

NEEDHAM PLANNING BOARD MINUTES

September 20, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and Virtual using Zoom, was called to order by Adam Block, Chairman, on Tuesday, September 20, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived via Zoom at 7:10 p.m.

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

Minutes

Mr. Block noted the minutes of 7/7/22. The Board agreed to strike, on page 7, the words "south of Reservoir" and note the vote for the hearing should be at 7:15 p.m. not 7:05 p.m.

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

VOTED: to approve the minutes of 7/7/22 with redline and additional changes from tonight.

Ms. McKnight noted on the minutes of 7/12/22, under Reports, add "Plan" after "Housing."

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 approve the minutes of 7/12/22 as amended.

Ms. Espada arrived at 7:10 p.m.

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.

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 waive the reading of the public hearing notice.

Robert Smart, attorney for the applicant, is asking the Board to amend some provisions of the Special Permit granted in 2017 for operational issues. He reviewed the issues. He noted the permit was issued to Sage but the corporation had a name change to Sira Naturals, Inc. The name was amended in 2021 and changed to Ayr in 2022. The applicant requests compliance reference be changed to the MA Cannabis Control Commission (CCC) rather than the MA Department of Public Health (DPH), since DPH regulations were rescinded in 2018. The applicant would like to change the appointment only requirement. There is sufficient parking on site and walk-ins are the norm. There are a lot of cancellations, so requiring appointments means available time slots go unused. He asked Vanasse & Associates to see what the effect on parking would be. They concluded there is sufficient parking on site. The applicant would also like to be allowed sales of marijuana products other than what is processed in their facility. The CCC regulations allows sales from other facilities. Sira is the only operator in the area prohibited from selling from other facilities. This is tracked by the state.

Mr. Smart noted they would like to increase the sales stations from 5 to 7. There is room in the facility, and it would let patients move more quickly through the facility. The Planning Board had said the applicant could have up to 8 employees on site. The applicant would also like to eliminate the requirement that the delivery vans be housed at a facility in Milford and be allowed to keep them in the locked garage on site. There could be a requirement no product be left in the van overnight. He showed a layout of the area. There are 18 parking spaces on site between 37 and 55 Franklin Street. The property line bisects those spaces. An easement was provided so Sira could use those facilities. Dan Roma is the owner of all 3 lots. The Building Commissioner received a complaint there were pallets on some spaces. Mr. Roma signed a letter reiterating the agreement and will not use those spaces. The Building Commissioner complained about the striping as it was faded. The restriping has now been done. The Building Commissioner also complained about the 18 striped spaces. He thought the spaces across at You-Do-It were part of this, but they are not. He spoke with Police Chief John Schlittler to address the concerns. He followed up with an email to the Board that he is ok with the changes but wants a follow up in 6 months.

Scott Thornton, of Vanasse & Associates, Inc., noted he prepared the traffic assessment. He showed a chart from January 2021 through July 2022 and noted transactions have declined from 5,053 in January 2021 to 2,307 in July 2022. He looked at the existing facility and the demand using data from Needham and the Somerville facility. They anticipate increases but there is sufficient parking on site and off. He did counts on 5/25/22 and compared it to 2017. He showed the values in a slide and noted the figures were based on Sira's experience with the Somerville facility. A large increase was included in the parking counts. He noted parking on site can accommodate the demand. He reviewed the traffic generation counts. He noted it is double in the evening than what was projected. They estimated 8 minutes between transactions but used 10 minutes per transaction. The current experience is about 4 minutes due to online transactions.

Mr. Thornton reviewed the parking inventory. There are 18 spaces on site and 18 off site. There are actually 24 spaces total on Franklin Street but the 6 in front of You-Do-It were not included. The maximum demand during the day is 9 spaces and 8 spaces at night. The counts include staff parking. The parking is in 15-minute intervals. He noted the applicant does not get close to the 18-space supply rate. During the mid-day time 13-14 cars are parked on Franklin Street when the businesses are open. It frees up after 5:00 p.m. The peak demand of 10 cars is between 5:00 p.m. and 5:15 p.m. then it settles down to 6 to 8 cars. Mr. Smart noted Sira has been operating for 5 years and never had lines. There have been no police incidents or traffic problems. He noted his expectation that no one from the public has comments or complaints. Louis Karger noted he started Sira Naturals. He noted appointment only people get there early and wait in their cars until their time slot.

Mr. Block noted the following correspondence for the record: a letter from Building Commissioner David Roche, dated 8/30/22, with concerns regarding insufficient parking; another letter from Building Commissioner David Roche, dated 9/15/22 stating he went on site and determined there is sufficient parking; 2 emails from Police Chief John Schlittler, dated 9/14/22, with concerns regarding public health and safety and 9/19/22 stating he has been assuaged after speaking with Attorney Smart but wants to review in 6 months. Mr. Block noted it may be a 2-step process – the Board may approve on a temporary basis for 6-months and then have another hearing in 6 months. If there are no impacts the Board may be open to removing the 6-month restriction and approve it.

Mr. Block noted an email from Tara Gurge of the Health Department, dated 9/13/22, with unresolved issues and comments and an updated email, dated 9/20/22, with comments regarding adopting the controlling authority of the Cannabis Control Commission. John Fernandes stated the applicant is under both authorities. The Board needs to use the word “both.” Mr. Alpert noted this is subject to CCC regulations and sanitary code through the National Board of Health. The permit will make that clear. Mr. Smart stated it would be appropriate for the Planning Board to state they shall comply with Article 20 and applicable sections of the state sanitation codes. Ms. McKnight noted this type of letter is not unusual for a Health Department if food is involved.

Mr. Block noted a letter from Town Engineer Thomas Ryder, dated 6/16/22, with questions regarding sufficient parking and an updated letter, dated 9/15/22, with no comment. Mr. Crocker stated when it was voted in by Needham, he thought the zoning was restrictive. He thinks it should be updated to what is going on in other parts of the state. It makes perfect sense to let them operate like the others. Mr. Alpert stated the applicant is asking for the vans to be garaged on site. He has 2 comments – to require the vans be empty and the garage be locked. The applicant has stated that would happen. He asked

Ms. Newman what the procedure is for a 6-month review. He thinks a request for another amendment in 6 months is too much to ask. There should be a procedure in place.

Mr. Smart stated he feels a 6-month review is overkill to require a new hearing to extend the relief granted on a temporary basis. This could be done administratively without the public hearing process being extended. Ms. Newman stated the process Mr. Smart articulates is what should follow. A condition requiring the Board to look at 6-months out and a condition on what has been said tonight. This would not require a new hearing. Mr. Block would not oppose that. Mr. Fernandes, a participant for the business owner, stated there are security guards on site that monitor and sweep on site and parking. Mr. Block is not sure the police know that. The applicant should let the Police Chief know that. He gave the ground rules for public comment.

Dan Socci, of 76 Wexford Street, is next door. He opposed this when it first came up for review. There are not a lot of complaints because the abutters are frustrated. People smoke pot outside his shop. He works outside and it smells like a dead skunk. This affects him. The employees park along the wall next to his shop. He has not seen a security guard in a long time but then only on occasion. There has been an increase in trash. He does not see how a decrease in drug use is a bad thing. His son said he saw someone exchanging money outside.

Brian Mushnick, of 43 Fremont Street, does not disagree with Mr. Socci regarding parking. There is not enough parking. You-Do-It does not like the people in their spots. Why more sales stations if they are claiming there are not more customers? He noted the trailer takes up to 7 spaces to deliver water and stays for days.

John Negosian, of 56 Wexford Street, stated he is not a direct abutter. He has witnessed issues there. People drive too fast and he has seen the police go there. People smoke pot as they walk by and people say they can walk in with no appointment. There is a lot more trash. There are 150 to 200 cars a day and they stop in front of his gate so he cannot get in. They dump trash on their way out. He does not call the police because they will be gone by the time the police get there. He is all for a marijuana facility in the center of town next to CVS. He noted they are adding cars to the Industrial Park and it does not fit. He is against it. He noted there is no public transportation there.

James Ahigian, of 40 Franklin Street, is from You-Do-It. He noted, at the beginning, customers parked in their lot. He never filed a formal complaint. He noted their 18 spaces are generally filled. The water delivery truck does block 7 or 8 spaces. With winter storms, they do not haul snow away. The building in the middle is rented with no parking. If this does pass, he would like to see a review. Ms. McKnight stated Mr. Fernandes mentioned security staff. She looked through the decision, but it is not strong on a requirement for security staff. The security staff is not a requirement. To address comments that have been made the decision needs to be stronger. The Board should make sure there is a requirement for security officers. She asked what the present arrangement was. Gretchen McCarthy, of Sira Natural, noted there is security from open to close every day. The security guards roam the perimeter every day and there are security cameras. There is one person on site, but others could be floated from other locations if needed. The security is 50% inside and 50% outside and address situations if needed.

Ms. McKnight asked if the rules of the CCC require security guards. Ms. McCarthy stated they do not but Sira goes above and beyond with camera systems. Mr. Block stated it is one thing to observe but they have heard tonight there is no corrective action being taken. Mr. Socci stated he needed to get a special permit to work on cars there. He smokes 30 cigars a year. You cannot buy a cigar in Massachusetts, but you can buy marijuana. Mr. Karger stated he would help fix any situation. Mr. Fernandes commented they need to be told if there are issues so they can deal with them. Mr. Karger will go around and talk with the abutters to see what the issues are. Mr. Block stated, if they are going above and beyond and have cameras, they should know some of this is going on and deal with it.

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

VOTED: to close the hearing.

7:45 p.m. – Major Project Site Plan Special Permit No. 2002-03: WELL Balfour 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.

Mr. Block stated he took a motion to continue the hearing before hearing from the public at the last hearing. He apologized for his error. He will open the hearing for public comments soon. He noted there are 2 outstanding questions from the last hearing – solar energy from the roof and clarity on meal plans. Julie Nash, from Balfour, noted one meal per day is included as part of the monthly service fee. Up to 2 additional meals per day could be added as part of a monthly meal plan for a fee.

Chris Yetman, of HYM Investments, stated he went back and worked with the design team and engineering team. He feels there is an opportunity to implement a solar array that would generate 8,000 kw hours/year. He feels that would be enough to charge 2 electric vehicles for a year and fits with Balfour's plan for electric vehicles. Mr. Crocker observed that Mr. Yetman is talking 18 panes for solar. He is a bit baffled by the thinking that is all that could be generated. There is more roof surface than that. He would have to see a presentation. Mr. Block opened the meeting for public comment.

Bill Lenahan, of 189 Nehoiden Street, stated he is associated with a group for quiet zones at railroad crossings. It would be appreciated if this developer would contribute to that. There are 14 trips per day times 2 times a day the residents of this facility would hear.

Dan Goldberg, of 188 Tudor Road, is strongly opposed to any permitting without independent living. He has been a senior advocate for many years. This is the number one location for independent living in town. The original plan came with independent living. He does not feel any plan should be approved without it. Kim Marie Nichols, of 12 Crescent Road, lives one and a half blocks from the building. It is disturbing it has been vacant for the last 4 or 5 years. She is a Town Meeting member for Precinct B and was in favor when it was first approved with independent living apartments. She is in support of increasing the housing stock particularly for over 55 and was pleased there would be some affordable. This would have memory care and assisted living by special permit. She understands now this is only assisted living and memory care. The special permit is discretionary and can be denied. She called for Balfour to stand by what was voted for at Town Meeting. This should be mainly independent living apartments.

Oscar Mertz, of 67 Rybury Hillway, agreed with the previous comments. The Board should be mindful of what the town expected to receive. Independent living is very important and a vital part of the program. He suggests there would be room at the north end of the building, where there is a garden, to put an addition. The developer could add a 3-story addition to get to the maximum FAR and put independent living there. This might help mitigate doing 3 levels of care at this site. The Board should not support the special permit without independent living. Ms. McKnight asked approximately how many additional units would be possible and with square footage and stay within the FAR. Mr. Mertz stated 4 to 5 units per level and that would get them to the maximum FAR on site. Mr. Alpert asked why Mr. Mertz feels it is desirable to add another 16 units. Mr. Mertz stated with the challenges the proponent claims with 3 levels of care they could reconfigure the business plan to have independent living.

Terrance Noonan, of 125 Broadmeadow Road, stated Town Meeting voted for independent living there and it should be independent living. He concurs with the previous speakers regarding independent living. The Heights Square is right there, and it would create great synergy. This would benefit both sides. Ms. Espada stated this is a great location for independent living with the senior center close by. Why did the applicant decide not to include independent? Julie Nash, COO of Balfour, stated part of Balfour's philosophy is common spaces and creating a sense of community. The square footage of space is not enough for all. Ms. Espada asked what proportion of square footage is needed to make it work. Mr. Yetman stated Mr. Mertz suggested adding 15 units and creating independent living. Where would the dining room, common spaces and elevator be located? A 15-unit independent living would be odd.

Mr. Crocker asked if an increase in square footage would allow what the community wants. Mr. Yetman stated the units would be very expensive. He noted they are working within the building envelope. Ms. Espada asked if a larger 4th story would make it work to create independent living units. Mr. Yetman stated this is Balfour's vision and not Welltower's. Mr. Block asked how many square feet the project is and was informed 195,000 square feet. He asked how many more square feet are needed to accommodate independent living. Mr. Huber stated he is aware the town would like some independent living units there. The Board is responding to the proposal in front of them but is saying they should build

something else. This is what the client feels is the most cost effective and best use of the space. Independent living is not on the proposal before the Board.

Ms. Espada stated what she heard was it was not viable financially, but the Board has to listen to the community. There are very few spaces for independent living in town. What would make it viable? The applicant needs to compromise with the community. They have a list of 50 places that have done it so why not here? Ms. Nash stated Balfour has been in operation for 22 years. They have studied in market and in industry and this is what they see as senior living. Seniors need to be allowed to age in place gracefully. This is what they believe is the future and is the best way to let seniors age in place. Mr. Block understands what she is saying that this is the future and where the industry is heading, but noted that the newest Balfour place in Brookline does not follow that model.

Mr. Alpert agrees with Mr. Huber. The Board needs to deal with the permit application in front of them. It is beyond the ability of this Board to ask the applicant to go back to the drawing board. The FAR is 1.1. He asked what the FAR is for this proposal. Mr. Huber believes it is a 1.01 FAR. Mr. Alpert stated if they insist on independent living the Board could deny the permit. They cannot keep trying to convince the applicant to add independent living at this time. Colleen Schaller, of Avon Circle, stated she is on the Board of Directors of the Council of Aging. She agrees with Mr. Alpert the permit should be denied. They need independent living badly in this town. Seniors want to downsize and there is no place in town. This is the perfect place. She stated the town should have bought the building and made it independent apartments. If the permit is denied this could move forward. Mr. Alpert clarified he did not say the permit should be denied but that denial is an option.

Ms. McKnight heard it said it was too expensive to add new construction at the end of the building and there is not enough room for communal spaces. She asked why persons in independent living and assisted living could not reside in the same spaces. Ms. Nash stated this is part of the proposal and the recommendation would fully license it to allow people to age in place but sets up access to the Balfour amenities. Ms. McKnight asked why a number of units could not be affordable. Mr. Huber stated the Needham By-Laws do not require any percentage of assisted living units to be affordable units. There is a different level of care at different levels of expense. For the assisted living, what portion would be affordable? Is it just the base rent? The Town has not made that a requirement. He does not feel the Board has authority to require that.

Ms. McKnight stated there was discussion at the last hearing that one third of new residents typically do not need assistance. If you take that and multiply by 12.5% you get 5 units. She would like some of the assisted living units to be affordable. It is not a new idea. She asked if the applicant has prepared a response. Mr. Huber stated it is not a new proposal. This would create difficult situations if someone is in assisted living and now needs expensive services. They would not be able to afford it. The Town could use the Affordable Housing Trust Fund to help people. Ms. McKnight noted it is clear the applicant is not interested in pursuing that idea. She feels it is a very workable idea.

Henry Ragin, of 25 Bennington Street, stated he attended a couple of Housing Plan Working Group meetings. Over and over, he heard independent living was needed and more affordable housing. There were repeated comments that is what the community needs.

Ed Cosgrove, of 17 Laurel Drive, stated he is Chair of the Board of Health, on the Council of Aging, and a Town Meeting member. Needham needs independent living housing. If this group cannot provide it the permit should be denied. As a member of the Housing Plan Working Group, he thinks this location is perfect for independent living. The applicant should go back to the first plan with independent living and affordable housing. That is what the community wants and needs.

Jill Kahn, of 44 Brookline Street, is a 25-year Town Meeting member and is on the property tax assistance program. When the League of Women Voters sent out the questions asking what the top priorities were, affordable housing came up over and over. She wants to know the number of Planning Board members it would take to vote it down. Mr. Block stated 4 to 5 members were needed to approve it. Ms. Kahn asked the Board members to do the right thing and deny this. Affordable housing is what Needham is begging for. There are no affordable condos available, and the average house is \$1.2 million. She is asking 2 members to deny the permit. She is only hearing what is in Balfour's interest. Joe Abruzese, of 30 Bridle Trail Road, agrees with the previous comments. There is a need for independent living and affordable housing and that is listed in the goals of the Town. This is a prime location. The zoning overlay was created for the previous plan to be approved with 72 independent units. Another concern is the negotiated agreement with the proponent and the Town to

make a payment to the town to be released from having to have affordable units and independent living. There is a great opportunity to create independent living here at this prime location.

Louis Wolfson, of 29 Cimino Road, stated Balfour has a building that is impossible to put 3 levels of care in. Two levels may be difficult. The existing building does not set up well. He noted all units will have full kitchens. That does not fit the model for assisted living or memory care but does for independent living. He asked what percentage of people need to bring in outside help.

Maggie Abruzese, of 30 Bridle Trail Road, stated the Planning Board is charged with guiding the town. They have to have Needham's best interests at heart and their job is to protect. This was rezoned for independent living, memory care and assisted living. The proponents represented rental housing and a range of senior housing options including independent living and affordable housing. Now Attorney Huber represents something different. Independent living, assisted living and memory care can still be done. The overlay is for a vibrant walkable area. This new project does not fit the new overlay. The Planning Board should let the current special permit stand and decline this project.

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

VOTED: to recess for 5 minutes.

Mr. Block noted an email from James Goldstein commenting on the last meeting and Mr. Block's performance as Chair. Mr. Goldstein stated it was not meant as a personal attack but suggestions to improve Planning Board meetings. He read Town Manager Kate Fitzpatrick's memo to the Planning Board dated 2/16/22 regarding Town Meeting approving the original project and overlay. He asked what has changed with the Select Board since that time. He noted what has changed is a onetime payment to the Town of \$1.9 million. The purpose of the meeting is to address the loss of independent living and affordable units. He wants the Board to think of the economic impacts of independent living over the next 20 years. All expenditures go to Balfour with this project. There are reasons to deny this. The stated purpose of the Avery Square Overlay District is to provide a viable walkable area. The current proposal does not mention this stated purpose of the overlay district. Mr. Block commented he knew the email from Mr. Goldstein was not a personal attack. It was constructive criticism. He appreciated the comments.

Jeremy Chow, of 96 Maple Steet, stated he supports the will of Town Meeting to include independent living in the project. There needs to be integrity in the decision-making process and the need to follow through on their commitments. Larz Zimian, of 56 Meadowbrook Road, submitted comments in mid-August. He supports the proposal before the Board. He has 3 parents that are still with them who will need assisted living and memory care soon. There is a need for more assisted living and memory care. More options for seniors means more housing will be available for families. This project will be rental property. The applicant needs flexibility. The property has been vacant for 5 years. There are obvious reasons this is the perfect location. It will be valuable for friends and families visiting. This proposal is the best proposal outcome for this property. Independent housing and affordable units are important issues but not the only important issues. He stated the Board should consider all feedback.

Holly Clarke, of 1652 Central Avenue, is a Town Meeting member. She echoed the previous comments. Town Meeting approved the change for a specific project. This proposal does not do it. It skips independent living and the affordable aspects of it. If the proposal does not include it the property should not be allowed to be denser. Integrity is important for this Board and backing it up. The traffic study does not talk about other potential changes in the district. There will be more traffic with the upcoming changes. The Board needs to know what the traffic implications will be. Traffic mitigations could be built into the permit. The By-Law gives the Board the discretion if the meaning of the permit has not been met.

Mr. Crocker asked to clarify what the engineer said could go on the building for solar. Mr. Yetman stated it is not what could go on the building but what they intend. They will have 8,000 kw hours. Mr. Crocker noted the yield factor is 1,150, which is 7 kw DC solar system with a retail cost of roughly \$28,000. Basically, the size of a cape house. He asked what the purpose is of doing that. Mr. Yetman noted it was to charge the electric vehicles. Mr. Crocker asked what the goal is of doing that. He noted this is not an engineering issue but a business decision. Mr. Yetman stated the cost of design, implementation and installation is about \$150,000. He noted he is not a solar engineer. Mr. Huber stated the roof would

need some modifications to hold this system. Mr. Crocker would like to see an analysis of the \$150,000 and the specifications. Mr. Huber will go over the information with him.

Mr. Block noted the following correspondence for the record: an email from James Goldstein, dated 8/16/22, with comments; a letter from James Goldstein, dated 8/6/22, which Mr. Block read into the minutes; a letter from Kelly Engineering Group, dated 8/29/22, with responses to the Board's questions regarding storm water recharge; a letter from Ronel Jasteen Del Rosario, of Citizens Bank, dated 8/7/22, in support; an email from Wendy Blom, dated 8/16/22, with comments; an email from Paula Dickerman, dated 8/16/22, in favor; an email from Sarah Miller, dated 8/15/22, in favor; an email from Ismail Moumni, dated 8/15/22, in support; a letter from Maggie Abruzese, undated, to the Select Board, with a request to vote no; an email from The Village Club Board of Directors, dated 9/17/22, in support; an email from Rob Giumetti, dated 9/17/22, in support; another email from Paula Dickerman, dated 9/19/22, with comments; an email from David Sherman, dated 9/19/22, with comments and another email from Maggie Abruzese, dated 9/20/22; requesting the Board deny the special permit with a copy of the Consumer Guide to Assisted Living in Massachusetts.

Mr. Crocker commented the structure may not be adequate for solar. When building the 4th floor, it should be designed to hold solar panels. It could hold 100-200 kw DC solar system. Mr. Yetman noted he did the study and there is a problem with the height being 5 inches over. Mr. Crocker stated they need to find the 5 inches. A discussion ensued regarding closing the hearing or continuing the hearing. A motion was made to continue the hearing to 10/18/22 at 7:05 p.m. Ms. Espada asked what the Board was going to find out between now and then. They have been hearing from the community for the last year that the town needs independent living and affordable units. The project was approved for independent living and affordable units. This is a prime location for seniors. She is happy the applicant wants to develop the project, but she does not hear a good reason to not have independent living and affordable units. They promised the community. She asked what they are waiting to talk about. Mr. Crocker stated if they close the hearing no more comments can be included. Mr. Alpert stated the Board could always vote to close the hearing at the next meeting if there is nothing more.

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

VOTED: to continue the hearing to 10/18/22 at 7:05 p.m.

ANR Plan – Needham Enterprises, Inc., Petitioner (Property located at Lot 251 on Lawton Road abutting 93 South Street, Needham, MA).

Mr. Huber noted he had submitted a written request to withdraw the ANR plan for Needham Enterprises.

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

VOTED: to accept the petitioners request to withdraw the ANR Plan without prejudice.

Presentation of Compliance Guidelines for Multi-family Zoning Districts under Section 3A of the Zoning Act.

Ms. McKnight stated she does not intend to make a presentation. Compliance is a matter of zoning all areas currently developed for multi-family housing to allow such housing by right and introducing stand-alone multi-family housing as an allowed use in certain districts. The Guidelines issued by the Department of Housing and Community Development (DHCD) on August 10th indicated that the number of acres that must be zoned for multi-family housing is higher than has been discussed. Mr. Block has put it on the agenda for the first planning meeting and she is presenting on 10/11/22 to the Select Board.

De Minimus Change: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 1407 Central Avenue, Needham, MA). Regarding staffing at the Jack Cogswell Building.

Town Counsel Christopher Heep noted this is a minor modification of a special permit for the Jack Cogswell Building. When it was first permitted it was not to be occupied. That was true for a time but with Covid the DPW needed space. The Board approved a request for a minor modification to allow the temporary occupancy of the building by 16 staff members

during the workday. The DPW still needs that level of staff to continue at this building. They would like the occupancy to continue through August 2023. That should be adequate for the DPW needs. He noted occupancy has been without incident or complaint. Mr. Alpert noted the reference to October 2023. That will need to be corrected.

Holly Clarke, of 1652 Central Avenue, has 2 concerns. Central Avenue is traffic from one end to the other. With repairs, traffic is down to one lane at the transfer station. Town Meeting voted to build the Cogswell Building with the specific representation it would be for equipment storage. She asked the question and was told by the Select Board it would only be equipment. They said there would be no people because a study was done with putting the DPW at the dump. It was determined the sight lines are not consistent with safety. She understood putting people there for Covid, but it should not be an open door. There was a real reason people said no. It was voted to build for equipment storage only and not people.

Mr. Block ask if there was any reason to believe this would be extended again. Mr. Heep stated no, there is no intent to make this permanent. Ms. Clark asked why there are 16 people there for the year. She does not understand. Mr. Heep stated there is still a need to space employees out and that cannot be done without this building. Mr. Alpert does not feel we are done with the pandemic. There is a good probability there will be a surge that will go through the winter months. March 31 may make more sense. Ms. Clarke stated 6 months makes sense and sends a message. Mr. Block feels the end of April would be better. He asked Mr. Heep if he was amenable to revising to 4/30/23. Mr. Heep stated it is the Planning Board's permit to revise but the request was for 8/31/23.

Ms. Espada asked when the feasibility study would be completed and was inform by Mr. Heep that he did not know. Ms. Espada stated she lives on Central Avenue and understands the lack of space. There is a lot of need in town and not a lot of property. Mr. Alpert clarified the feasibility study is for renovating or replacing the DPW building.

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

VOTED: to approve the minor modification of the decision dated 9/20/22 for the Jack Cogswell Building to extend the time for the DPW to temporarily occupy the building through 3/31/23.

Zoning Recommendation on Article 1: Amend Zoning By-Law – Schedule of Use Regulations Brew Pub and Microbrewery.

Mr. Block stated the Board received a letter, dated 9/7/22, from Attorney George Giunta Jr., who was asked to review and comment. He asked Town Counsel to review the letter, correct and clarify. He did and submitted a letter dated 9/15/22. Mr. Alpert stated he agrees with Town Counsel Heep's letter in response. He would not change based on Mr. Giunta Jr.'s letter. He had comments at the meeting on the Highway Commercial 1 District and the Industrial 1 District on Gould Street. He requested this be removed. He is prepared to leave the zoning amendment as drafted but feels it should be discussed. He has no issue with a brew pub put in the Industrial 1 District and he has no issue with a brew pub in the Highway Commercial 1 District.

Ms. McKnight feels microbrewery should be deleted from Highway Commercial 1. It was not proposed for the site. Ms. Espada feels it should be left as that would preclude it from ever happening. It will be left as is. Mr. Crocker commented there is assisted living and independent living across Gould Street and residences across Highland Avenue. He would never want businesses at the Muzi site that are open after 8:00 p.m.

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

VOTED: to eliminate brew pubs and microbreweries from the Highway Commercial 1 District.

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

VOTED: to recommend to Town Meeting passage of the Article in it's now amended form.

Report from Planning Director and Board members.

Ms. Newman noted she, Mr. Block and Ms. McKnight will be going to the Finance Committee on 9/28/22. The Housing Plan Working Group will be reviewing the draft housing plan on 9/29/22. They will present a draft to the Select Board on 10/11/22 and will be meeting with the community on 10/13/22. Note that these meeting dates were later changed to 10/13/22 and 11/16/22, respectively. After discussion, it was decided the first planning meeting for goals will be 10/27/22.

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 adjourn the meeting at 11:45 pm.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chair and Clerk