

**Town of Needham
Board of Selectmen
Minutes for March 22, 2011
Needham Public Services Administration Building**

6:45 p.m. Informal Meeting with Citizens: No Activity.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Daniel P. Matthews, Maurice P. Handel, Denise C. Garlick, Gerald A. Wasserman, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Chapter 40B Guidelines Discussion:
Lee Newman, Director of Planning & Community Development, Judi Barrett, Housing Consultant, and Scott Brightman, committee member appeared before the Board to discuss the development of Chapter 40B Review Guidelines. Ms. Barrett stated she has been asked to help the Town develop guidelines that would explain to prospective developers Needham's policies, preferences, and expectations for affordable and mixed-income housing. She stated a working group has been established to meet with the Board of Selectmen and other Town Boards and Committees for feedback.

Ms. Barrett gave a short summary of Chapter 40B, stating it is a State law encouraging communities to create affordable housing. She stated if 10% or more of a town's housing is deed-restricted affordable units, it is assumed a town has met its regional fair share. If a town is under the 10% threshold, developers can apply to the Board of Appeals for a comprehensive permit for development. Ms. Newman stated affordable housing units in Needham currently account for about 7% of the housing stock.

Ms. Newman said interviews will be conducted with members of Town boards and committees to find out preferences of location, scale, and feel of potential development. Mr. Bulian asked what the timeline would be to produce a working document for the Planning Board and the Board of Selectmen. Ms. Newman commented she hopes to have a working document completed within the next three or four months. Mr. Bulian asked if there will be public input. Ms. Newman stated there will be some public input in terms of the presentation of the ideas that are coming out of the conversations, and the direction the working group decides to present.

Mr. Matthews, Selectmen representative on the working group, said most of the Town boards support reaching the 10% statutory minimum. Some residents, he said, are generally supportive but not in an active way and others are indifferent or opposed. Mr. Matthews said one of the goals of the guidelines is to create a

framework to communicate the Town's intent. Mr. Matthews said it is important the Town have a common set of standards to help guide the process.

Mr. Handel commented that with the Town making a good faith effort in producing affordable housing, it gives credibility to the Board of Appeals in the decision making process when it does deny a permit. He said it is important that projects not negatively impact a neighborhood.

Ms. Garlick said she is interested in affordable housing for seniors and the disabled. She suggested the working group also interview the Board of Directors of the Charles River Arc.

Mr. Matthews clarified the Town wants projects that will fit in with the neighborhoods. He said, from the point of view of the Board of Selectmen, it is important that housing be permanently affordable, but in some places that may not be the case.

Mr. Bulian read through the list of discussion questions and asked for Selectmen comments.

Mr. Wasserman said he feels the guidelines must be viable with the State of Massachusetts and have adequate monitoring of the projects. He stated Needham needs senior affordable housing, housing for children of residents who grew up in Town, as well as housing for the disabled, and employees of the Town of Needham who cannot afford to live in Town. Mr. Bulian commented on "friendly" and "un-friendly" Chapter 40B developments, stating "friendly" 40B's are developers who have worked with a neighborhood to create a project the neighborhood is going to embrace. An "un-friendly" 40B, he said, is just the opposite. He stated it is incumbent upon developers to work with residents in a neighborhood.

Mr. Wasserman commented there is consensus in generalities; it is when you get down to the details where there is disagreement. He pointed out there was a ballot question to repeal Chapter 40B in Needham, as well as most of the State, which was firmly turned down. He commented people recognize there is a need for affordable housing; it is how it is delivered that will create debate.

Mr. Bulian asked for additional comments from Ms. Barrett. Ms. Barrett said some towns approach creating guidelines as a way of getting resident participation in articulating the Town's interests. The hope, she said, is that by having public participation, there is public buy-in, but she said that is not always the case. She commented towns use the guidelines differently, and asked if Needham is looking for public buy-in or to try to coordinate the review process internally. Mr. Handel said he hopes the guidelines reflect consensus that Town government has on this issue. He said there has to be public buy-in, and also consistency from the Town. Ms. Barrett said she would like some direction as to

how the Town will use the guidelines. Mr. Matthews said that getting input and buy-in from active community organizations is important. He also stated it is important not to build conclusions into the guidelines about what the whole community thinks because there will be part of the community that will not engage in the process, but yet will be concerned when a development affects them. He stated the guidelines should guide developers who want to seek Chapter 40B development in Needham to make sure that what they want to do fits with the Town's priorities. Mr. Wasserman said education is important in that people need to understand the law, their rights, the Town's rights, and what the expectations are of the State.

Mr. Handel said he feels it is important to avoid singling out a particular area of Town. He stated there needs to be a comprehensive view that Needham is a whole, and affordable housing is not concentrated in any particular neighborhood. Mr. Matthews agreed with Mr. Handel. Mr. Wasserman stated a particular site cannot be labeled affordable or not because it depends upon the project.

Mr. Bulian stated the LIP program worked tremendously well for the Charles River Landing project. Mr. Wasserman said collaboration always works better, so LIP is always going to be more desirable, but cautioned resources must be available. Mr. Matthews suggested the Town should be open to LIPs, but said each project is a case by case basis. Mr. Handel agreed with his colleagues, and said a LIP must involve active community participation so people feel included, even though in the end they may not like the outcome at least they have been heard and their needs have been factored into the result. Ms. Garlick commented on Questions 5, 6, and 7 and asked Ms. Barrett, based on her experience, what she feels is the best balance. Ms. Barrett said she feels when a town actively tries to engage in affordable housing development, the greater the town's ability to protect its interests. She said having guidelines is a way of communicating with a developer, but it's the working relationship that is most important.

Mr. Wasserman said all of the considerations are important, but emphasized senior and disabled housing, as well as housing for children of residents. He said if the Town does not emphasize this, it will not get it. Mr. Matthews commented on local preference, and said the question is really asking "what do you want to give up?" He said the density in most parts of Needham is probably the last thing the Town is willing to give up. Mr. Wasserman said it depends on the particular project. Mr. Brightman commented builders should want to know what are the "showstoppers" and "red flags". Mr. Matthews said he feels rental housing works well as an affordable housing model, and he would be willing to have some "give" on the upper limit for unit density. He said he does not know how other boards and committees feel. Ms. Garlick suggested a focus group discussion on the trade-offs and benefits to the community. She also mentioned there should be discussion on the costs of mitigating some of the issues that arise with affordable housing. Mr. Handel commented it is important the Town reach the 10% to get control of zoning, but producing quality affordable housing is very important. He

suggested developing some mechanisms to try and save some of the typical old Needham housing. Mr. Wasserman suggested the guidelines should have some sample scenarios.

- 7:40 p.m. Consent Agenda and Appointments:
Motion by Mr. Wasserman that the Board of Selectmen vote to approve the Consent Agenda and Appointments as presented.

APPOINTMENTS

1. Human Rights Committee Amelia Klein (term expires 6/30/2012)
2. Commission on Disabilities Leon Foster (term expires 6/30/2013)
3. Council of Economic Advisors William Day (term expires 6/30/2012)

CONSENT AGENDA *=Backup attached

- 1.* Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks on Sunday, July 3, 2011 and activities on Monday, July 4, 2011. Coordination of all additional activities will be made with appropriate Town Departments.
2. Accept the following donation made to The Park and Recreation Commission for Arts in the Park: \$600 from Middlesex Savings Bank.
- 3.* Approve a One Day Special All Alcoholic beverages license from Ed Davis of St. Sebastian's School to hold its Alumni Dinner event on Thursday, March 31, 2011 from 6:00 pm to 10:00 pm at Ward Hall, St. Sebastian's School, 1191 Greendale Avenue, Needham.
- 4.* Approve a One Day Special Wines & Malt beverages license from Dorothy C. Mitchell, of Laser Skin Care Solutions to hold an open house event on Thursday, March 31, 2011 from 5:00 pm to 8:00 pm at The Needham Historical Society, 1147 Central Avenue, Needham.
5. Accept donation of a 250th Anniversary Town of Needham ashtray from David P. Nigro, 27 Hamilton Place, Needham.
- 6.* Water and Sewer Abatement Order #1121
- 7.* Approve minutes from February 22, 2011, March 8, 2011 and March 14, 2011 meetings.

- 7:40 p.m. Building Permit Fees:
Daniel Walsh, Building Inspector and Christopher Coleman, Assistant Town Manger/Director of Operations appeared before the Board to recommend a new fee for sheet metal permits. Mr. Walsh told the Board about a new law requiring the licensure of sheet metal workers. Mr. Walsh said the law and regulations require that licensed sheet metal installers obtain a permit from the Building Inspector prior to any erection, installation, or dismantling of sheet metal. Mr. Walsh said in addition to working on changes to the law and determining the permit fee for the sheet metal work, he also did a comparative study of its building, electric, plumbing, and gas permit fees to permit fees in other communities. Mr. Walsh reviewed the study with the Board. Mr. Walsh recommends no change to the fee schedule. Mr. Walsh also reviewed the

“Certificate of Inspection Fee Schedule” and recommends continuing the program using the same fee schedule to remain consistent with what the Town has been doing.

Mr. Wasserman asked about the fee level and wondered if low fees could be costing people more money because the Town cannot act as quickly as other towns. Mr. Walsh said anytime there cannot be an instantaneous response there is a risk of costing people money, but it is a case by case basis.

Mr. Bulian noted that the fees are almost double in some communities for the same square footage. Mr. Walsh said the project and cost drive the answer regarding the permit fee.

Mr. Matthews asked Mr. Walsh if he feels he has the level of staff required to keep up with the work load. Mr. Walsh said at the moment he has enough staff, but said the new sheet metal permit may require more staff to handle demand.

Mr. Wasserman reiterated his feeling that the Town should compare response times to fees with other communities.

Motion by Mr. Wasserman that the Board vote to set a sheet metal permit fee schedule per the attached document entitled “Sheet Metal Fee Schedule, March 18, 2011.”

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

Motion by Mr. Wasserman that the Board vote to adopt certificate of inspection fees per the attached document entitled “Certificate of Inspection Fee Table, March 18, 2011.

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

8:10 p.m.

Department of Public Works:

Mr. Richard Merson, DPW Director and Mr. Anthony Del Gaizo, Town Engineer appeared before the Board to discuss the layout of three streets for Town acceptance. Mr. Del Gaizo stated it is the second step in the street acceptance process. The first step, he said is the petition, the second step is the Selectmen making a public vote of their intention to lay out the way. Mr. Del Gaizo said the layout of the way is done at a public hearing. Ms. Fitzpatrick clarified the vote of the Board is that their intention is to lay out each street and to hold a public hearing on April 5, 2011.

1. West side of Great Plain Avenue from Harris Avenue to MBTA R.O.W.:

Motion by Mr. Handel that the Board vote to approve and sign Form 2 and Form 2A indicating its intention to layout the west side of Great Plain Avenue between Harris Avenue and the MBTA R.O.W.

Second: Mr. Wasserman. Unanimously approved 5-0.

2. Farley Pond Lane:
Motion by Mr. Handel that the Board vote to approve and sign Form 2 and Form 2A indicating its intention to layout Farley Pond Lane.
Second: Mr. Wasserman. Unanimously approved 5-0.

3. Booth Street:
Motion by Mr. Handel that the Board vote to approve and sign Form 2 and Form 2A indicating its intention to layout Booth Street.
Second: Mr. Wasserman. Unanimously approved 5-0.

8:20 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. Inter-municipal Agreement/Kendrick Street Bridge:
Ms. Fitzpatrick asked the Board to approve an inter-municipal agreement between the Town and the City of Newton for the reconstruction and repair work on the Kendrick Street Bridge. Ms. Fitzpatrick told the Board Town Meeting has appropriated funding and the City of Newton has agreed to be the lead community on the project. She stated the Inter-municipal Agreement is required to enable the financial transactions and to establish the framework for the management and oversight of the project.

Motion by Mr. Wasserman that the Board vote to approve the Agreement between the Town of Needham and the City of Newton for Nahantan Street/Kendrick Street Bridge Improvements.
Second: Mr. Handel. Unanimously approved 5-0.

2. Open Special Town Meeting Warrant:
Ms. Fitzpatrick reviewed a preliminary list of articles proposed for inclusion in the May 9, 2011 Special Town Meeting warrant. Ms. Fitzpatrick asked Mr. Wasserman to discuss the article "Appropriate for Engineering Study for Energy Upgrades" as part of the Green Communities Study Committee. Mr. Wasserman told the Board the committee is exploring all aspects. He said, in particular, one aspect is to attain saving the required 20%, and that it was suggested by a member of the Finance Committee to hire a consultant for assistance. Mr. Wasserman said that is why the request is included.

Motion by Mr. Wasserman that the Board vote to call for a Special Town Meeting and open the warrant for the meeting to be held on May 9, 2011 at the Newman School.
Second: Mr. Handel. Unanimously approved 5-0.

3. 2011 Annual Town Meeting:
Ms. Fitzpatrick updated the Board on the status of the Annual Town Meeting Warrant. She stated the Green Community Study Committee voted to request that

the article relative to adoption of the Stretch Energy Code be deferred until a future Town Meeting.

Motion by Mr. Wasserman that the Board vote to withdraw the article relative to adoption of Stretch Energy Codes.

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

Ms. Fitzpatrick reviewed other changes including modification of the General Fund Cash Capital article to reflect the actual proposal contained in the FY2012 Balanced Budget Proposal and the vote of the Finance Committee, and amounts and funding sources approved by the Community Preservation Committee.

8:30 p.m.

Adjourn:

Motion by Mr. Wasserman that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of March 22, 2011.

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