

NEEDHAM PLANNING BOARD MINUTES

December 19, 2022

The Needham Planning Board hybrid meeting, held in person at the Charles River Room of the Public Services Administration Building and Virtual using Zoom, was called to order by Adam Block, Chairman, on Monday, December 19, 2022, at 7:30 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as 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 in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted Ms. Espada will not be at the meeting and will watch the video of this meeting so she can participate. This meeting does include public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:30 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, September 20, 2022, October 18, 2022 and November 15, 2022 meetings of the Planning Board.

Mr. Block noted this is a continued hearing. Additional materials have been submitted. He will take a motion to continue the hearing, but people will have an opportunity to speak tonight. He noted the public can email comments or questions to the Board. He noted the following correspondence for the record: an email from Colleen Schaller, Chair of the Council on Aging, dated 10/17/22, noting the Council on Aging passed a vote opposing a special permit for the current proposal as it does not include independent living; an email from Kim Marie Nicols, of 12 Crescent Road, dated 9/21/22, with comments and questions; an email from Glenn Mulno, of 40 Morton Street, dated 12/19/22, opposing the plan; and an email from Attorney Evans Huber, representative for the applicant, dated 12/15/22, with comments.

Mr. Huber noted the applicant will revise the application to include 9 independent living units in the southeast corner of the building on the first floor. The reason for this location is it is physically segregated in one corner and the area has its own entrance. The residents are free to use the main entrance and amenities. Each unit has its own patio. He noted the affordable unit requirements are for 10 or more units. There are no affordable units with this project. The applicant will contribute \$1.9 million to the Town. He noted there will be some updated filings such as revised floor plans, first floor changes to some elevations and updated parking and traffic analysis. Chris Yetman, Development Manager from HYM Investments, showed the plan. He has tried to address all comments to date. The ground floor will have walk out patios with an entrance/exit directly to the vehicles and Highland Avenue. This is a great area for independent living and the applicant is committed to making a financial mitigation payment.

Mr. Yetman noted there will be one 2-bedroom unit, 2 one-bedroom-plus-den units and the rest are one-bedroom units. Mr. Crocker asked the square footage of the units. Mr. Yetman noted the one-bedroom units will be 760 square feet, one bedroom plus den will be 950 square feet and the 2-bedroom units will be 975 square feet. Mr. Block asked if the independent living units would have access to all amenities and was informed, they would. Mr. Block asked if there would be an additional fee basis for the amenities. Mr. Yetman noted there would be a base rent pay rate and residents could have an additional amenities package. Trip Regg, of Balfour Senior Living, stated there was a desire for a lower price point. Balfour would need to charge for things with a direct expense like food and beverage. There is no need to charge for the pool and fitness center as long as the model stays operationally efficient. That could change in the future if it starts costing a lot. Mr. Block asked what the amenities are on the second and third floors for the residents. Mr. Yetman stated the main dining is on the third floor.

Mr. Block noted his understanding that the food package is an added expense but for the amenities on the first floor there is either no fee or a minimal fee depending on the model and may have a cost in the future. Mr. Regg stated it is not intended to have an expense in the future. Ms. McKnight asked what circumstances may change in the future that would incur a fee.

Mr. Regg would not expect this to change for the pool. As part of the program, residents may buy tickets to outside experiences like movies and the cost will be passed along to the residents without a markup. There is no plan to charge for the fitness center or pool but there will be a charge for 3 meals a day. There will be no charge for use of the community room. Ms. McKnight noted, at North Hill, she can go have lunch with a friend and pay. Can the independent living residents invite friends to have lunch with them and pay for the lunch? Mr. Regg stated the program has the ability to take outside payments for meals. The meal could be charged to the room, or it could be paid for with a credit card.

Mr. Crocker asked if all the amenities on the first floor are for the whole building but the memory care units and was informed this was correct. He asked if the independent living residents can use the same facilities as the assisted living residents and was informed, they could. Mr. Crocker asked if there were different plans for the assisted living. Mr. Huber noted, by law, they were required to provide at least one meal per day for the assisted living residents. Other meals above that would be part of a fee package. There is no such meals requirement for independent living. Mr. Crocker asked what amenities are on the upper floor. Mr. Regg noted the theater and dining room, and both are available to all independent living residents. Mr. Crocker asked what was not available to independent living residents. Mr. Yetman noted a personal care package was not available. There is a difference between a licensed unit and an unlicensed unit. Independent living is unlicensed, and care would not be provided. If care is needed, the resident would need to move into a licensed unit or get outside care.

Ms. McKnight appreciates the cooperation of coming up with independent living units. An important aspect of this project is affordability. She wants to see one unit be affordable and feels it would be reasonable for a proportionate reduction paid to the town of approximately \$211,000. Mr. Alpert asked where the Select Board is regarding this agreement. He heard the Select Board had tabled it. He noted the agreement is on the Select Board's plate and not the Planning Board's. He is not sure how much influence the Planning Board has. He asked if there has been any further discussion with the Select Board. Mr. Huber noted it is on hold as some aspects are in flux at the moment. Mr. Block asked if Mr. Huber intends to enter into an agreement with the Select Board. Mr. Huber stated that is the intent. He commented there is a desire by Ms. McKnight to have affordable units on site but that is not Balfour's intention. Balfour does not intend to renege on the \$1.9 million to the town.

Daniel Goldberg, of 199 Tudor Road, noted the only issue talked about is meals. The Council on Aging was unanimously opposed to the project if it had no independent living units. He is concerned the applicant came back with only 9 units. The Planning Board did not ask why only 9 units. He feels that is the minimal number to sneak their proposal through.

Josh Levy, of 1668 Great Plain Avenue, questioned the process. He asked if this is under the jurisdiction of the Planning Board. Mr. Block noted the application is only before the Planning Board. The Board will vote on the relief being sought and decide on the proposal as revised. The municipal benefits agreement is with the Petitioner and the Select Board, and the Planning Board does not have a role with that. Mr. Levy asked if the Planning Board would consider the Municipal Benefits Agreement and was informed, they would. It may possibly be made a condition or that it be signed and executed may be a finding.

Colleen Schaller, Board Chair of the Council on Aging, noted the Board has not met to discuss the new proposal. The proposal will have been discussed by the next public hearing and comments will be sent. Mr. Block suggested comments be sent by the Thursday before the meeting by 1/12. Ms. Schaller noted her meeting is not until 1/12. Mr. Alpert stated he has been on the Board for 7 or 8 years. It had been a rule to require comments be sent by the Thursday before the meeting. Comments arriving on Friday generally gives the Board members time. This is a volunteer position. It is frustrating to get comments and letters the day of the hearing. He appreciates the Council on Aging will meet on the 12th, but he would like to get the comments by Monday if possible. Ms. Schaller stated comments will be given the next day and she will be at the next Planning Board meeting.

Maggie Abuzzese, of 30 Bridle Trail, wants to comment on the discussion of when comments should be to the Board. The Board should require applicants to have all in the week before. She noted she received this packet late Friday. The Board should back up the applicant's deadline. This is a new proposal with 9 independent units. This does not meet the purpose of the Overlay District Amendment. The proposal should meet the purposes. Nine people do not revive the neighborhood and there are no affordable units. She noted Town Meeting was promised 9 affordable units which is why this was passed. Mr. Block recognized the frustration through the correspondence from the community. His understanding of the scope of

the authority for the Planning Board is they can only reject the applicant if there is 1) a violation of the dimensional requirements, 2) if built in violation of other parts of the By-Law or 3) if the impacts of the proposal were too great and they could not be reasonably mitigated. The By-Law talks about vibrancy but not a certain amount. There will still be employees, friends and relatives contributing to the vibrancy of the neighborhood. The Board needs to think carefully about the scope of its legal authority under the Zoning By-Law and state Zoning Act. If the Board is demanding independent living, he is not sure of its legal authority. It could be discriminating against people with disabilities. There is a great need in town for all levels of housing, but they need to be mindful of the limit of their authority.

Mr. Crocker noted the proposal was ushered through Town Meeting talking about vibrancy and affordable units all packaged together. People in memory care are an important part of the community. The town needs these types of programs and options for seniors and multi-generational living. There are varying degrees of vibrancy. He does not believe this is within the window of acceptance. He understands why only 9 units but feels the applicant can do better. The town needs independent living. He noted the original plan did not have memory care and now this plan does. The applicant needs to find a way to make them both work. This part of town needs this. He wants something toward what the town voted for. He appreciates it but is disappointed with only this, but he thinks they can get there.

Mr. Alpert stated when the Overlay District was proposed the Board insisted the use be by special permit. The Board should consider if the application is consistent with the general purpose of the By-Law and the more specific purposes and objectives of this By-Law. He looks forward to discussing this with Town Counsel. He noted the Avery Square District Overlay District, Section 3.15.1. He wants the members to be mindful of 7.5.2.1 and consider if the application is consistent with the By-Law. He believes this is where the Board has the authority to decide if this meets the criteria. He has not made up his mind yet and wants further input. He feels the Planning Board should have the authority to accept or reject the application.

Jill Kahn, of 44 Brookline Street, has been a Town Meeting member for 25 years. She does not appreciate that what went to Town Meeting is not what they are looking at. She would not have voted in favor of this proposal. She asked why they are presenting something new without affordable units. Mr. Huber stated the number of 9 was chosen because there is a good place in the building for the segregation of units and because it does not require an affordable unit. If there are over 10 units, there would need to be 12.5% affordable units. Projects like this are very expensive and at some point, it does not become financially feasible. Ms. Kahn noted another concern is there was an article in the Boston Globe regarding staffing shortages in nursing and assisted living homes. She is concerned with no affordability and having so many assisted living and memory care units there will be staffing shortages. She would like to see something back to what was voted on at Town Meeting.

Ms. McKnight noted the Board could not reduce the financial amount in proportion to the value of an affordable unit without speaking with the Select Board. Mr. Crocker is concerned with the Planning Board getting into payment talks with the Town. Ms. McKnight stated she could go along but say "if the Select Board agrees." Ms. Newman will speak with Town Manager Kate Fitzpatrick. A motion was made to continue the hearing to 2/7/23 at 7:00 p.m. Mr. Alpert prefers the hearing be at 7:15 p.m. The amendment to the motion was accepted.

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 continue the hearing to 2/7/23 at 7:15 p.m.

8:00 p.m. – 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

8:00 p.m. – Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

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 waive the reading of all three public hearing notices and hear all 3 matters simultaneously.

Mr. Block noted the following correspondence for the record: a memo from Assistant Public Health Director Tara Gurge, dated 10/20/22, with comments; an email from Justin Savignano, dated 12/16/22, with no comments or objections, and a letter from Attorney Barry Fogel, dated 12/19/22, representative for an abutter, with a request for more information. George Giunta Jr., representative for the applicant, noted this is the former Stanley Tippet Hospice House and is in the Rural Residential Conservation District. There is 177 feet of frontage on South Street with 5.68 acres down to the Charles River. The property could be divided into 3 lots but will be divided into 2 lots. Mr. Connaughton will live on one lot. The Tippet House was there from 1993 to last year and was a 3-story house with 22 rooms built in 1908. The location of the house was in the middle of the property and has been taken down. The applicant tried to preserve the house, but it could not be done.

Mr. Giunta Jr. noted 2 lots are proposed and the by-right plan shows a 40-foot-wide road with a 60-foot radius circle, sidewalks and a full building out. There is room to make it all fit. The Subdivision Rules and Regulations calls for a 50-foot road, but all roads have been 40 feet or less for many years. Two lots can be done with no waivers but a 40-foot waiver. It does not make sense to do 24 feet of pavement and sidewalks for 2 houses. There will be a 20-foot-wide layout road and 18 feet paved with a circle. A hammerhead was explored but it did not work well. He noted a chunk of property has visible ledge there will be issues with. Mr. Crocker asked if the Fire Department had any comments on the radius. Mr. Giunta Jr. stated the Fire Department is fine with a 20-foot layout. Ms. Clee clarified she did not get comments from the Fire or Police and will need to get something. Mr. Giunta Jr. stated he will be asking for a continuance. He noted this would be a private way for 2 houses and is basically a common driveway. He feels the smaller pavement looks better and is environmentally better. No sidewalks are proposed.

Ms. McKnight asked the diameter of the turn around and was informed 52 feet. Mr. Crocker asked if there will be an 18-foot width going around the circle. Mr. Giunta Jr. stated there will be. They will bring revised plans and get them to members before the next meeting. Ms. McKnight noted she drove that way and drove down the small streets. It is hard to turn around with grass in the middle of the circle. She asked if there would be grass. Mr. Giunta Jr. stated there would be grass and a landscaped circle. It will be the standard design. The applicant is making use of the existing drive and will revise as much as they can. The drive has been shifted a bit. There is a large wetland area in back down to the Charles River. The project has tried to minimize and stay away from the wetlands and the wetland buffer zone. They may need to dip into the buffer for some utilities. The applicant will deal with the Conservation Commission in some form. Ms. McKnight asked what utilities and was informed a drain/sewer easement is proposed. The existing sewer line will be connected to. Parcel A is an unbuildable strip on South Street and provides the vegetative buffer along the street. The project will need an Association for the 2 lots and both lots will include an ownership interest in Parcel A.

Mr. Alpert asked why show 40 feet and not 50 feet when the Rules say the Petitioner has to show 50 feet. He will talk to Ms. Newman to see if the requirement can be waived. He is not sure why it is there. He is in favor of the concept but if it cannot be waived the applicant would need to show 50 feet. Mr. Giunta Jr. encouraged him to speak with the Planning Director. He submitted the plan based on discussions with the staff. The standard for public ways is 40 feet. Mr. Alpert has no problem with reducing it, but they need to show an as-of-right plan. He feels the regulations should be amended.

Mr. Giunta Jr. showed the Utilities and Roadway Plan. The project has minimized the impact and pavement. Two infiltration systems have been proposed – one up front in the scrub area with mature trees in front. The other system is in back. The plans will be revised to flip it with the other side as the sewer drain line is already on that side. The grading is minimal for the road. He will add more information.

Ms. McKnight stated the width of the right of way seems narrow. She has no issue with 18 feet of pavement but is concerned with snow storage. There is only 2 feet beyond the 18 feet of pavement. People can put up fences. She feels the right of way should be 22 or 24 feet. Mr. Crocker would like to see vegetation. It would help mitigate run off. Mr. Giunta Jr. stated there may be a sketch that shows some of it but there will be more information coming. There will be continuing dialogues with the neighbor. He noted in the front of the property there is an existing wall and driveway opening. They need to get rid of a section of the existing wall. The stones will be reused to make a return to have the 2 sides match. He noted permission is needed from the Planning Board to change the wall. They are trying to keep the wall as much as they can. He noted the prior driveway was not compliant and 2 existing trees will need to be removed. The Tree Warden has been involved.

Mr. Block asked if other trees will be removed where the houses are to be constructed. Mr. Giunta Jr. stated a number of trees will be removed. Ed Olsen, Tree Warden, met with the applicant and, if granted permission, he has no objection to the removal of the 2 white pines. Mr. Giunta Jr. will have the materials to the Board on 1/9 or 1/10.

Dr. Serguei Aliev, of 31 Marant Drive, is a direct abutter. He does not oppose the subdivision and hopes for better for the area. Before the property was not maintained. He has had good communication with Brian Connaughton. His question regards the drainage. This area gets flooded due to the lowest point. He asked the applicant to compromise and discuss the buffer zone. He would like to see how the grading will be done. He is satisfied with the project and the applicant. James Jakobeak, of 50 Burr Drive, noted it sounds like this is away from the Burr Drive side. He has questions about run off. There is ponding on the other side of the road. He wants to comment about the run off. Mr. Block noted correspondence from Debbie Anderson, of the Conservation Commission, dated 9/15/22, with comments.

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 continue the 3 hearings to 2/7/23 at 8:15 p.m.

The Board took a 5-minute recess.

Transfer of Permit: Major Project Site Plan Special Permit No. 1991-01: TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021, to Ceed Corp, d/b/a Cook Restaurant, 15 Nell Road, Revere, MA 02151, Petitioner (Property located at 101-105 Chapel Street, Needham, MA).

Mr. Block stated this special permit will be transferred from TDRG, Inc. to Ceed Corp and will continue the name Cook at 101-105 Chapel Street. Edison Gutierrez, managing partner, stated the same floor plan is being kept. The only changes are the daily specials, the food menu and the bar menu. Mr. Crocker asked if the décor would be changing. Mr. Gutierrez stated some has already been improved. He did some Christmas décor but nothing major. Mr. Alpert noted the letter signed by Mr. Gutierrez. He asked if he had read the special permit and is only requesting one change. He wants on the record Mr. Gutierrez abides by all conditions in the special permit. Mr. Gutierrez has read the special permit and agrees to all conditions. Mr. Alpert noted he has requested extended hours. Mr. Gutierrez noted he would like 10:00 a.m. Saturday and Sunday rather than 11:00 a.m. for a brunch menu.

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 treat the change in the site plan special permit as a minor modification.

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

VOTED: to accept the transfer with the minor modification requested.

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 decision as written.

Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

Attorney Evans Huber noted there was an inconsistency or error in the documents. In the parking analysis, the building was classified as warehouse, but the parking requirement was 1:400 square feet. That is for light industrial or manufacturing. Warehouse is 1:850 square feet. If the correct classification is warehouse, the project would need less parking. He feels this was incorrectly classified as warehouse and should be light industrial per the ITE parking generation manual. It should not

be classified as warehouse. Another issue this raises was the way the existing parking supply was counted. In the total parking count truck spaces were included. The By-Law says automobiles and does not mention trucks. They looked at the site from that perspective – auto parking and truck parking or storage. If classified as warehouse, auto parking on site is still short but not by as much. The project will still need a waiver. He will submit revised documents. This was triggered by error on their part but is easily fixable. They are not proposing to change any parking, just the calculation.

Ms. McKnight does not see manufacturing and she is not sure why it is a warehouse. Mr. Huber stated the category is light industrial or manufacturing. He feels it is light industrial rather than warehouse. This is more than just storage of product. Ms. McKnight asked if the Building Commissioner and Planning Director agreed with that. Mr. Huber noted the Building Commissioner acknowledged the ambiguity there. Mr. Block would like the Building Commissioner to concur with whatever classification they resolve it to. Mr. Alpert asked if, procedurally, the hearing would need to be reopened. He will check with Ms. Newman. Mr. Block noted this will be continued to 1/17/23.

Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).

Mr. Block noted there was a redlined version of the decision and comments from the developer's attorney. Ms. Espada will have to listen to the recording so she can participate at the next meeting on Thursday at 2:00 p.m. Mr. Block noted the solar-ready status and asked Mr. Crocker if he had reviewed the final version. Mr. Crocker stated the applicant had specifically talked about solar on the 2 main roof buildings and had agreed to do it. Mr. Block stated the petitioner has proposed, in Section 3.12, to install one or more solar arrays as part of the North and/or the South buildings. Mr. Crocker stated he understands what they are saying but the petitioner said at meetings they would do solar, but circumstances may create a hindrance. This is unnecessarily convoluted. In the future there may be an allowance for solar to go over mechanicals. He does not see a need to give an easy out and is not happy with the revised language. The petitioner said they were going to install solar, and it should be in the decision.

Mr. Alpert agreed with Mr. Crocker. He wants the decision left as the Planning Director drafted it. The petitioner can come back if they have an issue. The hearing is closed. He feels the Board should go forward with the decision as drafted and the petitioner can come back with modifications if needed. Ms. McKnight concurs with her colleagues on the solar. Attorney Timothy Sullivan, representative for the applicant, noted his client submitted a letter this afternoon. Mr. Alpert stated he resents getting a letter at 5:30 p.m. on the night of a meeting and be expected to read it and consider it. Mr. Sullivan stated the substance does not change from the draft and the letter. The petitioner said there were opportunities but did not show solar. The project will be solar ready with solar arrays implemented. Mr. Crocker reiterated the applicant stated it would be done. Mr. Sullivan noted solar ready and solar arrays are being committed to the same as was presented. He stated the applicant is committed to LEED standard and will have the project solar ready and have solar arrays.

Mr. Block suggested saying "the applicant shall not be required to fulfill this requirement if it is out of compliance with the rest of the By-Law." Mr. Alpert noted, in Section 3.12, Mr. Sullivan's language, remove (i) "the petitioner determines, based on an analysis from a qualified professional" and the word "desired." Subsection (ii) and (iii) are ok. Mr. Sullivan is fine with the changes. Mr. Crocker accepts the change. Mr. Block noted it had never been said the applicant intends to phase the project. There is no phasing plan. Mr. Sullivan stated this was in the initial application. The applicant asked for a Certificate of Occupancy for one building before the next building was done. This is consistent with what was presented. It is not intended to be phased if there are no material alterations of the plan, but they need the flexibility to build one building and get a Certificate of Occupancy.

Mr. Block asked, if phased, what other changes will there be. Will the track still be in the same place? Mr. Sullivan stated all conditions apply and all are in the same location. The applicant will come back to the Board if modifications are necessary. Mr. Alpert has an issue with the concept not being discussed at the public meeting. Mr. Block stated Town Counsel does not have a problem with the changes. Mr. Alpert stated he has no issue with issuing a Certificate of Occupancy for one building and no problem with the concept issue of each building being owned separately and financed. The financing

is not within the Planning Board purview and should not be in the decision. Mr. Sullivan suggested saying each can have its own Certificate of Occupancy and strike “separately owned and financed” on the first page of his redlined version.

Ms. Clee informed the Board the Planning Director stated it would be prudent to require a phasing plan if the applicant decided to phase it. Mr. Sullivan noted “any changes shall be shown on a phasing plan and submitted to the Planning Board.” Mr. Alpert suggested taking out Mr. Sullivan’s language about a separate phase and include a proviso that sufficient parking be constructed. Mr. Crocker is ok with that. In Section 1.23, Mr. Sullivan put in words to make it clear and noted a grant of easement is in another area. Section 3.4 was made clear for lenders and others. If one building is in violation not all are in violation. Ms. McKnight asked who would be responsible if the common areas are not maintained. Mr. Block stated it will be maintained by a condo association. Mr. Crocker noted the language says, “one or more solar arrays on the north and/or south buildings.” He wants “/or” taken out and keep “and.” In Section 3.38 (g), Mr. Sullivan wants to clarify all traffic mitigation measures are subject to obtaining approvals.” Ms. McKnight stated it should be added that the applicant shall diligently pursue getting approvals. Mr. Sullivan would like to add the ability to bond over something in (p). Mr. Block stated the Board will finalize the language on Thursday when the Board meets.

Mr. Alpert left the meeting at 11:30 p.m.

Minutes

Mr. Block stated in the minutes of 9/20/22, page 2, he is not sure if the 7 spaces are on site or off. It was decided to delete “with the 7 spaces shown.” On page 3, Mr. Fernandes is a participant for the business owner. In the 10/3/22 minutes, page 3, remove “it” and clarify he would like “the south building” pushed back. Ms. McKnight suggested deleting the sentence “Mr. Crocker likes the yews” and all agreed. On the top of page 5, delete “they are proposing nothing more in the way of hazardous waste...”

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 minutes of 9/20/22 and 10/3/22 as revised tonight.

Report from Planning Director and Board members.

Mr. Block noted there is a revision to the red brick on the Town Common in front of Town Hall. He noted this seems fine to him. All agreed.

Correspondence

Mr. Block noted correspondence from Jon Schneider, Chairman of the Zoning Board of Appeals, suggesting revisions to ADUs by right and eliminating the requirement for a special permit for 3 car garages in the Single Residence B District - he would like them allowed by right. Mr. Block hopes to take up ADUs for the May Town Meeting. He will speak with Mr. Schneider.

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 adjourn the meeting at 11:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

