1 is that the project is consistent with the specific objectives and purposes of the ASOD.

A decision denying a Special Permit cannot be overturned by a court unless the decision is based on a legally untenable ground or is unreasonable, whimsical, capricious, or arbitrary. Gulf Oil Corp. v. Board of Appeals of Framingham, 355 Mass. 275, 277-278 (1969); Davis v. Zoning Board of Appeals of Chatham, 52 Mass. App. Ct. 349, 355-356 (2001). This is true even if a reviewing court finds facts on which a board COULD HAVE granted a special permit. Id.

This is all to say that the Town of Needham, through its Planning Board, has quite a bit of power and control over its zoning through the discretionary power to deny special permits. Here, that discretionary power should be used to deny the Special Permit.

The critical question for the Planning Board to answer in deciding whether to grant or deny the Welltower Parties' application is whether the project is consistent with the specific objectives and purposes of the ASOD. If the Planning Board finds that it is not consistent with the objections and purposes of the ASOD, then it should not grant the Special Permit.

The purposes of the ASOD are stated in the bylaw amendment and are threefold. Below is an exact quote of the bylaw but I have added spacing, color, numbering and bullets to make it easier to read:

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are

1. to promote the health, safety and general welfare of the community
 - by creating opportunities for housing
 - primarily serving individuals 55 years old or older,
 - who wish to live in independent apartments
 - and/or
 - who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities,
 - within walking distance of goods and services, public transportation, and the civic life of the town;
2. to promote a vibrant, walkable area within the ASOD, and
3. to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes.

The Applicant argues that the use of the conjunction “and/or” means that the stated purpose of the bylaw was to create either or both, (1) opportunities for housing primarily serving seniors who wish to live in independent living or (2) opportunities for housing primarily serving seniors who may need to live in Assisted Living/Memory Care.

However, in the bylaw the conjunction “and/or” is not related to the noun “opportunities”. The bylaw speaks only of ONE SET of opportunities for housing, which set of opportunities is further described by the additional language.

The “and/or” conjunction is used in the phrase which modifies “individuals 55 years or older”. The purpose of the modifying phrase is to make it clear that the bylaw doesn’t mean all individuals 55 years or older, but only those described by the next phrase that contains the conjunction “and/or”.

The question is, what is meant when “and/or” is used in this context.

The phrase “and/or” is not a term of art and it does not have any special meaning in the law. When used, its meaning is derived from the context in which it appears and in light of why the bylaw was written. See Town of Oxford v. Oxford Water Company, 391 Mass. 581, 587 (1984). From the context and based on the representations made to solicit support for the bylaw change, the “and/or” was meant to describe the three kinds of individuals 55 years or older - all of whom the bylaw is meant to include:

1. those who wish to live in independent apartments (i.e. the healthy people who are downsizing);
2. those who may need assisted living/memory care (i.e. people with dementia or people who need assistance with tasks of daily living);
3. those who wish to live in independent apartments and who may need assisted living or memory care down the line (i.e. people who want to age in place, like someone with a disease like macular degeneration who wants to live in independent living now but may need assisted living if their disease progresses).

It is important to remember that a court will give deference to the Town’s reasonable interpretation of its own bylaw and the Town is able to insist on that interpretation even if there are other interpretations

that could be reasonable. Cameron v. DiVirgilio, 55 Mass. App. Ct. 24, 29 (2002); Sinaiko v. Zoning Bd. Of Appeals of Provincetown, 93 Mass. App. Ct. 274, 282 fn. 18 (2018).

Additionally, it is important to remember that the history of how and why this bylaw was written supports the interpretation that all of the listed types of seniors must be served by the project and it does not support the Applicant's argument that the purpose of the bylaw is fulfilled even when no Independent Living is offered. The Town was excited to pass this amendment because the area is so perfect for Independent Living, the Town has been actively seeking more independent living opportunities for its seniors, including more affordable housing options, and the creation of Independent Living in this spot will make the area more vibrant.

Furthermore, requiring Independent Living is a sensible reading of the bylaw because it is only with the inclusion of Independent Living that the second stated purpose of the bylaw can be brought into effect. The second stated purpose is: "to promote a vibrant walkable area within the ASOD." This purpose could not be accomplished without having independent living units in the building. It is Independent Living units that would bring residents who will regularly walk to the businesses in the area, take the train to Boston for business or pleasure and take advantage of the civic life of the town.

Finally, the third stated purpose of the bylaw is to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. That can only be accomplished if the Select Board and the Planning Board are willing to use their powers to do so.

For all of these reasons, I urge the Select Board to maintain its opposition to the current proposal of the Welltower Parties and vote NO on the proposed Memorandum of Agreement.

I would be happy to discuss this matter with any of you and I invite you to call me if you would like to discuss it.

Sincerely,

Maggie Abruzese
30 Bridle Trail Road
(617) 429-2264

cc: Planning Board

From: The Village Club <villageclub83@gmail.com>
Sent: Saturday, September 17, 2022 3:24 PM
To: Planning
Subject: Carter Building on Highland Ave

Dear Planning Board,

Once again, we are writing in support of the new plan for the Carter building on Highland Avenue. Filling this building with assisted living and memory care apartments is a win for Needham. It has been empty for so many years now, newer neighbors to the area, not to mention the new tax revenue for the town, will be so welcomed. Cleaning up the landscaping and exterior of the building will enhance the entire block.

From our understanding, this will be a low impact use since the seniors will live and socialize in the building and few will drive on a regular basis. The proximity to the Center at the Heights will make it so easy for the new residents to attend some of the CATH programs and classes.,

As far as other financial impact to the town, we hope to see some Needham businesses will involved in the renovation and upkeep of the building and possibly some of the employees at the building will live in Needham. It could create more opportunities of jobs available for high school students.

We are very much in favor of this use for the building and hope it gets renovated soon.,

Thank you.

Village Club Board of Directors

From: Rob Giumetti <rob.giumetti@gmail.com>
Sent: Saturday, September 17, 2022 3:17 PM
To: Planning
Subject: Carter Building on Highland Avenue

To Planning Board,
I am writing to you regarding the unused building at 100 West Street in the Heights. This building has been empty for a long time and it needs to be occupied. The plan to include senior housing with assisted living sounds very beneficial to the entire town. This will provide quality new housing for local seniors, new jobs and new tax revenue. The location is great for seniors including my own parents who are ready to move into an assisted living facility. I hope the Planning Board votes in favor of this project.

Thank you

Rob Giumetti

From: Paula Dickerman <pdickerman.precinctj@gmail.com>
Sent: Monday, September 19, 2022 9:31 AM
To: Planning
Subject: 100 West Street

To the Planning Board,

As you consider the request for a special permit by Balfour, I encourage you to inquire as to why the new partnership is not providing Assisted Living, Memory Care, AND Independent Living with some affordable units, as the Town approved for the prior partnership. Balfour has experience with developments that provide three levels of care; why not do that at the 100 West Street property? Can we request that they submit documentation that shows the infeasibility of such a development? Clearly, three levels of care, with some affordable units, is what the Town wants, if possible.

Thank you for your consideration,

Paula Dickerman
Precinct J Town Meeting Member

From: [DAVID SHERMAN](#)
To: [Alexandra Clee](#); [Planning](#)
Subject: Tonight's meeting
Date: Monday, September 19, 2022 5:06:18 PM
Importance: High

To the Board:

I regret a conflict that will probably prevent me from attending the Planning Board meeting tomorrow night.

Regarding the West Street property on the agenda: as a former long-term care facility, this building could reasonably be used as an alternative care site in a future mass casualty event. I urge the Board to postpone all action on this property pending review by the Local Emergency Planning Committee, which I intend to propose.

Sincerely,

David A. Sherman RN
100 Rosemary Way, Suite 129
Needham, Massachusetts 02494
(781) 540-9392
rdabbarn@aol.com
<https://www.linkedin.com/in/ShermanICUrnEthicistTriage>

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: Affordable Housing/Assisted Living
Date: Tuesday, September 20, 2022 2:44:49 PM
Attachments: [consumer-guide to assisted living massachusetts.pdf](#)

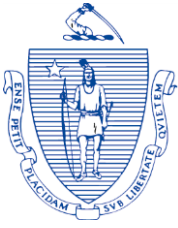
From: Maggie Abruzese <mabruzese@gmail.com>
Sent: Tuesday, September 20, 2022 2:18 PM
To: Lee Newman <LNewman@needhamma.gov>; adam.block@compass.com
Subject: FW: Affordable Housing/Assisted Living

From: Maggie Abruzese <mabruzese@gmail.com>
Sent: Tuesday, September 20, 2022 1:14 PM
To: adamjblock@kw.com
Subject: Affordable Housing/Assisted Living

Hi Adam,

As you know, I think the Planning Board should deny the Special Permit under the overlay district because it does not meet the purposes of the ASOD. However, at the last hearing, you began to explore whether Balfour could provide any time of affordable housing component within the new project. For your information, I wanted to pass this Consumer Guide to Assisted Living in Massachusetts along to you. On pages 6-8 it discusses the types of subsidy programs that are possible with an assisted living facility in Massachusetts.

Maggie Abruzese



The Commonwealth of Massachusetts
Executive Office of Elder Affairs
One Ashburton Place, 5th Floor
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

ALICE F. BONNER
Secretary

Tel: (617) 727-7750
Fax: (617) 727-9368
www.mass.gov/elders

Dear Consumer:

We are pleased to make available the 2017 edition of ***Assisted Living in Massachusetts: A Consumer Guide*** to assist you in deciding whether Assisted Living is the right option for you or your family member and in choosing the most appropriate residence.

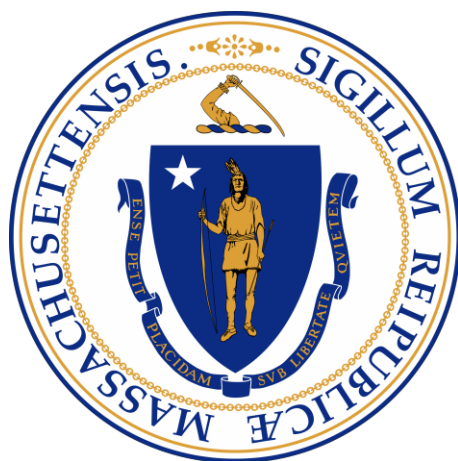
Each certified Assisted Living Residence in Massachusetts is required to provide this Guide to prospective residents before they agree to move into the Residence. The goal of Assisted Living is to provide the resident with the maximum amount of independence, in a residential setting, with personalized assistance. Elder Affairs recognizes that by offering a combination of housing and individualized personal care services, Assisted Living Residences provide an essential option in the continuum of care that helps elders to age in their communities.

Each Assisted Living Residence is different and there are many things to consider when deciding which facility is right for you or your family member. This Guide includes questions and answers and other helpful information about costs, the Residency Agreement or contract, the disclosure of rights and services, staffing and services, activities, Special Care Residences, and more. There is also a “consumer checklist” for you to use when you visit a facility.

We hope that you find this Guide helpful as you begin your search for the best possible living arrangement. We welcome your suggestions to make the Guide

even more useful. If you have any questions or comments about the Guide or Assisted Living in general, please contact the Executive Office of Elder Affairs at 1-800-AGE-INFO or visit the Elder Affairs' website at www.mass.gov/elders.

Assisted Living In Massachusetts: A Consumer Guide



**Executive Office of Elder Affairs
One Ashburton Place
Boston, MA 02108**

May 2017

Elder Affairs: 1-800-AGE-INFO (1-800-243-4636)

TDD/TTY: 1-800-872-0166

Web Site: www.mass.gov/elders

This document is available on alternative formats upon request.

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What is an Assisted Living Residence?

Assisted Living Residences (ALRs) offer a combination of housing, meals and personal care services to adults for a monthly fee that includes room and board and services. Assisted Living Residences are not the same as licensed nursing facilities, often referred to as “nursing homes,” “skilled nursing facilities,” or “nursing and rehabilitation facilities.” ALRs do not provide medical or nursing services and they are not designed for people who need serious medical care on an ongoing basis. ALRs are intended for adults who may need some help with activities such as housekeeping, meals, bathing, dressing and/or medication assistance and who would like the security of having assistance available on a 24 hour basis in a home-like and non-institutional environment.

The underlying philosophy of assisted living is to provide services to residents in a way that enhances their independence, dignity, privacy and individuality. Residents have the right to make choices in all aspects of their lives.

Who Oversees ALRs in Massachusetts?

ALRs in Massachusetts are required to obtain and maintain certification from the Massachusetts Executive Office of Elder Affairs. To do this, an ALR must meet regulatory standards that are designed to protect consumers while also allowing an individual ALR to be flexible in meeting the needs and desires of residents.

Elder Affairs also operates an Assisted Living Ombudsman Program. The Assisted Living Ombudsman helps to resolve problems or conflicts that arise between an ALR and its residents. To contact an Assisted Living Ombudsman you may call Elder Affairs at (617) 727-7750 or 1-800-AGE- INFO (1-800-243-4636).

How Much Does Assisted Living Cost in Massachusetts and How do People Pay For it?

The cost of Assisted Living varies greatly. The base monthly fee for an ALR in Massachusetts is typically between \$3,500 and \$7,000. The variation in the cost is based on many factors, including:

- The type and number of services you need (in general, the more care needs you have, the higher the fee);

- The size, design and amenities of the Residence;
- The size of the apartment you choose; and
- The location of the Residence.

Most Assisted Living residents pay privately. Medicare, the federal health insurance program for elders and individuals who have a disability, does not cover Assisted Living. Individuals with long term care insurance policies should ask their insurance carrier if they qualify for coverage of any ALR services.

The subsidy programs listed below are available in Massachusetts to qualified individuals. It is important to note that not all ALRs provide these subsidies:

- *Group Adult Foster Care (GAFC)* – GAFC is a MassHealth funded program. For information on the GAFC Program, please contact the MassHealth Customer Services line at 1-800-841-2900.
- *Supplemental Security Income – Category G (SSI-G)* – This is a subsidy program administered by the Social Security Administration (SSA) and supplemented by the Massachusetts Department of Transitional Assistance for people residing in ALRs. Potential ALR residents are encouraged to talk to SSA directly through the field offices sites to determine if they might be eligible for SSI-G benefits. A list of SSA offices may be found at www.socialsecurity.gov/otherssasites.
- *Veterans' Administration Aid and Attendance Benefit* – VA Aid and Attendance Benefits may be available for Veterans and/or surviving spouses. For more information on this benefit, contact the Boston Regional Benefit Office at 1- 800-827-1000.
- *Other income qualifying programs* – Some ALRs provide reduced rates for low or moderate income residents.

Not all ALRs accept GAFC or SSI-G as payment. Potential residents should inquire about GAFC and SSI-G funding prior to signing a Residency Agreement (discussed later) with the ALR. This proactive step ensures that if and when the potential resident in the ALR has exhausted all financial resources, financial assistance will be available.

Remember, fees are not fixed and they often increase over the duration of a residents' stay in an ALR. Elder Affairs does not regulate ALR fees. The costs of room and board and services provided by the ALR are determined by each Residence.

**Questions
to Ask
Regarding
the Cost
of an ALR**

Is there a different monthly base rate for a shared apartment versus your own apartment?

What services are included in the monthly base rate? Is it possible that future costs may become too high for you to afford? Do you need assistance figuring this out?

For services that are not covered in the base rate or in any special packages, what are the costs and how are they billed? *Charges for telephone, cable, newspaper delivery, and salon services are usually billed in addition to your base rate and service package.*

Is laundry service provided by the ALR? What does this cost?

How many meals per day are included? Does the ALR provide additional snacks? What does this cost?

Are items such as tissues, paper towels, toilet paper, laundry detergent and hand soap included in the base monthly rate? Are linens and towels included?

Does the ALR require an initial entrance fee, application fee or deposit up front? *You should ask for an explanation of any up-front fees in writing. Depending on the circumstances, it may be possible to negotiate these fees.*

Is there a limit on the percentage by which the monthly rate can be increased or how often the rate can be raised? *Unless specifically noted otherwise, the ALR can raise the fees at any time.*

What happens if you run out of money?

If you transition from private pay to a subsidy program, do you have to move to a different apartment?

How does the Termination Clause in the Residency Agreement affect you financially? *Most Termination Clauses include the amount of notice (for example 30 or 60 days) that must be given to terminate the agreement between you and the Residence.*

What Types of Services are Provided by ALRs?

Each resident of an ALR will have an individualized service plan that is based on a current assessment. Service plans must indicate in detail the current type and amount of services that the resident is receiving. All ALRs are required to provide assistance and supervision with bathing, dressing, and mobility to all residents who have these activities in their service plan.

Some ALRs provide a higher level of care to meet the needs of their residents, including assistance with medication management and memory care assistance. It is important to ask before moving in what service limitations the ALR may have. It is important to consider what care needs you may have in the future and whether or not they will be met at the ALR you choose to move into. It is up to the consumer to ask about what services are available and then make a decision based on that information. Remember, ALRs vary greatly from one to the next and the building design and services provided can vary greatly as well.

Medication Management

ALRs must provide supervision with medications for any resident who needs this service. There are two types of medication management programs that ALRs in Massachusetts may offer to their residents:

- *Self-Administered Medication Management (SAMM)* – Under Self-Administered Medication Management regulations, ALR staff may only remind and assist residents with taking medication. For example, staff may remind a resident when to take medication and open bottles or other containers. They may not directly administer any medication to a resident. This means, for example, that they may not squeeze eye drops into a resident's eye, put a pill into a resident's mouth, or rub medicated cream on a resident's arm. If you need more than reminders and limited assistance to take medication, you will need to find an ALR that offers Limited Medication Administration.
- *Limited Medication Administration (LMA)* — Some ALRs provide a higher level of assistance with medication through LMA. Under the Limited Medication Administration regulations, a nurse, an individual designated by the resident, or the resident's representative can administer eye drops,

apply medicated cream, and crush medications and place them in a resident's mouth. Not all ALRs provide LMA. Make sure to ask about LMA prior to moving into an ALR if you need medication administration or think you will need it in the future.

ALR staff in Massachusetts is not allowed to administer injections. Should you need administration of regular injections, such as insulin, it is important to consider this aspect of your care prior to moving into an ALR. Sometimes a certified home health care agency may be able to assist ALR residents who need to receive injections.

**Questions
to Ask
About
Available
Services**

What personal care services are available and how are they billed?

How is the cost for additional services which are not included in your service plan determined? Is it based on actual time or by task? If by time, how is the time calculated?

Is housekeeping included with the base service package? Is it daily housekeeping or weekly housekeeping? Who is responsible for trash removal?

If you need skilled nursing or other services, can you hire someone from the community to come into the ALR to assist you? Is there someone at the ALR available to help you hire such services from an outside provider?

What type of assistance with medications is available? Does the ALR provide Limited Medication Administration or only Self-Administered Medication Management?

If you need assistance with medications, must you use a specific pharmacy or may you continue to use the pharmacy of your choice?

Can your family member continue to fill your medication or must you use a pharmacy delivery service?

Is there a doctor that visits the ALR who makes house calls that you could use as your primary care physician? Do you have to use this provider or may you continue to use your own physician offsite? *(ALRs cannot require residents to use a specific medical provider).*

What activities are offered? Is a variety of activities offered on a daily and weekly basis? Are residents active in planning activities and events? Are the activities and events well attended?

**Questions
to Ask
About
Available
Services**

Is transportation available to access community activities? Is transportation only available at certain times, or can you access transportation whenever you need it? Will it take you to the specific events or places that you wish to visit? Is there an extra cost for transportation?

What is the ALR's policy about having meals delivered to a resident's room? Is this allowed? Is there a charge or limit on the number of times you may have a meal delivered to your room?

What is the ALRs policy and procedure for responding to residents' medical emergencies?

In the event of an accident or incident involving a resident, is your designated "responsible party" always notified?

What is the ALRs policy for recording and following your wishes in legal documents such as a living will, a health care proxy, a durable power of attorney, etc.?

Can you remain at the ALR if you become confined to bed?

Does the ALR accommodate terminally ill residents and their families? If you pay to have hospice care in the ALR do you still have to pay the monthly fee for services - even if you are not using those services?

Special Care Residence

An ALR may have a Special Care Residence (SCR). An SCR provides care and services for residents who require assistance with specialized needs, such as Alzheimer's disease and related dementias, Huntington's disease, or mental health issues. An SCR may be a separate secured area within a traditional ALR or it may be operated as a stand-alone facility.

**Questions
to Ask
About
Special
Care
Residences**

What licensed or certified staff work at the SCR and what type of specialized staff training is offered? How many nurses are employed by the SCR? How many home health aides or personal care workers are employed on a given shift and how many residents is each staff person responsible for? Does this level of staffing change depending on the residents currently living in the SCR?

What is the physical design of the SCR? Are units or apartments shared?

What specialized programs or services does the SCR offer? Is the SCR trained to handle residents who may have behaviors such as increased anxiety or aggression? How does the SCR monitor wandering? What type of resident behaviors are beyond the SCR's ability to address? What is the SCR's plan if a resident develops behaviors that are beyond the scope of its care?

What types of enrichment activities are offered? Are activities specialized for the population that the SCR is serving? Is there an Activity Director solely for the SCR?

What type of assistance with medication does the SCR offer? If a resident needs medication administration by a nurse, does the SCR offer Limited Medication Administration? If so, how much more will it cost? *Like all ALRs, the SCR can offer Self-Administered Medication Management (SAMM) assistance by personal care workers.*

What is the SCR's policy for transitioning residents in or out of the SCR? What type of assessment does the SCR complete to determine if the resident is appropriate to live at the SCR? Does the SCR identify the specific transition process once a resident is no longer appropriate to live at the SCR?

What information is written in the ALR Disclosure Statement regarding the SCR? What is disclosed about its SCR philosophy and mission?

How do I Choose an ALR?

Once you have a general idea of the setting, services, and price range you prefer for an ALR, call several Residences in your community. Plan to request a brochure, a price list, a copy of the Residency Agreement (which may be called the “lease” or “contract”), and the Disclosure of Rights and Services Statement so that you can review those items during your selection process and prior to visiting the ALR.

It is to your advantage to tour the Residence that you are interested in. It is important to observe the staff’s interaction with residents while you are visiting the ALR. The way the staff interacts with the residents is often indicative of the quality of care that the ALR provides. Do residents appear to be socializing with each other and do they appear happy and comfortable during your visit? This may be indicative of the quality of care that the ALR provides.

You may want to have one of your visits to the ALR be unannounced and in the evening after business hours, or on the weekend. During this visit you will be able to see what the ALR is like when fewer staff are on site and also when the ALR has not been able to prepare for your visit.

You may also wish to inquire as to whether an ALR offers respite or trial stays. Some ALRs may allow a potential resident to move in for a short period of time to see whether he or she would be happy living there. This provides you or your family member with the opportunity to see what it would be like to live at the ALR without signing a long-term contract. You should ask what the additional cost may be to do a respite or trial stay.

Questions to Ask About the Physical Environment

Are you able to choose the unit you will live in or is a unit assigned to you?

Is the size of the unit acceptable to you? Is there enough closet space to meet your needs? If not, is there storage available, and at what cost?

Do all of the units have private full bathrooms? If not, and you have to share a bathing room (shower and tub), where is the bathing room located, and with how many other residents would you have to share with?

Will you have a kitchenette within your own unit? If the unit does not have a private kitchenette, where are the cooking facilities located?

Are window curtains or blinds and shower curtains included with the unit?

Can you control the temperature in your unit? Are the units air-conditioned? Can you put a window air conditioning unit in your apartment? *Although heat must be provided every day from September 15 until June 15, air conditioning is an amenity and not mandated by law.*

What are the common areas like? When visiting the ALR, were residents using the common areas?

Is the ALR well maintained? Are the hallways and walkways free of clutter? Does the ALR smell pleasant? Is the entrance neatly landscaped and well groomed?

Is it easy to get around in the ALR? Are there enough elevators? Are there very long hallways? Is the ALR well lit? Does the ALR have outdoor ground suitable for walking in the nice weather?

Is the ALR accessible to people who use mobility aids such as walkers, canes and wheelchairs?

What type of security is available at the Residence? Is there someone at a front desk 24 hours a day? Are the main doors locked after a certain time? *You may want to call the local Police and Fire Departments to inquire as to how frequently they make visits to the ALR.*

How are ALRs required to staff their residence?

Many ALRs hire their own staff to provide services while others choose to contract with an outside agency to provide services. Traditional ALRs in Massachusetts are not required to maintain a specific number of caregivers or staff for each resident, however ALRs are required to maintain staff sufficient to ensure the health, safety, and welfare of the residents.

An ALR with a Special Care Residence must staff a minimum of two staff members at all times.¹ SCR staff must be qualified by training and experience and they must be awake at all times.

ALRs in Massachusetts are not required to have 24 hour per day on site nursing, although some ALRs do offer this service, usually at an additional expense to the resident.

¹ Beginning in 2017, ALRs are allowed to request an exemption to the two-staff minimum in SCR.

**Questions
to Ask
About
Staffing**

What are the staffing levels of nurses and personal care workers? How many staff persons are available to provide personal care services? How many personal care workers are available during the day, the evening, overnight, and on the weekend?

What are the responsibilities of the staff persons who will be providing you with personal care assistance? Do they have other functions such as organizing activities, delivering meals, etc.?

Will you have the same personal care worker most of the time?

What is the nurse's role versus the personal care worker's?

How responsive is staff to unscheduled needs? For example, if you are going out to dinner one night and need some help to get dressed at the last minute, will a staff person be available to help you?

How do you alert staff to help with unscheduled needs?

What is the process used to signal staff in emergency situations?

Are staff easily identifiable by nametag or uniform?

Does the staff appear to show interest in the residents?

How many hours of training do staff receive and what topics are covered?

Who trains staff and what qualifications do they have?

What are Disclosure Statements and Residency Agreements?

The *Disclosure Statement* is an important document you will receive from the ALR at the time of or prior to paying any money to the ALR or signing a Residency Agreement. The purpose of the Disclosure Statement is to make you, the prospective resident, aware of the services that are or are not offered by the ALR before you enter into a formal agreement with the ALR or pay any fees.

It is important to read the Disclosure Statement thoroughly and ask questions about the information provided. The Disclosure Statement may also be used to compare ALRs to narrow down your choices among different Residences.

The *Residency Agreement*, is a contract between you and the ALR. It is the most important document that you will receive. **Residency Agreements are written to protect the ALR. By signing a Residency Agreement, the terms you agree to will become legally binding. We strongly suggest that you have your own attorney review the Residency Agreement on your behalf and explain the conditions (especially for termination) to you in clear language.** Note that every ALR will have its own grievance procedure that should be explained in the Residency Agreement. Make sure you read and understand the grievance procedure.

It is very important to make sure that if the ALR promises you anything above and beyond what is included in the Residency Agreement that you receive this information in writing for your records.

**Questions
to Consider
Before
Signing the
Residency
Agreement**

Is the language in the Residency Agreement clear?

What are the conditions under which the ALR can terminate the Residency Agreement? Do the conditions for terminating the Residency Agreement appear balanced? For example, if the Residency Agreement requires you to give at least 30 days' notice if you choose to terminate it, is the ALR also required to give you at least 30 days' notice if it terminates the Residency Agreement? Does the ALR have sole discretion to terminate your residency?

Does the Residency Agreement specify what happens if a resident's needs are unable to be met by the ALR?

Is the Residency Agreement silent on any important matters? If there are areas which are important to you but that are not mentioned in the Residency Agreement, you may ask for these areas to be included in your Agreement. For example, if you are told that transportation to the supermarket is available daily or that will only be increased once per year, ask the ALR to put it in writing in your Residency Agreement.

Does the agreement include certain rules or restrictions which make you uncomfortable?

Does the ALR prohibit residents from having pets in their units?

What happens when the residents have complaints? Would you or your relative feel comfortable expressing concerns in the manner expected?

How and When is a Resident Discharged From an ALR?

All individuals who reside in an ALR in Massachusetts are protected by landlord/tenant law with regards to the eviction process. ALRs must terminate residents in accordance with the terms documented in the written Residency Agreement. People who live in Assisted Living Residences are essentially renting an apartment; therefore an ALR cannot legally prohibit a resident from returning to his or her apartment without formally terminating the tenancy and obtaining an eviction order.

It is important to thoroughly understand the conditions by which an ALR can terminate your Residency Agreement. Pay careful attention to how much notice you will be required to give if you need or choose to move out of your apartment. Without the proper notice, you may be required to pay the monthly fee throughout the entire notice period even if you no longer live at the ALR.

For more information on Landlord/Tenant Law, you can contact the Massachusetts Office of Consumer Affairs at 617-727-7780 and www.mass.gov/consumer.

Questions to Ask About Discharge from an ALR

How does the ALR determine that they can no longer meet the needs of the resident?

Who has input into determining if a resident needs a higher level of care?

If a resident needs to move to another facility setting, how is that move facilitated?

Is there a grievance procedure or process to appeal an ALR's decision to require that a resident move out?

If the ALR offers a subsidy program and there are not units available, what happens when a resident runs out of money?

Consumer Checklist

This checklist is designed to be used to help you organize and compare information you gather while touring and researching Assisted Living Residences.

This checklist is not intended to be an abbreviated version of the Consumer Guide. You are strongly encouraged to read through the entire content of the Consumer guide prior to selecting an Assisted Living Residence (ALR) or a Special Care Residence (SCR) which will best meet your needs.

Residence Information	<u>ALR 1:</u>	<u>ALR 2:</u>	<u>ALR 3:</u>
Number of Units:			
Is there a Special Care Residence (SCR)?			
What special needs does the SCR address?			
Is there a subsidy/low income program?			
Is there a "move-in" or "community fee"? What is the cost? Is it refundable?			
Is a deposit required? What is the cost? Is it refundable?			
Services Included in the Monthly Fee			
☐ Bathing			
☐ Dressing			
☐ Grooming			
☐ Transferring			
☐ Toileting			
☐ Meals (number per day?)			
☐ Cable TV service, internet, telephone			

○ Items such as lightbulbs, paper towels, toilet paper, etc.			
○ Housekeeping			
○ Shopping			
○ Continence Products			
○ Laundry			
○ Transportation			
○ Activities			
○ Medication Management (SMM or LMA?)			
○ Other Services:			
○ ALR base monthly fee			
○ SCR base monthly fee			
Other Issues to Consider			
What are the additional fees for services not included in the base fee?			
Do they offer respite stays? What is the cost?			
What is the emergency preparedness plan? Is there a generator on site?			
What are the conditions by which the ALR can terminate the Residency Agreement?			
How much notice must be given to terminate the Residency Agreement?			

ALR 2:

ALR 3:

Have the name and number of your contact at the Residence for follow-up questions.

Glossary

Assisted Living Residence (ALR): Any entity that provides room and board and personal care services for three or more adults and collects payments for the services provided.

Elder Affairs: The Executive Office of Elder Affairs is the state agency which certifies Assisted Living Residences in Massachusetts.

Limited Medication Administration (LMA): A type of medication management where a nurse administers medications. Under LMA, a nurse may administer eye drops, apply creams, crush medications and place medication in a resident's mouth.

Personal Care Service: Assistance with one or more of the Activities of Daily Living and Self-administered Medication Management, either through physical support or supervision. Supervision includes reminding or observing Residents while they perform activities.

Residency Agreement: The written contract between an Assisted Living Residence and a Resident or prospective Resident on either a temporary (e.g., for respite care) or more permanent basis.

Resident: An individual who resides in an Assisted Living Residence or Special Care Residence.

Respite stay: a short term or temporary stay at an Assisted Living Residence.

Self-administered Medication Management (SAMM): A type of medication management which includes reminding Residents to take medication, opening containers for Residents, opening prepackaged medication for Residents, reading the medication label to Residents, and observing Residents while they take the medication.

Service Plan: A document that describes in detail the individualized services that the Assisted Living Residence will provide to the Resident.

Special Care Residence (SCR): The Residence in its entirety or a separate and distinct section within the Residence that provides an enhanced level of supports and services for one or more Residents to address their specialized needs due to cognitive or other impairments.

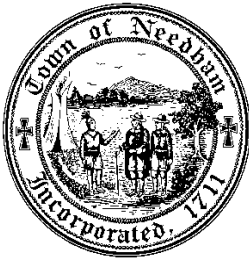
Unit: A portion of an Assisted Living Residence designed for and occupied pursuant to a Residency Agreement by one or two individuals as the private living quarters of such individuals.

I have received and reviewed a copy of “Assisted Living in Massachusetts: A Consumer’s Guide”, a publication from the Massachusetts Executive Office of Elder Affairs.

Consumer’s Signature

Date

For more information you may call:
Massachusetts Executive Office of Elder Affairs
1- 800-AGE-INFO (1-800-243-4636)
TTY: 1-800-872-0166
Website: www.800ageinfo.com



PLANNING & COMMUNITY
DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board,
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.5, the Needham Planning Board will hold a public hearing on Wednesday, September 7, 2022 at 7:15 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 826-5899-3198 (further instructions for accessing by zoom are below), regarding a certain proposed amendment to the Needham Zoning By-Law to be considered by the Fall 2022 Special Town Meeting.

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: 880 4672 5264

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: 880 4672 5264

**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: 880 4672 5264**

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

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment through Zoom or through calling in, or by attending the in-person meeting.

Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information. A copy of the complete text of the proposed article is detailed below. The article designation given has been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Select Board for the Warrant.

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 Definitions, by adding the following after the existing definition of “Basement” and before the existing definition of “Building (or part or parts thereof)”:

“Brew Pub – 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 Definitions, 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 and production 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 also provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. 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, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, 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 portion of the Chestnut Street Business District that is west of Chestnut Street and south of Keith Place, otherwise N.

4. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

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

*Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary and the Industrial District that is located east of Rte. 95/128, otherwise N.

**Applies only to the Industrial District that is located east of Rte. 95/128, otherwise N.

5. In Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.2 Uses Permitted by Special Permit, 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, Uses in the Highland Commercial-128 District, Subsection 3.2.5.2, Uses Permitted by Special Permit, by adding a new paragraph (q) that states “Microbrewery, allowable only in the portion of the Highland Commercial-128 District located a) north of Highland Avenue and b) 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 a) north of Highland Avenue and b) 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, Uses in the Mixed Use-128 District, Subsection 3.2.6.2, Uses Permitted by Special Permit, 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 Uses in the Highway Commercial 1 District, Subsection 3.2.7.2 Uses Permitted by Special Permit, 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) respectively.

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 Hometown Weekly, July 28, 2022 and August 4, 2022.

September 20, 2022

BY EMAIL

Adam Block, Chair
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Proposed Brew Pub & Microbrewery Zoning

Dear Adam:

You have asked that I review the September 7, 2022 letter that Attorney George Giunta, Jr. sent to the Planning Board regarding the proposed Brew Pub and Microbrewery zoning. I offer the following comments on the legal points that Mr. Giunta raised in his letter.

1. Brew Pub as accessory use.

Mr. Giunta states in his letter that brew pubs are allowed under current zoning because they should be considered accessory to a permitted restaurant use. As a result, Mr. Giunta argues that the proposed zoning amendment is unnecessary in order for brew pubs to exist. I respectfully disagree with this position.

The Zoning By-Law defines “accessory use” as one that is “subordinate to and customarily incidental to the principal use.” Section 1.3. A use is customary when there is “a certain commonality of usage, a history of lesser uses in conjunction with the primary uses.” *Charnecki v. Town of Rehoboth*, Mass. Land Ct. April 8, 2008 (2008 WL 933908)(Piper, J.); quoting *Harvard v. Maxant*, 360 Mass. 432, 436 (1971). “A use is not customary if it is rare.” *Charnecki, supra*. The question of whether a particular use is “customarily incidental” to another use is a factual issue. *Clark & Clark Hotel Corp. v. Building Inspector of Falmouth*, 20 Mass. App. Ct. 206, 212 (1985); quoting *Harvard v. Maxant*, 360 Mass. 432, 439 (1971).

To my knowledge, there has not been a brew pub associated with a restaurant in Needham in recent memory. In my opinion, it would therefore be very difficult to establish that brew pubs are customarily incidental to restaurants in Needham. To the extent that the Town wishes to allow brew pubs to exist, the best approach is to adopt an amendment to the Zoning By-Law that expressly authorizes this use.

2. Microbrewery as an already permitted use.

Mr. Giunta also states that traditional microbreweries would likely fall within either the manufacturing category or the “catch all” category¹ of the current Zoning By-Law, and therefore may already be allowed within the Industrial and Industrial-1 Zoning Districts. See Section 3.2.1. As a result, he argues, the proposed zoning amendment is unnecessary to allow for traditional microbreweries to exist. I also respectfully disagree with this position. I have consulted with the Building Commissioner, and in our shared opinion “light manufacturing” and “bottling plant” are not apt categorizations of a microbrewery. In addition, the new “microbrewery” use described in the proposed zoning amendment includes a broad range of permissible uses beyond the on-site production of the beer, including the hosting of events, eat-in or take out restaurants, outdoor dining, and live entertainment. This mix of permissible uses would not properly be categorized as an industrial or manufacturing use under the current use table, and if the Town wants to allow for “microbreweries” (as defined in the proposed amendment) going forward this use should be added to the Zoning By-Law.

The remainder of Mr. Giunta’s letter addresses several of the policy choices embedded within the proposed zoning, including the question of where brew pubs and microbreweries would best be allowed to locate. These policy questions were considered and discussed at length as the Planning Board worked to develop the proposed zoning amendment, and I express no legal opinion on the other matters contained in the letter.

Please let me know if I can provide any additional information.

Sincerely,



Christopher H. Heep

cc: L. Newman
D. Roche
K. King

¹ The Table of Uses allows “any lawful purpose or special use not enumerated elsewhere in this By-Law” by special permit in the Industrial Districts.

TOWN OF NEEDHAM
MASSACHUSETTS

2022 SEP 15 AM 9:55



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project 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 1407 Central Avenue
Name of Applicant Town of Needham Select Board
Applicant's Address c/o Christopher H. Heep, Esq.
Miyares and Harrington LLP, 40 Grove Street Suite 190
Wellesley, MA 02482
Phone Number (617) 804-2422

Applicant is: Owner X Tenant _____
Agent/Attorney _____ Purchaser _____

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA 02492
Telephone Number (781) 455-7500

Characteristics of Property: Lot Area 75.9 acres Present Use DPW Storage Facility
Map 308 Parcel 2 Zoning District Single Residence A

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
The Applicant requests an additional minor modification of the Decision dated November 20, 2018 authorizing construction of the Jack Cogswell Building to extend the time for the DPW to temporarily occupy the building through August 31, 2023.

Signature of Applicant (or representative) [Signature]
Address if not applicant 40 Grove Street Suite 190, Wellesley, MA 02482
Telephone # (617) 804-2422
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board [Signature] Date 9/15/22
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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 1407 Central Avenue
Name of Applicant Town of Needham Select Board
Applicant's Address c/o Christopher H. Heep, Esq.
Miyares and Harrington LLP, 40 Grove Street Suite 190
Wellesley, MA 02482
Phone Number (617) 804-2422

Applicant is: Owner X Tenant _____
Agent/Attorney _____ Purchaser _____

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA 02492
Telephone Number (781) 455-7500

Characteristics of Property: Lot Area 75.9 acres Present Use DPW Storage Facility
Map 308 Parcel 2 Zoning District Single Residence A

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
The Applicant requests an additional minor modification of the Decision dated November 20, 2018 authorizing construction of the Jack Cogswell Building to extend the time for the DPW to temporarily occupy the building through August 31, 2023.

Signature of Applicant (or representative) [Signature]
Address if not applicant 40 Grove Street Suite 190, Wellesley, MA 02482
Telephone # (617) 804-2422
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

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Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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



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

August 25, 2022

BY EMAIL (lnewman@needhamma.gov)

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

**Re: Jack Cogswell Building—1407 Central Avenue
Request for Minor Modification of Major Site Plan Special Permit**

Dear Planning Board Members:

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

The Planning Board amended the Decision on January 4, 2021 and again on October 19, 2021 to temporarily allow approximately sixteen (16) DPW employees to work from the Jack Cogswell Building through August 31, 2022. This amendment was necessary because when the Jack Cogswell Building was originally permitted in 2018, it was understood that it would not be staffed on a regular basis, and the Decision included several findings of fact to that effect.¹ Notwithstanding the original intent for the building, the onset of the COVID-19 pandemic forced the DPW to look for workspace beyond its headquarters at 470 Dedham Avenue for employees to report to at the beginning and end of each workday, and to work from during inclement weather. Accordingly, the Planning Board granted a series of approvals to allow DPW staff to work from the building, with the most recently granted approval set to run through August 31.

The Applicant requests that the Planning Board issue an additional modification to allow current staffing levels at the Jack Cogswell Building to remain in place through August 31, 2023. The continued use of the Jack Cogswell Building is necessary to allow for adequate spacing of staff during the workday. The continued use of the building will not cause any negative impact to the

¹ See Amendment Decision dated November 20, 2018 at Finding 1.5, Finding 1.8, Finding 1.14 and Finding 1.15.

site or to the surrounding neighborhood. As provided for in the Planning Board's previous temporary approvals, there is sufficient parking on site and the use of the building by DPW staff has been completely without any incident or complaint since it began.

In addition, the Town is currently performing a feasibility study of the reconstruction of the DPW building at 470 Dedham Avenue. This study was authorized by vote under Article 27 of the Warrant of the May 2022 Annual Town Meeting. Maintaining the workforce status quo at the Jack Cogswell Building while this feasibility study is underway, and the Town considers its options for the DPW headquarters, will be helpful.

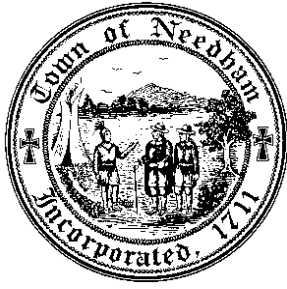
Based on the foregoing, the Applicant hereby requests that the Planning Board grant an additional temporary minor modification of the Amendment Decision for 1407 Central Avenue dated November 20, 2018 to allow for approximately sixteen (16) DPW staff to report to and/or work from the Jack Cogswell Building through August 31, 2022, subject to all of the same terms and conditions included in the last approval voted on October 19, 2021.

Sincerely,



Christopher H. Heep

cc: K. Fitzpatrick
C. Lustig



PLANNING DIVISION
Planning & Community Development

DECISION
MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT
September 20, 2022

Town of Needham
Application No. 2013-02

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

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

This Decision is in response to an application submitted to the Board on September 15, 2022, by the Petitioner. The requested Amendment would, if granted, allow Department of Public Works (DPW) staff at the Jack Cogswell Building to remain in place through October 31, 2023. The prior approval stated that staffing at the Jack Cogswell Building would automatically expire forty-five (45) days after the Governor lifted the COVID-19 state of emergency (Decision dated January 4, 2021) and subsequently through April 30, 2022 (Decision dated October 19, 2021).

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on September 20, 2022 in Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, MA and via remote meeting using Zoom ID 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada, and Artie Crocker were present throughout the proceedings. Testimony and documentary evidence were presented, and the Board acted on the matter.

EVIDENCE

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

- Exhibit 1** Application form for Further Site Plan Review completed by the Applicant dated September 15, 2022.
- Exhibit 2** Letter from, Christopher H. Heep, Attorney, Miyares Harrington, dated August 25, 2022.
- Exhibit 3** Plan entitled “Proposed Site Plan Jack Cogswell Building”, prepared by Engineering Division, Department of Public Works, Needham, MA, 02492, dated January 12, 2021.

FINDINGS AND CONCLUSIONS

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

- 1.1 The Petitioner proposes to have the decision amended to allow Department of Public Works staff to temporarily report to and work from the Jack Cogswell building through October 31, 2023.
- 1.2 The Planning Board amended the Decision on January 4, 2021 to temporarily allow approximately sixteen (16) DPW employees to work from the Jack Cogswell Building. This amendment was necessary because when the Jack Cogswell Building was originally permitted in 2018, it was understood that it would not be staffed on a regular basis, and the Decision included several findings of fact to that effect.¹ Notwithstanding the original plans for the building, however, the COVID-19 pandemic forced the DPW to look for workspace beyond its headquarters at 470 Dedham Avenue for employees to report to at the beginning and end of each workday, and to work from during inclement weather. Accordingly, the Petitioner sought the Planning Board's approval to allow DPW staff to work from the building during the state of emergency, and the Planning Board conditionally approved this request on January 4, 2021. The Planning Board's decision stated that this approval for staffing at the Jack Cogswell Building would automatically expire forty-five (45) days after the Governor lifted the COVID-19 state of emergency.
- 1.3 By Decision dated October 19, 2021, the Planning Board extended the relief granted in the January 4, 2021 decision through August 31, 2022.
- 1.4 The Petitioner now requests that the Planning Board issue an additional modification to allow current staffing levels at the Jack Cogswell Building to remain in place through October 31, 2023. Although the Governor has now lifted the state of emergency, the threat of COVID-19 remains ongoing. The DPW continues to need the Jack Cogswell Building as a base of operation in order to adequately space its staff and to provide for sufficient social distancing during the work day. The continued use of the building will allow for this, and it will not cause any negative impact to the site or to the surrounding neighborhood. As provided for in the Planning Board's January 4, 2021 temporary approval of staffing levels, there is sufficient parking on site and the use of the building by DPW staff has been without incident or complaint since the onset of the COVID-19 pandemic.
- 1.5 The Town is currently performing a feasibility study of the reconstruction of the DPW building at 470 Dedham Avenue. This study was authorized by vote under Article 27 of the Warrant of the May 2022 Annual Town Meeting. Maintaining the workforce status quo at the Jack Cogswell Building while this feasibility study is underway, and the Town considers its options for the DPW headquarters, will be helpful.
- 1.6 The Petitioner has prepared a plan (Exhibit 3) showing the location of additional on-site parking. The Jack Cogswell Building has three (3) permanently approved parking spaces, as well as the additional 11 temporary spaces for the additional staffing during this interim period. To the extent that there is any parking demand beyond what can be accommodated in this area, DPW staff will

¹ See Amendment Decision dated November 20, 2018 at Finding 1.5, Finding 1.8, Finding 1.14 and Finding 1.15.

temporarily use the available parking spaces located across Central Avenue at the Claxton Field House.

- 1.7 The Board hereby approves the modifications as described under Exhibits 1 and 2 above, with the plan (Exhibit 3) as approved in the prior decision showing the available parking. The Board further approves that the current staffing levels at the Jack Cogswell building be permitted through October 31, 2023 to ensure proper time to transition staff to other locations and to provide the Town with time to consider the possible reconstruction of the DPW building.
- 1.8 The proposed changes are deemed minor in nature and do not require public notice or a hearing.

CONDITIONS AND LIMITATIONS

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

- 2.1 The Board approves approximately 16 DPW employees temporarily reporting to the Jack Cogswell Building through October 31, 2023. Given that the DPW's core functions are based outdoors—including operations and maintenance of the public ways, fields, water and sewer facilities, etc.—these employees will then generally work at other locations (not within the building itself). At any given time, and mostly during inclement weather, one or more employees might be expected to work inside cleaning, prepping or making minor repairs to their equipment. While the above description is intended to be an accurate description of the DPW's needs as of the date of this writing, the Board recognizes that there is some need for flexibility as DPW responds to changing seasonal conditions.
- 2.2 Operation of the facility shall be as described under Exhibits 1 and 2 and as in the prior decisions on this matter (specifically those dated January 4, 2021 and October 19, 2021) and Sections 1.4, 1.5, 1.6 and 1.7 above.
- 2.3 This Decision Amendment allowing DPW staff to report to and/or work from the Jack Cogswell Building during the COVID-19 state of emergency, as limited above shall automatically expire on October 31, 2023.

DECISION

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

- 3.1 The proposed changes are deemed minor in nature and do not require a public notice or public hearing. No 20-day appeal period from this Amendment of Decision is required.
- 3.2 The requested modifications are granted.

Witness our hands this 20th day of September, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chair

Jeanne S. McKnight

Paul S. Alpert

Natasha Espada

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2022

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: _____

My Commission Expires: _____

Copy sent to:

Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Board of Selectmen
Engineering
Fire Department
Police Department

TOWN OF NEEDHAM
MASSACHUSETTS



PLANNING BOARD

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 of Applicant Needham Enterprises, Inc.
Address 105 Chestnut Street, Suite 28 Needham, MA 02492
2. Name of Engineer or Surveyor Field Resources, Inc.
Address 281 Chestnut Street, Needham, MA
3. Deed of property recorded in Norfolk County Registry,
Book 39833, Page 267
4. Location and description of property: Lot 251 on Lawton Road abutting 93 South Street
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.**
 - b) Land designated _____ 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 the applicant is not the owner, written authorization to act as agent must be attached)

Signature of Applicant [Signature]

Address _____

By EVANS HUBER, ESQ.

(agent)

FRIEZE CRAMER ET AL, 60 WALNUT ST. WELLESLEY, MA

Application accepted this 6 day of Sept. 20 22
as duly submitted under the rules and regulations of the Planning Board.

By [Signature]

Needham Enterprises, INC
105 Chestnut Street, Suite 28, Needham, MA 02492
781-444-8060 (P) 781-444-8070(F)
Needhamenterprises105@gmail.com

September 6, 2022

Members of the Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492



Re Application for ANR

Dear Planning Board Members and Ms. Newman:

I as Manager and Member of Needham Enterprises, INC and do hereby authorize Attorney Evans Huber to act on my behalf on all matters appearing before the Planning Board regarding ANR application for Lot 251 on Lawton Road.

Sincerely,

Matt Borrelli
Needham Enterprises, INC
Duly Authorized

FOR REGISTRY USE ONLY

LEGEND:

- IRON PIPE
- IRON ROD
- STONE BOUND WITH DRILL HOLE
- IP IRON PIPE
- SB/DH STONE BOUND WITH DRILL HOLE
- IR IRON ROD
- FND. FOUND

IT IS HEREBY NOTED AND DISCLOSED THAT IN THE EVENT THE EXISTING GARAGE ON LOT 251 IS NOT RAZED, AS SHOWN, AND EITHER LOT 251 OR LOT 252 ARE TRANSFERRED OR CONVEYED AS A SINGLE LOT, THEN ZONING VIOLATIONS WILL ARISE CONCERNING SUCH GARAGE AS A PERMITTED PRIMARY USE ON LOT 251

REFERENCES:

DEEDS:
BOOK 27191 PAGE 251 (LOCUS)

PLANS:

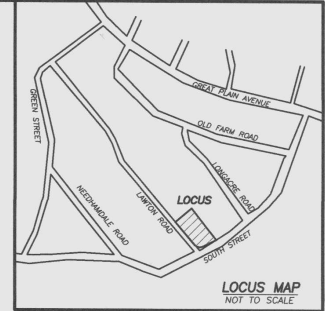
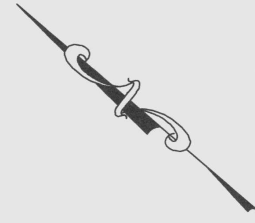
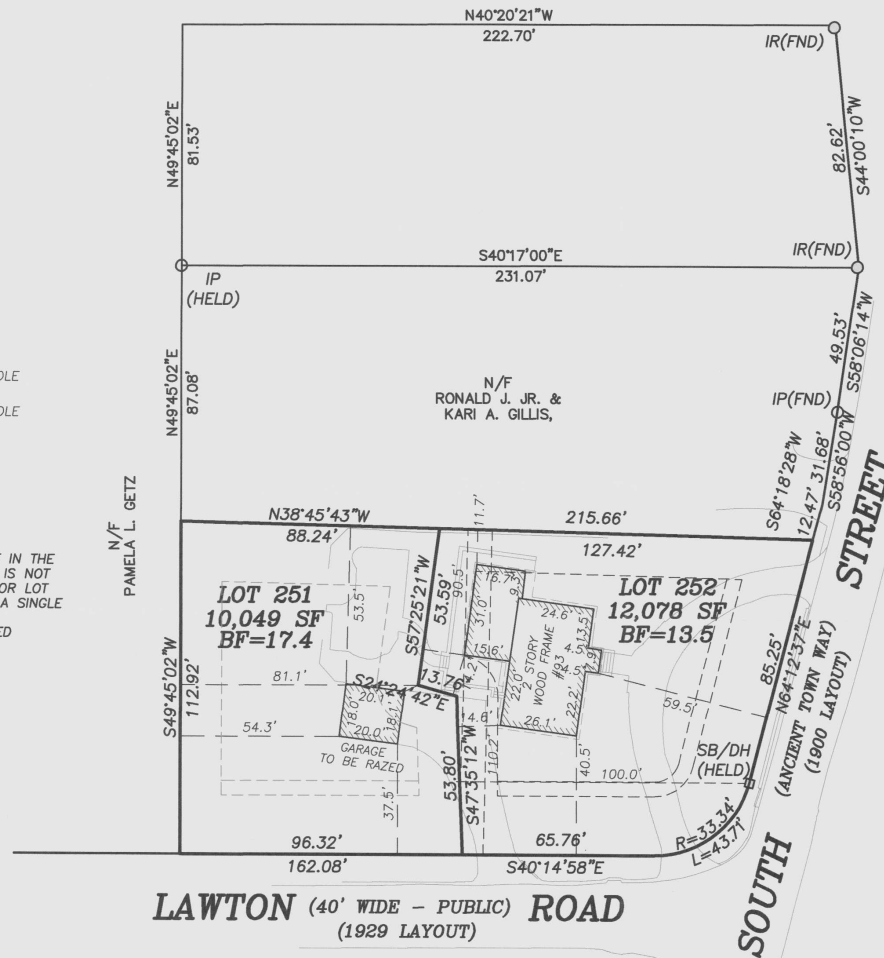
PLAN 868 OF 1958 DEED BOOK 3664 PAGE 454 (LOCUS PLAN)

ZONING INFORMATION: SINGLE RESIDENCE B (SRB)

	REQUIRED	LOT 251	LOT 252
MINIMUM LOT AREA	10,000 SF	10,049 SF	12,078 SF
MAXIMUM BUILD FACTOR	20	17.4	13.5
MINIMUM LOT FRONTAGE	80 FEET	96.32 FEET	85.25 FEET
MINIMUM FRONT SETBACK	20 FEET	N/A FEET	59.5 FEET
MINIMUM SIDE YARD	14 FEET*	N/A FEET	40.5 FEET
MINIMUM REAR YARD	20 FEET	N/A FEET	11.7 FEET
MAXIMUM BUILDING COVERAGE	25%	N/A	13.8% (1665 SF)
MAXIMUM F.A.R.	0.36	N/A	23.4% (2834 SF)
MAXIMUM BUILDING HEIGHT	35 FEET	N/A	26.4 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	N/A	2 STORIES

101-21

ZONING INFORMATION: SINGLE RESIDENCE B (SRB)



APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
NEEDHAM PLANNING BOARD

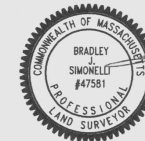
DATE:

NO DETERMINATION AS TO COMPLIANCE
WITH ZONING REQUIREMENTS IS MADE
OR INTENDED.

THE PURPOSE OF THIS PLAN IS TO
DIVIDE 93 SOUTH STREET LOT 25A INTO
LOTS 251 AND 252.

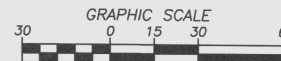
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS.

I CERTIFY THAT THIS PLAN IS BASED UPON AN ACTUAL FIELD
SURVEY, AND THE LATEST PLANS AND DEEDS OF RECORD.



APPROVAL NOT REQUIRED
PLAN OF LAND
93 SOUTH STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS



OWNER/APPLICANT:
NEEDHAM ENTERPRISES, LLC
105 CHESTNUT STREET
SUITE 28
NEEDHAM, MA

JOB NO. 101-21

REVISED

JUNE 6, 2022

SCALE 1"=30'

P.O. BOX 324
AUBURN, MA
508 832 4332

281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936

office@fieldresources.net

Multi-Family Zoning in MBTA Communities: **Final** DHCD Regulations

PRESENTATION TO NEEDHAM PLANNING BOARD

SEPTEMBER 20, 2022



Chapter 358 of the Acts of 2020

- Requires each MBTA community to have “a zoning ordinance or by-law that provides for at least one district of reasonable size in which multi-family housing is permitted as of right.”
- The housing cannot have age-restrictions and must be suitable for families with children.
- The zoning must allow for at least 15 units per acre.
- The district must be within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.
- Non-compliant communities will be ineligible to receive state funds from the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.
- The Mass. Department of Housing and Community Development (DHCD) is responsible for establishing guidelines for implementation and determining if communities are compliant.

DHCD Guidelines: As of Right

Multi-family housing must be allowed “as of right” for MF Zoning District to be counted.

- Multi-family is defined as “a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.”
- Requiring special permits for multi-family housing is prohibited.
- Site plan review is allowed to review certain items including traffic flow, public safety concerns, and architectural design.

DHCD Guidelines: Reasonable Size

Municipalities must have a multi-family zoning district of “reasonable size” meeting two thresholds: minimum land area and minimum unit capacity.

1) Minimum land area

- The multi-family zoning district for Needham (a commuter rail community) must be at least 50 acres and must be large enough and dense enough to accommodate 1,783 units (15% of Needham’s existing 11,891 housing units) – that is 100-120 acres, depending on allowed density.
- At least 25 acres of the district must be contiguous.
- No portion of the district can be fewer than 5 contiguous acres.
- The district should be of a neighborhood scale, not a single development site on which the municipality is willing to permit a particular project.

DHCD Guidelines: Reasonable Size

2) Minimum multi-family unit capacity

- A principle of DHCD's guidelines is that MBTA communities benefit from having transit stations and should provide the opportunity for multi-family housing development around these assets.
- The required "unit capacity" is a percentage of the total existing housing units in the municipality, determined by the type of MBTA community:

- Rapid transit community = 25%
- Commuter rail community = 15%*
- Adjacent community = 10%
- Adjacent small town = 5%

*Note: Under the final DCHC Guidelines, Needham is considered a commuter rail community. The town has 11,891 housing units. **Needham's minimum unit capacity of 15% is 1,784 units.** To zone for 1,784 units at 15 units/acre (the required minimum density), almost 120 acres is required; at 18 units/acre (the density allowed in Needham's Apartment A-1 zone), almost 100 acres must be rezoned.

DHCD Guidelines: Minimum Gross Density

Districts must average 15 units per acre density.

- A community can establish sub-districts with varying densities, as long as the density across the multi-family zoning district averages 15 units per acre.
- Density measurement includes land occupied by public rights-of-way and any recreational, civic, commercial, and other non-residential uses.
- When determining compliance, DHCD will not count certain “excluded” land in the denominator for the density calculation, such as rivers, lakes, wetlands, and privately-owned land for “education of institutional uses such as a hospital...utility, museum, or private school, college or university” and publicly owned land, although land owned by a housing authority or land that has been designated by the public owner for disposition and redevelopment (other publicly-owned land may qualify if DHCD determines that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing and will be converted to or made available for multi-family housing within a reasonable period of time.

DHCD Guideline: Suitability for Families

Multi-family zoning districts must be suitable for families with children.

- Zoning cannot place age restrictions on the units.
- Zoning cannot limit or restrict the size of the units, number of bedrooms, size of the bedrooms, or the number of occupants.

DHCD Guidelines: Location of Districts

- The amount of developable land near transit determines what portion of a community's zoning district must be located within ½ mile of transit.
- Needham has 1,223 acres of developable land within ½ mile of a commuter rail station, so 90% of our multi-family zoning district must also be within ½ mile of a commuter rail station.
- This 90% requirement applies to acreage (minimum land area) and to unit capacity. **Needham's multi-family zoning district must include at least 50 acres (45 acres of which must be within ½ mile of a commuter rail station) and the have the potential for 1,606 units.** At a density of 15 units/acre, 107 acres must be rezoned within ½ mile; at 18 units/acre, 90 acres must be within ½ mile.
- Bus stops along the #59 MBTA bus line do not qualify as a "transit station."

Total developable area within ½ mile of a transit station (acres)	Portion of the zoning district that must be within ½ mile of a station
0 – 100	0%
101 – 250	20%
251 – 400	40%
401 – 600	50%
601 – 800	75%
801+	90%

DHCD Guidelines: Affordability

- There are no affordability requirements.
- Communities may choose to require that a certain % of housing units built meet specific affordability standards (inclusionary zoning), with some restrictions:
 - the affordable units must be eligible to be listed on DHCD's Subsidized Housing Inventory,
 - the zoning cannot require more than 10% of the units in a project to be affordable; and
 - the zoning cannot require income eligibility below 80% of area median income
- The percentage of affordable units required may exceed 10%, up to 20%, if:
 - the affordability requirement applicable in the multi-family zoning district predates the enactment of this law (January 2021), or
 - The community has an approved smart growth district under chapter 40R.

DHCD Guidelines: Other

- **There are no housing production requirements.** Compliance is based on updating local zoning.
- **Multi-family zoning districts may already be built-out.** A community doesn't "count" existing units towards their unit capacity. Instead, the community would determine how many multi-family units the zoning district would allow by right on that parcel if it were undeveloped.
- **Municipalities do not have to increase the capacity of existing water and wastewater infrastructure.** Communities are encouraged to consider infrastructure when planning their multi-family zoning district, but DHCD will not factor it in when determining compliance.
- **The zoning district can allow for mixed-use development but cannot require it.** Mixed use projects may be allowed as of right, as long as multi-family housing is separately allowed as of right.
- The zoning district can include **energy efficiency standards** for multi-family housing but they cannot be higher than the standards required of other uses (e.g. commercial, industrial, etc.).

DHCD Guidelines: Compliance

- Non-compliant municipalities will be ineligible for state funding listed on the following slide.
- “Determination of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluation applications for discretionary grant programs, or making other discretionary funding decisions.”
- Determination of compliance can be rescinded if subsequent zoning amendments, by-laws or ordinances are adopted that materially alter the multi-family district.

Funding Implications

MassWorks: This is a competitive State grant program that offers the largest and most flexible source of capital funds for municipal infrastructure projects. Grants support projects that spur housing production, new jobs, or private development and range from \$500,000 to \$5 million. The Town received a \$1.675M grant for 1st Avenue and anticipates applying to this program in the future.

Housing Choice Initiative: Needham was designated as a Housing Choice Community in 2022, giving the Town access to additional grant funds for planning and zoning initiatives and public infrastructure construction projects. Grant opportunities range from \$25,000 - \$250,000. Needham received a 5-year designation until 2027.

Local Capital Projects Fund: This fund was established to collect a percentage of one-time gaming licensing fees paid to the Massachusetts Gaming Commission. Needham has not applied for these funds to date and does not anticipate doing so in the future.

Timeline

Date	Action
November 2022	DHCD makes a compliance model available to all communities. It will use local tax parcel data, MassGIS mapping, and a zoning checklist of other key dimensional and regulatory elements to assist municipalities in creating compliant districts.
January 31, 2023	Deadline to remain in interim compliance for 2023. Communities must submit a proposed action plan, including a timeline for any planning studies, community outreach activities, or other actions to create a compliant district.
2023 – 2024	DHCD staff will provide technical assistance and respond to inquiries about whether a proposed district complies, prior to going to Town Meeting. Inquiries must be submitted at least 90 days prior to any vote.
December 31, 2024	Zoning district must be adopted by commuter rail communities.

Next Steps

- **October/November:** The Housing Plan Working Group will present their draft plan to the Planning Board, Select Board, and the community before finalizing. This will include analysis and recommendations around options for compliance with these DHCD zoning requirements.
- **Late Fall/Early Winter:** Planning & Community Development staff will recommend a 2023 – 2024 workplan and timeline for compliance with the deadlines established by DHCD's final guidelines.



NEEDHAM PLANNING BOARD MINUTES

July 7, 2022

The Needham Planning Board Virtual meeting using Zoom, was remotely called to order by Adam Block, Chairman, on Thursday, July 7, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely per state guidelines. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include one public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Minutes

There are no comments tonight.

Report from Planning Director and Board members.

Ms. Newman noted the minutes and the decisions for 3 projects, 140 Kendrick Street, Babson batting cages and the adjustment to the Town Common, will be on the agenda for the 7/12/22 meeting. She stated the remote meeting option may get extended by the state. Flex meetings may be extended through mid-December 2023. The meeting schedule has been adjusted for September. The 9/6/22 meeting has been moved to 9/7/22 due to the elections.

Ms. McKnight gave an update on the MBTA guidelines. The Housing Plan Working Group (HPWG) ~~is~~ They are still waiting for the revised guidelines and the final guidelines will inform ~~of any~~ the rezoning recommendations the HPWG Housing Working Group ~~makes~~ does. She stated ~~the timing~~ will be tight to get the guidelines, have a meeting of the ~~group~~ HPWG, write the report and wrap that up.

Mr. Block commented the Governor and the State Legislature ~~House~~ may approve the ability for remote ~~(#Zoom)~~ meetings to continue, but he feels the Town wants hybrid meetings and will start convening in person soon. Ms. Newman stated the 7/12/22 Planning Board meeting will be by #Zoom and the August meeting will be hybrid. Mr. Crocker stated it is important to get to in-person meetings for the public. Mr. Alpert stated once the bill is passed, and goes into law, they will read the legislation to see what can be done. He wants to see what happens.

Public Hearing:

7:15 p.m. – Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 16 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham, MA). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses (see legal notice and application for more details). Please note: this hearing has been continued from the June 7, 2022 meeting of the Planning Board.

Mr. Block stated the Board had requested an updated site plan as the site plan did not show the 50-foot setback from the new layout of Gould Street. He will limit what is discussed tonight. Robert Schlager, President of Bulfinch, noted this is a world class redevelopment of the Muzi site. He noted there is a 557 Highland Avenue website where all the information regarding the project is available to all. He summarized what was covered at the 6/7/22 meeting. He received good questions and comments after that meeting. Responses have been submitted to most of the questions. He stated all are welcome to e-mail questions to the website and they will respond. He noted the focus tonight will be on transportation.

Mr. Schlager stated they have spent countless hours going through the project with everyone. There had been 7 neighborhood meetings in April and May and there has been a first hearing session ~~meeting~~ with the Planning Board. Sean Manning, Principal at VHB, noted the focus tonight would be on traffic. He ran through the transportation summary. He noted there has been a lot of community input and collaboration over the last months. This will be 500,000 square feet split

between office and life sciences. There will be a small amount of retail supporting use and community friendly use. A garage will be on the north side of the site. Access will primarily be off Gould with a secondary access through TV Place. The 2 buildings will be connected with an atrium. The loading dock has been shifted over. He walked through what has been done.

Mr. Manning stated there has been close consultation with Mass [Department of Transportation \(DOT\)](#). A traffic study has been submitted, the study has been reviewed by both peer traffic reviewers, it has been shared with the community in multiple meetings and there has been a lot of feedback. Mass DOT requirements are to look 7 years out with impacts with known projects. They have looked at all intersections between Highland [Avenue](#), Central [Avenue](#), Gould [Street](#) and beyond to get a complete understanding of the impacts. They have looked at trip generations but looked at existing site trips first and actual counts taken in 2020. These uses were much higher pre Covid. On some days, the car wash had 1,300 cars at peak so 2,600 trips. He noted they needed to look at actuals. They looked at a.m. and p.m. trips and estimated proposed trips. He noted the ITE trip national data and discussed mode share. They want to attract reverse commuters. The numbers estimate 12 to 14% transit will be bike share and work from home could be 14% but he believes that number is low. Actual trip making is lower than estimated. He discussed how vehicles will get to the site from which roads. He believes it will be dominated by 2/3 [coming](#) from [Route 128](#). The rest will be distributed through other roads.

He noted the site driveways on Gould [Street](#) and accounted for cut through traffic on Hunting [Road](#). They have looked closely at parking. He stated there is a significant amount of bicycle parking [proposed](#), with a secure area indoors for employees and outside for others. He noted 25% of parking [spaces](#) will have electric charging stations. He feels parking demand will be lower than zoning [standards](#) would suggest. With the percent of public transport users, hybrid remote work and bicyclists he feels the parking demand will be lower than 1,279 spaces. Life science space has far lower density than office. He believes the environmentally responsible thing to do is to have less parking. Mr. Block stated there is a footnote [in the traffic report](#) regarding Cambridge and how people will commute, [but](#), ~~P~~people may not take a car to Cambridge. Maybe a use in Newton or on Wells Avenue or Waltham or Lexington should be used as the model where people are not taking the commuter rail into work. He asked how Mr. Manning thinks that would change the picture if one of those models was used.

Mr. Manning stated employees and patrons are not those parking. He used Cambridge because they require all owners and tenants to do detailed surveying every year. He is saying if people chose to park there, these would be the numbers. He expects he will get a follow up from GPI. Mr. Block noted the applicant is looking for a waiver of approximately 200 spaces to 1,408 and another 130 or so. [He noted that P](#)parking garages usually have an average of 130 spaces per floor [and](#), ~~He~~ asked if this would reduce the parking garage by a floor. Mr. Manning deferred to the proponent. He showed a slide of all proposed mitigations. He noted there are multi-modal solutions particularly at Gould and Highland. The first is bike lanes on the street level. A lot of community feedback was received regarding separated bike lanes. Second was TV Place. The intersection looked big. The project does not need these improvements, but they thought it would be good for the future.

Mr. Manning noted the rezoning effort had conservative assumptions built in like 120,000 square feet of retail space. That is the use that has the highest potential for trip generation. The project is only proposing 10,000 square feet of retail. He also looked at the approach of Gould and Highland. He believes the turn onto [Route 128](#) is necessary. They went with separated lanes and a shared through lane. There are 2 alternatives for bike lanes and the addition of a crosswalk after TV Place. There could be a separated bike lane at sidewalk level on the west side of Gould Street and rebuild the sidewalk on the east side of Gould all the way to Noanett [Road](#). Or there could be a 2-way bicycle path from the Highland/Gould intersection to the crosswalk at the abandoned right of way that would go to the channel markers and after that to Central Avenue. Option 3 is the same as option 2 but the 2-way cycle track has shifted to the east side of Gould Street. All other aspects are identical. Both options are superior to on-street bike lanes.

Mr. Manning stated there is still work to do at the intersection of Gould and Central. He does not see any right of way impacts to any homes. There may be a need for a small easement across the street. He summarized the pedestrian and bike accommodations. There will be up to 154 bicycle parking spaces on site, a 2-lane separated bicycle lane and a fitness path. There will be a crosswalk at the railroad [right-of-way crossingwalk](#). There ~~is~~[will be](#) a direct connection to public transit via an electric shuttle with the potential to connect to the Green Line or commuter rail. He noted Noanett and Hunting are cut through streets. The applicant is committed to working with the town to reduce speed and find strategic locations to put in

speed signs with embedded radar. There have been community conversations on Sachem Road regarding people making U turns on Highland Avenue. That is not part of this project, but they are looking at it.

Mr. Manning stated they are doing the Gold Standard for the Transportation Demand Management (TMDM). He reviewed the proposed measures. He stated monitoring is the big thing and the applicant will become an active member of the 128 Business Council.

Rebecca Brown, from GPI, received responses from VHB last Thursday. She has not gone through all the details but read through the responses to see if the applicant has adequately addressed the questions. She is still going through the details of the analysis, but she has general comments. Some plans are new to them, and she is going through them to see if they make sense. She noted a lot of their responses adequately address her concerns. She reviewed what they had been asked to do and what is being looked for. A couple of locations have been degraded such as the Hunting/Gould/Highland intersection. Hunting northbound is at a Level F. Signal timing modifications have been included in the improvements at that location. The Highland Avenue and West Street intersection has a Level Service F (over capacity). Some signal timing improvements appear to mitigate that, and it is agreed it should be mitigated.

Ms. Brown noted that the Highland Avenue and Webster Street intersection is a Level F. They are proposing signal timing improvements which will bring it back to Level D, but it is still over capacity. It is not making it any worse, though. There may be slight changes to the signal timing to improve it more. Highland and First Avenue is not adding much delay. It is a Level F in the p.m. With signal timing improvements it could be Level E and possibly Level D. She wants to make sure the applicant is going to actually do this. It is not clear. It is similar at Hunting Road and Kendrick Street. Signal timing changes would drastically improve this and she wants to confirm the changes will be made. Those are the traffic operations she is concerned with.

Ms. Brown noted there are safety concerns with crash rates at some locations. Highland and West, Hunting and Kendrick and Highland/Gould/Hunting should be improved with the changes proposed. Hunting and Kendrick had no rationale for crashes. She asked if the clearance intervals are ok. Highland and West has no consistency with how angle crashes were occurring. She did notice a couple of crashes were bicycle crashes. She asks the applicant to look at bicycle improvements there. Gould and Central has large queues that extend back to Noanett. Signage needs to be looked at but she wants to make sure it does not impact residents. For TMDM measurements, she requests the applicant contact the MBTA to advocate for continuing transit to the site. That may not be able to happen, but shuttle services would help. The separated bike facility on the site side would provide better alignment for Gould through Hunting. It may be a better option and also provides a larger stacking distance. She believes there are benefits to having it on the site side.

Mr. Block stated Ms. Brown was very methodical on the 5/27/22 letter to the Board. He asked if there are still items she is looking for additional solutions for. Ms. Brown noted there are only a couple of outstanding items. She is still digesting the plans. There will be a follow up report. Mr. Crocker asked whether, if the bike path ~~werewas~~ on the site side, would bikes have to cross Gould Street twice. Mr. Manning stated it depends which direction the bicyclist is going in. It would be a challenge on either side. Mr. Schlager feels it would be residential bicyclists. Mr. Crocker asked if it was clear to state, even with an electric shuttle, if the applicant could do a multi-modal pathway along the now-unused railroad right-of-way, it would greatly decrease traffic on Highland Avenue. Ms. Brown stated it would reduce the level of service if another way to get traffic across 128 could be found.

Mr. Crocker stated there is a desire to reduce the height of the parking structure. If the applicant took off a level that would be 10% less parking. If the project is 10% less that would alleviate the concern of having one level of the parking structure removed. Mr. Manning stated he would be concerned with underparking. He feels it is right to waive the zoning but not too much. He believes the number of parking is correct for the proposal. Ms. McKnight commended Bulfinch and the Bulfinch team for responding to the comments from the neighbors and the Board. The entrance to TV Place was changed. She is glad to see the loading dock will be accessed from the north side from TV Place and the door to the parking garage is off TV Place. If the turning radius is smaller at TV Place, it needs to be looked at. She noted the separated through/right lane from Gould to Highland. She can see the reason for making Gould Street ~~it~~ only 4 lanes total. She is not sure 3 lanes for the approach to Highland are necessary, though. She wants to see if fewer lanes would be ~~it is~~ sufficient to handle the traffic. She wants to understand the bike lanes, double bike lanes and the sidewalk. She asked if there would be a separated sidewalk and the 2 bike lanes and was informed there would be.

Ms. McKnight noted Needham allows biking on sidewalks except in downtown, ~~thus,~~ ~~and~~ this project will really have 3 lanes for biking, including the sidewalk. She asked if all of this is going to be within the layout of the Gould Street right of way or would some of it on the site side and just be a site feature. Mr. Schlager stated he likes to isolate sidewalks for walkers. The solution will ultimately be based on GPIs recommendations. They have put up 3 alternatives, and will see if a consensus can be reached and they would come back. Ms. McKnight asked if, stated ultimately, the bike lanes and sidewalk would be within the public way of Gould Street. Ms. Brown stated that, it appears, traffic at Highland and Gould would work with the geometry the applicant has shown with the 4 lanes coming out. The only thing for the Town to consider is if future development may create be a need for additional lanes. With a separate bike facility on the west side there is not a straight alignment. Stop lines would need to be set further back on the east side for a much straighter alignment and it gives 15 or so feet for cars to back up on the site. The big trade off is it is not on the same side of the street as the project. The shoulder could be widened from 2 feet to 4 feet for a bike-~~accommodating~~ shoulder.

Ms. Espada thanked VHB and the team for the thorough traffic review. She asked if there are any concerns going from 4 lanes to 3 lanes to 2 lanes at TV Place regarding backups there. Mr. Manning stated the additional lanes are basically to get turning traffic out of the way of the through traffic. Past TV Place toward Highland is left turn lanes, 2 lanes moving forward and a single lane all the way to Highland and a short left lane. This will be far more efficient than what has been there and it will be augmented with sidewalks, signals and crosswalks. Ms. Espada noted there is a problem at the corner of Gould and Central and asked if any consideration is being given for improvements at that intersection. Ms. Brown recommends installation of a traffic signal. It meets the warrants for a signal now. Ms. Espada stated the EV charging stations are great and she is very pleased. She approves of the loading dock improvements. She asked if they have tested different trucks coming in off Gould Street to make sure it is not impairing the site. Mr. Manning stated they have tested and did turning studies.

Ms. Espada asked about the sustainability piece of shuttling people into the site. She asked if the shuttle connection has been successful with other projects. Ms. Newman noted it has been successful. Most of the businesses in the business park are members of the 128 Business Council. This applicant is proposing to join. Ms. Espada asked what the proposal is and if there are any ideas of the numbers. She asked how they can reduce parking on the site. Mr. Manning described the shuttle in Waltham and how great it works. They are using the same model here. He believes they can reduce parking and traffic by 10-12%. Ms. Espada stated the MBTA bus line goes down Webster Street and down Central Avenue but does not serve this area. Have there been any discussions with the MBTA about providing bus service to this site? Mr. Schlager stated he has already initiated with the MBTA the pick-up shuttle service. Bulfinch has other properties on Gould Street, and they have asked for shuttle service. It is a joint effort. With the 2 properties on Gould Street, and the 3 additional proposed, he feels there will be enough to justify a stop.

Mr. Alpert stated it sounds like most bike traffic is going to be neighborhood and not commuters. If bike lanes are on the site side of Gould the neighborhood cyclists would be competing with cars in and out of the project. It seems it would be safer if the bikes are on the west side of Gould Street. Mr. Block noted there would be 5,000 or so trips to the site per day with 1,000 going through the neighborhoods to get to the site. He would like to know, at the next meeting, calculations pre-pandemic of what percent of tenant's employees go to properties through public transportation. Mr. Schlager stated the numbers will be low. There was not a high ridership goal pre-pandemic. The bus was set up with an uninviting approach. For a good guide, he will be looking at other towns. He will have VHB put together a summary. He could have the shuttle pick up at the other building as well. Mr. Block asked whether ~~noted~~ the shuttle will go to the end of the Green Line and also to the Needham eCenter commuter rail station. Mr. Schlager stated yes, and it is possible they may work with the 128 Business Council on such options.

Mr. Block reminded the applicant the Board had to call him in due to concern about his failure to support shuttle service to other Bulfinch properties in Needham. What assurances can he provide the Town that he wants to continue to participate? Mr. Schlager stated the way it was structured was not fair. They had a vacant building and there was no one there to shuttle. The buses sat there idling and there were complaints. All are aware of what happened. Once the tenants came back, they are now in full mode with the 128 Council shuttles. Mr. Block commented the applicant seems to be providing a robust level of traffic mitigation. He opened the meeting to the public. He noted the Board has received 47 emails from the public that have been included in the packet for this evening. All correspondence is very helpful. He reiterated all members read all the correspondence.

Maureen Dimeo, of Central Avenue, noted she is about 1 mile from Gould Street. There are many small homes torn down and large monstrosities built. Sadly, her kids will not be able to afford to live here. This is another monstrosity that is being built here. She has watched this since the beginning. Traffic is from the Highland Avenue exit; traffic is feeding from Cedar Street to Central Avenue and traffic is feeding onto the side streets. You cannot compare the business district across 128 to this neighborhood area. This is an opportunity to change the trajectory of the Heights for many years to come. Many of her friends are back to work. This is a public hearing, but she does not know how many people are here. Mr. Block noted there are 31 members from the public on the Zoom meeting. He explained the town license does not allow all to be seen.

Emily Pick, of 12 Mills Road, agrees with Ms. Dimeo. She is concerned with traffic. The analysis presented has no discussion of the side streets except Mills Road and Utica Road. She would like to see additional traffic mitigations put into place. She has heard zero reference to her street. Eva Zacepitzky, of 12 Mills Road, stated she has been here for 14 years. Traffic on Highland is worse. There are a lot of little kids in her neighborhood, and she is concerned one of them will get hit. There is no safe way to cross the street. She feels the neighborhood is cut in half. Natalie Ho, of 21 Utica Road, commented traffic is bad. They will go from 800 cars to 5,000 cars. She is concerned with the safety for kids and the carbon emissions. She feels it is not appropriate for the neighborhood. She has huge concerns with the scale of the project.

Henry Ragan, of 25 Bennington Street, echoed the previous sentiments. He feels there is a compromise on scale that could be made. He expressed kudos to the developer for the number of community meetings. The applicant does not know who the tenants are yet. Different tenants produce different traffic. He agrees with Ms. Dimeo regarding cars coming off 128. He asked, if there were MBTA bus service to this site, would that be impacted by the Governor's proposal of zoning being changed within ½ mile of routes. Ms. McKnight stated the guidelines being put out by the Department of Housing and Community development to implement a new law refers only to within ½ mile of transit stations. She is expecting them to issue the final guidelines this month. The Housing Plan Working Group will be focused on that this month. Mr. Block stated Hunting and Gould traffic goes through this site while 128 traffic does not.

Ben Daniels, of 5 Sachem Road, stated he lives across from this site. He noted the state put up No U Turn signs at Hunting and Highland, so people make U turns on Highland Avenue. With the cut through traffic, it sounds like the big dig back in the 80s. He hopes Bulfinch will commit to keeping an ongoing study regarding traffic and be willing to take mitigating steps in the future. He stated his end of Sachem Road is a private street. The people who live there have to keep it up. It is very heavily used. He hopes maybe Bulfinch would help with that. He would like a hybrid form of the meetings and would like the principals of Bulfinch to attend in person. Steven Sussman, of 30 Davenport Road, noted the public transportation shuttles. He commented no one takes shuttles unless there is no parking. He wants a police presence. Signs and no cut through is a joke. People work different hours and Needham is not a biking town. He has been here many years. He never let his kids walk across Highland Avenue. The bike lanes are ridiculous and go nowhere. The trip distribution from 2/12 to 2/16 with 32% arriving on the Highland Avenue exit is delusional. Everyone finds short cuts. The Cedar Street/Central Avenue crossing guard does the best she can, but it is a mess. He respects the traffic study, but it is delusional. If the people from Bulfinch do not see the problem with the road, that is the problem.

Holly Charbonnier, of 94 Sachem Road, appreciates all Bulfinch has done to meet with the community. She appreciates what Mr. Crocker said regarding decreasing the parking and size. She sees the merits of the project but feels a 1.0 FAR would be a more reasonable size for the community. An FAR of 1.25 is too large when it abuts against residential houses. Ashley Scheufele, of 52 Greendale Avenue, shares the concerns of the previous speaker with regard to scale and height of the parking structure. She wants to make sure the neighborhood in the Heights stays safe for seniors and children and they keep the speeds down on Gould and Highland. It will become dangerous for the residents who live here. There will be increased pollution and dangerous intersections for bikers and walkers. She wants to make sure the project is compatible with the residences around it. The sidewalk level bike lanes are good and the improvements to sidewalks. More steps can be taken to make sure this is accessible to families and kids. Amenities will not be good if not accessible. The safety of the neighborhoods is paramount.

Dena Krieger, of 7 Utica Road, lives across from Wingate. She is concerned with the scale of the project. It is too massive for being across the street from residential. She works from home and sees things all day long. There are speeders and she

is worried with kids as there are a ton in this area. That this is a cut through is not an exaggeration. People turn around in her driveway. It is a very active area. She is excited for progress but concerned with the scale. She respectfully requests the applicant listen to what the neighbors in the area are saying.

Mr. Crocker feels members of the Planning Board should get a chance to respond while people are here. It is important to balance what is going on. The Utica Road area has transitioned quite a bit and there are a lot of kids there. There has been a lot of talk about Noanett but none about the Utica/Sachem area. He is not looking for symmetry between this side of 128 and the other side. He does not know what could be done to mitigate Utica/Sachem except reduce traffic. Mr. Alpert reiterated what Mr. Crocker said. He thanked the neighbors who spoke. They brought traffic issues on the other side of Highland Avenue that the Board was not focused on. He encouraged the neighbors to continue to attend meetings and send letters with feedback. Ms. Espada feels the same. She appreciates the community's comments and takes them all seriously.

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

VOTED: to continue the hearing to 9/7/22 at 7:05 p.m.

Review of Brewery Zoning for 2022 Special Town Meeting.

Ms. McKnight recused herself from this discussion. There are 3 ~~of~~ 4 industrial zones to be discussed and she lives across the street from the largest of these. She also serves on the Board of Directors of Rosemary Ridge Condominiums. She was moved to an attendee.

Ms. Newman noted the draft in front of members is what is being put forth. Town Counsel Christopher Heep suggested a couple of minor modifications. She reviewed the areas a Brew Pub is to be allowed by Special Permit. It is allowed in B and C by Special Permit and in the Chestnut Street Business District limited to the portion south of Keith Place. A Microbrewery is to be allowed in Industrial 1, the New England Business Center both south and west of Second Avenue, in Highway Commercial 1 on both sides of Highland Avenue west of Second Avenue and both Mixed Use 128 and Highway Commercial 1 by Special Permit. Mr. Block stated the Board had found reason not to include the Industrial District on Crescent Street. A discussion ensued.

Ms. Newman noted the framework created is what would be advertised. It cannot be made broader but can be made narrower. She feels it should be made as broad as possible. Mr. Block stated the Select Board has met to update the alcohol policy so this can go forward. Mr. Alpert stated the reason he wanted to defer was to make sure the wording is correct. He asked if Mr. Block and Ms. Newman were satisfied the wording accomplishes what the Planning Board wants. The Finance Committee raised some questions and he asked if they were addressed. There are 3 other areas in town ~~industrial-zoned~~ industrial. He feels the 3 Squares Restaurant location may be a good location for a brew pub. He feels on Crescent Road a brew pub may make sense. He does not feel it would make sense along Hillside Avenue at all. Crescent Road is surrounded by residential and has a 50-foot setback from residential. He is not in favor of changing that. There is a question if a brew pub could go in there and meet the 50-foot setback. He is in favor of Crescent Road and 3 Squares to include brew pubs but not microbreweries.

Ms. Newman noted there is a small industrial area off Reservoir Street and a small area off Denmark Lane near Needham Center. Mr. Alpert stated it seems logical for the industrial area off Reservoir Street on the south side of Central Avenue. Mr. Crocker and Ms. Espada agreed. All agree there is no sense on Denmark Lane for either use. Mr. Crocker stated his concern about a brew pub on Crescent is the fact it is residential. Everyone would go through residential to get to this. Ms. Espada would not include Crescent Road. Mr. Alpert stated restaurants are an allowed use in all the industrial districts, and restaurants could have a liquor license. He does not see a difference with a brew pub. He asked if the Board is prepared to change the zoning to take away restaurants on Crescent Road. He is not.

Mr. Block stated he understands but the difference from the Crescent Road industrial district is not driving through over 20 homes. There is only one way to get to it. There is an elevated level of risk. Mr. Alpert stated there have been many restaurants ~~that where~~ he has to drive to through a residential neighborhood ~~to get to~~. Every brew pub he has been to has only had beer and no hard alcohol. He feels there is more danger with a full liquor license than a brew pub. Mr. Crocker appreciates what Mr. Alpert says. They are talking about the risk. There is no need to add increased risk to this

neighborhood. There is no public benefit when there are so many other possible locations in town. There is no logic to add that risk.

Ms. Espada commented she associates restaurants with families and to eat. They do not need to drink and there is more flexibility. A brew pub is a destination to drink. Mr. Block stated Ms. McKnight worked very hard on an initial draft of zoning. It went through Town Counsel and a consultant that was hired. The Board has done the best they can. He asked if they should include Industrial Districts or not. Mr. Crocker, Mr. Block and Ms. Espada are against including Crescent Road. There is a consensus on the 3 Square area and Reservoir Street area south of Central Avenue. He commented he would love to see a massive redevelopment from Central Avenue to the river and the river to Highland Avenue. He would love to see a brew pub or microbrewery here. All agree. They also agree to just a brew pub where 3 Squares is.

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

VOTED: to send the Article to the Select Board for the purpose of holding a public hearing with the 2 minor edits made by Town Counsel Christopher Heep and recommendations. to the definition of microbreweries and also reflect the changes discussed tonight to allow brew pubs and microbreweries in the Industrial area [south of Reservoir?] and brew pubs under the same framework to allow brew pubs in the 3 Squares location.

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There was a discussion regarding the time for the public hearing on 9/7/22. It was decided to open the Bulfinch hearing at 7:05 p.m. and continue it to a time specified.

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

VOTED: to schedule a public hearing for brew pubs and microbreweries for 9/7/22 at [7:05 p.m.?]

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Ms. McKnight returned to the meeting.

Correspondence

Mr. Block noted an email from Louis Wolfson advocating to include the Crescent Road area for brew pubs and microbreweries and a memo from Town Manager Kate Fitzpatrick regarding remote participation and the town policy going forward.

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

VOTED: to adjourn the meeting at 11:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

July 12, 2022

The Needham Planning Board Virtual meeting using Zoom, was remotely called to order by Adam Block, Chairman, on Tuesday, July 12, 2022, at 7:00 p.m. with Mr. Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely per state guidelines. He reviewed the rules of conduct for ~~z~~Zoom meetings. He noted this meeting does not include any public hearings and there will not 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.

Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). Regarding minor design changes to the proposed renovation of the Town Common.

Ms. Newman noted the relief was voted at the last meeting. The members need to vote the decision.

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

VOTED: to accept the Major Project Site Plan Special Permit No. 2009-06 amendment.

Decision: Amendment to Major Project Site Plan Special Permit No. 2005-02: Babson College, 231 Forest Street, Needham, MA, Petitioner (Property located at 0 Olin Way, Needham, MA, Assessors Plan No. 309, Parcel 17). Regarding request to construct a baseball batting building to be located at Govoni Field.

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

VOTED: to grant (1) the requested Major Project Site Plan Special Permit Amendment pursuant to By-Law, Section 7.4 and (2) Section 4.2 of the Decision, dated May 3, 2005; subject to the following plan modifications, conditions and limitations, pertaining to Babson College at 231 Forest Street.

Ms. McKnight noted on page 2, Exhibit 3, it says Conservation Commissioner. She asked if it should be Commission. Ms. Newman will look at it and will change if necessary. Mr. Crocker stated the Commissioner is the agent and actually gives the approval. Ms. McKnight noted on page 4, paragraph 1.13, last line it should say "set back" and not "setback". She noted the vote should be 4-0 and not 5-0. On page 5, section 3.9, she does not understand "the Petitioner shall secure a sewer connection permit or impact fee." It should say "or pay an impact fee." Ms. Newman will change it. Ms. McKnight noted on page 7, the reference to compliance includes the Board of Selectmen. She asked if that was standard wording and if it should be changed to the Select Board. It will be changed.

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

VOTED: to approve the decision granting the requested Major Project Site Plan Special Permit Amendment with regard to Babson College, located at 231 Forest Street, for a baseball batting building as set forth in the draft decision before us tonight.

Decision: Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, Petitioner (Property located at 140 Kendrick Street, Needham, MA). Regarding proposal for outdoor roof deck.

Ms. Newman noted the relief was voted at the last meeting and they need to vote the decision. Mr. Crocker noted the Board had needed some clarity on the egress. Ms. Newman stated the Board had asked the plan to be modified to show the 2 egress doors and the applicant has done that.

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

VOTED: to approve the decision dated 7/12/22 with respect to the Major Project Site Plan Special Permit No. 99-2.

Minutes

Ms. McKnight noted on the minutes of 5/3/22, page 2, was the comment to the Design Review Board or the Zoning Board of Appeals? Ms. Newman noted it should be the Zoning Board of Appeals. Ms. McKnight noted there was a reference to the Historical Society, which should be the Historical Commission. On page 6, second paragraph, Mr. Block stated that “it is not clear.” Mr. Block noted it should be deleted. Ms. McKnight noted on page 7, in the Report, fourth paragraph, Ms. Espada stated “this needs to be revised pre-zoning.” She is not sure what that means. Mr. Block stated this needs to be revised but it should be by Special Permit. The words “pre-zoning” will be deleted.

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

VOTED: to accept the minutes of 5/3/22 as redlined with the changes discussed tonight and accept the minutes of 5/17/22 as redlined.

Report from Planning Director and Board members.

Ms. Newman stated she is trying to set up a planning meeting for the Housing Plan Working Group. After a short discussion, it was decided to plan on 7/20/22 at 10:00 a.m. Ms. Newman will check with Karen Sunarborg to make sure she can make that time. Mr. Block noted he is working on plan initiatives to work on in the Fall. Ms. Espada left the meeting at 7:36 p.m.

Correspondence

Mr. Block noted an email from Tom Harkins, who spoke on breweries at the public meeting. He had additional comments. Ms. Clee will include it in the packet for the hearing on breweries.

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

VOTED: to adjourn the meeting at 7:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

From: [Emily Pick](#)
To: [Planning](#)
Subject: Fwd: Bullfinch Biolab proposal
Date: Wednesday, September 7, 2022 11:17:26 PM

Hello,

I want to share my opposition to any facility serving or making alcoholic beverages, or beer on the former Muzi property, now known as Bullfinch, and I do not want it in the new “commercial zone 1” in Needham Heights.

Our neighborhood is getting ransacked by commercial development.

Im more than happy to see a brew pub and or brewery in the Center of town, or in an industrial zone, that has the parking and police surveillance that such a facility requires.

I would never see a brew pub or microbrewery as a family friendly facility, and I’m familiar with both Mighty Squirrel and Trillium among others in the region, They target 21+ audience, primarily on nights and weekends and it doesn’t need to be in Needham Heights. We don’t need more traffic, and I don’t need to absorb the risk drunk drivers using my residential street as a cut thru street for their nights on the town. Furthermore, thr neighborhood would also fall victim of BC Football game day traffic, and other large regional events like the golf tournament this summer,(which was Miserable on Highland Ave because 2nd Ave and Trip Advisor areas was used for parking) and this type of facility, as a destination would only add to the congestion and road rage on those weekends. If I wanted to live in an area with lively pubs and nightlife, I would have purchased a home somewhere else. Allowing a brewpub, pub, bar or microbrewery in residential zone is poor planning.

Ironically, this conversation is happening at 10:30 on a Wednesday night , which limits the community’s access and visibility to this conversation.

Thanks,
Emily Pick

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From: Emily Pick
Sent: Monday, June 6, 2022 4:52:09 PM
To: planning@needhamma.gov <planning@needhamma.gov>
Subject: Bullfinch Biolab proposal

Hello Planning Committee.

I live at 12 Mills Road in Needham, which is 2 blocks West of the project.

I’m reaching out to reiterate my opposition to any expansion of the Bullfinch project. I live just off of Highland Avenue, and I’m absolutely opposed to any increases in size, scope, occupancy, or footprint of this facility. I’m opposed to the increase in FAR, and I’m opposed to the board allowing Bullfinch to increase the building height, and I’m opposed to increasing the number of stories on the facility,

on any parts of the project. Furthermore, I would suggest that Bullfinch minimize the size of the parking garage, to decrease the impact and scale of this project. Furthermore, I'm opposed to allowing the developer to build a restaurant, bar, pub, brewery or entertainment venue on this site.

My primary concern is traffic volume in the region. Over the years, I do not feel that the Town of Needham or the Planning Board has been listening to local residents on this project, and in fact when I attended a meeting a few weeks back, my feedback was snubbed on the grounds of my concerns. My family and I must live with the consequences of your decisions on a daily basis.

The quality of life in Needham Heights continues to deteriorate, and traffic is now worse than ever before on the Highland Ave-Needham Street corridor, and I measure this based on my experiences as I attempt to make a LEFT OR RIGHT turn from Mills on to Highland everyday, both at rush hour and at mid-day. It is increasingly dangerous just to get onto the street. When the light turns Green at Highland and Hunting, the traffic is unrelenting, in allowing new traffic to merge, especially after southbound drivers come off of I-95. Furthermore, the increases in pollution and litter thrown from cars is noticeable in past few weeks, and with many of the sidewalks in poor condition due to ongoing construction on Highland, its not even comfortable to walk on Highland Ave anymore.

Furthermore, I am strongly opposed to any special permits that would allow a restaurant, bar or brewery in this neighborhood. A "Trillium" type facility was suggested on the call I attended. I'm sharply opposed, on the basis of increased nighttime traffic and noise to the neighborhood.

Furthermore, such a facility would cannibalize existing struggling businesses in Needham Heights and Needham Center.

Finally, I don't accept the meager attempts to sell this project to Needham leadership on aesthetic improvements as the 'gateway to Needham' or 'community benefits' of this facility. A commercial lab (with potential bio-hazard risks) next to a highway will never be a destination for local kids to ride their bikes or play ball, and nor would I ever consider it as a destination for outdoor physical fitness or as community center, since the traffic has made it nearly impossible to cross Highland Ave.

In short, I'm most concerned with the day-to-day traffic patterns, and the impact that this additional expansion-oriented proposal has on quality of life in Needham Heights, and the health, safety and welfare of this community. I hope that my feedback is duly noted as the planning board evaluates this request for expansion.

Thank you,
Emily

Emily Pick
617.784.2796

From: [Maggie Abruzese](#)
To: [Planning](#); [Lee Newman](#); [Alexandra Clee](#)
Subject: Hybrid Meetings
Date: Sunday, September 11, 2022 9:11:56 PM

Dear Planning Board,

I understand that Hybrid meetings are a new thing and there may be some glitches at the start. I wanted to give you some feedback and suggestions. I attended the September 7, 2022 meeting in person. My husband attended via zoom. The meeting included a hearing of high interest to the public on the old Muzi site. There were several moments of spontaneous applause from the crowd which conveyed the strength of people's passions in this matter in much the same way as the speakers words did. The applicant did not appear at the hearing in person and was present only on Zoom. Unfortunately, the Zoom stream of the event did not transmit the applause – the sound was muted on the Zoom from the first clap and no visual of the audience was conveyed. This was a shame for the residents viewing from home, but more importantly it interfered with the applicant's knowledge of the public's thoughts and reaction to its proposal.

I would request that in the future the audio of all meetings mirror all the audio of the in person experience. I am sure there will not be many hearings which evoke such a high level of public interest and passion, but regardless, the Zoom audience should be able to hear the audio of the entire meeting in whatever form it takes.

Thanks for considering this.

Sincerely,
Maggie Abruzese
30 Bridle Trail Rd