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500 Dedham Avenue
Needham, MA 02492
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PLANNING BOARD

**FURTHER
APPLICATION FOR/SITE PLAN REVIEW**

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 100 and 120 HIGHLAND AVENUE, NEEDHAM, MA
Name of Applicant NEEDHAM GATEWAY, LLC
Applicant's Address 66 Cranberry Lane, Needham, MA 02492
Phone Number 781-910-7933

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

Property Owner's Name BMI REALTY TRUST
Property Owner's Address 26 Pine Tree Drive, Buzzards Bay, MA 02532
Telephone Number 617-462-9119

Characteristics of Property: Lot Area 82,581+/- Present Use Retail and Services
Map # 73 Parcel # 18 Zoning District Highland Commercial-128 and New England Business Center

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Professional Office (Medical)
SEE ATTACHED RIDER A.

NEEDHAM GATEWAY, LLC

Signature of Applicant (or representative) BY: Michael Moskowitz
Address if not applicant MANAGER
Telephone # 781-910-7933
Owner's permission if other than applicant Elizabeth Berejik

Trustee of BMI Realty Trust

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board Admshull Date 1/25/22
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

SIGNATURE CERTIFICATE



REFERENCE NUMBER

F69274D1-6D7E-46C5-9C8E-5AF992C108A5

TRANSACTION DETAILS

Reference Number

F69274D1-6D7E-46C5-9C8E-5AF992C108A5

Transaction Type

Signature Request

Sent At

01/10/2022 10:45 EST

Executed At

01/10/2022 11:44 EST

Identity Method

email

Distribution Method

email

Signed Checksum

c5b0f6618dbddd8820d74d6cb430d7157528b1dd63008f6db98f5be28e94cb9e

Signer Sequencing

Disabled

Document Passcode

Disabled

DOCUMENT DETAILS

Document Name

Ng Special Permit

Filename

ng_special_permit.pdf

Pages

1 page

Content Type

application/pdf

File Size

250 KB

Original Checksum

799f7280cf7547ae7fd7a67bb3a4d988bbf8044e5763e5cd79b088acfd396d9

SIGNERS

SIGNER

Name

Mike Moskowitz

Email

mike@eclipsegmt.com

Components

1

E-SIGNATURE

Status

signed

Multi-factor Digital Fingerprint Checksum

5452dad08b3971b9041e882ca081e48c6a072897ea02b7b141e77a8216e7a0cc

IP Address

104.251.140.108

Device

Chrome via Windows

Typed Signature

Michael Moskowitz

Signature Reference ID

F0513D26

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01/10/2022 11:44 EST

Identity Authenticated At

01/10/2022 11:44 EST

Signed At

01/10/2022 11:44 EST

Name

Betty Ann Berejik

Email

berejikmotors@aol.com

Components

1

Status

signed

Multi-factor Digital Fingerprint Checksum

0e49a17b9dff58a7fd5c3a2ed2ed6c91f32e4ba290ee7b63faa2fd280097c04c

IP Address

98.238.63.154

Device

Chrome via Windows

Typed Signature

Elizabeth Berejik

Signature Reference ID

FA9C52CD

Viewed At

01/10/2022 11:28 EST

Identity Authenticated At

01/10/2022 11:29 EST

Signed At

01/10/2022 11:29 EST

AUDITS

TIMESTAMP	AUDIT
01/10/2022 10:45 EST	Mike Moskowitz (mike@eclipsegmt.com) created document 'ng_special_permit.pdf' on Chrome via Windows from 104.251.140.108.
01/10/2022 10:45 EST	Betty Ann Berejik (berejikmotors@aol.com) was emailed a link to sign.
01/10/2022 11:28 EST	Betty Ann Berejik (berejikmotors@aol.com) viewed the document on Chrome via Windows from 98.238.63.154.
01/10/2022 11:29 EST	Betty Ann Berejik (berejikmotors@aol.com) authenticated via email on Chrome via Windows from 98.238.63.154.
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01/10/2022 11:44 EST	Mike Moskowitz (mike@eclipsegmt.com) signed the document on Chrome via Windows from 104.251.140.108.

RIDER A

TO APPLICATION FOR AMENDMENT TO SPECIAL PERMIT NO. 2005-07

Reference is made to the Major Project Site Plan Special Permit No. 2005-07 issued to Needham Gateway, LLC (the "Applicant") on January 24, 2006 as amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012 and July 20, 2021 (collectively, the "Special Permit") with respect to a parcel of land containing approximately 82,581 square feet (the "Land") known as and numbered 100 and 120 Highland Avenue, Needham, MA. Capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Special Permit.

Pursuant to the Special Permit, Applicant has completed construction of two buildings on the Land, one located at 100 Highland Avenue containing 10,628 square feet of floor area and the other located at 120 Highland Avenue containing 12,820 square feet of floor area (both buildings, together with all other improvements on the Land are herein collectively referred to as the "Shopping Center").

Section 3.2 of the Special Permit, allows the use of 10,628 square feet of the building at 100 Highland Avenue and 8,020 square feet of the building at 120 Highland Avenue for general retail purposes and craft, consumer, professional or commercial service establishments dealing directly with the general public and 4,800 square feet of said building for a fast food restaurant. Further, although otherwise allowed as of right or by special permit in the underlying Highland Commercial-128 Zoning District, Section 3.3 of the Special Permit as amended expressly prohibits the following uses in the Shopping Center: (1) all sit down food and beverage restaurants; (2) all fast food pick up and/or delivery restaurants, excepting Panera Bread; (3) all sports clubs; and (4) all convenience markets.

1. Proposed Use:

The Applicant proposes to lease approximately 3,275 gross square feet of floor area in the building at 120 Highland Avenue to Carbon Health Medical Group of Florida, PA, a Florida professional corporation d/b/a "Carbon Health", duly registered as a foreign corporation in the Commonwealth of Massachusetts, which is wholly owned by a single physician licensed in the Commonwealth of Massachusetts. Based on its ownership, the proposed tenant asserts that it will not be required to be licensed as a clinic under GL Chapter 111, Section 51. Carbon Health intends to use the premises principally for the provision of primary and walk-in medical care and will have a maximum aggregate of eight (8) medical and non-medical staff on premises at any one time, including no more than two licensed physicians. Hours of operation are expected to be 8 AM - 8 PM, seven days a week, subject to possible change.

The proposed use will be located in space currently occupied by a Supercuts as a hair salon (approx. 1,000 s.f. of floor area), Omaha Steaks for retail sales of frozen foods (approx. 1,210 s.f. of floor area) and Hamra Management Company for office use (approx. 1,065 s.f. of floor area).

2. Determination of Use Category:

By letter dated December 29, 2021, a copy of which has been submitted with this application, the Building Commissioner has determined that the proposed use constitutes a "professional office" which is allowed as a matter of right in the Highland Commercial-128 District in which the premises are located.

The Commissioner's determination was based on the following analysis of the applicable Zoning By-Law provisions.

Section 3.2.5.1 includes the following as permitted uses in the Highland Commercial-128 District:

"Professional, business or administrative office, but not including a medical clinic or Medical Services Building or Group Practices or alternative medicine practices, physical therapy, and wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, **all as defined in Sections 1.3 and 3.2.4.1."** (emphasis added)

Section 1.3 of the Zoning By-Law defines a "Professional" as follows:

"Professional – a person who by education and experience is a member of a recognized profession such as a **physician**, dentist, architect, attorney, artist or engineer." (emphasis added)

The word "Professional" and "Non-Group Practice" are further defined in Section 3.2.4.1 (c) of the Zoning By-Law as follows:

"Professional" shall include professional **medical**, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer **such professionals** ("Non-group Practice")." (emphasis added)

A "Group Practice" is defined in Section 3.2.3.1. (c) as follows

"... medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of **three or more** such professionals (hereinafter "Group Practices")" (emphasis added)

A "medical clinic " is defined in Section 1.3 as follows:

" Medical Clinic – An institution or facility providing medical, surgical, dental, restorative or mental hygiene services to persons not accommodated overnight therein, **under license as a clinic under Massachusetts General Laws**, whether or not affiliated with a hospital or other health care facility." (emphasis added)

A "Medical Services Building" is defined in Section 1.3 as follows:

"Medical Services Building – Premises with occupancy **limited to** doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, radiology and laboratory services, sale, and repair of medical devices and equipment or other health care or health care services, whether or not owned or affiliated with a hospital, but not including those licensed as a clinic." (emphasis added)

In reaching his determination, the Commissioner concluded that a "professional" in this context includes only a licensed physician and not a licensed nurse or other licensed para-professional. In this regard, he noted that reference to nurses and paraprofessionals was conspicuously absent from the above definitions making his interpretation wholly consistent with the actual language of the Zoning By-Law cited above. He further noted that his interpretation was also supported by the fact that elsewhere in the Zoning By-Law where there was an intent to include such other licensed parties, the By-Law explicitly so states (e.g. Section 3.6.7 (c) (1) referring to "physician, physician's assistant and nurse practitioner").

The Commissioner concluded that Carbon Health's proposed use fits the definition of a "Professional Office" allowed as a matter of right in the Highland Commercial - 128 District and is not a Group Practice, Medical Clinic or a Medical Services Building, nor is it an alternative medicine practice, physical therapy or wellness treatment facility as defined.

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

3. Parking Waiver:

The Special Permit contains a waiver of the off-street parking requirements under Sections 5.1.2 and 5.1.3 of the Zoning By-Law, reducing the number of spaces required from 127 to 97. The proposed use by Carbon Health will be located in space currently occupied by Supercuts as a hair salon (approx. 1,000 s.f), Omaha Steaks for retail sale of frozen foods (approx. 1,210 s.f.) and Hamra Management Company for office use (approx. 1,065 s.f.). The total number of required parking spaces for such existing uses are calculated as follows:

1. Omaha Steaks: 1,210 s.f of retail @ 1space/300 s.f. = 4.03 parking spaces required
2. Supercuts: 1,000 s.f. of retail service @ 1 space/300 s.f.= 3.33 parking spaces required
3. Hamra Management Co.: 1,065 s.f. of office @ 1space/300 s.f. = 3.55 parking spaces required.

After rounding up as required by the Zoning By-Law, based on the foregoing, eleven (11) parking Spaces are required for the existing uses.

Pursuant to Section 5.1.2 (6) of the Zoning By-Law, one parking space is required for every 200 square feet of floor area used for "medical...and related health service," resulting in 17 required

spaces for the proposed medical professional office use by Carbon Health, being six (6) spaces more than the number required for the existing uses.

The Applicant hereby requests that the Planning Board amend the Special Permit by the issuance of a special permit pursuant to Section 5.1.1.5 of the Zoning By-Law waiving the requirement for six (6) additional parking spaces calculated as aforesaid and confirming the existing waiver in the Special Permit as to the requirements of Section 5.1.3 of the Zoning By-Law.

In support of its request for the issuance of the above waiver, the Applicant has submitted with this application a Parking Study dated November 19, 2021, prepared by BSC Group, Inc. which demonstrates that the proposed use by Carbon Health does not warrant the number of parking spaces required by Section 5.1.2 and that existing 97 parking spaces are sufficient to accommodate all existing and proposed uses in the Shopping Center.

To the extent any other provisions of the Zoning By-Law require the granting of a special permit, waiver or an amendment to the existing Special Permit in order to allow the proposed use by Carbon Health, such special permit, waiver and/or amendment is hereby requested by the Applicant.

The Applicant hereby requests that the relief requested in this application run with Land.

**THE LAW OFFICE OF
RICHARD S. MANN**
ATTORNEY

January 24, 2022
Planning Board
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: 100-120 Highland Avenue-Application for Amendment to Major Project Site Plan
Special Permit No. 2005-07; Carbon Health Medical Group of Florida, PA

Ladies and Gentlemen:

On behalf of the Applicant, Needham Gateway, LLC, enclosed are the following:

1. Application for Amendment to Major Project Site Plan Special Permit No. 2005-07 with Rider A;
2. Proposed Floor Plan;
3. Parking Study by BSC Group dated November 19, 2021;
4. Letter from Commissioner Roche dated December 29, 2021;
5. Legal Analysis from Foley & Lardner dated January 19, 2022;
6. Evidence of Physician Shareholder Mass. Licensure; and
7. Proposed form of Legal Notice.

A check in the amount of \$1,000.00 payable to the Town of Needham for the required fee was previously delivered to the Planning Department.

Given the nature of the requested amendment, no site plan is being required for this Application.

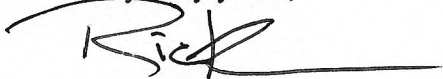
Please instruct the newspaper to send the invoice for the legal notice to:

Michael Moskowitz
66 Cranberry Lane
Needham, MA 02492

Tel Number: (781)-910-7933

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Rick", with a long horizontal flourish extending to the right.

Richard S. Mann, Esq.

cc: Michael Moskowitz

Compose

Mail

- Inbox
- Starred
- Snoozed
- Sent
- Drafts
- [Gmail]
- [Gmail]/Drafts

Chat

Spaces

No spaces yet
Create or find a space

Meet

- New meeting
- My meetings



Commonwealth of Massachusetts
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Physician Profile

Sujal S. Mandavia, M.D.

This profile is being updated and will be available on 2/19/2022.

[What does this mean?](#)

License Number	291039
License Status	Active
License Issue Date	1/20/2022
License Expiration Date	8/6/2022
NPI Number	1992791164

Instructions for obtaining public information about a physician are available at our [public information page](#). Questions about a physician's Profile may be submitted to ma.profiles@state.ma.us. You may also contact the Massachusetts Board of Registration in Medicine, 200 Harvard Mill Square, Suite 330, Wakefield, MA 01880. Phone 781-876-8200 for public information about a physician or questions about a physician's Profile. Detailed information about Massachusetts Board disciplinary actions on physicians may be found at our [Disciplinary and Other Board Action](#) page.

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On Mon, Jan 24, 2022 at 9:16 AM Meghna Parikh <meg@carbonhealth.com> wrote:
Can you send me the screenshot you share via Slack? Ty!!



To:	Mike Moskowitz Needham Gateway LLC PO Box 920757 Needham, Massachusetts 02492	Date:	November 19, 2021
From:	Michael A. Santos, PE, PTOE	Proj. No.	28454.00
Re:	Parking Evaluation 100 Highland Avenue – Needham, Massachusetts		

BSC Group, Inc. has conducted an evaluation of the changes in parking demand related to changes in use of retail spaces located at the commercial plaza at 100-120 Highland Avenue (the “Project”) in Needham, Massachusetts. The parking evaluation consists of 48-hour traffic counts at the driveways that serve the site, parking occupancy observations on the site, parking demand estimates related to the changes in use, and an analysis of the impacts of the changes in use. This evaluation indicates that the existing parking supply will accommodate the proposed changes in use, which are described in the following section.

Project Description

The Project site is located at 100 Highland Avenue at the intersection of Highland Avenue and Second Avenue in Needham, Massachusetts. The site is currently served by a two-way driveway on Highland Avenue and a two-way driveway along Second Avenue. The uses on the site consist of two buildings: a 10,628 square foot (sf) building that contains a Frank Webb’s Bath Center and a 11,150 sf building that contains several uses including a Panera Bread, Omaha Steaks, SuperCuts, Hamra, and a Geico office. At the time of this study, the SuperCuts was not in operation.

The Project will replace the Omaha Steaks, SuperCuts, and Hamra with a Carbon Health urgent care facility consisting of approximately 3,000 sf of space. The Project will also replace the Frank Webb’s Bath Center with an XGolf simulator facility that will occupy the entire building (10,628 sf). The XGolf facility will have a total of 8 golf simulation kiosks and will experience peak operations during weekday evenings and on the weekend. The site plan is shown in **Figure 1**. The details of the new uses are provided in the Appendix.

The proposed uses on the site are expected to have different parking needs and trends than the existing uses that they are replacing, especially the XGolf facility. This evaluation was prepared to document how the changes in use impact the existing parking supply by collecting existing parking data, estimating anticipated parking demand for the new uses, and developing expected future parking demand for the entire site with the new uses.

The following sections describe the evaluation.

Figure 1
Site Plan



Existing Traffic Volumes

Existing traffic counts were conducted at the two driveways that serve the site to estimate the level of activity at the site over the course of a Friday and Saturday. The counts were collected through automatic traffic recorders (ATRs) on Friday October 29 and Saturday October 30, 2021. The count data is presented in **Figure 2** for the Friday counts and **Figure 3** for the Saturday counts and the detailed data is provided in the Appendix.

Figure 2
Weekday Traffic Counts

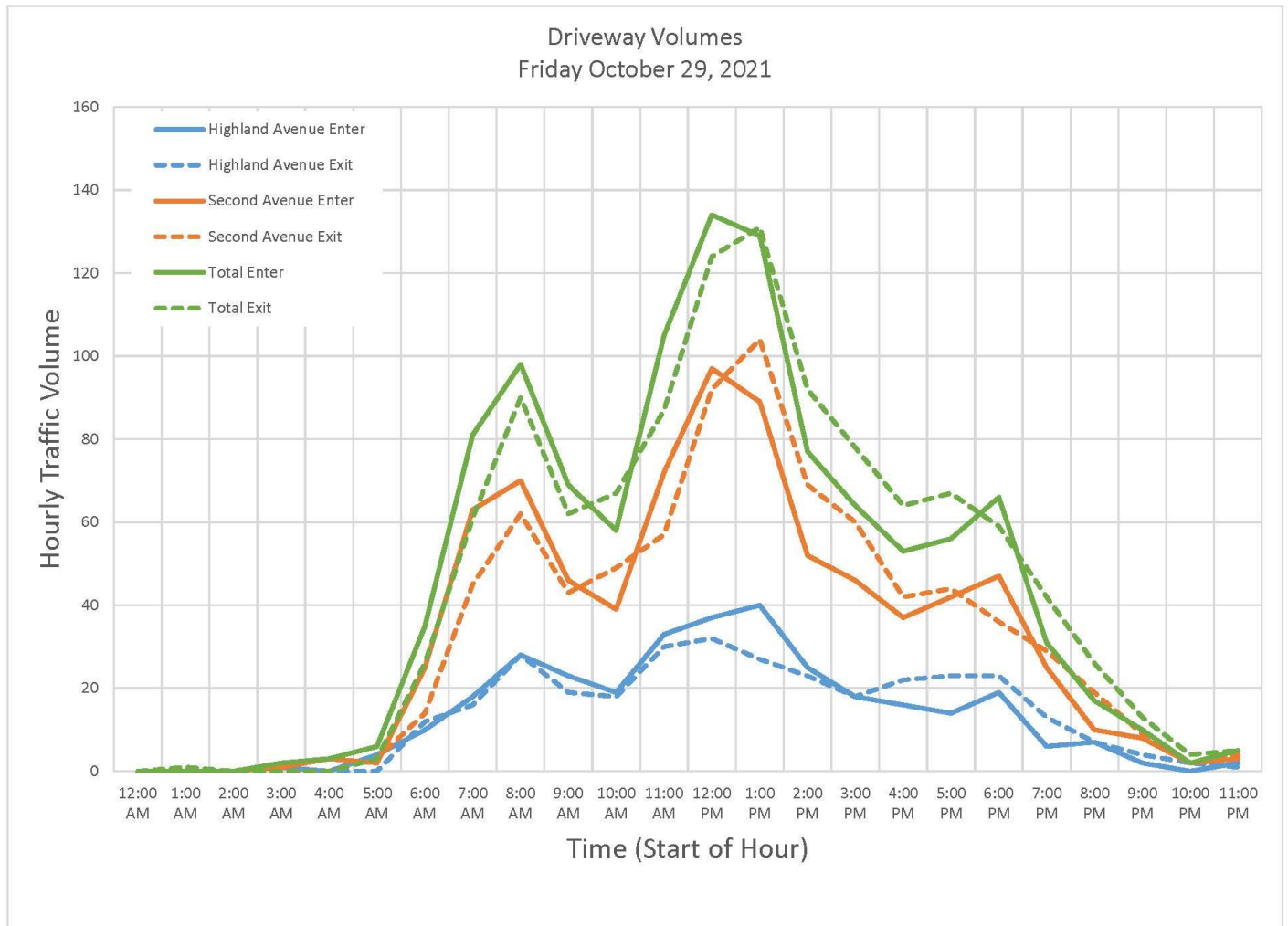


Figure 2 indicates that on a weekday the activity peaks during the afternoon around noon, with minor peaks at 8:00 AM and again at 6:00 PM. A total of 98 vehicles entered and 90 exited between 8:00 – 9:00 AM; 134 vehicles entered and 124 exited between 12:00 – 1:00 PM; and 66 vehicles entered and 59 exited between 6:00 – 7:00 PM. Entering and exiting vehicles follow similar patterns at both driveways throughout the day, indicating that the uses on the site experience quick parking turnover and that most vehicles do not remain

parked for the entire day. The counts indicate that a total of 1,101 vehicles entered the site and 1,102 vehicles exited the site over the course of the Friday. Approximately 71 percent of the activity occurred at the Second Avenue driveway, with the remaining 29 percent occurring at the Highland Avenue driveway.

Figure 3
Saturday Traffic Counts

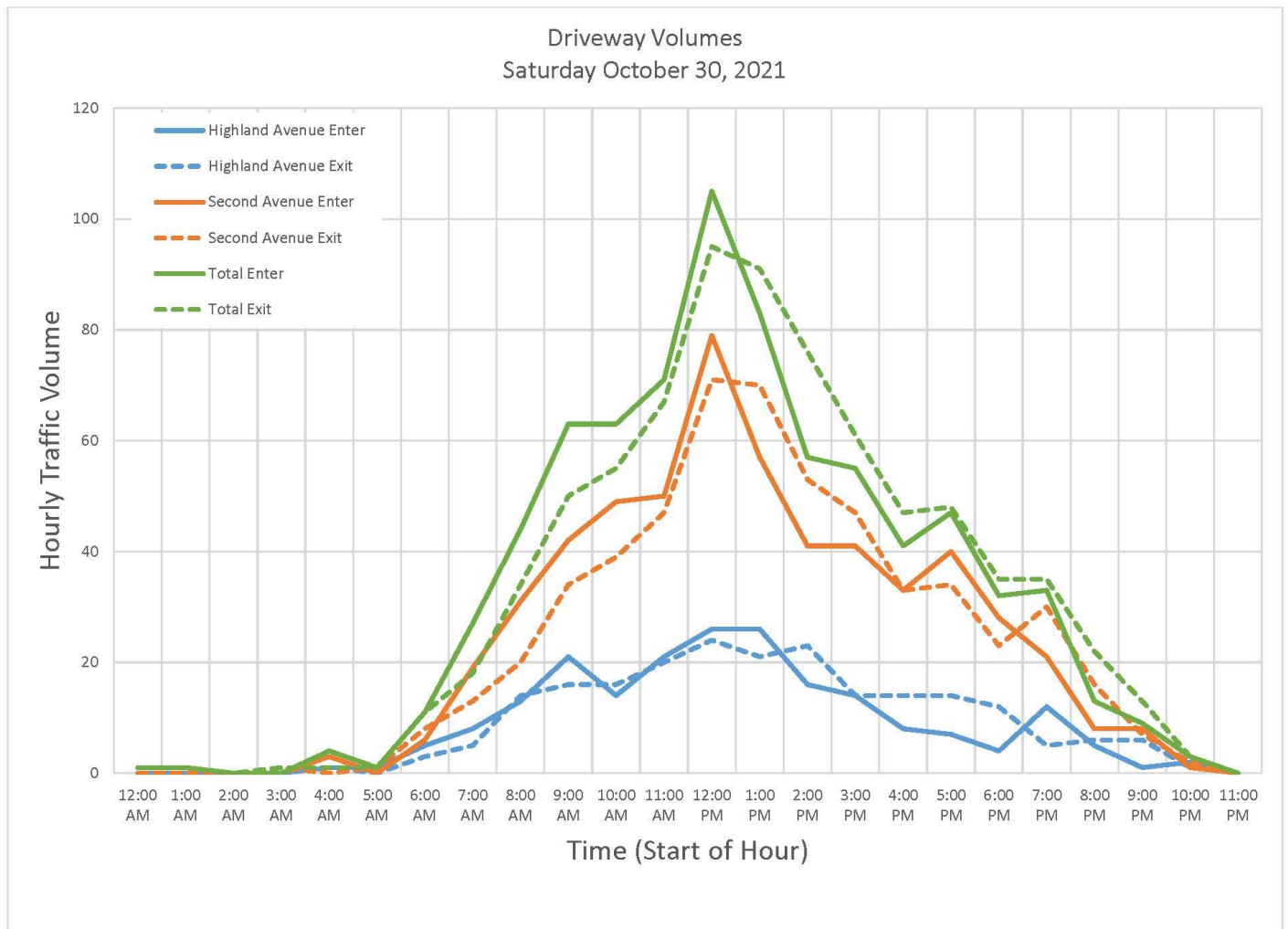


Figure 3 indicates that the activity on a Saturday has one primary peak during the afternoon around noon. A total of 105 vehicles entered and 95 exited between 12:00 – 1:00 PM during the count period. Similar to the weekday traffic counts, entering and exiting vehicles follow similar patterns at both driveways throughout the day, indicating that the uses on the site experience quick parking turnover and that most vehicles do not remain parked for the entire day. The counts indicate that a total of 764 vehicles entered the site and 766 vehicles exited the site over the course of the Saturday. Approximately 72 percent of the activity occurred at the Second Avenue driveway, with the remaining 28 percent occurring at the Highland Avenue driveway.

Parking Evaluation

An evaluation of the existing and future parking demand was conducted to determine the impacts by the change in use to the parking supply. The evaluation used a three-step process to estimate the future parking demand with the new uses in place. The three steps include the following:

- Conduct a parking occupancy study to determine the existing parking demand on the site
- Collect customer/pedestrian data for the uses to be replaced
- Estimate parking demand for the new uses based on available industry data and anticipated operational information

The following sections describes each step of the process.

Parking Occupancy and Availability Study

The existing parking lot contains a total of 97 spaces and will not be modified as part of the change in use on the site. Parking occupancy counts were conducted at the 100 Highland Avenue parking lot over the course of 12 hours on Friday October 29 (between 8:00 AM and 8:00 PM) and Saturday October 30, 2021 (between 10:00 AM and 10:00 PM) to determine the existing utilization of the parking spaces on the site. The counts were conducted by camera in 15-minute intervals. These time periods were selected for evaluation to overlap with the peak activity related to the medical facility during normal business hours on weekdays and the golf facility on Saturday afternoon through the evening hours.

The data from the parking occupancy and availability study is presented in **Figure 4** for Friday **Figure 5** for Saturday the two days on which data was collected. The detailed data is provided in the Appendix.

Figure 4
Existing Parking Occupancy and Availability - Friday

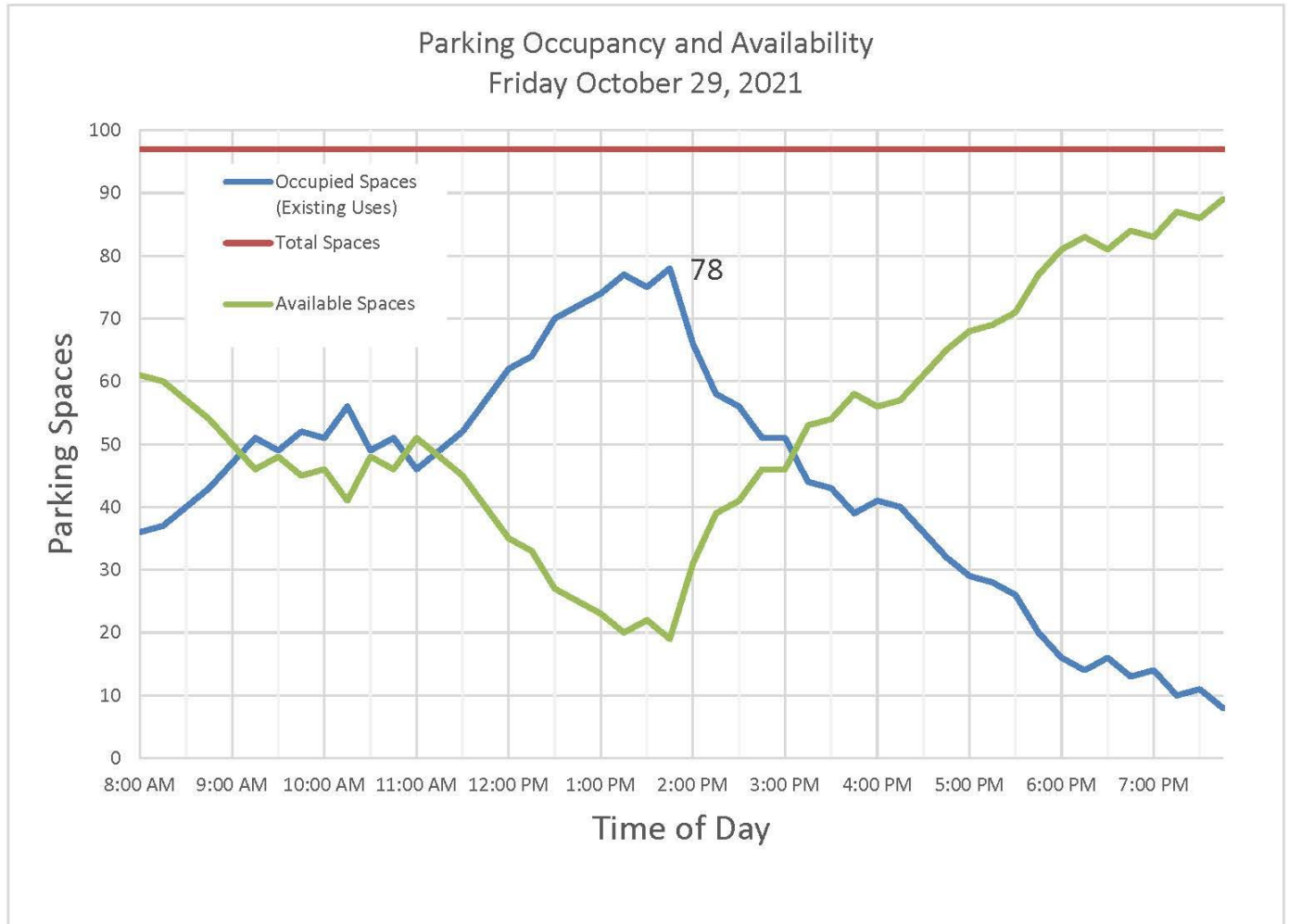


Figure 4 presents the overall parking supply (97 vehicles shown by the red horizontal line), the number of occupied spaces, and the number of available spaces between 8:00 AM and 8:00 PM on Friday October 29, 2021. Based on this evaluation, parking demand peaks between 1:00 – 2:00 PM on Friday, with a maximum of 78 parked vehicles occurring at 1:45 PM. A total of 19 parking spaces remain available during the busiest time of the day under the existing conditions.

Figure 5
Existing Parking Occupancy and Availability – Saturday

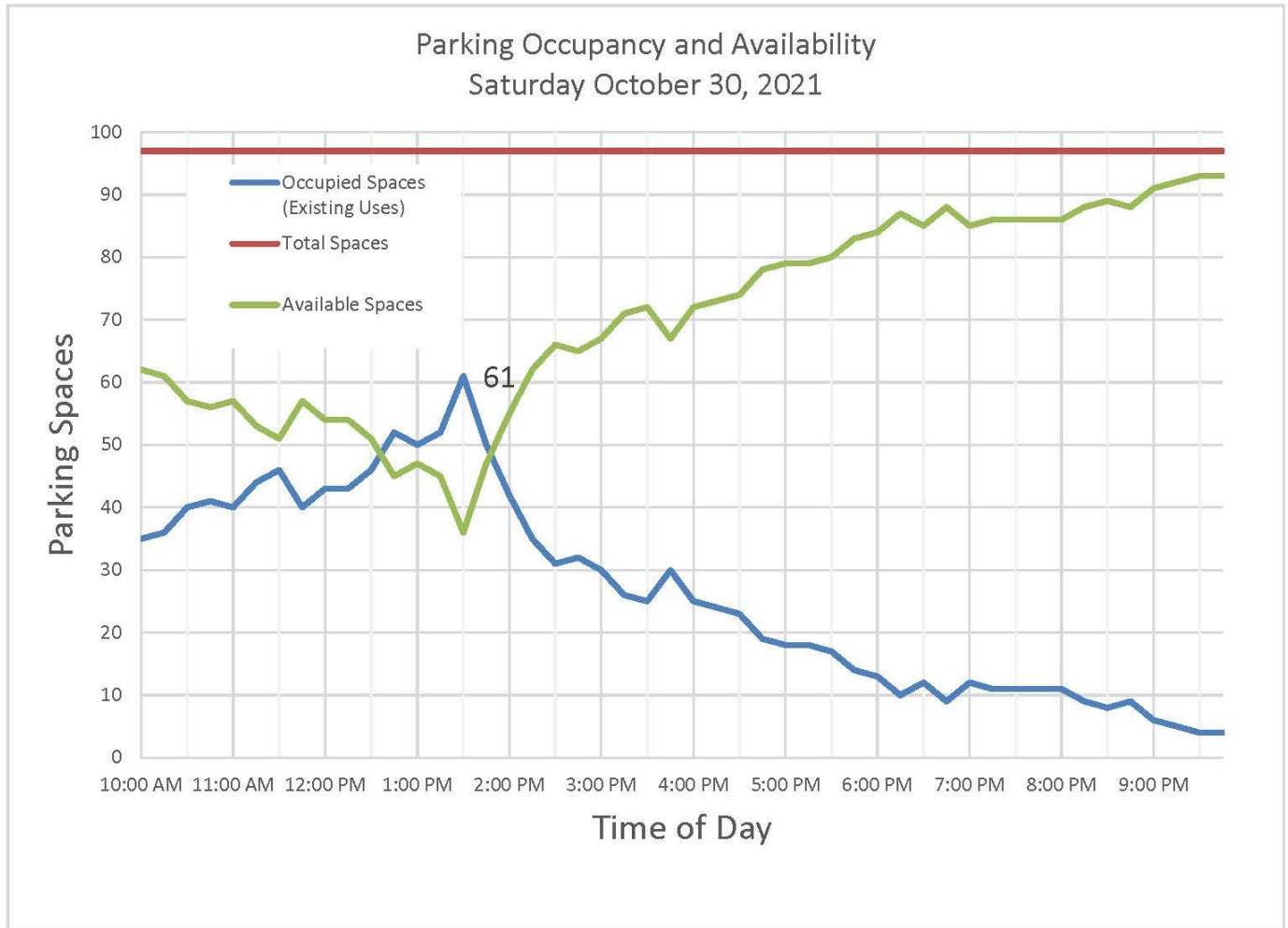


Figure 5 presents the overall parking supply (97 vehicles shown by the red horizontal line), the number of occupied spaces, and the number of available spaces between 10:00 AM and 10:00 PM on Saturday October 30, 2021. Based on this evaluation, parking demand peaks between 1:00 – 2:00 PM on Saturday, with a maximum of 61 parked vehicles occurring at 1:30 PM. A total of 36 parking spaces remain available during the busiest time of the day under the existing conditions. During the mid-afternoon through early evening, parking demand decreases steadily. This is the period of time that is expected to be the peak for the golf simulator use that will replace the Frank Webb showroom, indicating that the peak for this use occurs during the least busy time for the rest of the site.

Pedestrian Counts

Concurrent with the parking occupancy study, pedestrian and customer counts were conducted using cameras to determine the activity at the existing Omaha Steaks and Frank Webb uses on the site. Only customers entering from the parking lot were counted to ensure that people arriving using other modes of transportation were not accounted for, since the goal of this study is to provide an evaluation of vehicle parking demand.

The customer counts were then used to determine the parking demand for both uses that will be replaced. Customer counts were not conducted at Hamra or at Supercuts. Both of these uses were not expected to generate significant customer activity that would have any impact on this evaluation. In order to estimate the parking demand for the Omaha Steaks and the Frank Webb uses, the customers were counted in clusters to account for multiple people arriving in a single vehicle. The detailed pedestrian counts are provided in the Appendix. A graphical representation of the pedestrian counts is provided in the next section.

The pedestrian observations indicate that on Friday, the maximum parking demand for Omaha Steaks and F.W. Webb is 4 vehicles and occurs between 11:00 AM – 12:00 PM. On Saturday, the maximum parking demand for the same uses is 8 vehicles and occurs between 1:00 – 2:00 PM. These values are indicated on **Figure 6** for the Friday and on **Figure 7** for the Saturday as negative numbers, since this demand is being removed from the site. The parking demand to be removed by the existing uses are shown by the dashed line on these figures.

Future Parking Demand

Parking demand for the future conditions on the site with the changes of use in place was estimated to determine how the new uses impact the parking supply on the site. Parking demand estimates were calculated for the proposed Carbon Health urgent care facility using data provided in the Institute of Transportation Engineers *Parking Generation Manual*¹ using Land Use Code 630 – Clinic. The *Parking Generation Manual* provides a range of parking demands for this use based on data collected from similar uses throughout the country. The manual also provides a time-of-day distribution for the parking demand. Based on this evaluation, the peak parking demand for the facility on the site is expected to be 11 vehicles, which will occur between 10:00 AM and noon.

Parking demand estimates for the proposed XGolf golf simulator use are not provided in the *Parking Generation Manual*. The parking demand for this use was developed by obtaining anticipated operations of the use and developing estimates based on expected number of golf simulators, employees, and the intensity of the use throughout the day. The golf simulator use experiences the most activity on Saturday afternoons through the evening. During the week, peak activity related to this use occurs during the evening periods. The golf simulator use will install eight simulation kiosks which can accommodate up to 4 people. During peak times, a maximum of five employees will be on site. Based on this operational data, the maximum number of parked vehicles for this use will be 37, assuming that every customer and employee uses their own vehicle to arrive on the site. This is the most conservative (highest) estimate for this use, as it is very likely that many customers will arrive in the same vehicle. A time-of-day distribution of intensity of this use was developed based on the expected customer demand throughout the day. The time-of-day distribution assumes that peak usage will occur around 6:00 PM and later on weekdays and around 3:00 PM and later on Saturdays.

Figure 6 and **Figure 7** show the parking demand for the Carbon Health facility, the XGolf facility, the existing uses to be removed, and the overall change in parking demand throughout the course of the day on Friday and Saturday, respectively.

¹ *Parking Generation Manual, 5th Edition*; Institute of Transportation Engineers; Washington, DC; 2019.

Figure 6
Change in Parking Demand with Change in Use – Weekday

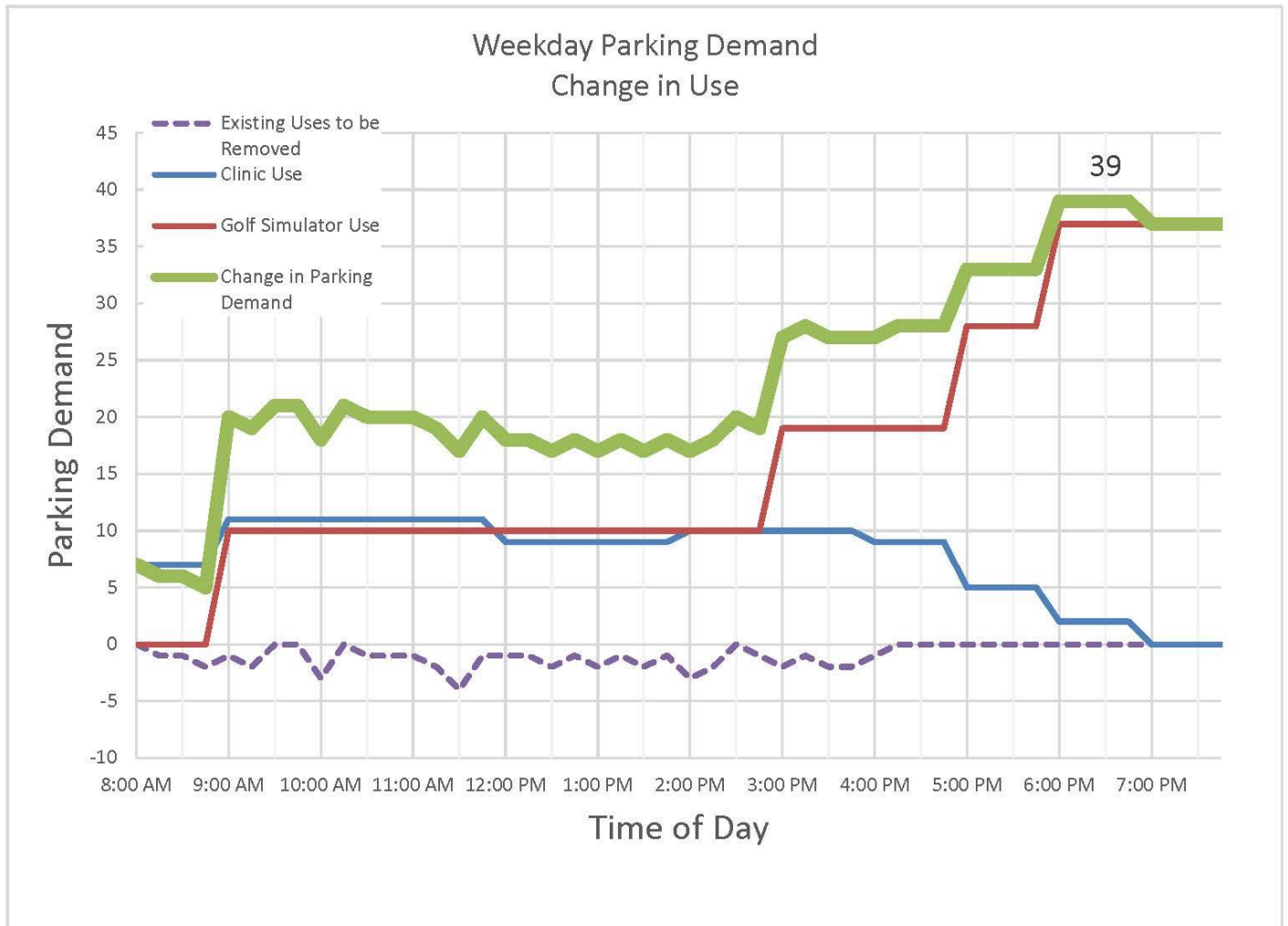


Figure 6 shows the parking demand for the Carbon Health facility (blue line), the XGolf facility (red line), and the existing uses that will be replaced (dashed line). The changes in the parking demand resulting from the changes in use are shown by the green line. The overall increase in parking demand is around 20 vehicles between 9:00 AM and 2:45 PM. Around 3:00 PM, the XGolf facility begins to experience heavier demand for parking, resulting in increases throughout the evening and a maximum increase of 39 vehicles at 6:00 PM.

Figure 7
Change in Parking Demand with Change in Use – Saturday

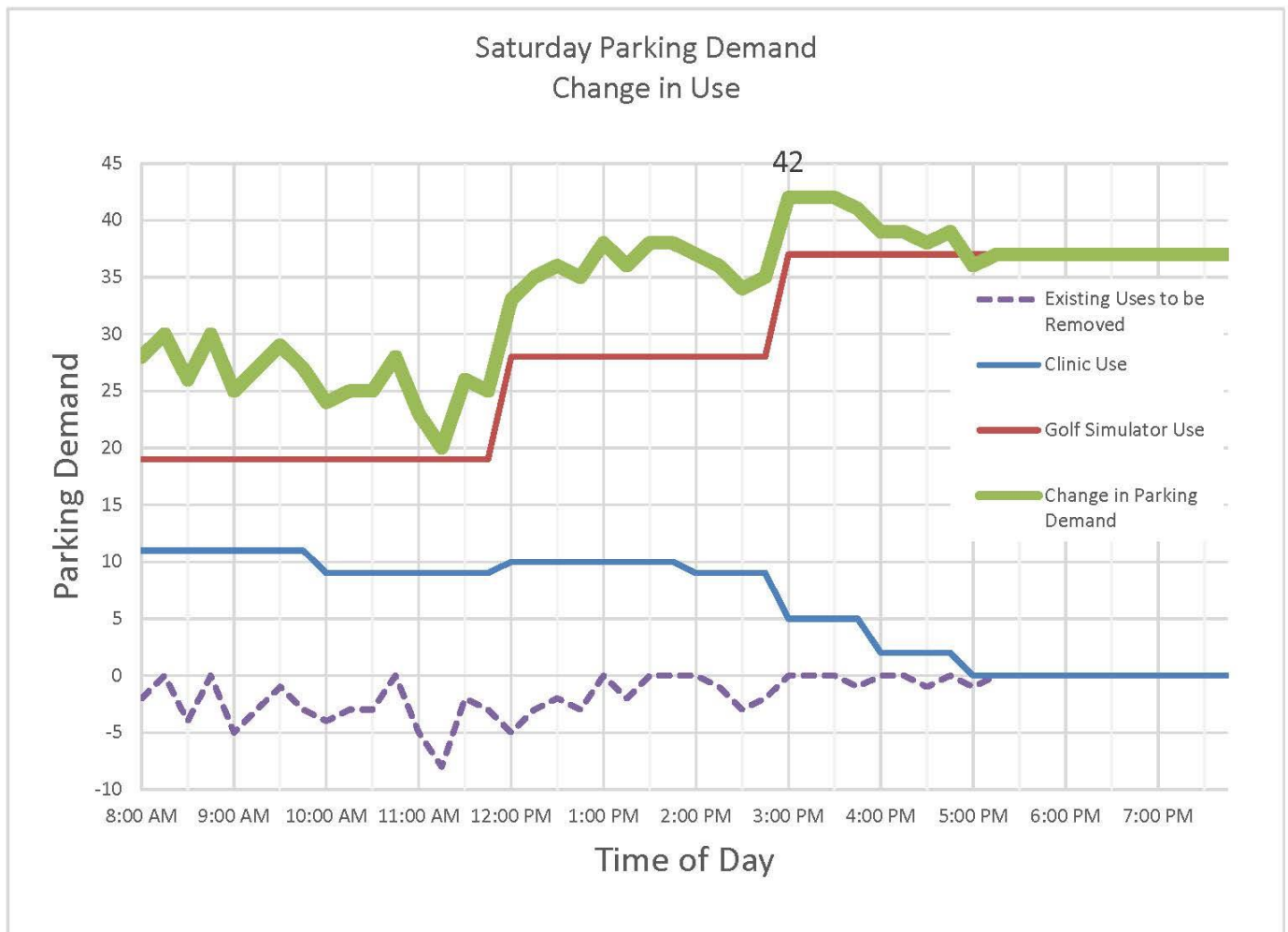


Figure 7 shows the parking demand for the Carbon Health facility (blue line), the XGolf facility (red line), and the existing uses that will be replaced (dashed line). The changes in the parking demand resulting from the changes in use are shown by the green line. The overall increase in parking demand is around 30 to 40 vehicles between 10:00 AM and 2:30 PM. Around 3:00 PM, the XGolf facility begins to experience heavier demand for parking, resulting in increases throughout the evening and a maximum increase of 43 vehicles at 3:00 PM.

The changes in parking demand were then compared to the available amount of parking observed during the parking occupancy evaluation. The changes shown in the green lines in Figures 6 and 7 were added to the existing parking demand on the site to develop the total future parking demand with the changes in use on the site. The new parking demand is shown on **Figure 8** for the weekday and **Figure 9** for Saturday.

Figure 8
Change in Parking Demand with Change in Use – Weekday

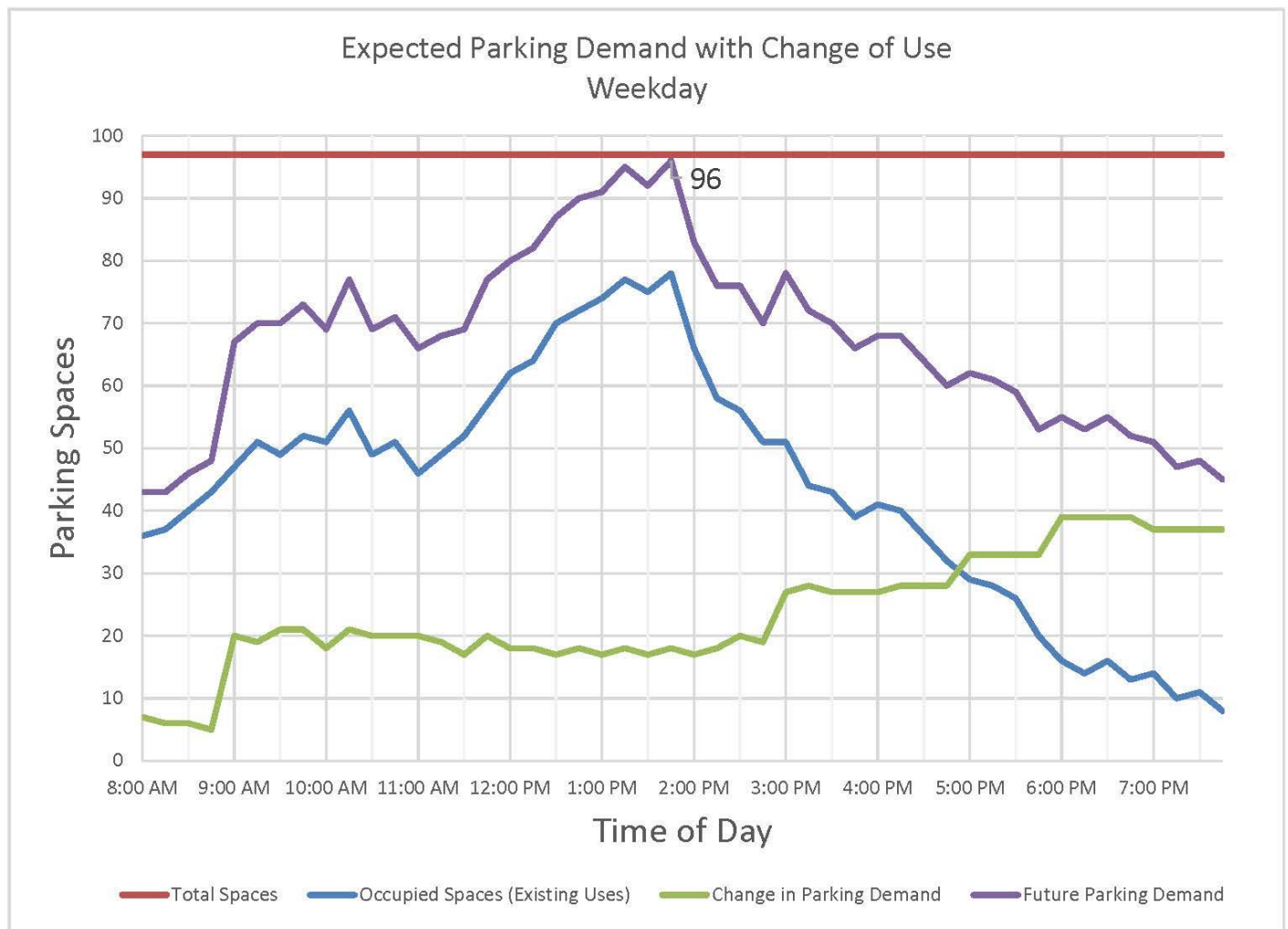


Figure 8 shows the existing parking demand based on the observations (blue line), the expected change in parking demand from the change in uses (green line), and the expected future parking demand for the entire site (purple line). The parking supply is also shown as a horizontal line and remains consistent with the existing conditions (97 total parking spaces). As shown on Figure 8, the future parking demand during the weekday will peak (96 vehicles) around 1:45 PM when the Carbon Health facility is open and XGolf will be in use, but not at full capacity. This specific time period also coincides with the latter portion of the lunch time rush that is experienced at the Panera Bread on the site. During the morning and evening, it is expected that there will continue to be plenty of available parking on the site to accommodate the changes in use. The overall future parking demand estimates also rely on conservative assumptions for XGolf – primarily that customers will travel to the site in their own vehicle. Based on this evaluation, there is sufficient parking on the site to accommodate the changes in use during on a Friday.

Figure 9
Change in Parking Demand with Change in Use – Saturday

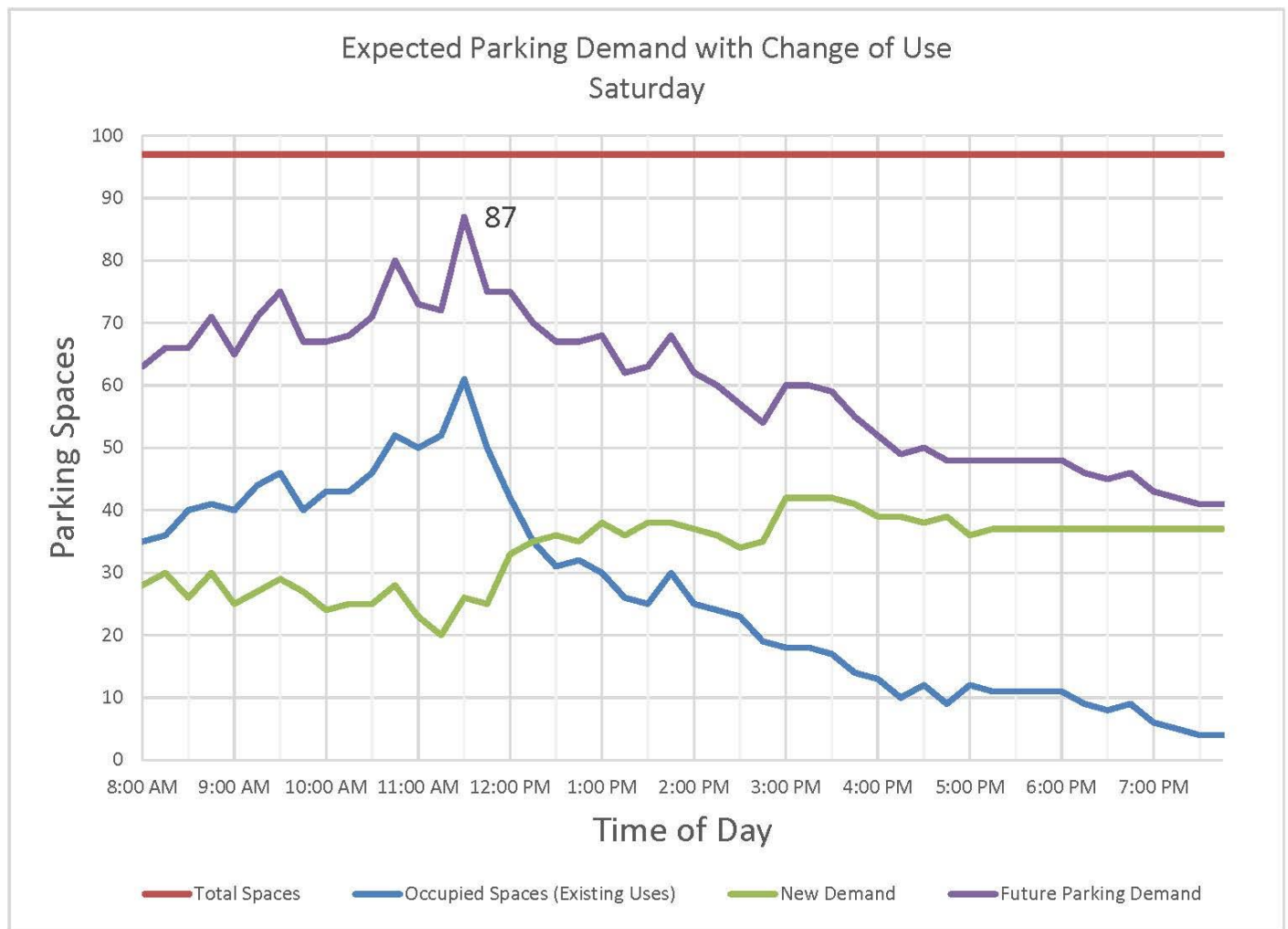


Figure 9 shows the existing parking demand based on the observations (blue line), the expected change in parking demand from the change in uses (green line), and the expected future parking demand for the entire site (purple line). The parking supply is also shown as a horizontal line and remains consistent with the existing conditions (97 total parking spaces). As shown on Figure 9, the future parking demand on a Saturday will peak (87 vehicles) around 11:30 AM when the Carbon Health facility is open and XGolf will be in use. This specific time period also coincides with the Saturday peak of the Panera Bread on the site. Based on this evaluation, it is expected that there will continue to be plenty of available parking on the site to accommodate the changes in use throughout the majority of the day and that there is sufficient parking on the site to accommodate the changes in use during on a Saturday.

Conclusions

The Project site is located at 100-120 Highland Avenue in Needham, Massachusetts. The Project proposes to change some uses on the site, which require a parking occupancy and demand evaluation. The Site consists of two buildings: a 11,628 sf building that currently houses a Frank Webb's Bath Center and an 11,150 sf building that contains a Panera Bread, Omaha Steaks, SuperCuts, Hamra, and a Geico office. The Project will replace the Omaha Steaks, SuperCuts, and Hamra Uses with a Carbon Health urgent care facility (approximately 2,210 sf) and will replace the Frank Webb use with an XGolf golf simulator facility.

This evaluation included traffic counts at the driveways to understand general daily traffic trends of the site, parking occupancy counts on a Friday and Saturday to understand the parking demands of the existing uses, pedestrian counts at the Omaha Steaks and the Frank Webb spaces to understand activity specific to these uses that will be replaced, and parking demand estimates for the new uses that will be located on the site.

Based on this evaluation, the existing parking supply will accommodate the Carbon Health urgent care facility and the XGolf golf simulator. The Carbon Health facility will have a peak parking demand of 11 vehicles, which will typically occur around late morning to noon on weekdays and Saturdays. The XGolf facility will have a peak parking demand of approximately 37 vehicles, based on conservative parameters, which will typically occur later in the evening on weekdays and throughout the mid to late afternoon and early evening on Saturdays. The peak parking demand for the Carbon Health facility will overlap with the peak demand for the existing uses on the site, of which Panera Bread has the most intense parking needs. The peak parking demand for the XGolf facility will occur when the other uses on the site do not require their peak demand needs. The XGolf facility complements the other uses on the site by having peak parking demands that do not coincide with each other.

APPENDIX**SITE INFORMATION****EXISTING DRIVEWAY COUNTS****PARKING OCCUPANCY DATA AND CALCULATIONS**

SITE INFORMATION

PROPERTY OVERVIEW



Note: (1) Executed LOI to Aranson Insurance

Hours of Operation, Weekly Customer Trends and Seasonality

Proposed Hours of Operation:

Monday through Thursday	9am-10pm
Friday and Saturday	9am-11pm
Sunday	9am-9pm

Weekly Customer Trends:

During the week, our busiest times are weeknights (leagues) and weekends (open play).

Weekday mornings and afternoons we have lessons and clinics but are generally much slower.

Seasonality:

Summer is our slowest season (Jun-Sep).

Winter is our busiest season (Dec-Mar).

Fall and Spring demand is mostly weather dependent (Apr, May, Oct, Nov).

EXISTING DRIVEWAY COUNTS

Volume Report

Job 807_010_BSC_ATR A

Area Needham, MA

Location Driveway, south of Highland Ave

Friday, October 29, 2021



Time	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit Truck	NB Multi-Unit Truck	NB Total Volume	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit Truck	SB Multi-Unit Truck	SB Total Volume
0000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0015	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0100	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0345	0	0	0	0	0	0	0	0	0	1	0	0	0	1
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0430	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0445	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0515	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0530	0	0	0	0	0	0	0	0	1	0	0	0	0	1
0545	0	0	0	0	0	0	0	0	0	3	0	0	0	3
0600	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0615	0	0	3	0	0	0	3	0	0	6	0	0	0	6
0630	0	0	5	0	0	0	5	0	0	2	0	0	0	2
0645	0	0	3	0	0	0	3	0	0	2	0	0	0	2
0700	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0715	0	0	4	0	0	0	4	0	0	2	0	0	0	2
0730	0	0	4	0	0	0	4	0	0	7	0	0	0	7
0745	0	0	7	0	0	0	7	0	0	9	0	0	0	9
0800	0	0	8	0	0	0	8	0	0	7	0	0	0	7
0815	0	0	3	0	0	0	3	1	0	5	0	0	0	6
0830	0	0	8	0	0	0	8	0	0	6	0	0	0	6
0845	0	0	9	0	0	0	9	0	0	7	0	2	0	9
0900	0	0	5	0	0	0	5	0	0	6	0	0	0	6
0915	0	0	3	0	0	0	3	0	0	7	0	0	0	7
0930	0	0	5	0	0	0	5	0	0	7	0	0	0	7
0945	1	0	4	0	1	0	6	0	0	3	0	0	0	3
1000	0	0	3	0	0	0	3	0	0	5	0	0	0	5
1015	0	0	4	0	0	0	4	0	0	2	0	0	0	2
1030	0	0	3	0	0	0	3	0	0	8	0	0	0	8
1045	1	0	7	0	0	0	8	0	0	4	0	0	0	4
1100	0	0	6	0	0	0	6	0	0	5	0	0	0	5
1115	0	0	5	0	0	0	5	0	0	12	0	0	0	12
1130	0	0	12	0	0	0	12	0	0	5	0	0	0	5
1145	0	0	7	0	0	0	7	0	0	11	0	0	0	11
1200	0	0	8	0	0	0	8	0	0	7	0	0	0	7
1215	0	0	5	0	0	0	5	0	0	7	0	0	0	7
1230	0	0	11	0	0	0	11	1	0	14	0	0	0	15
1245	1	0	7	0	0	0	8	0	0	8	0	0	0	8
1300	0	0	5	0	0	0	5	0	0	10	0	1	0	11
1315	0	0	10	0	0	0	10	0	0	9	0	0	0	9
1330	0	0	5	0	0	0	5	0	0	8	0	0	0	8
1345	0	0	7	0	0	0	7	0	0	11	0	1	0	12
1400	0	0	5	0	1	0	6	0	0	8	0	0	0	8
1415	0	0	8	0	0	0	8	0	0	5	0	0	0	5
1430	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1445	0	0	4	0	0	0	4	0	0	8	0	0	0	8
1500	0	0	5	0	0	0	5	0	0	2	0	0	0	2
1515	0	0	4	0	0	0	4	0	0	5	0	0	0	5
1530	0	0	4	0	0	0	4	0	0	7	0	0	0	7
1545	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1600	0	0	3	0	0	0	3	0	0	2	0	0	0	2
1615	0	0	7	0	0	0	7	0	0	4	0	0	0	4
1630	0	0	4	0	0	0	4	0	0	7	0	0	0	7
1645	0	0	8	0	0	0	8	0	0	3	0	0	0	3
1700	0	0	3	0	0	0	3	0	0	3	0	0	0	3
1715	0	0	7	0	0	0	7	0	0	6	0	0	0	6
1730	1	0	7	0	0	0	8	0	0	3	0	0	0	3
1745	0	0	5	0	0	0	5	0	0	2	0	0	0	2
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1815	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1830	0	0	8	0	0	0	8	0	0	0	0	0	0	0
1845	0	0	3	0	0	0	3	0	0	6	0	1	0	7
1900	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1915	0	0	2	0	0	0	2	0	0	0	0	0	0	0
1930	0	0	5	0	0	0	5	0	0	2	0	1	0	3
1945	0	0	2	0	0	0	2	0	0	2	0	0	0	2
2000	0	0	2	0	0	0	2	0	0	3	0	0	0	3
2015	0	0	2	0	0	0	2	0	0	2	0	0	0	2
2030	0	0	1	0	0	0	1	0	0	2	0	0	0	2
2045	0	0	2	0	0	0	2	0	0	0	0	0	0	0
2100	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2115	0	0	2	0	0	0	2	0	0	0	0	0	0	0
2130	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2245	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2300	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2315	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2345	0	0	1	0	0	0	1	0	0	0	0	0	0	0
Total	4	0	313	0	2	0	319	2	1	313	0	6	0	322

Volume Report

Job 807_010_BSC_ATR A

Area Needham, MA

Location Driveway, south of Highland Ave

BOSTON
TRAFFIC DATA
PO BOX 1723, Framingham, MA 01701
Office: 978-746-1259
DataRequest@BostonTrafficData.com
www.BostonTrafficData.com

Saturday, October 30, 2021

Time	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit Truck	NB Multi-Unit Truck	NB Total Volume	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit Truck	SB Multi-Unit Truck	SB Total Volume
0000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0015	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0100	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0345	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0430	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0445	0	0	0	0	1	0	1	0	0	0	0	1	0	1
0500	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0515	0	0	0	0	0	0	0	0	0	1	0	0	0	1
0530	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0545	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0600	0	0	1	0	0	0	1	0	0	1	0	1	0	2
0615	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0630	0	0	1	0	0	0	1	0	0	2	0	0	0	2
0645	0	0	1	0	0	0	1	0	0	1	0	0	0	1
0700	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0715	0	0	2	0	0	0	2	0	0	3	0	0	0	3
0730	0	0	0	0	0	0	0	0	0	1	0	0	0	1
0745	0	0	3	0	0	0	3	0	0	4	0	0	0	4
0800	0	0	1	0	0	0	1	0	0	2	0	0	0	2
0815	0	0	4	0	0	0	4	0	0	4	0	0	0	4
0830	0	0	5	0	0	0	5	0	0	5	0	0	0	5
0845	0	0	4	0	0	0	4	0	0	2	0	0	0	2
0900	0	0	2	0	0	0	2	0	0	5	0	0	0	5
0915	0	0	6	0	0	0	6	0	0	3	0	1	0	4
0930	0	0	3	0	0	0	3	0	0	5	0	0	0	5
0945	0	0	5	0	0	0	5	0	0	7	0	0	0	7
1000	0	0	5	0	0	0	5	0	0	5	0	0	0	5
1015	0	0	2	0	1	0	3	0	0	2	0	0	0	2
1030	0	0	3	0	1	0	4	0	0	5	0	0	0	5
1045	0	0	4	0	0	0	4	0	0	2	0	0	0	2
1100	0	0	8	0	0	0	8	0	0	4	0	0	0	4
1115	0	0	2	0	0	0	2	0	0	4	0	0	0	4
1130	0	0	5	0	0	0	5	0	0	3	0	0	0	3
1145	0	0	5	0	0	0	5	0	0	10	0	0	0	10
1200	0	0	10	0	0	0	10	0	0	12	0	0	0	12
1215	0	0	4	0	0	0	4	0	0	7	0	0	0	7
1230	0	0	3	0	0	0	3	0	0	4	0	0	0	4
1245	0	0	7	0	0	0	7	0	0	3	0	0	0	3
1300	0	0	3	0	0	0	3	0	0	8	0	0	0	8
1315	0	0	3	0	0	0	3	0	0	11	0	0	0	11
1330	0	0	8	0	0	0	8	0	0	2	0	0	0	2
1345	0	0	7	0	0	0	7	0	0	5	0	0	0	5
1400	0	0	11	0	0	0	11	0	0	4	0	0	0	4
1415	0	0	2	0	0	0	2	0	0	2	0	0	0	2
1430	0	0	4	0	0	0	4	0	0	7	0	0	0	7
1445	0	0	6	0	0	0	6	0	0	3	0	0	0	3
1500	0	0	5	0	0	0	5	0	0	6	0	0	0	6
1515	0	0	5	0	0	0	5	0	0	1	0	0	0	1
1530	0	0	0	0	0	0	0	0	0	6	0	0	0	6
1545	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1600	0	0	5	0	0	0	5	0	0	4	0	0	0	4
1615	0	0	2	0	0	0	2	0	0	1	0	0	0	1
1630	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1645	0	0	3	0	0	0	3	0	0	2	0	0	0	2
1700	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1715	0	0	3	0	0	0	3	0	0	3	0	0	0	3
1730	0	0	5	0	0	0	5	0	0	2	0	0	0	2
1745	0	0	2	0	0	0	2	0	0	1	0	0	0	1
1800	0	0	5	0	0	0	5	0	0	1	0	0	0	1
1815	0	0	2	0	0	0	2	0	0	2	0	0	0	2
1830	0	0	4	0	0	0	4	0	0	1	0	0	0	1
1845	0	0	1	0	0	0	1	0	0	0	0	0	0	0
1900	0	0	2	0	0	0	2	0	0	2	0	0	0	2
1915	0	0	1	0	0	0	1	0	0	1	0	0	0	1
1930	0	0	1	0	0	0	1	0	0	4	0	0	0	4
1945	0	0	1	0	0	0	1	0	0	5	0	0	0	5
2000	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2015	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2030	0	0	1	0	0	0	1	0	0	3	0	0	0	3
2045	0	0	4	0	0	0	4	0	0	0	0	0	0	0
2100	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2115	0	0	2	0	0	0	2	0	0	0	0	0	0	0
2130	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2145	0	0	2	0	0	0	2	0	0	0	0	0	0	0
2200	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2345	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	214	0	3	0	217	0	0	202	0	3	0	205

Volume Report

Job 807_010_BSC_ATR B
Area Needham, MA
Location Driveway, north of 2nd Ave

Friday, October 29, 2021



Time	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit Truck	NB Multi-Unit Truck	NB Total Volume	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit Truck	SB Multi-Unit Truck	SB Total Volume
0000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0015	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0100	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0345	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0430	0	0	2	0	0	0	2	0	0	0	0	0	0	0
0445	0	0	0	0	0	1	1	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0515	0	0	1	0	0	0	1	0	0	1	0	0	1	2
0530	0	0	0	0	0	0	0	0	1	0	0	0	0	1
0545	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0600	0	0	2	0	0	0	2	0	0	1	0	0	0	1
0615	0	0	3	0	1	0	4	0	0	0	0	0	0	0
0630	0	0	11	0	0	0	11	0	0	5	0	2	0	7
0645	0	0	8	0	0	0	8	0	0	6	0	0	0	6
0700	0	0	12	0	0	0	12	0	0	4	0	0	0	4
0715	0	0	12	0	0	0	12	0	0	9	0	1	0	10
0730	0	0	22	0	0	0	22	0	0	10	0	0	0	10
0745	0	0	17	0	0	0	17	0	0	21	0	0	0	21
0800	0	0	18	0	0	0	18	0	0	16	0	0	0	16
0815	0	0	15	0	1	0	16	1	0	12	0	0	0	13
0830	0	0	19	0	1	0	20	0	0	13	0	1	0	14
0845	1	0	15	0	0	0	16	1	0	16	0	2	0	19
0900	0	0	9	0	0	0	9	0	0	5	0	1	0	6
0915	0	0	11	0	0	0	11	0	0	14	0	0	0	14
0930	0	0	16	0	0	0	16	0	0	16	0	0	0	16
0945	1	0	8	0	1	0	10	0	0	7	0	0	0	7
1000	0	0	11	0	0	0	11	0	0	10	0	0	0	10
1015	0	0	7	0	0	0	7	0	0	13	0	0	0	13
1030	0	0	10	0	0	0	10	0	0	13	0	0	0	13
1045	0	0	11	0	0	0	11	0	0	13	0	0	0	13
1100	0	0	18	0	0	0	18	0	0	14	0	0	0	14
1115	0	0	11	0	0	0	11	0	0	11	0	0	0	11
1130	0	0	19	0	0	0	19	0	0	9	0	0	0	9
1145	0	0	24	0	0	0	24	0	0	23	0	0	0	23
1200	0	0	18	0	0	0	18	0	0	16	0	0	0	16
1215	0	0	25	0	0	0	25	0	0	21	0	0	0	21
1230	0	0	25	0	1	0	26	1	0	25	0	1	0	27
1245	1	0	27	0	0	0	28	0	0	28	0	0	0	28
1300	0	0	24	0	0	0	24	0	0	30	0	0	0	30
1315	0	0	22	0	1	0	23	0	0	21	0	0	0	21
1330	0	0	17	0	0	0	17	0	0	22	0	1	0	23
1345	0	0	25	0	0	0	25	0	0	29	0	1	0	30
1400	0	0	16	0	0	0	16	0	0	24	0	0	0	24
1415	0	0	14	0	0	0	14	0	0	13	0	0	0	13
1430	0	0	10	0	0	0	10	0	0	17	0	0	0	17
1445	0	0	12	0	0	0	12	0	0	15	0	0	0	15
1500	0	0	17	0	0	0	17	0	0	21	0	0	0	21
1515	0	0	9	0	0	0	9	0	0	11	0	0	0	11
1530	0	0	7	0	0	0	7	0	0	17	0	0	0	17
1545	0	0	13	0	0	0	13	0	0	11	0	0	0	11
1600	0	0	10	0	0	0	10	0	0	7	0	0	0	7
1615	0	0	12	0	0	0	12	0	0	12	0	0	0	12
1630	0	0	6	0	0	0	6	0	0	15	0	0	0	15
1645	0	0	9	0	0	0	9	0	0	8	0	0	0	8
1700	0	0	10	0	0	0	10	0	0	11	0	0	0	11
1715	0	0	12	0	0	0	12	0	0	13	0	0	0	13
1730	1	0	8	0	0	0	9	0	0	10	0	0	0	10
1745	0	0	11	0	0	0	11	0	0	10	0	0	0	10
1800	0	0	9	0	0	0	9	0	0	9	0	0	0	9
1815	0	0	13	0	1	0	14	0	0	6	0	0	0	6
1830	0	0	13	0	0	0	13	0	0	10	0	1	0	11
1845	0	0	11	0	0	0	11	0	0	9	0	1	0	10
1900	0	0	5	0	0	0	5	0	0	12	0	0	0	12
1915	0	0	8	0	0	0	8	0	0	5	0	0	0	5
1930	0	0	6	0	1	0	7	0	0	8	0	0	0	8
1945	0	0	5	0	0	0	5	0	0	4	0	0	0	4
2000	0	0	4	0	0	0	4	0	0	5	0	0	0	5
2015	0	0	5	0	0	0	5	0	0	7	0	0	0	7
2030	0	0	1	0	0	0	1	0	0	5	0	0	0	5
2045	0	0	0	0	0	0	0	0	0	2	0	0	0	2
2100	0	0	2	0	0	0	2	0	0	3	0	0	0	3
2115	0	0	3	0	0	0	3	0	0	5	0	0	0	5
2130	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2145	0	0	2	0	0	0	2	0	0	0	0	0	0	0
2200	0	0	0	0	0	0	0	0	0	2	0	0	0	2
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2245	0	0	1	0	0	0	1	0	0	0	0	0	0	0
2300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2315	0	0	2	0	0	0	2	0	0	3	0	0	0	3
2330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2345	0	0	1	0	0	0	1	0	0	1	0	0	0	1
Total	4	0	766	0	8	1	779	3	1	766	0	12	1	783

Volume Report

Job 807_010_BSC_ATR B
Area Needham, MA
Location Driveway, north of 2nd Ave

BOSTON
TRAFFIC DATA
FOUR 1721, Framingham, MA 01901
Office: 978-746-1200
boston@bostontrafficdata.com
www.bostontrafficdata.com

Saturday, October 30, 2021

Time	NB Bike	NB Motorcycle	NB Automobile	NB Bus	NB Single-Unit Truck	NB Multi-Unit Truck	NB Total Volume	SB Bike	SB Motorcycle	SB Automobile	SB Bus	SB Single-Unit Truck	SB Multi-Unit Truck	SB Total Volume
0000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0015	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0100	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0145	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0230	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0245	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0330	0	0	0	0	0	0	0	0	0	1	0	0	0	1
0345	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0415	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0430	0	0	2	0	0	0	2	0	0	0	0	0	0	0
0445	0	0	1	0	0	0	1	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0515	0	0	0	0	0	0	0	0	0	1	0	0	0	1
0530	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0545	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0600	0	0	1	0	0	1	2	0	0	1	0	1	0	2
0615	0	0	0	0	0	0	0	0	0	0	0	1	1	1
0630	0	0	3	0	0	0	3	0	0	3	0	0	0	3
0645	0	0	1	0	0	0	1	0	0	2	0	0	0	2
0700	0	0	4	0	0	0	4	0	0	0	0	0	0	0
0715	0	0	4	0	0	0	4	0	0	3	0	0	0	3
0730	0	0	5	0	0	0	5	0	0	7	0	0	0	7
0745	0	0	6	0	0	0	6	0	0	3	0	0	0	3
0800	0	0	6	0	0	0	6	0	0	2	0	0	0	2
0815	0	0	6	0	0	0	6	0	0	5	0	0	0	5
0830	0	0	7	0	0	0	7	0	0	6	0	0	0	6
0845	0	0	12	0	0	0	12	0	0	7	0	0	0	7
0900	0	0	11	0	0	0	11	0	0	6	0	0	0	6
0915	0	0	11	0	0	0	11	0	0	6	0	1	0	7
0930	0	0	7	0	0	0	7	0	0	10	0	0	0	10
0945	0	0	13	0	0	0	13	0	0	11	0	0	0	11
1000	0	0	15	0	0	0	15	0	0	8	0	0	0	8
1015	0	0	11	0	1	0	12	0	0	9	0	0	0	9
1030	0	0	9	0	1	0	10	0	0	11	0	0	0	11
1045	0	0	12	0	0	0	12	0	0	11	0	0	0	11
1100	0	0	23	0	1	0	24	0	0	11	0	0	0	11
1115	0	0	8	0	0	0	8	0	0	11	0	0	0	11
1130	0	0	11	0	0	0	11	0	0	11	0	1	0	12
1145	0	0	7	0	0	0	7	0	0	13	0	0	0	13
1200	0	0	20	0	0	0	20	0	0	15	0	0	0	15
1215	0	0	19	0	0	0	19	0	0	25	0	0	0	25
1230	0	0	17	0	0	0	17	0	0	9	0	0	0	9
1245	0	0	23	0	0	0	23	0	0	22	0	0	0	22
1300	0	0	16	0	0	0	16	0	0	18	0	0	0	18
1315	0	0	18	0	0	0	18	0	0	19	0	0	0	19
1330	0	0	8	0	0	0	8	0	0	15	0	0	0	15
1345	0	0	15	0	0	0	15	0	0	18	0	0	0	18
1400	0	0	12	0	0	0	12	0	0	19	0	0	0	19
1415	0	0	5	0	0	0	5	0	0	8	0	0	0	8
1430	0	0	9	0	0	0	9	0	0	10	0	0	0	10
1445	0	0	15	0	0	0	15	0	0	16	0	0	0	16
1500	0	0	7	0	0	0	7	0	0	14	0	0	0	14
1515	0	0	15	0	0	0	15	0	0	8	0	0	0	8
1530	0	0	8	0	0	0	8	0	0	13	0	0	0	13
1545	0	0	11	0	0	0	11	0	0	12	0	0	0	12
1600	0	0	12	0	0	0	12	0	0	9	0	0	0	9
1615	0	0	7	0	1	0	8	0	0	11	0	1	0	12
1630	0	0	8	0	0	0	8	0	0	6	0	0	0	6
1645	0	0	5	0	0	0	5	0	0	6	0	0	0	6
1700	0	0	13	0	0	0	13	0	0	11	0	0	0	11
1715	0	0	8	0	0	0	8	0	0	9	0	0	0	9
1730	0	0	9	0	0	0	9	0	0	7	0	0	0	7
1745	0	0	10	0	0	0	10	0	0	7	0	0	0	7
1800	0	0	7	0	0	0	7	0	0	5	0	0	0	5
1815	0	0	7	0	0	0	7	0	0	3	0	0	0	3
1830	0	0	6	0	0	0	6	0	0	6	0	0	0	6
1845	0	0	8	0	0	0	8	0	0	9	0	0	0	9
1900	0	0	3	0	0	0	3	0	0	5	0	0	0	5
1915	0	0	5	0	0	0	5	0	0	3	0	0	0	3
1930	0	0	5	0	0	0	5	0	0	13	0	0	0	13
1945	0	0	8	0	0	0	8	0	0	9	0	0	0	9
2000	0	0	4	0	0	0	4	0	0	7	0	0	0	7
2015	0	0	1	0	0	0	1	0	0	5	0	0	0	5
2030	0	0	2	0	0	0	2	0	0	2	0	0	0	2
2045	0	0	1	0	0	0	1	0	0	2	0	0	0	2
2100	0	0	2	0	0	0	2	0	0	1	0	0	0	1
2115	0	0	2	0	0	0	2	0	0	1	0	0	0	1
2130	0	0	2	0	0	0	2	0	0	1	0	0	0	1
2145	0	0	2	0	0	0	2	0	0	4	0	0	0	4
2200	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2215	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2230	0	0	0	0	0	0	0	0	0	1	0	0	0	1
2245	0	0	1	0	0	0	1	0	0	1	0	0	0	1
2300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2315	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2330	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2345	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	554	0	4	1	559	0	0	544	0	4	1	549

PARKING OCCUPANCY DATA AND CALCULATIONS

BOSTON
TRAFFIC DATA
PO BOX 1723, Framingham, MA 01701
Office: 978-746-1259
DataRequest@BostonTrafficData.com
www.BostonTrafficData.com

PARKING COUNT			
Start Time	Occupied Spaces (Existing Uses)	Total Spaces	Available Spaces
8:00 AM	36	97	61
8:15 AM	37	97	60
8:30 AM	40	97	57
8:45 AM	43	97	54
9:00 AM	47	97	50
9:15 AM	51	97	46
9:30 AM	49	97	48
9:45 AM	52	97	45
10:00 AM	51	97	46
10:15 AM	56	97	41
10:30 AM	49	97	48
10:45 AM	51	97	46
11:00 AM	46	97	51
11:15 AM	49	97	48
11:30 AM	52	97	45
11:45 AM	57	97	40
12:00 PM	62	97	35
12:15 PM	64	97	33
12:30 PM	70	97	27
12:45 PM	72	97	25
1:00 PM	74	97	23
1:15 PM	77	97	20
1:30 PM	75	97	22
1:45 PM	78	97	19
2:00 PM	69	97	28
2:15 PM	58	97	39
2:30 PM	56	97	41
2:45 PM	51	97	46
3:00 PM	51	97	46
3:15 PM	44	97	53
3:30 PM	43	97	54
3:45 PM	39	97	58
4:00 PM	31	97	66
4:15 PM	40	97	57
4:30 PM	36	97	61
4:45 PM	32	97	65
5:00 PM	29	97	68
5:15 PM	23	97	74
5:30 PM	26	97	71
5:45 PM	20	97	77
6:00 PM	16	97	81
6:15 PM	14	97	83
6:30 PM	16	97	81
6:45 PM	13	97	84
7:00 PM	14	97	83
7:15 PM	10	97	87
7:30 PM	11	97	86
7:45 PM	8	97	89

PEDESTRIANS Omaha Steaks Store		PEDESTRIANS Frank Webb Home		PEDESTRIANS Existing Uses		PARKING COUNT - Omaha Steaks and FW Webb Removed			Clinic Use		Golf Simulator Use		New Parking Demand			Future Parking Demand
from Parking Lot access		from Parking Lot access				Occupied Spaces (Remaining)	Total Spaces	Available Spaces	Percent of Peak Demand	Spaces Needed	Percent of Peak Demand	Spaces Needed	Needed Spaces	Existing Uses to be Removed	Change in Parking Demand	
Walk In	Walk Out	Walk In	Walk Out	Walk In	Walk Out											
0	0	0	0	0	0	36	97	61	0.63	7		0	7	0	7	43
0	0	1	0	1	0	36	97	61	0.63	7		0	7	-1	6	43
1	1	0	0	1	1	39	97	58	0.63	7		0	7	-1	6	46
0	0	2	1	2	1	41	97	56	0.63	7		0	7	-2	5	48
0	0	1	0	1	0	46	97	51	0.93	11		0.25	10	-1	20	67
0	0	2	2	2	2	49	97	48	0.93	11		0.25	10	-2	19	70
0	0	0	0	0	0	49	97	48	0.93	11		0.25	10	0	21	70
0	0	0	0	0	0	52	97	45	0.93	11		0.25	10	0	21	73
0	0	3	1	3	1	48	97	49	0.96	11		0.25	10	-3	18	69
0	0	0	2	0	2	56	97	41	0.96	11		0.25	10	0	21	77
0	0	1	1	1	1	48	97	49	0.96	11		0.25	10	-1	20	69
1	0	0	0	1	0	50	97	47	0.96	11		0.25	10	-1	20	71
0	1	1	0	1	1	45	97	52	1	11		0.25	10	-1	20	66
0	0	2	3	2	3	47	97	50	1	11		0.25	10	-2	19	68
2	0	2	1	4	1	48	97	49	1	11		0.25	10	-1	17	69
0	1	1	1	1	2	56	97	41	1	11		0.25	10	-1	20	77
0	0	1	0	1	0	61	97	36	0.8	9		0.25	10	-1	18	80
0	0	1	2	1	2	63	97	34	0.8	9		0.25	10	-1	18	82
0	1	2	2	2	3	68	97	29	0.8	9		0.25	10	-2	17	87
0	0	1	1	1	1	71	97	26	0.8	9		0.25	10	-1	18	90
0	0	2	1	2	1	72	97	25	0.75	9		0.25	10	-2	17	91
0	0	1	2	1	2	76	97	21	0.75	9		0.25	10	-1	18	95
0	0	2	0	2	0	73	97	24	0.75	9		0.25	10	-2	17	92
1	1	0	1	1	2	77	97	20	0.75	9		0.25	10	-1	18	96
1	0	2	2	3	2	63	97	34	0.9	10		0.25	10	-3	17	83
1	1	1	0	2	1	56	97	41	0.9	10		0.25	10	-2	18	76
0	0	0	0	0	0	56	97	41	0.9	10		0.25	10	0	20	76
1	0	0	2	1	2	50	97	47	0.9	10		0.25	10	-1	19	70
2	1	0	0	2	1	49	97	48	0.89	10		0.5	19	-2	27	78
0	1	1	1	1	2	43	97	54	0.89	10		0.5	19	-1	28	72
0	1	2	1	2	2	41	97	56	0.89	10		0.5	19	-2	27	70
1	1	1	1	2	2	37	97	60	0.89	10		0.5	19	-2	27	66
0	0	1	2	1	2	40	97	57	0.74	9		0.5	19	-1	27	68
0	1	0	1	0	2	40	97	57	0.74	9		0.5	19	0	28	68
0	0	0	3	0	3	36	97	61	0.74	9		0.5	19	0	28	64
0	0	0	0	0	0	32	97	65	0.74	9		0.5	19	0	28	60
0	0	0	0	0	0	29	97	68	0.41	5		0.75	28	0	33	62
0	0	0	0	0	0	28	97	69	0.41	5		0.75	28	0	33	61
0	0	0	0	0	0	26	97	71	0.41	5		0.75	28	0	33	59
0	0	0	0	0	0	20	97	77	0.41	5		0.75	28	0	33	53
0	0	0	0	0	0	16	97	81	0.15	2		1	37	0	39	55
0	1	0	0	0	1	14	97	83	0.15	2		1	37	0	39	53
0	0	0	0	0	0	16	97	81	0.15	2		1	37	0	39	55
0	0	0	0	0	0	13	97	84	0.15	2		1	37	0	39	52
0	0	0	0	0	0	14	97	83	0			1	37	0	37	51
0	0	0	0	0	0	10	97	87	0			1	37	0	37	47
0	0	0	0	0	0	11	97	86	0			1	37	0	37	48
0	0	0	0	0	0	8	97	89	0			1	37	0	37	45
Size: 2210 ITE Rate per 1,000 sf: 4.77											Employees: 5		10628			
Spaces Needed: 11											Peak Demand: Based on 8 simulators with 4 players per unit and 5 employees		37			
Square feet per space: 200											Square feet per space: 150					
Spaces Needed per Zoning: 12											Spaces Needed per space: 71					
											Employees per space: 3					
											Spaces Needed for employees: 2					
											Total Spaces Needed: 73					

BOSTON
TRAFFIC DATA
PO BOX 1723, Framingham, MA 01701
Office: 978-746-1259
DataRequest@BostonTrafficData.com
www.BostonTrafficData.com

PEDESTRIANS Omaha Steaks from Parking Lot		PEDESTRIANS Frank Webb Home from Parking Lot		PEDESTRIANS Existing Uses		PARKING COUNT - Omaha		
Walk In	Walk Out	Walk In	Walk Out	Walk In	Walk Out	Occupied Spaces (Remaining Existing Uses)	Total Spaces	Available Spaces
0	0	2	3	2	3	33	97	64
0	0	0	1	0	1	36	97	61
1	1	3	5	4	6	36	97	61
0	0	0	0	0	0	41	97	56
1	0	4	4	5	4	35	97	62
1	1	2	0	3	1	41	97	56
1	1	0	0	1	1	45	97	52
2	2	1	3	3	5	37	97	60
0	0	4	1	4	1	39	97	58
0	0	3	3	3	3	40	97	57
1	1	2	1	3	2	43	97	54
0	0	0	3	0	3	52	97	45
1	1	4	0	5	1	45	97	52
1	1	7	1	8	2	44	97	53
0	0	2	4	2	4	59	97	38
2	0	1	1	3	1	47	97	50
2	3	3	4	5	7	37	97	60
0	2	3	2	3	4	32	97	65
1	0	1	3	2	3	29	97	68
0	1	3	4	3	5	29	97	68
0	0	0	4	0	4	30	97	67
2	1	0	0	2	1	24	97	73
0	1	0	0	0	1	25	97	72
0	0	0	0	0	0	30	97	67
0	0	0	0	0	0	25	97	72
1	0	0	0	1	0	23	97	74
3	3	0	0	3	3	20	97	77
2	1	0	0	2	1	17	97	80
0	0	0	0	0	0	18	97	79
0	1	0	0	0	1	18	97	79
0	0	0	0	0	0	17	97	80
1	1	0	0	1	1	13	97	84
0	2	0	0	0	2	13	97	84
0	0	0	0	0	0	10	97	87
1	0	0	0	1	0	11	97	86
0	0	0	0	0	0	9	97	88
1	0	0	0	1	0	11	97	86
0	0	0	0	0	0	11	97	86
0	0	0	0	0	0	11	97	86
0	0	0	0	0	0	9	97	88
0	0	0	0	0	0	8	97	89
0	0	0	0	0	0	9	97	88
0	0	0	0	0	0	6	97	91
0	0	0	0	0	0	5	97	92
0	0	0	0	0	0	4	97	93
0	0	0	0	0	0	4	97	93

11/18/2021, 3:40 PM, BSC Parking Evaluation.xlsx



Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492

Phone: 781-455-7550
Fax: 781-453-2510
www.needhamma.gov

December 29, 2021

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

Re: Needham Gateway Shopping Center- Carbon Health

Dear Board Members:

Both Lee Newman and I have recently met via zoom with Rick Mann, counsel for Needham Gateway, LLC, the owner/operator of the Needham Gateway Shopping Center at 100-120 Highland Avenue, concerning a prospective tenant for the Center.

According to Attorney Mann:

- A letter of intent has been executed with Carbon Health Medical Group of Florida, PA for approximately 3,000 square feet of space in the building in the Center located at 120 Highland Avenue.
- Carbon Health intends to use the premises for the provision of primary and walk-in medical care.
- Carbon Health is a Florida professional corporation qualified and registered in Massachusetts and is wholly owned and controlled by a single physician.
- Carbon Health intends to have a maximum of eight (8) medical and non-medical staff on premises at any one time, including no more than two licensed physicians.
- The facility will not be required to be licensed as a clinic under GL Chapter 111, Section 51.

Attorney Mann has requested my interpretation of certain Zoning By-Law provisions applicable to the proposed use and my consequent determination of the proper characterization of the proposed use under the Zoning By-Law.

It is my determination that the proposed use constitutes a "professional office" which is allowed as a matter of right in the Highland Commercial-128 District in which the premises are located.

I base this determination on the following analysis of the applicable Zoning By-Law provisions.

Section 3.2.5.1 includes the following as permitted uses in the Highland Commercial-128 District:

"Professional, business or administrative office, but not including a medical clinic or Medical Services Building or Group Practices or alternative medicine practices, physical therapy, and

wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, **all as defined in Sections 1.3 and 3.2.4.1.**" (emphasis added)

Section 1.3 of the Zoning By-Law defines a "Professional" as follows:

"Professional – a person who by education and experience is a member of a recognized profession such as a **physician**, dentist, architect, attorney, artist or engineer." (emphasis added)

The word "Professional" and "Non-Group Practice" are further defined in Section 3.2.4.1 (c) of the Zoning By-Law as follows:

"Professional" shall include professional **medical**, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer **such professionals** ("Non-group Practice")." (emphasis added)

A "Group Practice" is defined in Section 3.2.3.1. (c) as follows

"... medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of **three or more** such professionals (hereinafter "Group Practices")" (emphasis added)

A "medical clinic " is defined in Section 1.3 as follows:

" Medical Clinic – An institution or facility providing medical, surgical, dental, restorative or mental hygiene services to persons not accommodated overnight therein, **under license as a clinic under Massachusetts General Laws**, whether or not affiliated with a hospital or other health care facility." (emphasis added)

A "Medical Services Building" is defined in Section 1.3 as follows:

"Medical Services Building – Premises with occupancy **limited to** doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, radiology and laboratory services, sale, and repair of medical devices and equipment or other health care or health care services, whether or not owned or affiliated with a hospital, but not including those licensed as a clinic." (emphasis added)

In reaching my determination, I have necessarily concluded that a "professional" in this context includes only a licensed physician and not a licensed nurse or other licensed para-professional. In this regard, it is telling that reference to nurses and paraprofessionals is conspicuously absent from the above definitions. My interpretation is, therefore, wholly consistent with the actual language of the Zoning By-Law cited above. It is also supported by the fact that elsewhere in the Zoning By-Law where there was an intent to include such other licensed parties, the By-Law explicitly so states (e.g. Section 3.6.7 (c) (1) referring to "physician, physician's assistant and nurse practitioner").

Based on the foregoing analysis, Carbon Health's proposed use fits the definition of a "Professional Office" and is not a Group Practice, Medical Clinic or a Medical Services Building, nor is it an alternative medicine practice, physical therapy or wellness treatment facility as defined. Accordingly, as a "Professional Office," Carbon Health's proposed use, as described herein, is permitted as a matter of right in the Highland Commercial - 128 District in which the Center is located.

Very truly yours,

David A. Roche, Building Commissioner

cc: Lee Newman

MEMORANDUM

CLIENT-MATTER NUMBER
125408-0101

TO: Carbon Health

FROM: Foley & Lardner LLP

DATE: January 19, 2022

RE: Massachusetts Clinic Licensure Requirement

INTRODUCTION AND EXECUTIVE SUMMARY

Carbon Health Technologies, Inc. (“*Carbon Health*”) asked Foley and Lardner, LLP (“*Foley*”) to provide a memorandum analyzing whether Carbon Health Medical Group of Florida, P.A., a Florida professional corporation (“*Carbon Health Medical Group*”) must be licensed as a clinic under Massachusetts General Laws Chapter 111, Section 51. This legal analysis addresses compliance of Carbon Health Medical Group’s structure with the applicable provisions of the Massachusetts clinic license requirements, codified at Massachusetts General Laws Chapter 111, Section 51 and the Code of Massachusetts Regulations Title 105, Chapter 140.101 (the “*Massachusetts Clinic License Requirement*”) and the so-called “group practice” exception to the Massachusetts Clinic Licensure Requirement codified at Massachusetts General Laws Chapter 111, Section 52 and the Code of Massachusetts Regulations Title 105, Chapter 140.020 (the “*Group Practice Exception*”). We have not addressed any other federal or state laws.

The following discussion is based on the facts and legal assumptions that are set forth in this Memorandum (collectively, the “*Assumptions*”). Each factual statement that follows is intended to be an Assumption. Our analysis is based on our interviews with Meghna Parikh, Esq., Healthcare Regulatory and Transaction Counsel at Carbon Health and review of Carbon Health Medical Group agreements and documents relating to the governance of Carbon Health Medical Group that were made available to us by Carbon Health (the “*Agreements*”). These Agreements, materials and interviews are collectively referred to herein as the “*Information*.”

For the reasons discussed herein, we believe Carbon Health Medical Group is structured to comply with the Group Practice Exception to the Massachusetts Clinic Licensure Requirement, and we believe Carbon Health Medical Group would have a legally defensible position that, based on its ownership, Carbon Health Medical Group would qualify for the Group Practice Exception and not be required to be licensed as a clinic under the Massachusetts Clinic License Requirement.

FACTUAL ASSUMPTIONS

1. Carbon Health Medical Group of Florida, P.A., is a Florida professional service corporation.
2. Sujal Mandavia, M.D. is a physician licensed to practice medicine in the following states: Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, Texas, Utah, Washington, and Wisconsin. Dr. Mandavia is also pending licensure in Massachusetts.
3. Sujal Mandavia, M.D. is the sole shareholder of Carbon Health Medical Group.
4. Sujal Mandavia, M.D. is the President, Secretary, and Treasurer of Carbon Health Medical Group.
5. Sujal Mandavia, M.D. is a Director of Carbon Health Medical Group.
6. Ayobami Olufadeji, M.D. is a physician licensed to practice medicine in Massachusetts.
7. Ayobami Olufadeji, M.D. is a Director of Carbon Health Medical Group.
8. Carbon Health Medical Group has a contractual arrangement with Carbon Health for Carbon Health to provide certain non-clinical and administrative physician practice management services to Carbon Health Medical Group.
9. All medical services provided to patients located in Massachusetts are performed by practitioners licensed by the Commonwealth of Massachusetts.
10. All governing documents of Carbon Health Medical Group and all agreements between Carbon Health Medical Group and Carbon Health provide that Carbon Health Medical Group is wholly owned and controlled by Sujal Mandavia, M.D.
11. In the Commonwealth of Massachusetts, Carbon Health Medical Group does not (and does not plan to in the future) advertise, announce, establish, or maintain itself under a name which includes the word “clinic,” “dispensary,” or “institute” or suggest that “ambulatory medical, surgical, dental, physical rehabilitation, or mental health services” are rendered therein.

We have made no independent investigation of any information provided to us by Carbon Health Medical Group, and have relied on that information as true.

Our legal analysis and conclusions are qualified to the extent that the performance or actions of Carbon Health Medical Group or its employees, contractors, or affiliates are inconsistent with the requirements described in the Agreements. In our examination of the Information, we have assumed that the description of services provided by the applicable parties are accurate and encompass the full range of services actually provided.

ANALYSIS

Massachusetts requires certain health care facilities or providers to be licensed as a clinic,¹ but there is a statutory exception to the clinic licensure requirement commonly referred to as the “Group Practice Exception.” Under the applicable statute, the Group Practice Exception applies to solo or group practices *wholly owned and controlled by one or more practitioners associated with the practice.*² To meet this exception, the entity must also not advertise, announce, establish, or maintain itself under a name which includes the word “clinic,” “dispensary,” or “institute” or suggest that “ambulatory medical, surgical, dental, physical rehabilitation, or mental health services are rendered therein.”³

Under the Massachusetts Professional Corporation Law, a Massachusetts professional corporation or a foreign professional corporation may be owned by one or more physicians licensed by the Massachusetts Board of Registration in Medicine (“MA BORIM”) or the regulating medical board of another state.⁴

Here, Sujal Mandavia, M.D., a physician licensed in several states, is the sole shareholder and officer of Carbon Health Medical Group. Dr. Mandavia also serves as one of two directors of Carbon Health Medical Group with the only other director being Ayobami Olufadeji, M.D., a Massachusetts-licensed physician. Additionally, we have been informed by Carbon Health that Drs. Mandavia and Olufadeji, maintain an active and meaningful engagement in the operations and clinical oversight of Carbon Health Medical Group’s operations in Massachusetts and maintain control over the following decisions and directives: (1) Assuming responsibility for the care of patients, treating any patient, or providing any clinical, medical, or healthcare service; (2)

¹ See 105 CMR 140.101 (requiring “every entity within the definition of ‘clinic’ in M.G.L. c. 111, § 52 . . . to obtain a clinic license from the Department covering all locations at which the clinic provides services).

² Mass. Gen. Laws Ann. Ch. 111, §52, which provides:

“Clinic” means “any entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained for the purpose of providing ambulatory medical, surgical, dental, physical rehabilitation, or mental health services. In addition, “clinic” shall include any entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained under a name which includes the word “clinic”, “dispensary”, or “institute”, and which suggests that ambulatory medical, surgical, dental, physical rehabilitation, or mental health services are rendered therein. With respect to any entity which is not advertised, announced, established, or maintained under one of the names in the preceding sentence, “clinic” shall not include a medical office building, or one or more practitioners engaged in a solo or group practice, whether conducted for profit or not for profit, and however organized, so long as such practice is *wholly owned and controlled by one or more of the practitioners so associated*, or, in the case of a not for profit organization, its only members are one or more of the practitioners so associated or a clinic established solely to provide service to employees or students of such corporation or institution.” (emphasis added)).

See also 105 CMR 140.

³ Mass. Gen. Laws Ann. Ch. 111, §52.

⁴ See Mass. Gen. Laws. Ann. Ch. 156A §10(a); See Mass. Gen. Laws. Ann. Ch. 156A §17(b).

Setting the practice's schedule of charges or fees; (3) Serving as the named party to whom the practice bills and charges are directly made payable; (4) Selecting, hiring, supervising, disciplining, or firing physicians or healthcare professionals or clinical personnel engaged by the practice; (5) Determining the nature or scope of services to be provided by the practice; (6) Selecting the clinical or medical equipment, supplies or drugs for use by the practice in the diagnosis, evaluation, or treatment of patients; (7) Determining what diagnostic tests are appropriate for a particular patient condition; (8) Determining coding and billing procedures for the practice; (9) Assuming ownership of any patient medical records; (10) Adopting policies for recordkeeping as to patient medical records, billing records, and such other records; (11) Conducting any activity that constitutes the practice of medicine; (12) Periodic auditing of patient records and of professional services to assure quality professional care; and (13) Responsibility for the professional propriety of billing and advertising or other representations including disclosure of financial interest in health care services offered to the public.

CONCLUSION

Because: (1) Carbon Health Medical Group is organized as a professional corporation; (2) all of the owners, officers, and directors of the professional corporation are physicians who are licensed to practice medicine; (3) the licensed physician owner retains ultimate authority and responsibility for the operations of the professional corporation and medical practice; (4) all clinical services provided to patients located in Massachusetts are performed by practitioners licensed by the Commonwealth of Massachusetts; and (4) Carbon Health Medical Group does not (and does not plan in the future to) advertise, announce, establish, or maintain itself under a name which includes the word "clinic," "dispensary," or "institute" or suggest that "ambulatory medical, surgical, dental, physical rehabilitation, or mental health services are rendered therein, we believe it is legally defensible to take the position that Carbon Health Medical Group meets the Group Practice Exception to the Massachusetts Clinic License Requirement.

This Memorandum assumes the facts and assumptions stated in this Memorandum are accurate. We have relied on representatives of Carbon Health in identifying the relevant facts and assumptions and have no reason to doubt the veracity of such facts or assumptions. We have not made, nor have we been asked by Carbon Health to make, an independent investigation regarding the accuracy of the facts or assumptions. Representatives of Carbon Health have reviewed all of the facts stated in this Memorandum and have confirmed their accuracy.

Our analysis on each legal issue addressed in this Memorandum represents our belief as to how the Massachusetts Department of Public Health and courts should interpret the Group Practice Exception to the Massachusetts Clinic License Requirement. Notwithstanding the foregoing, the manner in which any particular issue would be treated in any actual investigation or proceeding may depend, in part, on interpretation of previously uninterpreted law and/or on facts and circumstances particular to the situation. Accordingly, the government agencies and courts referenced above may come to different conclusions about the Group Practice Exception to the Massachusetts Clinic License Requirement, and this Memorandum is not intended to guarantee

the outcome of any governmental investigation or proceeding that may be conducted with respect to the applicability of the Group Practice Exception to Carbon Health.

This analysis is effective only as of the date hereof. We do not assume responsibility for updating this analysis as of any subsequent date, and we assume no responsibility for advising Carbon Health of any changes with respect to any matters described in this analysis that may occur, or facts that may come to our attention, subsequent to the date hereof.

STRATEGIES:

- 5 PRIMARY CARE, 2 URGENT CARE
- AMPLE STORAGE SPACE
- PHLEBOTOMY AND X-RAY ROOM COMBINED

TEST FIT LEGEND

PRIMARY CARE	5
URGENT CARE	2
PHLEBOTOMY/ X-RAY	1
HUB	1
LAB	1
TOILETS	1
STAFF LOUNGE	1
STAFF MEETING	1
EVS	1
STORAGE	1
IT / ELEC	1
CORRIDOR	1
RECEPTION	1

