

**Town of Needham  
Board of Selectmen  
Minutes for October 22, 2013  
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens:  
Stephanie Lipton and Jen Davies of New England Wellspring Dispensary Inc., spoke with the Board regarding their interest in opening a cannabis dispensary in Needham's business district and are seeking a letter of approval from the Board of Selectmen.

7:00 p.m. Call to Order:  
A meeting of the Board of Selectmen was convened by Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Maryanne Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Proclamation - Veterans' Day  
Mr. Matthews read a proclamation recognizing Monday, November 11, 2013 as Veterans' Day in the Town of Needham.

**Motion by Mr. Borrelli that the Board of Selectmen of the Town of Needham, do hereby recognize Monday, November 11, 2013 at Veterans' Day and ask all citizens of the Town to join in appropriate observance of those who have served to preserve the principles of justice, freedom, and democracy.  
Second: Mr. Bulian. Unanimously approved 5-0.**

7:03 p.m. Appointments and Consent Agenda:  
**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Appointments and Consent Agenda as presented.**

**APPOINTMENTS**

1. **Youth Commission Kevin Keane (term expires 6/30/2015)**

**CONSENT AGENDA**

1. **That the Board approve and authorize the Town Manager to sign the Administrative Consent Order between the Town and the Department of Environmental Protection, File No.: ACOP – BO-13-F001-NT.**
2. **Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$20 from Mary Lou Murphy; \$100 from Alison Kaufman; \$75 from Lynn Shamban; \$100 from Parker Rice; \$20 from Tanya Shanler; \$70 from Maureen Callahan; \$25 from Shirley Tracy; \$25 from Margaret Dasha.**
3. **Accept the following donations made to New Years Needham: \$1,000 from The Exchange Club of Needham; \$250 from Edward Jones; \$100 from Nigohsian Carpet; \$250 from Needham Bank; \$500 from Equity Industrial; \$1,000 from Briarwood Healthcare.**

- 4. Accept the following donation made to the Needham Community Revitalization Trust Fund from the following resident: \$300 from Michael Heffernan.**
- 5. Approve continuation of the experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for Great Plain Avenue for the period October 17, 2013 to November 16, 2013: one Handicap Parking spot, and one 15 minute Parking spot, in front of the former Eaton Square Right of Way adjacent to MBTA Right of Way.**
- 6. Authorize the Chairman to designate Moe Handel to cast ballots for Joseph Curtatone, Mayor, City of Somerville and Dennis Giombetti, Chairman, Framingham Board of Selectmen at the MPO election on October 30, 2013.**
- 7. Ratify a One Day Special All Alcoholic Beverages License request from Michael Despres, of the Village Club to host its Oktoberfest event that was held on Saturday, October 12, 2013 from 12:00 p.m. to 11:00 p.m. at the Village Club, 83 Morton Street, Needham.**
- 8. Ratify a One Day Special All Alcoholic Beverages License request from Michael Despres, of the Village Club to host its Corn Hole Tournament event to be held on Saturday, October 19, 2013 from 12:00 p.m. to 11:00 p.m. at the Village Club, 83 Morton Street, Needham.**
- 9. Approve a One Day Special All Alcoholic Beverages License request from Michael Despres, of the Village Club to host a Halloween Party on Saturday, November 2, 2013 from 5:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham.**
- 10. Approve a One Day Special All Alcoholic Beverages License request from Suzanne Saevitz of New Year's Needham to host a NYN Celebration Dance on December 31, 2013 from 9:00 p.m. to 12:30 a.m. in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.**
- 11. Approve Minutes from October 8, 2013.**
- 12. Approve a \$750 grant from the Needham Commission on Disabilities to the Needham Public Library to purchase popular books on CD to assist with the "Books-By-Mail" program.**
- 13. Approve a Special Wines & Malt Beverages License request from Lianne Relich, of the Council on Aging to host a Preview Reception on October 30, 2013 from 4:30 p.m. to 6:30 p.m. at The Center at the Heights, 300 Hillside Avenue, Needham.**
- 14. Approve request from Rabbi Mendel Krinsky from the Chabad Jewish Center to hold a Menorah lighting ceremony on the Town Common on Monday, December 2, 2013 starting at 4:00 pm. Garrity Way cannot be accessed until 5:00 pm. Rain date to be on Tuesday, December 3, 2013, same time.**
- 15. Accept a donation of a piano from the Congregational Church of Needham to The Center at the Heights. The piano has an appraised value of \$7,000.00.**
- 16. Approve a Special Wines & Malt Beverages License request from Dorothy Mitchell, of Laser Skin Care Solutions to host an open house at the Needham Historical Society, 1147 Central Avenue, Needham on Tuesday, October 22, 2013 from 5:30 p.m. to 9:30 p.m.**

**Second: Mr. Handel. Unanimously approved 5-0**

7:04 p.m. Zoning Articles/Solar Project:  
Lee Newman, Director of Planning and Community Development and Bruce Eisenhut, Planning Board appeared before the Board to make a presentation about zoning articles contained in the Special Town Meeting Warrant relating to the proposed solar installation.

Ms. Newman discussed Article 6, Article 7, and Article 8, which establishes a large scale, ground mounted, solar photovoltaic installation overlay district. She said Article 6 lays out the regulatory framework for the district, and Article 7 defines the boundaries of the overlay district, noting the location is at Needham's Recycling and Transfer Station. She showed the Board a map of the location.

The Board thanked Ms. Newman and Mr. Eisenhut for the presentation.

7:10 p.m. Solar Project Presentation:  
David Harris, Solar Energy Exploratory Committee (SEEC), Jonathan Bracken, Chairman, SEEC, Ed Friedman, Committee member, Pralay Som, Committee member, Hank Haff, PFD Project Manager, Ann Dorfman, RTS Superintendent, and Beth Greenblatt, Beacon Integrated Solution/Owner's Agent appeared before the Board presenting information on the Town's Solar Project.

Mr. Harris provided background information about the process leading to the recommendation for a large-scale ground-mounted solar photovoltaic installation at the closed landfill in partnership with a private developer. A Powerpoint presentation was viewed, and Mr. Harris noted the information will be presented to Town Meeting on November 4, 2013.

Mr. Borrelli said it is clear to him that using land at the RTS for the Solar Project is good for the Town. He asked for clarification on kilowatt hours and potential savings for the Town.

Mr. Handel asked about the potential downside risks for the Town, and about protection in the contract, should the vendor fail to perform or default on its obligation.

Mr. Bulian thanked the Committee for the tremendous amount of work they have done.

Ms. Cooley asked about the lifecycle of the panels for the project. She asked whether there are any guarantees of production.

Ms. Greenblatt commented on potential risks and said there is a bigger risk in not proceeding forward in a timely manner. She noted there is a cap for public facilities

which is rapidly approaching, and there are many other projects moving toward completion.

Mr. Matthews commented on the extraordinary amount of work done by the Committee in a short timeframe. He stated time is of the essence, and noted the importance of taking advantage of incentives being offered by the State encouraging this type of development. He commented the total amount of incentives is capped, and the Town needs to act now. He thanked the Committee.

7:35 p.m. Mr. Matthews invited input from 2 citizen's groups who asked to be heard concerning agenda items (3) Mitchell School Modular Classrooms and (5) Hillside School Feasibility Study, as it is a matter the Board will consider later in the meeting, after hearing from the School Committee.

Mr. Jacob Grossman, 15 Armen Way, resident, told the Board he is hopeful the Town will save Cricket Field, but said it is important conserving open space be part of the overall discussion, after completion of a feasibility study. He said a feasibility study will look at open space, and how it relates to all other elements. He commented if it turns out Cricket Field is a viable option for a school, then an open discussion must happen about what is best for the entire Town. He noted the property at the Hillside School is 4 times larger than Cricket Field. He said the Board of Selectmen have a fiduciary responsibility to collect all information and figure out what is best for the Town and that the Selectmen, when elected, took an oath with the Town Clerk to faithfully and impartially perform the duties for the benefit of the entire Town. He asked the Board consider all public options that are controlled by the taxpayers of Needham.

Mr. Seth Bloom, 30 Nehoiden Street, resident, pointed out he has seen public statements that Cricket Field is not available for use by the School Committee or the Board of Selectmen because it is controlled by the Park & Recreation Commission, noting complex steps would have to be taken to swap oversight of Cricket Field with Hillside in the event the option turns out to make sense. He said the Town should not lose sight that residents own the amenities. He said the complicated steps that make it better to skip studying Cricket Field may well be needed to force a swap. He said it is misleading and that Town boards representing all citizens could accomplish a swap quickly and easily. Mr. Bloom said he speaks on behalf of disappointed residents all over Town, and mentioned a petition with nearly 400 signatures. He commented he wants to live in a town where issues are debated reasonably after due diligence.

Mr. Matthews commented the process is open and issues are resolved in the spirit of fairness to neighbors. He noted the issue has been pending for a year and a half and a decision is close to being made. He said hopes a decision, either way, will advance the interests of the Town.

Mr. Dan Shapiro, 43 Sunnyside Road read a statement and presented the Board with copies of signed petitions from approximately 1,600 residents opposed to building a school on Cricket Field. He acknowledged Hillside School needs to be rebuilt and the people who support Cricket Field are not against a new school for Hillside. He commented Cricket Field is not an available option, as the Park & Recreation Commission voted unanimously against allowing the study or use by other Town boards, properties under its jurisdiction, including Cricket Field, without its written permission. It was also unanimously voted that Cricket Field be maintained and preserved in its current use as a park under the sole jurisdiction of the Park & Recreation Commission. Mr. Shapiro said the argument that the Town should keep all the options open is flawed, stating many other options for public and private properties have already been taken off the table because they were not feasible. He noted continuing to pursue land that is not within the School Committee's jurisdiction only leads the Town into additional conflict. Mr. Shapiro said Cricket Field is not a vacant lot citing it is used for soccer, lacrosse, the Cricketeer program, and sledding in the winter. He commented people who want to preserve Cricket Field are not just abutters, and said children have grown up playing on Cricket Field. He noted the Historical Commission recognized the Field as a historic property, voting that there be no alteration to the field. Mr. Shapiro stated public parks and fields are protected by the laws of the Commonwealth. He said the Field is an idyllic spot that cannot be replaced or swapped, and said supporters hoping to maintain it are deeply offended to hear other citizens spreading fear tactics and rhetoric that they do not care about children. He said it is time to take Cricket Field out of the conversation completely, and there is no justification for spending taxpayer monies on Cricket Field as it relates to a feasibility study.

7:50 p.m.

Mitchell School Modular Classrooms:

Joe Barnes, Chairman, School Committee, Dan Gutekanst, School Superintendent, George Kent, PPBC Chairman, Steve Popper, Director of Design and Construction, and members of the School Committee appeared before the Board with information about the proposed construction of modular classrooms at the Mitchell School.

Dr. Barnes said the Mitchell School is in need of renovation and/or reconstruction to address significant overcrowding, upgrading of space to meet contemporary program needs, replace aging energy, and modernize the overall learning environment. He commented space issues affect programs, teachers, parents, and students. He said the School Committee is requesting 4 modular classrooms to house kindergarten, a music and art room, and additional space for special education staff.

Dr. Gutekanst said the School Committee will request funds at Special Town Meeting totaling \$2,700,000 for design and construction of modular classrooms at Mitchell School during the summer 2014.

Mr. Matthews said the Board of Selectmen supports the recommendation and will vote on the warrant article later in the meeting. He thanked the School Committee.

Dr. Barnes invited the public to an open house at Mitchell School on Saturday, October 26, 2013 at 9:00 a.m.

8:00 p.m. Public Hearing - NSTAR for Deerfield Road:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 7 feet of conduit at Pole 352/10 on Deerfield Road, Needham. The Department of Public Works has approved the petition, based on NSTAR's commitment to adhere to regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.

Mr. Matthews invited public comments. No comments were made.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 7 feet of conduit at Pole 352/10 on Deerfield Road, Needham. This work is necessary to provide new underground electric service at 70 Deerfield Road.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

8:05 p.m. Hillside School Feasibility Study:  
Joe Barnes, Chairman, School Committee, Dan Gutekanst, School Superintendent, and members of the School Committee appeared before the Board to provide information and answer questions about the warrant article to fund a feasibility study for the Hillside School.

Dr. Barnes said a pre-feasibility study was initiated jointly between the School Committee and the PPBC over 2 years ago, and a final report was presented to the Town in July, 2012. He said that at the start of the study and until today, the School Committee has felt and made it clear its goal was to keep the Hillside School at the Hillside location, noting a capital request in October 2012 to reconstruct the Hillside School at the Hillside site. He said the School Committee does not waiver from that goal, despite allegations to the contrary. He noted Dore and Whittier worked closely with the PPBC and examined what they considered to be all appropriate parcels for new construction or reconstruction. He noted the study included the existing site at 28 Glen Gary Road, DeFazio Field Complex, and Cricket Field. Dr. Barnes commented that throughout the process the School Committee has been open, honest, fair, and transparent. He noted the pre-feasibility study pointed out that each site has its own set of limitations and compromises, and that use of DeFazio Field or Cricket Field would require significant collaboration, agreement, and compromise. He commented support of Article 2 allows for a much clearer picture of the options available to the Town as it looks to provide the best opportunities for teaching and learning at the Hillside School. He said the School Committee wants nothing more than what the citizen's want; a comprehensive and inclusive study that will point the Town in a direction to meet the needs of the children and Town. Dr. Barnes said if the feasibility study is not approved, the

Town will not have answers to any questions or options, noting, it is in the best interest of the entire Town to gather as much information as possible, so the Town can make an informed decision. He said the School Committee intends to seek the approval for the study of sites not under its jurisdiction.

Mr. Borrelli asked, in light of the Park & Recreation Commission's vote last night, how does the School Committee see a path towards Cricket Field as a viable option for a new school.

Dr. Barnes said the School Committee recognizes what is under its jurisdiction and the opportunity to investigate other sites, with approval. He noted it is important the School Committee go on record that it would like to gather as much information as possible.

Mr. Handel asked if the School Committee regards the action of the Park & Recreation Commission as definitive.

Dr. Barnes noted the formal vote by the Park & Recreation Commission and said the School Committee would also like to take a formal stand to get a response. Dr. Barnes clarified the School Committee wants to gather as much information as possible, but the goal is to rebuild the Hillside School on the Hillside site. He said the School Committee feels it owes it to the Town to examine any possible site, and that is why the School Committee will seek approval from the Park & Recreation Commission. He concluded, if the request is denied, then the School Committee will move on.

Mr. Tom Jacobs, Park & Recreation Commission joined the discussion.

Mr. Bulian suggested the members of the Park & Recreation Commission and School Committee meet to discuss the issue.

Mr. Jacobs said he favors receiving a formal request from the School Committee, noting he had hoped it had come earlier. He said it is the proper way, and should be done by all boards and committees in Town who are looking at pieces of property. He said he could anticipate the Park & Recreation response, but until he knows the School Committee's arguments, he could not make a pre-judgment. Mr. Jacobs said the Park & Recreation Commission is entrusted to protect open space, however a formal request would be entertained.

Ms. Cooley said it is appropriate for the School Committee to make a formal request, but noted the idea of making a formal request a mandatory requirement going forward is potentially a matter of bad policy and bad government. She said she does not feel it is the best way to understand everything, but learning what happens on sites is the nature of feasibility. She reiterated it is a process, and you learn things in the process. She noted everyone in Town understands and values open space and recreation, including Cricket Field, but a school needs to be rebuilt

and the Town needs to move forward with feasibility and know what is required for a new school. She said she is hopeful the Town does this at Town Meeting in November.

Mr. Handel commented he can still hear the pressure of continuing the possibility of studying Cricket Field. He said the time to end the pain over the issue is now, and said he is not prepared to vote, as a member of the Board of Selectmen, to recommend to Town Meeting that they pass the feasibility study until he knows the answer to that question. He made the following motion:

**Motion by Mr. Handel that the Board of Selectmen recommends that the Hillside feasibility study include the Hillside School site at 28 Glen Gary Road, and that the study may include other sites under the jurisdiction of the School Committee and other sites with the approval of that sites jurisdictional body or bodies.**

Mr. Matthews suggested entertaining the motion later in the evening when the Board votes on warrant articles.

Mr. Matthews thanked the School Committee.

8:20 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. Revised Charge/Traffic Management Advisory Committee (TMAC)

Ms. Fitzpatrick reminded the Board in its fiscal year 2014/2015 goal setting process, the Board of Selectmen discussed the need to revise the charge of the TMAC to formally include pedestrian and bicycle considerations. She said the proposed revision has been reviewed by Public Works and Police staff and the Chairman of the TMAC. Ms. Fitzpatrick recommends the Board consider revising the charge.

**Motion by Mr. Bulian that the Board vote to approve the revised charge of the Traffic Management Advisory Committee dated October 22, 2013.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

2. Water Management Act Compliance

Ms. Fitzpatrick recommended the Board approve the 2014 Residential Gallons per Capita Day (RGPCD) Plan. In addition, she said the Board must report to the DEP its intent with respect to water use restriction for calendar year 2014.

**Motion by Mr. Bulian that the Board approve the 2014 Residential Gallons per Capita Day (RGPCD) Plan dated October 22, 2013 for submission to the Department of Environmental Protection; and that the Board vote its intent to maintain the calendar-triggered restriction from May 1 through September 30. Until the Town achieves the 65 RGPCD performance standard, the Town will continue to limit nonessential outdoor water use to two days per week, before 9**



a.m. and after 5 p.m., during that five-month period; and to one day per week, before 9 a.m. and 5 p.m. whenever a Drought Advisory or higher is declared by the Massachusetts Drought Management Task Force. The Board of Selectmen may review and modify the actual days allowed for watering. Once the Town achieves the 65 RGPCD performance standard, the Board may modify the two-day and one-day-per-week restrictions in a subsequent year.  
**Second: Mr. Handel. Unanimously approved 5-0.**

3. Positions on Warrant Articles

The Board took positions on the November 4, 2013 Special Town Meeting Warrant Articles.

**Motion by Mr. Handel that the Board vote to support Article 1 - Appropriate for Modular Classrooms/Mitchell in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Matthews recognized Mr. Handel who offered the following motion for Appropriation for Feasibility Study/Hillside.

**Motion by Mr. Handel that the Board of Selectmen recommend that the Hillside School Feasibility Study include the Hillside School site at 28 Glen Gary Road and that the study may include other sites under the jurisdiction of the School Committee and other sites with the approval of that site's jurisdictional body or bodies.**

**Second: Mr. Borrelli. Approved 4-1. Ms. Cooley voted nay.**

**Motion by Mr. Bulian that the Board vote to support Article 2 - Appropriate for Feasibility Study/Hillside in the Special Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 6 - Amend Zoning By-law/Solar in the Special Town Meeting Warrant.  
Second: Ms. Cooley. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 7 - Amend Zoning By-law/Solar Map in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 8 - Appropriate for Solar Expenses in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 9 - Amend General By-law/Length of Contracts in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 10 - Authorize Lease of Land/Solar in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board of vote to support Article 11 - Authorize Solar/PILOT in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to withdraw Article 18 - Appropriate for Boardwalk/CPA in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

9:03 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews told the Board a meeting of the Town's Minuteman School Committee was held October 21, 2013 to discuss the school's MSBA project. Ms. Cooley invited residents to attend a public hearing at the Minuteman School in Lexington on Thursday, October 24, 2013 at 7:00 p.m.

2. Warrant Review Meeting

Mr. Matthews invited residents and Town Meeting members to attend the Warrant Review Meeting to be held Tuesday, October 29, 2013 at Town Hall.

9:10 p.m. Executive Session - Exception 3 (potential litigation):

**Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.**

**Exception 3 - To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Not to return to open session prior to adjournment.**

**Second: Mr. Handel. Mr. Matthews polled the Board. Unanimously approved 5-0.**

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

Note: The meeting was adjourned at 9:45 p.m.

