NEEDHAM PLANNING BOARD MINUTES

April 20, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, April 20, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes public hearings and there will be an opportunity for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 4/21/21 at 5:30 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

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

VOTED: to authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

7:20 p.m. – Major Project Site Plan Special Permit No. 2020-04: WELL LCB Needham, Landlord LLC, c/o LCB Senior Living, 3 Edgewater Drive, Suite 101, Norwood, MA 02062, Petitioner (Property located at 100-110 West Street, Needham, MA). Regarding redevelopment of the property to include an 83 unit Assisted Living and Alzheimer's/Memory Care facility and 72 Independent Living Apartments.

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

VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, gave a brief summary including the zoning relief requested and the traffic analysis. He noted the zoning was changed last Fall at the last Town Meeting to the Avery Square Overlay District, which enabled this project to go forward. This is 4.29 acres at the corner of Highland Avenue and West Street. The building formerly was Avery Crossing with 60 assisted living units, Avery Manor with 142 skilled nursing units and 8,300 square feet of medical office. Almost all the site is in the Avery Square Business District. The building has been vacant since 2017. It is a 3 story, 186,000 square foot building with an indoor parking area.

The original permit was issued in 1993 for assisted living and skilled nursing. The last decision was in 2004. There were 72 independent living apartments, 55 assisted living units and 28 memory care units. The existing building is to remain, and the footprint does not change. A partial fourth story will be added to create 10 independent living apartments. The fourth floor will be well back from the walls of the building except for the west side along the tracks. The south parking lot is unchanged except for the addition of landscaping. The other parking lot will have minor changes. There are 149 parking spaces on site with 115 exterior spaces and 34 garage spaces.

Mr. Cramer reviewed the requested relief under Section 7.4; Section 1.4.6, for a building less than 50 feet from a residential boundary; Section 4.4.9, which it predates, for the location of the primary entrance; and 2 Special Permits for use for assisted living/memory care and independent living apartments and multiple uses. There is no waiver for the number of parking spaces as the outside parking conforms. For the inside parking width of maneuvering aisles there are many steel supports that are 16 feet, 8 inches apart. That would be the width of the maneuvering aisles. He stated the applicant would like 5 tandem spaces in the garage under Section 5.1.3 (h). The intention is to limit those spaces to independent living if someone has 2 cars. He submitted a letter that reviews the criteria.

David Kelly, of Kelly Engineering Group, noted this is just a redevelopment of the existing site. There is a right of way on the south side of the site. He reviewed the property and accesses. Currently people enter from West Street. There are parking spaces on the left and right of the drive. There is a gated landscaped area on the left, then a drop off area, another landscape area, the gazebo and then the entry to the garage. The entry will be removed. The landscaping is tired. Currently people travel through the garage with an exit or entry on the south side parking lot, which is accessed by Highland Avenue. He showed the landscaping plan. The building will be completely renovated. He reviewed the parking spaces and noted 28 parallel spaces on the street that are not being counted.

Mr. Kelly noted the project will add 4 spaces on the left when entering off West Street and one on the right closest to the entry door. As you continue through the site the landscaping will be enhanced. The parking will continue on the right and left sides. There will be an enhanced entry and a service area will be at the location of the old garage entry. There will be screened dumpsters and a loading area. The cul-de-sac will be improved and widened slightly. There will be a new entry at the elbow of the building and a one-way exit from the garage to the cul-de-sac. There are patios proposed for outside space for the lower level units.

Mr. Kelly noted for storm drainage, it is a developed site and all utilities are available on site. He has worked with the Department of Public Works (DPW). There are no capacity issues. The lighting is a modern new lighting system with energy efficient downward facing LED fixtures. There will be safety lighting for the residents and no spillage. He showed the types of fixtures being used. Mr. Cramer stated he met with the Design Review Board (DRB) and approvals were issued. Ben LaFrance, of Hawk Design, Inc., noted the landscaping is 20+ years old. It is unkempt and unmaintained. The project will remove a lot of plantings and will retain a lot of flowering trees. They have created an appropriate landscape setting with a range of colors and sizes. Most are natural species and all are non-invasive.

Mr. LaFrance stated, on the south, most trees and shrubs will be retained. The landscaping along the rail line will be supplemented with evergreens to help give it a buffer. There will be ornamental grasses and plantings. There will be 5 private unit patios along the south side and windows will be added. On the Highland Avenue façade there will be red maples and Sargent cherries that will complement the building while softening the mass. There will be unit terraces along Highland Avenue where they can be. The streetscape will be enhanced with many varieties of plants such as summer sweet and boxwood. He worked with the DRB's Nelson Hammer who was pleased with the variety.

Mr. LaFrance noted, along West Street, the birch terrace will be retained with the retaining wall. All plantings will be replaced. It will be a nice backdrop while creating a buffer. The west side of the courtyard will be a memory care courtyard with an 8-foot high fence, concrete terrace and a walkway with colorful plantings. There will be emerald green arborvitae to soften the façade of the fence. On the railroad side, there are 2 drop off areas with concrete pavers to designate the area. There will be a meandering walkway that will interconnect many spaces. There will be walk through landscaped areas. The resident gazebo area will be expanded and parking spaces have been relocated to expand the amenity space. There will be a grill area, fire pit, bocce court, water amenity and grassy area. The plantings in the area will be supplemented.

Michelle Hobbs, architect with the Architecture Team, showed aerial views. She noted the footprint is the same and a fourth floor will be added and will be set back. She walked through the plans and elevations. The formal entry is off West Street. The ell section will have a new exit. The memory care/assisted living will be on the right and the independent living will be on the left side with a portico area. A loading area will be in the center in the main core of the building. The site utilities such as the generator will remain where they are. The project is bringing in natural light and reintroducing windows on Highland Avenue to liven up the façade. The goal is to create gardens, solo and shared, and an assisted living area with an outdoor terrace. Walls and doors will define the space and skylights may be added.

Ms. Hobbs discussed elevations. The project will open up closed doors and reintroduce windows. The focus is on livening up the Highland Avenue façade. The fourth floor will be fiber cement panels. They are working with existing lines and traditional stacking of bricks. The existing portico will be cleaned up. The garage entrance will be closed off and large windows added. She showed the existing and the proposed. She noted there will be some screening involved. Entryways to drives will be livened up. She noted a mechanical screen has been thought of as part of the design. There is a 2½ foot grade change from the front to the back. A small retaining area is being created. Mr. Alpert asked if there is any ability to make the building energy efficient. Ms. Hobbs stated the plans are still in development and she is looking at options. Lee Bloom, of LCB Senior Living, stated the windows are being evaluated and charging stations will be put in the lots. He stated he has not looked into solar but they are looking at all components for energy efficiency.

Eric Fredette, of Mann Associates, stated a full impact study was done and revised in February. The weekday a.m. and p.m. peaks were done at Highland and West, Hillside and West and the project driveways. The pre-Covid data was used with additional counts from 2019. Crash analysis was done at all intersections. Some safety issues were identified and some improvements are being spearheaded by the Town. He noted nearby amenities and existing pedestrian access. The town grant proposal approved would be state dollars and not town dollars. West Street at Hillside Avenue is part of the MASS DOT Complete Street Funding Program with pedestrian improvements. This will be funded in 2022. For Highland Avenue and West Street, the Town is drawing infrastructure and traffic signal improvements that are included in future analysis. Nursing facilities and medical offices generate more than the independent living and assisted living so the previous use had much higher travel. The peak parking demand is 81 spaces. The project is a lower traffic generator. There is no change, or minimal change, in Level of Service at the intersections and site drives.

Mr. Block clarified this is an enhanced use of the existing building and a reduction in bed and traffic generation. He noted there will be no change in the Level of Service at Highland and West and asked in comparison to what. Ms. Fredette noted it is based on the 2019 counts. This does not include trips from the previous land use. Mr. Block asked if it was December 2019 and was informed yes, they looked at seasonal data from MASS DOT to make adjustments to the traffic volumes. Mr. Block asked how the data was adjusted. Ms. Fredette noted she adjusted the volumes upward by 4% to represent an average month. She noted she really looked at traffic patterns and estimated 35% from the north and 50% from West Street. This is a representation of all employees, visitors and residents. The number of trips is so low. There are 2 site driveways so she is talking about fewer than 5 vehicles at any location. Mr. Block asked what location sites the 2021 counts came from and was informed the intersection of West and Highland and it was adjusted upward for seasonal volume.

Mr. Block noted the grill space and asked if it was to be used for memory care or independent. Ted Doyle, of LCB Senior Living, stated the grill space would be for the assisted living/independent living. It will not be for memory care due to a safety standpoint. Mr. Block asked what level of LEED there was. Mr. Bloom stated the project can certify but they do not go through the process. Most of his buildings end up at silver. Mr. Block asked what additional drainage impacts there would be with the addition of a fourth floor and is there enough capacity for water and sewer. Mr. Cramer stated right now there is a roof. There will be the same square footage. Mr. Kelly noted he reviewed the entire project with the DPW. The calculations of water and sewer are a function of the number of units which are reduced by 30% in the project.

Mr. Jacobs stated he likes the project very much and is in favor. He has one concern with the increased pedestrian traffic across West Street to get to the Senior Center. Some pedestrian improvements at West and Hillside are town planned and state funded. What are these improvements and do you think it will be enough to keep people safe? Ms. Fredette stated it is a MASS DOT prioritization plan at West and Hillside. The brick inlay will be removed and pedestrian refuge islands will be provided that will be about 6 feet in width. A high visibility crosswalk will be constructed across West Street. There are no pedestrian markings today. She suggests installing a pedestrian warning light system, signage and warnings for solar glares. ADA compliant ramps will be installed at all sides. Pedestrian islands will narrow the roadway and slow cars. Mr. Jacobs asked if that is enough. Ms. Fredette noted it is enough from a pedestrian perspective. The design team will ultimately design and get approval from the Town.

Any safety improvement is important and she would not do anything different. It is a difficult location with the railroad tracks. She feels the pedestrian improvements encompass safety improvements.

Mr. Jacobs asked why the 2019 traffic volumes were chosen as the building was empty. Ms. Fredette stated there was data from the Add-A-Lane project but the data was too old. The 2019 data was more representative. There was ITE data from previous uses and that is what was used. Mr. Alpert noted pedestrian traffic would be crossing West Street to go to Café Fresh or the pizza place and crossing back to the park. He asked if Ms. Fredette could describe how the traffic improvements would improve pedestrian access at that intersection. Ms. Fredette stated she could not really say. The draft from the Town only looked at lane configuration changes. An issue of timing for crosswalks was mentioned and that is being looked at by the Town. Mr. Alpert noted, for pedestrian access, this is a great location.

Ms. McKnight stated she did not see the lights presented for the parking area. She wants to make sure the lights are downcast. Mr. Bloom noted the lights are curved pole lights and bollards close to the building. He showed pictures of the lights. Ms. McKnight asked if the patios on Highland Avenue would be below grade and was informed the patios would be below grade. She noted there are very large trees presently. She is glad to hear Mr. Hammer on the Design Review Board is pleased with the trees. Mr. LaFrance noted the red maples have a certain maximum growth on the southern side so they can spread out more. There will be Colonial Sargent Cherries on the north side. They will have a 10 to 12-foot spread at maturity. The 3 to 3 ½ inch caliper will be around 15 feet high when they go in the ground.

Ms. McKnight stated the zoning for the overlay district has an affordable housing component. 12½% of the independent units must be affordable, which would be 9 units. She asked if they are in proportion to the bedroom sizes of the project. Mr. Bloom stated it is the gold standard. He is working on the regulatory agreement. He has engaged S & D Housing who have come up with an affordable housing plan. They need to match units for 12½% of each type of unit. The applicant determines the units then the state will look at it. There will be one ground floor, 4 second floor and 4 third floor units. He has spoken with Karen Sunnarborg. Ms. Newman stated she would like a copy of the draft of the Fair Housing Market Plan. Mr. Cramer stated he would not like to have a draft out there. The sellers counsel Louise Giannakis noted the units are in the agreement themselves. DHCD is involved and approves the plan. Ms. Newman stated she needs the specifics on the number of units and locations. Mr. Bloom commented he cannot know until the state approves it. Ms. Giannakis noted she will work with the Planning Director to make sure it is clear.

Ms. McKnight asked if the developer is opting for setting rents for affordable units at 50% of median income or 80% median and was informed it would be 80% of the median. Mr. Block stated there was a drainage project near this site at West and Highland. The DPW has recommended including a stormwater recharge station. Mr. Cramer followed up with that. Engineering was giving a heads up that in the future the EPA may change the rules and regulations to require a stormwater recharge station. There is no requirement now and they would rather not do the work now. They would like to stick with the law at present. Ms. McKnight stated Mr. Cramer was referring to a 4/14/21 letter to the Planning Board from Assistant Town Engineer Thomas Ryder with comments and recommendations. Engineering suggested the applicant provide stormwater recharge on site. It is not a requirement at this time but would be advantageous while the site is under construction. Mr. Bloom stated there is not an excavation of the parking lot and no new construction. He stated, if successful, they would break ground at the end of this year and, with 2 years of construction, open in 2023.

Mr. Kelly stated the result comes from a lawsuit the Charles River Watershed Association filed against the EPA claiming they are not protecting the watershed. The EPA tried this in 2007 and dropped it. Ms. McKnight stated the existing facility may have a sump pump that may need to be renewed. Mr. Kelly stated it is being reviewed. Once the drainage work is done the sump pump may not be needed. Ms. McKnight noted correspondence from the Board of Health. Mr. Bloom stated he spoke with them regarding modifying dumpsters and standard conditions such as the kitchen and swimming pool, and they were pleased. There will also be pest control since the building is vacant. There were comments of the buffering along the tracks and there was a response it will be preserved.

The Board of Directors of the Village Club sent a note of approval with comments, the Fire Department had no issues; the DPW had comments and the Police had no concerns except with the parking of workers.

Mr. Alpert noted the traffic study concentrates on West Street. Access to the lot on the south side is across from Morton Street with parking along Highland Avenue. The sidewalk juts out just before the lot entry and there is a tree. He would like to hear about the use of that entry/exit, how much use, the interaction with Morton Street and the sight lines coming along Highland Avenue. Ms. Fredette stated it is about 50/50 between the 2 intersections. She estimates 5 cars on Highland Avenue turning into the site and 6 leaving the lot to Highland Avenue south per hour. The sight lines are primarily obstructed by on site parking. Mr. LaFrance noted looking to the left to the existing island between the sidewalk and street it holds the parallel park cars back a little. The existing tree has a low branch flowering tree. They will be adding a low branch shade tree there.

Ms. McKnight opened the hearing for public comment. Joni Shockett, of 174 Evelyn Road, asked the number of employees on site. Mr. Cramer stated there would be 58 employees on an 8-hour shift which includes full and part time staff. Ms. Shockett asked if individuals could hire their own staff and was informed, they can. She asked if the parking takes the employees into consideration. It does take employees into consideration. She asked if there would be truck deliveries 7 days a week. Mr. Bloom stated there is a 24-foot box truck 3 times a week at most. The residents do not want to hear trucks. Ms. Shockett asked about parking for visitors. Mr. Bloom stated the demand for employees is 80 to 90. He is comfortable with the number of spaces available for visitors. If there is a major event he will make a deal with someone not open on that day and will valet.

Michael Weintraub, owner/representative for 460 Hillside Avenue, noted he is across the tracks. He stated it was a nice presentation and nice questions from the Board members. He has a few concerns. He noted Mr. Block and Mr. Jacobs addressed some concerns. He asked, regarding drainage, if there was a sense of the estimated number of gallons per unit or total gallons versus previous. Mr. Bloom noted the DEP Design Flow is 150 gallons per bed per day. Mr. Kelly stated there is no change in stormwater runoff and no change in pervious surface. Mr. Bloom noted there is a reduction from the prior use. The real average is 80 gallons per unit but they need to design for 150 gallons per unit. Mr. Weintraub noted the transportation traffic study. He is concerned about the inflow and exflow out to West Street. He is not convinced there will be a lesser amount of traffic than previous. There will be ambulances and fire trucks going in and out and the railroad tracks. He is raising this as a concern. He is not overly satisfied the traffic study is as complete as it could be. He is pleased with the pedestrian walkways. Mr. Bloom stated he is very comfortable the uses proposed have lower traffic.

Mr. Weintraub noted he is concerned with the fourth floor and asked the additional height. Mr. Bloom stated 44 feet to the top of the roof and some additional feet for the mechanics. Mr. Weintraub then stated he has a concern with the blockage of view and sunlight. He asked if any impact studies have been done for the abutting properties. Ms. McKnight stated they have not been provided with shadow studies. It seems the rising sun will go through the parking lot to his building. Ms. Hobbs stated, based on the orientation, Highland runs north to south. The setback is pretty substantial on the fourth level. There will be little to no impact as pertains to his building. Mr. Weintraub stated he is not convinced of shadows but it is actually the view he is concerned about. A rise would be impactful from a light and view standpoint. He would be happy to show anyone. Mr. Block asked Mr. Bloom how tall the fourth floor is. Mr. Bloom stated it is 10 feet off the roof line. Ms. Hobbs noted some existing mechanics are about 41 feet tall and they would have 44 feet plus or minus for the elevator overrun. Mr. Weintraub stated Verizon and AT&T are on his rooftop. They are checking with their engineers to verify if signals would be bothered.

David Sherman, of 100 Rosemary Way, stated he is a nurse in ICU and has experience in ERs. He has no issue with the outside of the plan. We are in the middle of a pandemic and it is not done yet. Avery Manor was thought of as a possible overload site for pandemic casualties. He feels it would be wise of the Board it be conditional that 5 to 10 beds be put aside for mass casualty victims. Mr. Bloom stated this is all private pay. They will work with the community but cannot provide those services. They would not accept those conditions in the decision. Mr. Sherman stated LCB should not provide them, just hold the space available. Ms. McKnight stated there is a question whether any condition like that could be put in a Special Permit. It goes beyond the types of things the Board could consider. Mr. Sherman reiterated he feels it would be good planning to have a small number of spaces reserved.

Pam Fernandes, a 25-year resident in the Heights and currently at 300 Second Avenue, noted pedestrian safety. She lived close to Trader Joe's for 20 years. She is visually impaired so pedestrian safety is a concern. She likes that the project can feed into the Senior Center in the Heights but pedestrian traffic is an issue. She lived on Hillside and Alfreton and she reported 3 accidents when she lived on Hillside Avenue. The intersection is quite bad. There may be flashing lights but they may want to consider an auditory system as well. A lot of people may have reduced vision. She noted the driveway onto West Street and asked if there was a way to stop cars from lining up bumper to bumper. She feels they should try to manage that area. West and Highland have auditory signals but rights on red cause issues. Also, auditory signals are just not long enough. She wanted to mention these issues. Ms. McKnight stated this applicant is not responsible for that. She has heard the timing of pedestrian signals seem to be off at Highland and West. The Planning Board can keep that in mind and use influence if they can. Mr. Jacobs suggested the comments be forwarded to the town authorities who are putting into place the systems. Ms. Newman will coordinate with Ms. Fernandes and forward her concerns to the DPW, Engineering and traffic advisory.

Molly Lyne, of 323 Hillside Avenue, is in favor of the project. She thanked Mr. Bloom. She feels this is great for the neighborhood. She assured Mr. Weintraub she does not think his light will be affected. Artie Crocker asked if there will be any sound proofing on the windows for residents with the trains. He agrees with Ms. Fredette regarding the rise of the sun. There will be zero affect for the building with solar panels and minimal effect on the other building. Mr. Bloom stated they are working with an acoustical consultant who is evaluating the windows. They are very aware of the trains. Dan Matthews, of 31 Rosemary Street, noted he is not representing the Select Board. He noted the Select Board did support the underlying zoning. He lives and has worked in the neighborhood. This is what was presented to the Select Board and Town Meeting and he overwhelmingly approves. He feels it is a good fit for the area and a benefit to the people. It is a good use for this site. As a resident and participant, the project is what the proponents have asked Town Meeting to do and he asks the Planning Board to allow them to go forward as presented with conditions and requirements that are appropriate.

Mr. Alpert asked if there is any reason to hold the meeting open. He would prefer to defer the discussion to the next meeting. Ms. Newman noted there is no additional information wanted so there is no reason to hold it open. She noted Natasha Espada can listen to the tape and vote on the matter. Discussion will be taken up at the 5/18/21 meeting.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to close the hearing.

7:50 p.m. – 390 Grove Street Definitive Subdivision: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA) ***Please note this is a re-noticed hearing that began on February 4, 2020 and is continued from the July 21, 2020, August 11, 2020, September 8, 2020, November 4, 2020, December 15, 2020, January 19, 2021, February 2, 2021 and March 2, 2021 Planning Board meetings. Please note: The Petitioner has requested that this application be withdrawn.***

Ms. McKnight noted correspondence from Attorney George Giunta Jr. to Planning Director Lee Newman. As of last night the owner and abutter have come to agreement to temporarily suspend the subdivision hearing and continue it to the April 21, 2021 meeting of the Planning Board and extend the action deadline. Due to the recent agreement the request is to withdraw the subdivision application without prejudice.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to allow the withdrawal of the subdivision application without prejudice.

Vote on determination of which voting threshold (majority or two-thirds) applies to the zoning articles on the Annual Town Meeting Warrant under the Housing Choice Legislation.

Ms. McKnight noted the recommendation of adoption was sent and the Board received further guidance from the Executive Office of Housing and Community Development on 4/9/21. She thought the Board should follow their guidance, which recommends the Planning Board, in its report, makes a determination of which voting threshold applies to this district. This should be added to the recommendation for both Articles 5 and 6 and especially Article 7. The Highway Commercial 1 rezoning requires a 2/3 vote. A motion was made to add the wording "after consultation with Town Counsel the Planning Board has determined Articles 5 and 6 require a 2/3 vote at Town Meeting for adoption." Mr. Jacobs asked if the Planning Board has made a determination whether the site is an eligible location under that statute. Ms. McKnight stated no. The interpretation of the statute keeps changing.

Mr. Jacobs asked why the Board does not make a determination as it is an eligible location. He sees no harm and if they do that, and put it in the report, then at Town Meeting, for example, if a group that advocates for housing changes then the motion to amend to add a requirement for some level of housing would prevail. Then a determination at that time would be a majority vote is appropriate. Town Counsel could be spoken with ahead of time and if he agrees it could be added that they find it an eligible location but absent any request housing be required then a 2/3 majority vote is appropriate. Mr. Block asked the significance of the determination. Mr. Jacobs believes it would be a prerequisite for the Planning Board to make a determination of an eligible location. Ms. McKnight commented that is not a recommendation and she sees no need for it.

Mr. Jacobs believes the housing advocates might change their proposal to request some level of housing and that would change the voting requirement. He suggested Town Counsel Chris Heep be asked his opinion. Mr. Alpert suggested the Board go beyond Town Counsel to the Town Moderator. Such a motion might be out of order. There are uses by right and uses by special permit. There is no category for required uses. It seems they would need to come up with a whole new zone or rezone to Apartment 1 or Apartment 2. Highland Commercial 1 has no required use. He noted the zoning Warrant Article in front of Town Meeting requires a 2/3 vote. He feels this would be inviting the amendment and amendments should be vetted in open meetings. Ms. McKnight agreed. This change is beyond the scope. They need to be fair to the property owner. The Board cannot make it worse for the current owner. Going along with the recommendation is all they can do.

A discussion ensued. Ms. McKnight stated a majority vote was implied. Mr. Jacobs asked what the harm was of putting in the statute it is an eligible location. Mr. Block stated public policy is up to the Board for what is best for the site. On that basis he would not amend and would proceed with the 2/3 vote. He feels the Board should explain their reasoning.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote of three of the four members present (Mr. Jacobs voted in the negative):

VOTED: to add the wording "after consultation with Town Counsel the Planning Board has determined Articles 5 and 6 require a 2/3 vote at Town Meeting for adoption."

Ms. McKnight stated Article 7 requires a simple majority vote.

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

VOTED: to add "after consultation with Municipal Counsel the Planning Board has determine Article 7 needs only a majority vote for adoption because the Article, if adopted, with modified regulations concerning bulk, height of structures, yard sizes, lot area, setback, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the current By-Laws."

Minutes

Ms. McKnight noted changes she would like to the minutes.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of four members present unanimously:
VOTED: to accept the redlined version of the minutes of 1/19/21 with the changes discussed tonight.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 11:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Paul Alpert, Vice Chairman and Clerk