

BOARD OF SELECTMEN

March 5, 2013

Needham Town Hall

Revised Agenda

	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Recognition of Needham High School Soccer Team
1a.	7:00	Proclamation- Needham Free Public Library 125th Anniversary
2.	7:00	Sign By-Law Amendment • Devra Bailin, Director of Economic Development • Mark Gluesing, Design Review Board • Bob Hentschel, Council of Economic Advisors • David Roche, Building Commissioner
3.	7:30	Recess to Attend Planning Board Hearing
4.	8:00	Town Manager • 2013 Annual Town Meeting
5.	8:15	Board Discussion • Committee Reports
6.	8:20	Executive Session Exception 3

APPOINTMENTS

	None	
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CONSENT AGENDA ***=Backup attached**

1.*	Approve Minutes of February 2, 2013 and February 12, 2013.
2.	Accept donation in the amount of \$200 made to the Needham Health Department's Gift of Warmth Fund from Mrs. Shahin Sagafi, a Needham resident.
3.*	Sign the Warrant for the Annual Town Election Warrant scheduled for April 9, 2013.
4.*	Approve a Special One Day Wines & Malt Beverages license for Robert T. Timmerman II, of the Needham Knights of Columbus to hold a St. Patrick's Day Party on Saturday, March 16, 2013 from 5:00 p.m. to 11:00 p.m. at Needham Knights of Columbus, 1211 Highland Avenue, Needham.
5.*	Approve a Special One Day All Alcoholic Beverages license for Jennifer McGrady of the Greene's Field Committee to hold a "Go Greene St. Patrick's Day party" on Saturday, March 16, 2013 from 7:00 p.m. to 11:00 p.m. to be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/5/2013

Agenda Item	Recognition of Needham High School Soccer Team
Presenter(s)	TBD

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Board will offer its congratulations to the Needham High School Soccer Team, Head Coach and Assistant Coach on a very successful year. Soccer Team members who attend will be introduced at the meeting.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
	BACK UP INFORMATION ATTACHED	YES	NO

PROCLAMATION

- WHEREAS:** The Needham Free Public Library was established by vote of Town Meeting on March 5, 1888, with a budget of \$428.10, and has continued to offer services to the residents of Needham since that date; and
- WHEREAS:** The Needham Free Public Library's first independent building was made possible by a 1903 grant from steel magnate and philanthropist Andrew Carnegie; and
- WHEREAS:** The Needham Free Public Library's second building was the result of a gift of land and funds from Needham industrialist William Carter in 1914; and
- WHEREAS:** The Library was a leader in providing building accessibility by installing an elevator in 1981; and
- WHEREAS:** The Library recently celebrated seven successful years in its new building; and
- WHEREAS:** Fiscal Year 2012 Library business posted continued increases, having 18,595 active Needham users; registering attendance of more than 367,000; holding 405 programs that were attended by more than 18,000 people; and circulating 554,482 items; and
- WHEREAS:** The Library is meeting the challenges of the 21st century by providing instruction to residents on how to use their downloadable book devices, installing new and faster computers, subscribing to many informational databases, and increasing its bandwidth to accommodate the many wireless demands, and
- WHEREAS:** The Library's materials collection has grown from 1,078 in 1888 to 172,900 in 2012, and
- WHEREAS:** The Library's meeting rooms were used a total of 607 times in FY12, and
- WHEREAS:** The Library houses a collection of original paintings by Needham born artist N.C. Wyeth.

NOW THEREFORE BE IT PROCLAIMED that the Needham Board of Selectmen, and the people of Needham extend their warmest congratulations to the Needham Free Public Library on the occasion of its 125th anniversary.

Signed this 5th day of March 2013

Daniel P. Matthew, Vice Chairman

John A. Builian, Clerk

Maurice P. Handel

Matthew D. Borrelli



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/5/2013

Agenda Item	Amend Sign By-law
Presenter(s)	Devra Bailin, Director of Economic Development Mark Gluesing, Design Review Board Bob Hentschel, Council of Economic Advisors David Roche, Building Commissioner

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
In accordance with the adopted goals of the Board, and working with the CEA, Ms. Bailin has coordinated a review of the Sign By-law. She and Mr. Gluesing, Mr. Hentschel and Mr. Roche will explain the changes that are proposed for Town Meeting, and seek input and comment from the Board.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Update only.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Proposed Amendments to Sign By-law			

ARTICLE 5

SIGN BY-LAW

SECTION 5.1 AUTHORITY AND OBJECTIVES

This article shall be known as the Sign By-Law, and is adopted under the authority of M.G.L. Chapters 93 and 43B. It is intended that this article will serve the following objectives:

Facilitate efficient communications to ensure that people receive the messages they need or want; promote good relationships between signs and the buildings and environment to which they relate; maintain visual diversity by avoiding a requirement of uniformity; and support business vitality within business and industrial zones by avoiding burdensome procedures and restrictions.

It is hereby determined that if the number of signs in the Town of Needham is excessive and unduly distracting to motorists and pedestrians, it can create a traffic hazard, reduce the effectiveness of signs needed to direct the public and mar the appearance of the Town of Needham.

The regulations contained in this article are the minimum amount of regulation necessary to achieve its purposes.

SECTION 5.2 DEFINITIONS

Sign: Any device designated to inform or attract the attention of persons who are not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this article:

- a) flags and insignia of any government except when displayed in connection with commercial promotion;
- b) legal notices or informational devices erected or required by public agencies;
- c) standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline;
- d) integral decorative or architectural features of buildings, except letter, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights;
- e) on-premises signs guiding and directing traffic and parking, not exceeding two square feet in area and bearing no advertising matter;
- f) devices hand-carried or mounted on vehicles, unless located for fixed display;
- g) signs on newspaper vending machines or newspaper racks, which are limited in context to the name and logo of the newspaper sold via such machine or rack and to the means of purchasing a newspaper from such machine or rack.

Sign Area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, and together with any decorative framing or other element whose judged intent is to extend the effective sign area, exclusive of minimal supporting framework, but without deducting for open space or other irregularities. Only one side of flat, back-to-back signs need be included in calculating sign area. In the event of lettering on an awning, the sign area shall be the area of the smallest horizontally or vertically oriented rectangle which could enclose all the lettering and symbols thereon.

On-Premises Signs: Only signs pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises are on-premises signs.

Off-Premises Signs: Signs not pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises on which they are located.

Temporary Sign: Any sign constructed of paper, cloth, canvas, fabric, cardboard, wallboard, wood, metal, or plastic or other light material, with or without frames, intended to be displayed for a continuous period of not more than sixty days.

Permanent Attached Signs: Signs, other than temporary signs, which are attached to a building or visible through its window, whether wall or projecting, are permanent attached signs.

Permanent Freestanding Signs: Signs, other than temporary signs, which are not attached to a building, are permanent freestanding signs.

Compound Sign: One sign structure with two or more signs on it.

Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below.

SECTION 5.3 ADMINISTRATION

5.3.1 Design Review Board. Except for street banners governed, reviewed, and approved by the Board of Selectmen pursuant to Subsection 5.3.1.5, ~~t~~The review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law. Three members shall constitute a quorum. All decisions shall require a positive vote of at least three members.

The Board shall meet at least monthly at such time and place to be determined by the members and at such additional times as it determines necessary to carry out the provisions of this article. In the event a member is unable or refuses to sit, the Chairman shall designate an alternate member to sit in the place of that absent member.

5.3.1.5 Board of Selectmen. Street Banners which are placed within the Town right-of-way, spanning public streets and/or in locations authorized by the Board of Selectmen providing notice of a public entertainment or advertising a public, charitable, religious or educational event may be specifically approved by the Board of Selectmen and displayed in locations authorized by the Board of Selectmen for a time period not to exceed fourteen (14) consecutive days before the announced event. No commercial advertising shall be allowed to appear on the street banner. All street banners shall be removed within two business days of the announced event or entertainment. Street Banners shall not be subject to the sign requirements of Subsections 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, and 5.3.7, and Sections 5.4 and 5.5. The Board of Selectmen may promulgate such regulations regarding street banners as it deems appropriate.

5.3.2 Issuance of Permits. No sign shall be erected, enlarged, redesigned, structurally altered, or used without the review of the Board at which the applicant shall appear and a sign permit issued by the Building Inspector, except for signs described in Sub-sections 5.5.1 (a), 5.5.1 (c), and 5.5.3.4. Permits shall be authorized only for signs in conformance with this article.

Applicants shall file a permit application accompanied by a photograph of the facade to which the sign is to be attached, or the area of intended location if unattached, and two prints of scale drawings of the sign and supporting structure showing placement thereon; the applicant shall also file five copies of the permit application, including five copies of all application materials, with the ~~Design Review Board~~ Design Review Board. (See Section 7.7 Design Review, of the Zoning By-Law.) If an applicant requires guidance as to whether any special permits are required or knows that such permit or permits are required, the applicant may file his application with the Building Inspector.

If the Building Inspector finds that the proposed sign is in all respects in conformance with this article, he shall within 35 days of filing instruct the applicant to file the application directly to the Design Review Board.

~~_____~~The Design Review Board shall review requests for sign permits submitted and shall, within thirty-five (35) days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the sign to the Building Inspector and the applicant. No sign permit shall be issued by the Building Inspector within this thirty-five (35) day period unless said recommendations are sooner received. If approved by the Design Review Board, the Building Inspector shall issue a sign permit within 45 days of the filing of the application.

If the Building Inspector, upon requested review, finds that the proposed sign is in all respects in conformance with this article, he shall issue a permit within 45 days of the filing of the application. If he finds that said proposed sign is not in conformance with this Article as aforesaid, he shall, within 60-35 days of the filing of the application notify the applicant in writing of the reasons why such a sign permit was denied cannot be granted as of right and give the applicant

~~the option of revising the signage or applying for a special permit. The Building Inspector and~~ shall forward a copy of such ~~notice of disapproval notice~~ to the Board.

5.3.3 Appeal from Building Inspector's Action or Failure to Act

Any person aggrieved by the Building Inspector's action or failure to act may appeal by filing an appeal with the Board and the Town Clerk within 30 days of the Building Inspector's action or failure to act. The Board shall rule on the appeal within 75 days of the filing of the appeal with the Town Clerk. If the Board denies relief to the applicant, it shall notify him in writing of the reasons for such denial. Failure of the Board to act within said 75 days shall be deemed to be a grant of the relief sought, subject to applicable judicial appeal under state law. If, on appeal, the permit is approved, the Board shall direct the Building Inspector to issue the permit.

5.3.4 VariancesSpecial Permits. If an applicant wishes to obtain a permit for a sign that does not comply with this article, he shall ~~apply to the Building Inspector for a permit in accordance with the proceedings established by Sub-section 5.3.2 of this Article. Upon denial of the permit, the applicant shall~~ apply to the Board for a Special Permit from the requirements of this article in accordance with the procedure established under Sub-section 5.3.3 of this article. The Board shall set a date for and hold a public hearing. It will be the responsibility of the applicant, at his own expense, to give notice of the public hearing at least seven days in advance by advertisement in a newspaper of general circulation in Needham and by posting such notice in a conspicuous place in the Town Hall for a period of not less than 7 days before the day of the hearing. The applicant for a Special Permit is further required to give notice of the public hearing, sent 10 days before the hearing by certified mail, return receipt requested, postage prepaid to all parties in interest.

Parties in Interest as used in Sub-section 5.3.4 shall mean the abutters, owners of land directly opposite the proposed site of the sign on any public or private street or way and abutters to the abutter within three hundred feet of the property line of the applicant as they appear on the most recent applicable tax list.

Publications and notices of the public hearing required by Sub-section 5.3.4 shall contain the name of the area or premises; street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition; the date, time and place of the public hearing; the subject matter of the hearing; and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in Needham.

The Board may in its discretion grant a Special Permit, but only if the proposed sign meets all of the Design Guidelines set forth in Sub-section 5.3.5 of this article and if the Board finds that, owing to physical peculiarities of the specific location, literal enforcement of the terms of this article would result in substantial hardship to the applicant or substantial detriment to the vicinity, and that such a Special Permit will be consistent with the stated objectives of this Article. If the Board denies the Special Permit sought, it shall notify the applicant in writing of the reasons for such denial. Failure of the Board to act within 75 days shall be deemed to be a grant of the permit sought by such applicant. If the permit is approved, the Board shall direct the Building Inspector to issue permit with such terms and conditions it deems appropriate.

Special Permits are not transferable.

5.3.5 Design Guidelines. The following guidelines shall be used by the Board in its review of all sign applications. A Special Permit may be permitted under Sub-section 5.3.4 above only if the Board finds that the proposed sign meets all of the following guidelines:

- a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed and sign sizes on nearby structures.
- b) Sign size, shape and placement serves to define or enhance such architectural elements of the buildings as columns, sill lines, cornices and roof edges, and not to interrupt, obscure or hide them.
- c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials or other important qualities.
- d) Sign materials, colors, lettering style and form are compatible with building design and use.
- e) Sign content does not overcrowd background.

- f) Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.

5.3.6 Fees - General. Application and hearing fees shall be established and revised from time to time by the Board at a level not exceeding that sufficient to defray the estimated cost of administering this article, and shall be based upon the number, area and illumination of the signs applied for.

5.3.7 Temporary Real Estate Signs. Temporary real estate signs require payment of a uniform fee to be determined by the Board whenever a sign is to be displayed on the premises of property being offered. Real estate brokers or agents shall obtain a one-year permit for displaying such signs and shall be subject to a uniform fee to be assessed annually in an amount to be determined by the Board.

SECTION 5.4 GENERAL REGULATIONS

5.4.1 Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector and in accordance with requirements of the State Building Code. Structural damage, missing letters or other deterioration obscuring content shall be remedied within sixty days or the sign shall be removed. Signs pertaining to a business that has closed, discontinued, or changed its name shall be removed within sixty days.

5.4.2 Prohibitions

5.4.2.1 Illumination

- a) Illuminated signs shall be lighted by a steady stationary light, shielded and directed solely at or internal to the sign.
- b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding 60-foot lamberts elsewhere.
- c) No sign shall be illuminated after 11 P.M. and before 7 A.M., unless related to a retail establishment during hours it is open to the public. In an emergency declared by the Selectmen, however, hours of permissible illumination may be expanded or curtailed to the extent and for such period as the Selectmen may require.
- d) Flashing signs, strobe lights, and series or chasing lights, are prohibited from being visible outside a business.

5.4.2.2 Location

- a) No sign shall be erected at the intersection of any streets or of a street and driveway in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape or color, it may interfere with, or obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b) No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
- c) No sign shall be attached to a radio, television, or water tower, or microwave or satellite dish, or any other type of tower or smoke stack.
- d) No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign: except upon the issuance of a Special Permit, a one perpendicular, blade, or projecting sign (hereinafter "projecting sign") is allowed by right, even if it is a second sign, provided it does not, in the opinion of the Board, materially obstruct neighboring signs or businesses. Projecting signs may not be internally illuminated. -may be used that does not materially obstruct any neighboring signs or businesses. If the projecting sign is the only sign requested by an applicant seven (7) square feet are allowed by right. If the projecting sign is in addition to a sign on the façade, three (3) square feet is allowed by right. Projecting signs may have a maximum projection of four (4) feet from the wall and a minimum of eight (8) feet above the sidewalk.
- e) No portion of any sign shall be located above the roof line of a building. Roof line means the intersection of the exterior wall and the roof.

- f) No freestanding sign shall be located within a required side or rear yard or within fifteen feet of a streetline or extend more than twenty feet above adjoining ground level.

5.4.2.3 Type

- a) A V-shaped sign consisting of two single-faced signs shall not be permitted.
- b) Pennants, streamers, advertising flags, banners, spinners or similar devices shall not be permitted.
- c) No animated or revolving sign shall be permitted and only time and temperature indicators shall be allowed to flash.
- d) Sandwich boards are also permitted provided they meet the following requirements: one sign per business; 2 feet by 3 feet maximum sign panel in a black colored frame; they are comprised of permanent printed sign panels or handwritten sign panels; they are located on the site of the advertised business' street front on private property, or if on public property, do not block or interfere with the 48" width of the public sidewalk; they are on display during the business' operating hours only; they may advertise short term sales, daily menus, sign-up periods up to three weeks ahead of end date, and similar special events; they are not internally illuminated; and they do not contain any alcohol or cigarette advertisements.

SECTION 5.5 PERMITTED SIGNS

5.5.1 All Zoning Districts. The following signs are allowed in all zoning districts:

- a) One on-premise sign, either attached or free-standing, indicating only the name and/or profession of the owner or occupant, the street and/or number, not to exceed two square feet in area. No permit is required.
- b) One off-premise directional sign may be erected and maintained within the public right-of-way at any intersection if authorized by the Selectmen, or on private property if authorized following an application and hearing by the Board in accordance with Sub-sections 5.3.2 and 5.3.3 of this article. Such signs shall be permitted only upon the Board's determination that the sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. At locations where directions to more than one establishment are to be provided, all such directional information shall be incorporated into a single structure. All such directional signs shall be unlighted and each shall be not over four square feet in area.
- c) Signs of not more than a total of twelve square feet in area, erected for charitable, educational, political or religious purposes. No permit is required.
- d) (i) A temporary unlighted real estate sign not larger than twelve square feet in area, advertising the sale, rental or lease of the premises or subdivision on which it is erected.
- (ii) A temporary unlighted sign not larger than twelve square feet indicating the name, address and telephone number of the parties involved in construction on the premises.
- (iii) For a development of six or more lots or dwelling units, one sign not larger than twelve square feet at each visible street entrance to the development from a prior existing way indicating the name, address and telephone number of the parties involved in construction on the premises.
- e) One bulletin board not exceeding twelve square feet for and on the premises of a public, charitable, educational, political or religious institution. No permit is required to change the lettering on such a bulletin board.
- f) One memorial sign or tablet indicating the name of the building and/or date of erection, if not exceeding 2% of the area of the wall to which it is attached and if carved into or attached in such a way as to be an integral part of the building, and without separate illumination.

5.5.2 Single Residence, General Residence, Apartment and Institutional Zoning Districts

- (a) One on-premises sign, either attached or freestanding, oriented to each street on which the premises abut, each such sign not to exceed twelve square feet in area, indicating the nonresidential principal use or uses of the premises.
- (b) One on-premises sign, either attached or freestanding, stating the name of the apartment complex if it contains more than six units, such sign not to exceed twelve square feet.

5.5.3 Business, Industrial, and Industrial Park Zoning Districts

5.5.3.1 Number: In addition to signs allowed under Sub-section 5.5.1 [and 5.4.2.2 d\)](#) the following are permitted:

- a) One permanent sign whether permanently attached or freestanding, as further described in Sub-sections 5.5.3.2 and 5.5.3.3 of this article, for each occupant of separate space per street that the premises abut. However, no permit may be granted for more than one freestanding sign per parcel;
- b) One additional sign for each business which has an entrance facing a side or rear parking lot available for use by the public; said sign to be located so as to designate the entrance and to be smaller than the primary sign.

5.5.3.2 Permanent Attached Signs. The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation to which they are attached. Each sign shall not exceed 2 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet. If a sign is oriented for visibility from Route 128 (I-95), and is to exceed 32 square feet, then the Board may approve it only after a finding that the sign complies with the Design Guidelines, and no such sign shall exceed one hundred square feet.

5.5.3.3 Permanent Freestanding Signs

- a) Area: If a single sign, the area shall not be more than 32 square feet, and not more than 60 square feet if oriented for visibility from Route 128 (I-95). If a compound sign, the total area of a freestanding sign structure shall not exceed 60 square feet. ~~If a sign is oriented for visibility from Route 128 (I-95) and is to exceed 32 square feet, then it must be approved by the Board; and the Board shall approve the sign only if it finds that the sign complies with the design guidelines established in Sub-section 5.3.5 of this article.~~
- b) Visibility: Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least seven feet from the ground to the base of the sign, except that monument signs may be no more than 3 feet above street grade.
- c) All freestanding signs on the same parcel of land shall be attached to the same support.

5.5.3.4 Temporary. ~~Except as provided in Section 5.4.2.3 d), Temporary-temporary~~ signs, in addition to signs allowed under Sub-section 5.5.3.1, are permitted only if unlighted, inside of windows, occupying not more than 25% of the area of each window, and advertising sales, special events or changes in the nature of an operation, but shall not otherwise be used to advertise a continuing or regularly recurring business operation and shall be removed promptly when the information they display is out of date or no longer relevant. No permit is required.

5.5.4 Table of Sign Areas. The following table of maximum sign sizes is presented for ease of use. For clarification, refer to the appropriate section(s) of the By-law. In some instances the actual size may be less than the maximum area. Signs of less than 2 square feet require no permit.

Type	Maximum Area (square feet)
Sale, lease, rental subdivision [5.5.1.d (i)]	12
Construction [5.5.1.d.(ii)]	12
Development of 6 or more units or lots [5.5.1.d.(iii)]	12
Real estate signs [5.5.1.d.(i)]	12
Religious, educational, charitable or political institutions [5.5.1.c]	12

On premise signs, all zoning districts [5.5.1.a]	2
Nonresidential principal uses in residential districts [5.5.2.a]	12
Apartment complexes [5.5.2.b]	12
Business, Industrial, or Industrial Park	
Districts Attached [5.5.3.2] 2 sq. ft. for each linear ft. of building	32
Attached if visible from Rt. 128 [5.5.3.2]	100
Freestanding [5.5.3.2]	32
Freestanding if visible from Rt. 128 [5.5.3.3].	60
Off-premises directional signs [5.5.1.b]	4
Bulletin boards for institutions [5.5.1.e]	12

SECTION 5.6 VIOLATIONS

5.6.1 Fines. Any person violating any provisions of this Article shall be subject to a penalty up to the maximum amount allowed for each offense under the noncriminal processes authorized by M.G.L. Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

5.6.2 Notice and Removal. Existing signs which violate this article shall be removed or brought into conformity with this article within thirty days of notification of violation by the Building Inspector, unless he authorizes a longer period necessitated by unavailability of parts.

5.6.3 Pre-existing, Non-Conforming Signs. Signs erected prior to February 24, 1986, and not enlarged, redesigned, or structurally altered after that date other than pursuant to a permit issued by the Building Inspector shall not have to be removed or brought into conformity with this article until February 24, 1996.

ARTICLE: AMEND ZONING BY-LAW – INTERIM REGULATIONS FOR MEDICAL MARIJUANA USES

To see if the Town will vote to amend the Zoning By-Law, as follows:

- (a) By adding a new Section 8, Interim Regulations for Medical Marijuana Uses, to read as follows:

“8 Interim Regulations for Medical Marijuana Uses

8.1 Purpose

This section is intended to provide restrictions that will allow the Town adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts shall be in effect beginning January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in Needham shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

8.2 Definition

A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

8.3 Exclusion of other Marijuana Uses

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

8.4 Exclusion of Accessory Uses.

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

8.5 Interim Restriction

8.5.1 Medical Marijuana Treatment Centers shall not be permitted in any zoning district in Needham so long as this Section 8 is effective, as set forth in Section 8.6 below.

8.5.2 The cultivation, processing, sale, distribution and distribution of marijuana, products containing or derived from marijuana or related products shall not be permitted in any zoning district in Needham so long as this Section 8 is effective, as set forth in Section 8.6 below.

8.6 Expiration

This Section 8 shall be effective through March 1, 2014.

(b) Amend the Table of Contents to add Section 8, Interim Regulations for Medical Marijuana Uses.

Or take any action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/5/2013

Agenda Item	Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will update the Board on articles for the May 2013 Annual Town Meeting Warrant.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 03/5/2013

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
None			

**Town of Needham
Board of Selectmen
Minutes for February 2, 2013
Broadmeadow School Performance Center**

8:00 a.m. Call to Order:

A meeting of the Board of Selectmen was convened by Vice Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, Town Counsel David Tobin, Support Services Manager Sandy Cincotta, and Recording Secretary Mary Hunt. Gerald A. Wasserman was not present.

Mr. Matthews outlined the Package Alcohol License Framework and said the process is to make sure that all applicants and residents have a fair say before any final decisions are made granting licenses. Mr. Matthews said no vote on licenses will be made today. Mr. Matthews commented one application is directly across the street from a synagogue, and that for religious reasons the application will be held open for testimony until 6 p.m., February 5, 2013. He said however, testimony from the president of the temple will be accepted today at 1 p.m. Mr. Matthews said deliberation on all testimony will be limited to the Board of Selectmen, but the meeting will be open to the public and held at Town Hall. He said a general discussion by the Board will then move to a motion and vote phase regarding individual applications to either approve, deny, or take other action. Mr. Matthews said a vote will require three affirmative votes to approve a license. He commented there are a maximum of 6 licenses that the Board may issue, but that it is considering reserving some licenses for a future time.

Mr. Matthews called the first applicant.

8:20 a.m. Needham Wine & Spirits, LLC., 1257 Highland Avenue

Roy A. Cramer, Attorney, Jack A. Recco, applicant, and Michael F. O'Connell, applicant appeared before the Board to discuss an application for a new All Alcoholic Beverage License. Mr. Cramer highlighted the experience of Mr. Recco and Mr. O'Connell and said they currently own and operate Upper Falls Discount Liquors, 150 Needham Street, Newton, Post Road Liquors, 44 Boston Post Road, Wayland, and Auburndale Wine & Spirits, 2102 Commonwealth Avenue, Newton. Mr. Cramer said the proposed location at 1257 Highland Avenue has ample off street parking, is close to the railroad, furthest from the street, and is a relatively unobtrusive site. He commented there would be an exterior store sign, but no signs in the windows. Mr. Cramer said Upper Falls Discount Liquors has been in operation since 1979, Post Road Liquors since 1975, and Auburndale Wine & Spirits since 1995 and is indicative of many years experience and success. He commented the proposed location for Needham Wine & Spirits will attract other retailers to the under utilized shopping plaza. Mr. Cramer said all employees at the existing stores are "TIPS" certified, and the Needham staff will be as well. He said the store will use an advanced ID

detection system for checking ID's. Mr. Cramer pointed out only one incident of a suspension as the result of service to an underage person occurred in 2008 at Post Road Liquors in Wayland.

Mr. O'Connell told the Board of the 2008 incident at the Wayland store. He said in accordance with the store's "zero tolerance policy" with respect to sales to underage individuals, the employee was immediately terminated. He noted the measures currently in place and said he "can't do enough" to deter the sale of alcohol to minors.

Mr. Cramer mentioned Mr. Recco and Mr. O'Connell both grew up in Needham and are graduates of Needham High School, and understand the culture and issues of the Town. Mr. Cramer noted letters of support and a petition signed by over 300 Needham residents.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked for clarification on store traffic and employee parking.

Mr. Matthews commented on the proximity to Memorial Park and asked what measures the owners would take to ensure customers would not bring alcohol to the Memorial Park, as the law forbids. He asked for the proposed hours of operation.

Mr. Matthews invited public comment.

Paul Robey, 38 Brookline Street and Phil Robey, 12 Fletcher Road have known the applicants many years. They spoke of the quality of the business and said it is clean and friendly. They said the owners are involved with customers and Town organizations, and are experts on wine and craft beer. They commented bringing Needham Wine & Spirits would be a wonderful addition to Needham.

Paula Callanan, 1699 Great Plain Avenue said she has been longtime friends and can't imagine having a liquor business in Needham that wouldn't involve Mr. Recco or Mr. O'Connell. She said they are "Needham guys" who understand the Town. She supports the application.

Jeff Page, 272 Charles River Street has been longtime friends and supports the application. He said the character of the owners and the business is exceptional.

Jeanne McKnight, 210 May Street stated that although she serves on the Planning Board, her comments are her own. She said she had patronized Upper Falls Discount Liquors and Post Road Liquors, and has no complaint with the establishments. She commented they are knowledgeable and helpful. Ms. McKnight asked the Selectmen be sensitive about the proximity of liquor stores to residential areas. She requested the Selectmen impose conditions on each license

regarding deliveries and trash pickup. Ms. McKnight noted price competition among other businesses should be considered.

Andrew Drayer, 80 Arch Street said Mr. Recco and Mr. O'Connell have a fiercely loyal following and many people would be upset if they were not awarded a license. He said he has known the applicants many years and that they treat everyone with kindness.

Paul Good, 30 Walnut Street said the applicants are great supporters of Town organizations. He commented they are flexible, supportive, and responsible business owners, and would be a great addition to Needham.

Artie Crocker, 17 Fairlawn Street supports the previous comments and the concern about price competition. He asked about imposing conditions in a license stipulating no signs in the windows.

Gene Major, 687 Highland Avenue commented on the Needham Blanchard's Wine & Spirits application. Mr. Major gave the Selectmen a parking site plan, recorded at the Registry of Deeds, showing 3 parking spaces being used by 687 Highland Avenue for 35 years. He is concerned about reconfiguration of the site.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked for clarification on the sale of tobacco, delivery times, and signage.

Mr. Cramer summarized that Mr. Recco and Mr. O'Connell have experience and knowledge, and that having Needham Wines & Spirits in Town would be an asset to the community.

Mr. Matthews called the second applicant.

9:10 a.m.

Needham Center Wines & Spirits, 1013 Great Plain Avenue

Emmanuel V. Meimaris, Attorney, Chris Lianos, President, Lianos Liquors Inc., and Rebecca Rethore, Director of Business Development appeared before the Board to discuss an application for a new All Alcoholic Beverages License. Mr. Meimaris highlighted Mr. Lianos's liquor experience beginning in 1995. Mr. Meimaris said Mr. Lianos is responsible and knowledgeable about boutique fine wines, specialty spirits, craft beer, and gourmet foods. He said allowing Mr. Lianos to expand to Needham would be in the best interest of the Town as it would contribute to Needham's economic viability. Mr. Meimaris noted there is ample parking at the rear of the proposed site, which would also allow for discrete deliveries. Mr. Meimaris said numerous letters of recommendation have been submitted.

Mr. Lianos said he currently owns Ball Square Fine Wines in Somerville, MA since 1995. Mr. Lianos told the Board of his knowledge and experience in the liquor business. He commented the majority of his success has to do with hard work, listening to customers, and being a hands-on owner. He said his business model is a good fit for Needham.

Rebecca Rethore stated she is on the wine buying team for Ball Square Fine Wines. She said Mr. Lianos is approachable and his staff is top notch in its expertise and professionalism. Ms. Rethore said Ball Square Fine Wines is the kind of operation that is the “poster child” of excellence.

Mr. Matthews asked for comments from the Board.

Mr. Bulian asked Mr. Lianos how he would safeguard underage customers from entering the rear of the store. He asked for details of the ID system used in Somerville and what system would be used in Needham.

Mr. Borrelli said he visited Ball Square Fine Wines and was impressed by the layout and signage. He asked Mr. Lianos to comment on the possibility of someone accessing the cooler near the rear entrance and leaving the store. Mr. Borrelli asked about delivery times, number of customers, and competition.

Mr. Matthews commented it is a tough location with regard to traffic and parking.

Mr. Matthews invited public comment.

Gareth Charter, 542 High Rock Street said he reviewed all of the applications on line and feels this is the best location in Town. He commented he likes small businesses with a village feel, where he can park and walk to multiple shops. He said he hates seeing vacant storefronts in the center of Town.

Jeanne McKnight, 210 May Street reminded the Board of the Town’s vision for mixed use properties. She reiterated her comments regarding delivery times and dumpster pick up, and that it applies to areas even if presently there are no residents who may be bothered by noises. She said the worst problem for residents near business areas is the early morning dumpster pick up. She said she hopes the Board of Selectmen will have control over this particular issue, even if it means a different arrangement between tenant and landlord.

Randy Deck, 45 Bennington Street supports Vinodivino receiving a liquor license due to the high quality of product and their dedication to customer service.

Artie Crocker, 17 Fairlawn Street is not in favor of a fully licensed liquor store in downtown Needham. He said he envisions a unique wine and craft beer shop.

Todd Ellerin, 401 High Rock Street supports Gordon's Fine Wine & Liquors. He said he is surrounded by liquor stores closer than Gordon's, but finds he keeps going to Gordon's Fine Wine & Liquors in Waltham because he feels they are a cut above the competition. He said education, service, professionalism, and competitive pricing are key.

Lynn Clancy, 24 Oakhurst Circle supports Vinodivino receiving a liquor license. She said the look of the Newton store is something she would like to see in Needham. She commented customer service and pricing is always good.

Mr. Matthews asked for comments from the Board.

Mr. Handel concurred Ms. McKnight is correct concerning the impact on residents regarding deliveries and dumpster pick up. He stated there will be Planning Board jurisdiction on the matter and the opportunity to address those issues, as well as through the licensing process.

Mr. Borrelli asked Mr. Lianos whether the Ball Square Fine Wines store model is the same model that will be used at the Needham location. He asked Mr. Lianos how he would divide his time between shops in Somerville and Needham.

Mr. Meimaris reiterated Needham Center Wine & Spirits will be good neighbors and members of the community, and are amenable to any restrictions regarding deliveries as they do not want to disrupt the public in any way. He commented allowing Ball Square Liquors to expand into Needham will enhance the Town.

Mr. Matthews called the third applicant.

9:40 a.m. Craft Liquors of Needham, Inc., 922-932 Great Plain Avenue
Trish Farnsworth, Attorney, Ed Spivak, President, Craft Liquors of Needham, Inc. and Richard Weitzen, Attorney appeared before the Board to discuss an application for a new All Alcoholic Beverages License.

Mr. Spivak highlighted his work experience and concept for his business. He said Craft Liquors will not sell tobacco, lottery tickets, or nips, but rather will concentrate on boutique style liquors with an emphasis on craft beer, unique wines, and small batch spirits. He also stated he is considering the sale of cheese and specialty foods. He commented on street and rear parking, and said deliveries will be made at the rear entrance and will not disrupt traffic on Great Plain Avenue. He said the storefront will be fully renovated and no neon signs or advertising will appear in the windows. He said his store will attract people to other businesses in the area. Mr. Spivak commented he is TIPS and ServeSafe certified, all employees will be over age 21, and Massachusetts approved ID scanners will be used. Mr. Spivak said Craft Liquors will integrate with other businesses and be an anchor location in Town.

Richard Weitzen, Attorney, resident, Town Meeting member, and former Park and Recreation Commissioner, said Mr. Spivak will bring a stellar store to a location that has been vacant too long. He commented on parking and delivery, and said the high end boutique concept Mr. Spivak is planning will make Needham great.

Mr. Matthews asked for comments from the Board.

Mr. Handel asked about Mr. Spivak's experience in the liquor industry.

Mr. Matthews asked about the premises, layout, parking, and the proposed hours of operation.

Mr. Borrelli asked about the team of consultants and employees.

Mr. Matthews invited public comment.

Kate Adamson, 100 Thornton Road supports the Craft Liquor application and feels this plan is the most through. She noted the importance of Mr. Spivak focusing on one business.

Resident, supports the Craft Liquor application. He commented on the design and Needham having a great wine and cheese store. He said Mr. Spivak brings marketing, expertise, and design to the table.

Paul Gardner, 14 Mann Avenue, Chairman, Executive Board, Christian Science Church stated his concern for parking and the possibility patrons may use the church parking lot.

Jeanne McKnight, 210 May Street said it would be great to have a store with gourmet foods in the downtown. She noted the tight parking and urged the Board of Selectmen to review the parking situation with the Planning Director. Mr. Matthews asked Ms. McKnight whether development plans of the Theatre Block will have an impact on the 6 parking spaces or add to the parking burden. Ms. McKnight was unsure if the 6 parking spaces were for other commercial uses on Great Plain Avenue or exclusively for a single tenant. She noted the Theatre Block condominium complex development scheduled to start in the Spring 2013, and whether residents will be using the parking spaces in the evening.

Joe Nevin, architect for the applicant, commented on the vision and entrepreneurial spirit of Mr. Spivak. He said the concept is the most complete.

Ken Mackin, MMM Property LLC., landlord, spoke about the history of the building. He said there are 9 total parking spaces, 6 dedicated to Craft Liquors. He said the property has a dedicated loading zone allowing for deliveries off

Dedham Avenue, and will have a shared use dumpster for commercial tenants and a separate dumpster for the residential complex to be built on Dedham Avenue.

Mr. Spivak said he understands parking is an issue and will make sure customers do not park in the church parking lot. He said the Needham community is very important to him and that he will go above and beyond to make sure customers get what they want and need.

A 5 minute recess was taken.

Mr. Matthews called the fourth applicant.

10:25 a.m. Needham Blanchard's Inc., 679 Highland Avenue

Andrew Upton, Attorney and Christine Elder, applicant appeared before the Board to discuss an application for a new All Alcoholic Beverages License. Mr. Upton highlighted the work experience of Ms. Elder, owner of Blanchard's, Jamaica Plain, and manager of Blanchard's in West Roxbury and Revere. He noted Ms. Elder does not have any alcohol violations, running 3 stores for over 13 years. He submitted 3 letters of support.

Ms. Elder highlighted her work experience, joining the family business in 2000. She commented she will be the manager of Needham Blanchard's Inc., and will be involved in all aspects of the business and build out of the proposed site. She said her staff travels the world to find the best wine, beer, and spirits for the customer, with the goal of providing value, variety, and quality. She said all employees are TIPS certified and sign an extensive employee policy guideline, indicative of a "zero tolerance policy". Ms. Elder said a "mystery shopping" service is utilized to monitor age verification services. Ms. Elder said Needham Blanchard's will participate in community events and has been awarded "Best Business" by Main Streets Boston, and "Best Wine and Spirit Shop" from various news outlets. Ms. Elder showed photos of the proposed site and described the intended design. She said Blanchard's will focus on selling wine, artisanal ales, specialty spirits, breads, and cheeses. Ms. Elder said the store will not sell nips or half-pints, and kegs will be by special order.

Mr. Upton reviewed specifics of the site including size, parking, landscaping, delivery and traffic flow.

Mr. Matthews asked for comments from the Board.

Mr. Bulian asked about the I.D. policy.

Mr. Borrelli asked about the traffic impact on Putnam Street and noted the street is a private drive. He asked if any abutters have been contacted about the proposal. Mr. Borrelli asked about traffic volume and peak times.

Mr. Matthews said a formal notice of opposition has been received from Temple Beth Shalom, which is directly across the street from the proposed site. He noted time has been reserved at 1 p.m. for members of the temple to testify and that the hearing will remain open until 6 p.m., Tuesday, February 5, 2013 for those unable to attend today's hearing due to religious reasons. Mr. Matthews noted the concern of the congregation that locating a package store across the street from the temple will be detrimental to their religious, spiritual, and educational activities. Mr. Upton noted Blanchard's reached out to the temple making a presentation, and answered follow up questions with the temple board chairman and their counsel. Mr. Matthews said emails from congregants expressing opposition have also been received. Mr. Matthews said he is concerned the proposed site is extremely challenged due to traffic, particularly during commuter hours.

Mr. Matthews invited public comment.

Jodine Kuhlman, 298 Webster Street said parking and traffic is a big concern as she works in the building next to the proposed site. She said traffic congestion could be a problem for school children going down Webster Street. She is concerned about the number of licenses being considered and asked the Board proceed with great caution.

Barry Greene, Attorney, 687 Highland Avenue is concerned with parking, traffic, and deliveries. He concurred a new building on the site could improve the area. He asked to see more detail to understand the impact to his property.

Sylvia Lewinstein, 105 High Street supports a license for Vinodivino. She said she likes the smaller, boutique wine stores for Needham.

Diana Traylor, 31 Bennington Street supports Vinodivino because of the proximity to her home. She prefers a small wine shop.

Don Cohen, 40 Damon Road supports Vinodivino because he feels it is a small boutique shop providing great wines.

Jeanne McKnight, 210 May Street said having Blanchard's would bring price competition to Needham. She noted it is a difficult traffic site, and noted the expansion of the nursing home at the corner of Gould Street and Highland Avenue. She said a new building will require a special permit.

Theodore Jick, 7 Russell Road supports Vinodivino because they will not sell significant amounts of spirits, but will sell mostly wine. He said Vinodivino will be an asset to the community.

Jennifer Kratochwill, 1016 Webster Street supports Vinodivino and feels it fits in with Trader Joe's and CVS in the plaza.

Dennis McNamara, 24 Oakhurst Circle supports Vinodivino and feels it would be an asset to the community.

Stephanie Kaufman, 16 Manson Road supports Vinodivino as it will have a positive impact on the community. She said the product is high quality.

Michael Kratochwill, 1016 Webster Street supports Vinodivino as the shop will fill a storefront that has been empty for a long time and it will be an asset to the community.

Kevin Riccardelli, 1063 Reservoir Street supports Vinodivino saying it will be an asset to the community.

Mr. Matthews asked for comments from the Board.

Mr. Handel commented planning and liquor license issues must be kept separate because any business will have parking and delivery concerns.

Mr. Borrelli asked about delivery and trash removal times.

Mr. Matthews clarified the corporate name, asked the proposed business hours, and the estimated development costs.

Ms. Elder thanked the Board for the opportunity. She reiterated her business experience and said she has worked hard as a woman in a male dominated business to keep customers, neighbors, and abutters happy, and has remained compliant with the licensing authorities.

Mr. Matthews called the fifth applicant.

11:05 a.m.

Volante Farms, Inc., 292 Forest Street

David Volante appeared before the Board to discuss an application for a new license to sell Wine and Malt Beverages. Mr. Volante gave an overview of his family owned and operated business since starting in Newton in 1917 and moving to Needham in 1961. Mr. Volante stated his business was a seasonal farm stand and garden center up until March 2012 when it expanded the farm stand to include a deli, bakery, ice cream, and kitchen. He stated the business is now a year round operation. Mr. Volante said his application is to add approximately 300 ft. of space within the existing floor plan to sell wine and craft beer, focusing on local products. Mr. Volante discussed the floor plan, stated normal business hours will remain unchanged, and no additional signage will be added. He said upgraded 3D scanners will be added and all ID's will be scanned.

Mr. Matthews asked for comments from the Board.

Mr. Bulian asked how will Volante Farms assure high school age employees and inventory are safeguarded.

Mr. Borrelli said the application is unique. He asked about the start up timeframe, delivery, and parking.

Mr. Matthews clarified the full name of the applicant, and asked the proposed hours of operation. He commented on the temporary location within the floor plan and asked Mr. Volante if he would be agreeable to receiving an initial permit for the temporary space followed by another hearing for the permanent space. Mr. Matthews noted emails from residents have been received supporting the application.

Mr. Matthews invited public comment.

Artie Crocker, 17 Fairlawn Street supports the application for Volante Farms.

Toby Seggerman, 864 Webster Street supports Vinodivino as it is a different type of store and would be an asset to the Town. He also stated his support for Volante Farms.

Resident, 24 Mount Vernon Avenue supports the application for Vinodivino and said they have a great selection of quality wine. He likes the boutique feel of the shop.

Jan Flynn, 47 Mellon Street supports the Volante Farm application. She also stated her property abuts the parking lot of Vinodivino. She said community outreach and owner response to neighborhood concerns is why she is supportive of the Vinodivino application.

T.J. Murphy, 20 Dawson Drive supports the Volante Farm and Vindivino license applications.

Mr. Volante made final comments stating he has a proven community track record and that having the ability to sell wine will be an added convenience for residents. He said it is nice to hear the encouraging words from residents. Mr. Volante said connections to farm brewers who can talk about their craft will be educational for residents.

Mr. Matthews called the sixth applicant.

11:40 a.m. Highland Avenue Wine and Spirits, 33 Highland Avenue
Arthur Pearlman, Attorney, and Marc Idelson, applicant, and Richard Rymsha, applicant appeared before the Board to discuss an application for a new All Alcoholic Beverage License.

Mr. Pearlman introduced Mr. Idelson, saying he is a resident of Needham and a successful businessman. Mr. Pearlman introduced Mr. Rymsha, a resident of Sandwich, and said he has been in the liquor business for over 25 years. Mr. Pearlman explained why the proposed site was selected, saying it is not near the center of Town, there will be no impact on traffic, and deliveries will be made at the rear of the property. He said all employees will be TIPS trained and an ID scanner will be used to validate ID's.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked who will be the on-site manager, and whether Mr. Idelson had any previous retail liquor experience. He asked how activities will be monitored with two floors of retail area.

Mr. Matthews noted some people may think this site is on a particularly difficult stretch of Highland Avenue.

Mr. Matthews invited public comment.

Jeanne McKnight, 210 May Street said this site may attract people from other towns to shop in the area adding to the economic viability of Needham.

Mr. Pearlman made final comments saying this is a viable site that does not interfere with any residential area or create more traffic already in downtown Needham. He suggested this business would have a positive impact on the Town.

A 30 minute lunch recess was taken.

Mr. Matthews called the seventh applicant.

12:30 p.m.

Gordon's Fine Wine and Liquors, 855 Highland Avenue

George Guinta, Jr., Attorney, David Gordon, Applicant, and Richard Gordon, Applicant appeared before the Board to discuss an application for a new All Alcoholic Beverages license.

Mr. Guinta said he is excited to represent Gordon's as he is an existing customer of Gordon's Liquors in Waltham. He commented they have a great selection of wine and craft beer, good service, knowledgeable staff, many educational programs, and great prices.

Richard Gordon said his family has been in business for four generations and he is proud of the family values in the business and within the community. He said since 1934 Gordon's has had a remarkable reputation.

David Gordon said the success of the business over the last 79 years is due to service, education, and selection. He commented on the fine wine culinary center,

the selection of fine wines, and the growing craft beer choices at the Waltham location. He said 350 customers from the Needham area currently travel to Waltham on a monthly basis to purchase wines and liquors. Mr. Gordon said all employees are TIPS certified, high tech advanced ID scanners are used, and Gordon's has a policy of carding anyone under 40 years of age. He indicated the business has no violations on its record. Mr. Gordon said they are an active member of the community contributing to various organizations, and received the "Best of Boston" and "Retailer of the Year" awards. Mr. Gordon showed photos of what the Gordon's store in Needham would look like. Mr. Gordon indicated the proposed site will have 20 parking spaces, close to the commuter line, will not abut any residential areas, and deliveries will occur in the morning. He said education and low prices will set Gordon's apart from the competition.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked about parking and deliveries.

Mr. Matthews commented the proposed site is within 500 ft. of a church and said a letter was received from Reverend Shaw, Carter Memorial United Methodist Church objecting under the provisions of the statute. He also clarified the name of the business and proposed hours of operation.

Mr. Guinta noted that while the church is within 500 ft. of the proposed site, it is just within the limit and while the church may be concerned with underage drinking, Gordon's is committed to prohibiting underage drinking.

Mr. Bulian asked whether Gordon's has spoken with church leadership.

Mr. Matthews invited public comment.

Dave Carmisciano, 15 Dawson Drive supports the application for Gordon's Fine Wines & Liquors. He said Gordon's provides a wonderful experience for their customer and will bring a sense of community to Needham.

Jeanne McKnight, 210 May Street indicated she has no affiliation with the church, but understands its opposition. She asked whether lottery tickets and tobacco will be sold.

Artie Crocker, 17 Fairlawn Street said if applicants are going to make statements regarding no signage in the windows, he feels it should be part of the alcohol license.

Mr. Guinta made final comments stating Gordon's has been in business for over 75 years and has a commitment to service, education, selection, pricing, and responsible sales. He noted the business has no violations and would be a great asset to the Town of Needham.

1:00 p.m. Mr. Matthews invited members of Temple Beth Shalom to speak.

Paul Alpert, Attorney, 116 Pine Street, Michael Bailit, President, Temple Beth Shalom, Ed Zaval, Executive Vice President, Temple Beth Shalom appeared before the Board to discuss the application of Needham Blanchard's, Inc., for an All Alcoholic Beverages License.

Mr. Alpert explained TBS is a congregation of more than 700 families. He spoke about the weekly religious education classes, adult programs, and religious services. He said the busiest times for the temple are also the busiest times for a liquor store. He commented having a liquor store directly across the street from the temple is contrary to the spiritual mission and goals. He noted the statute is specifically designed to protect houses of worship. He said the temple did not receive a statutory notice that Bickford's received a liquor license, and said the temple would have contested it had it been aware of it.

Mr. Zaval, 120 Windsor Road commented he appreciates the Boards' consideration of the TBS argument. He asked the Board consider the spiritual activities of the temple when making its decision.

Mr. Bailit, 33 Perry Drive thanked the Board for its thoughtful and deliberate process.

Mr. Matthews called the eighth applicant.

1:10 p.m. Vinodivino 3, LLC., 922 Highland Avenue
Raphael Keller-Go, applicant and owner of Vinodivino, and Stephen J. Buchbinder, Attorney appeared before the Board to discuss an application for a new All Alcohol Beverages License.

Mr. Keller-Go said Vinodivino is a specialty wine boutique with a proven track record. He said the first store opened in Newton in 2004 and in Brookline in 2010. Mr. Keller-Go provided photographs of the exterior and interior of the existing stores, as well as design illustrations for the proposed Needham wine boutique. He said the store concept is to be small, so only 250 wines are carried in each store, compared with over 1,000 in most other stores. He commented most wines in his stores are priced less than \$20, making them ideal for everyday enjoyment. Mr. Keller-Go said his reputation has been built on service to his customers and wine education. Mr. Keller-Go said the proposed store in the Trader Joe's plaza would be extraordinarily convenient for Needhamites. He said, as with his other stores, the Needham store will have 1,000 sq. ft. of retail space, and the long vacant storefront would be occupied again. Mr. Keller-Go told the Board that on January 14, 2013 Vinodivino reached out to neighbors and abutters at the Needham Village Club to present them with the plans and to listen to their concerns. He said many issues were successfully addressed including

parking, traffic, deliveries, refuse disposal, signage, and safety of minors. He commented all employees are TIPS certified and professionally trained to prevent sales to minors. He noted Vinodivino has no violations. Mr. Keller-Go discussed community involvement.

Mr. Matthews asked for comments from the Board.

Mr. Handel asked if Vindivino plans to use the Highland Avenue entrance.

Mr. Borrelli asked how many parking spaces will be used by employees, and the impact on the Urgent Care Center.

Mr. Matthews is concerned with the proposed small size of the store and the scope of the business. He commented on the application for an All Alcoholic Beverage License saying businesses evolve and needs change. He is concerned that while the allocated space is ideal for the described business, the large footprint of the building is part of the license. Mr. Matthews asked Mr. Keller-Go if he would be concerned if the ability to expand were limited. Mr. Keller-Go said it would be of no concern.

Mr. Matthews invited public comment.

Mark Fisher, 52 Richard Road supports the application for Vinodivino. He said this business will be an asset to Needham if approved.

Jeanne McKnight, 210 May Street said if this application is approved an amendment to the special permit that applies to the entire plaza will be required. She said she was impressed knowing the applicant reached out to the neighbors. Ms. McKnight said the Board must be explicit that violations under special permits are also a violation to the license. She commented it is incumbent on the Board to be very careful about the terms for dumpsters, signage, and deliveries.

Heather O'Neil, 44 Beddington Street said she was impressed by the Brookline store. She supports the application.

Richard Kramer, 38 Richard Road supports the application and feels it will fit in with what people want in Needham. He said staff at the Newton store is knowledgeable, personable, and helpful.

Jim Scannell, 60 High Street is concerned with heavy trucks passing his house, and said large trucks in the parking lot make it impossible to park. He said he is unsure how Vinodivino will help the neighborhood. Mr. Matthews asked Mr. Scannell to send a letter to the Town Manager stating his concerns.

Chris Lhulier, 1147 Great Plain Avenue supports the Vinodivino application. He said the store would be a good fit for the personality of Needham.

Artie Crocker, 17 Fairlawn Street commented the plaza “is a victim of its own success” and is a difficult situation. He said he has nothing against Vindivino, but suggested other sites in Town may have more parking space.

Gil Brodsky, 19 Russell Road is a regular customer at Vindivino in Newton. He commented he would prefer to park in the Heights and shop at the various stores in the plaza.

Dave DiCicco, 24 Mellen Street said there are no parking spaces left in the parking lot for any business. He commented if the business does not do well there is nothing to stop them from selling domestic beer under a full liquor license. He said there are no loading docks for trucks. He is opposed to the Vinodivino application due to limited parking and proximity to his neighborhood. Mr. DiCicco said he is in favor of the application for Volante Farms. He said the Volante family has been fantastic for Needham, very supportive of youth activities, and have invested in their business.

Scott Barker, 13 West Street shares his concern about traffic and deliveries, but feels Vinodivino would add to the community. He supports the application.

Mr. Buchbinder made final comments and said limiting the retail portion of the business to 1,000 sq. ft. and limiting the type of product sold to wine and beer are not a problem. He commented on the parking issue of the plaza and suggested Vinodivino will have less traffic than other retail businesses. He said delivery trucks are smaller.

Mr. Keller-Go limited his comments saying Vinodivino is a specialty wine boutique with a proven track record.

Mr. Matthews called the ninth applicant.

1:45 p.m.

Panella's Market and Deli, 50 Central Avenue

Jeffrey Panella, applicant and Trish Panella, applicant appeared before the Board to discuss an application for a new All Alcoholic Beverages License. Mr. Panella gave an overview of his education and work experience. He said Panella's market was established in 1922. He commented Panella's Market and Deli will reopen in the spring, and having the ability to sell beer and wine would complement the business. He said parking is not a problem, the location is away from the center of Town, and there will be no traffic issues. Mr. Panella said staff will be well trained, TIPS certified, and scanner technology will be used.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked whether the store will open even if a liquor license is not granted. He asked about Mr. Panella's retail alcohol experience and about his relationship with the two other applicants.

Mr. Matthews noted the Panella store has been closed for a few years, and asked Mr. Panella why he feels he can make it work now.

Mr. Matthews invited public comment.

Jeanne McKnight, 210 May Street said the establishment is in a neighborhood business district where grocery stores are allowed, but general retail is not allowed. She said the sale of alcohol in a grocery store as an accessory may be allowed, but encouraged the Board to consider the limitations of the area. She made a general comment applying to many applicants, saying deliveries in the early morning can be noisy and that Trader Joe's committed to purchasing equipment that would make deliveries quieter. She encouraged the Board to consider it a requirement for all applicants doing business in a sensitive site.

Mr. Matthews noted the application indicated an All Alcoholic Beverages License, but confirmed the application is for beer and wine only.

Mr. Panella made final comments stating the market is a family owned business and be an asset in the Town of Needham.

Mr. Matthews called the tenth applicant.

1:55 p.m.

Bin Ends, 65 Crawford Street

Robert Smart, Attorney and John C. Hafferty, applicant appeared before the Board to discuss a new All Alcoholic Beverages License. Mr. Smart noted Mr. Hafferty is the owner of Bin Ends in Braintree and has many customers from Needham. Mr. Smart said the proposed location is the best facility for unloading and parking, and there are no traffic issues or sensitive locations nearby. He said the area is virtually unknown to many Needham residents, and will put the area "on the map" as the storefront will face Route 128.

Mr. Hafferty said Bin Ends is a unique, award winning, fine wine, craft beer, and artisan retailer based in the Commonwealth. He commented he is a resident of Braintree and gave an overview of his education and experience. He said Bin Ends opened its first location in Braintree in May 2008. He said the store is the first of its kind in New England and is a destination operation specializing in off-price specialty fine wine, craft beer, and artisan spirits. He stated Bin Ends does not sell lottery tickets, tobacco products, nips, pints, or kegs. Mr. Hafferty said all employees are TIPS certified and remain vigilant at all times to uphold the laws and regulations in respect of the sale and consumption of alcoholic beverages. He said state of the art scanners are used to verify ID's. He said Bin Ends has never been cited for a violation of the ABCC regulations and does not offer residential

delivery. Mr. Hafferty discussed the environment of the Bin Ends store, the selection of the proposed site, its business model, handicapped access, and access of delivery trucks. Mr. Hafferty noted the proposed regular business hours, and said additional hours are added during holiday season. He said the Bin Ends philosophy is to be actively engaged and socially responsible within the community, and recognizes its responsibility to its stakeholders, customers, shareholders, suppliers, and the local community.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli asked about the number of parking spaces and expected demand at the proposed location. Mr. Borrelli asked for clarification on company shareholders.

Mr. Matthews asked for a letter clarifying John C. Hafferty as manager of record on the application. He also asked for clarification in writing on the proposed hours of operation, including extended holiday hours. Mr. Matthews asked how long would it take, if the application is approved, to be up and running.

Mr. Matthews invited public comment.

Jeanne McKnight, 210 May Street said price competition is good for consumers so this type of business is intriguing. She is concerned about signage visible from Route 128 and the image of the new Needham Crossing interchange.

Jim Scannell, 60 High Street is a customer of Bin Ends and has never been disappointed. He is looking forward to a Bin Ends location in Needham.

Judy Ravetch, 107 Gould Street said Gould Street is a heavily travelled street and is concerned with police speed traps and increased traffic. She noted many children are in the area, and wondered if this was the type of store voters wanted in Needham. She shared her concern about signage and increase traffic for a business serving residents from many other towns.

Lee Dinghy, 211 Melrose Avenue, Braintree said as a former Selectman in Braintree he can appreciate the process Needham is going through. He said it is important to select the right businesses. He supports Bin Ends and stated the business has never been a problem for Braintree. He commented Mr. Hafferty is very involved and well respected in the community. He said Bin Ends offers a niche market with a very professional staff. He commented Bin Ends won't take away from the other businesses, but will compete with them.

Artie Crocker, 17 Fairlawn Street commented Needham does not allow billboards.

Mr. Matthews asked for additional comments from the Board.

Mr. Handel asked about traffic flow during a typical weekday and weekend.

Mr. Borrelli asked if Mr. Hafferty expects a similar target market as the Braintree store.

Mr. Hafferty made final comments stating Bin Ends, developed by Innovative Distributing Concepts, and the 65 Crawford Street location meets the main criteria of meeting the common good for the Town of Needham. He said his concept and team is the right fit for the Town. He stressed his business philosophy of commitment to the community and that his team looks forward to becoming an active member and asset to Needham.

Mr. Matthews thanked everyone for attending and participating in the public hearing. He said once the public hearing is closed to evidentiary matters, the record will remain open for written comments until Tuesday, February 5, 2013 at 5:00 p.m. Mr. Matthews said the Board will resume on Tuesday, February 5, 2013 at 6:00 p.m. to take evidence limited to participation with respect to the application for Needham Blanchard's Inc., for people who were unable to attend today's hearing due to religious reasons. Mr. Matthews said the Board will then proceed to discussion and decision regarding the applications. He said the meeting will be open, public, and televised, but not for public participation. He noted decisions will be made by motion and vote regarding individual applications to either approve, deny, or take other action. He said no grant of license can be adopted without 3 affirmative votes in favor of the application. Mr. Matthews thanked the Town staff, applicants, cable TV, and members of the public for their participation.

2:25 p.m. Mr. Matthews closed the public hearing.

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=>

**Town of Needham
Board of Selectmen
Minutes for February 12, 2013
Needham Town Hall**

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 Vice Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Gerald A. Wasserman was not present.

7:00 p.m. Public Hearing - NSTAR Petition for Livingston Circle:
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 5 feet of conduit at Pole 363/3 on Livingston Circle.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 5 feet of conduit at Pole 363/3 on Livingston Circle, Needham. This work is necessary to provide underground electric service to 127 Livingston Circle, Needham.
Second: Mr. Borrelli. Unanimously approved 4-0.**

7:02 p.m. Consent Agenda:
Motion by Mr. Bulian that the Board vote to accept the Consent Agenda and Appointments as presented.

APPOINTMENTS: There are no appointments this meeting.

CONSENT AGENDA *=Backup attached

- 1.* Approve Special One Day Wines & Malt Beverages License for Debbie Schmill of the Needham Community Farm to hold its "Ready, Set, Grow Benefit" event on March 2, 2013 from 3:00 p.m. to 12:00 a.m. at the Masonic Lodge, 1101 Highland Avenue, Needham**
- 2.* Approve Special One Day Wines & Malt Beverages License for the Needham Women's Club to hold its "Needham Grand Wine Tasting" event on Sunday, March 24, 2013 from 3:00 p.m. to 6:00 p.m. in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.**
- 3. Accept donation made to the Needham Community Revitalization Trust Fund from the following residents: Adrienne Smith & Mark Gluesing - \$150.**
- 4. Accept the following donations made to the Needham Public Library during the period November 20, 2012 – February 7, 2013: The Needham High School Anime Club made a \$500 donation to the library for the purchase of wireless games; Pat Lebovitz gave the library 11 Dowdle Folk Art puzzles**

(\$220); The Tunes to Teens program of the Contemporary A Cappella Society donated 29 a cappella CDs (\$435); The Friends of the Needham Library donated \$31,500 for adult, young adult, and children's books and audiovisual materials; Seta Terzian gave the library a copy of her new book, Two Girls from Heliopolis (\$12.00); Fitzroy Danglad donated \$7.00 to the library; Margaret Pantridge donated \$100.00 to the library; Paul Shore donated the following language dictionaries: English-Czech, Czech-English Dictionary (\$100.00), Harrap's French and English College Dictionary (\$55.00), Oxford Chinese Dictionary (\$75.00); Louise Condon donated a copy of the book, The Coming Economic Armageddon by David Jeremiah (\$23.99); The Friends of the Needham Public Library made a \$200 donation in memory of former Treasurer Mary F. Donovan; Sarah Linden donated 5 children's puzzles for use in the Play Area (\$15.00); and Janet Prague gave the library a copy of The Life and Works of Sisley by Janice Anderson (\$10.00).

5. Water and Sewer Abatement Order #1157.

Second: Mr. Handel. Unanimously approved 4-0.

7:05 p.m. Public Hearing on Recycling and Transfer Station Rates:
Jeff Heller, Chair of Solid Waste Disposal/Recycling Advisory Committee, and David Davison, Assistant Town Manager/Director of Finance appeared before the Board to review the current RTS user rates, consider and vote recommendations for new rates, and the outlook for FY2014.

Mr. Heller said the proposal includes increasing the sticker rates, various miscellaneous and single item charges. Mr. Heller said the Committee suggests increasing the rates and eliminating the senior citizen discount over a 3 year period.

Mr. Davison reviewed with the Board "Proposed Rate Schedules" dated February 12, 2013. Mr. Davison noted many of the rates have not been amended since the 1990's, but the cost of removing items from the RTS continues to increase. He said data was compared relative to what other communities charge and found Needham's rates are still lower. Mr. Davison also discussed establishing a minimum scale rate.

Mr. Handel asked about implementing a "hardship" discount.

Mr. Bulian agreed phasing in the elimination of the senior discount and basing a discount on need. He asked about miscellaneous rates/fees. Mr. Bulian suggested streamlining the collection of small fees by immediately processing by credit card.

Mr. Borrelli asked about sticker fees and increases over the next 3 years. He asked about yellow bag fees in other communities.

Mr. Matthews invited public comment.

Dick Riley, Precinct H suggested it makes sense to phase out the senior citizen discount over 3 years. He commented a discount only makes sense if it represents a lower cost of providing the service. He said there is no reason the trash of the senior citizen creates less of a cost, and it self adjusts since they use less yellow bags. He suggested it is not a discount, but a subsidy. He stated there is no reason to give a subsidy. He strongly suggested the elimination of the senior citizen's subsidy over a reasonable period of time.

Lousie Miller, 5 North Hill Avenue commented seniors, as a whole, are on a more limited income and that is the reason for a discount. She commented on the cost of the large and small bags.

Mr. Matthews said the Board will vote on the rates at its next meeting on February 26, 2013. He noted comments can be submitted in writing to the Board of Selectmen.

7:45 p.m. Preliminary Report of RTS AD Hoc Super Committee (Solid Waste and Recycling Advisory Ad Hoc Committee):

Jeff Heller, Chairman, RTS Ad Hoc Super Committee, and members of the Super Committee including Rick Merson, DPW Director, Ann Dorfman, RTS Superintendent, Bill Connors, Rick Zimbone, Al Cooley, and Steve Rosenstock appeared before the Board to report on the operational and financial concerns with the sustainability of the Recycling Transfer Station operation.

Mr. Heller discussed the preliminary report and said the Committee made four recommendations including an adjustment in the contribution from the General Fund, reevaluate the hours of operation, review the planned overtime model, and determine changes in fee schedule to adjust for the cost vs. fees of waste items, including adding a minimum scale rate.

Motion by Mr. Borrelli that the RTS Ad Hoc Super Committee continue work on the final sections of the report and that the Committee report back to the Board of Selectmen no later than December 3, 2013. And move and confirm that the RTS Ad Hoc Super Committee expiration date is extended until December 31, 2013 or earlier if the Committee so votes that its work is completed.

Second: Mr. Bulian. Unanimously approved 4-0.

8:10 p.m. Hillside/Mitchell School Renovation - Statement of Interest:
Heidi Black, Chair, School Committee, Dan Gutekanst, Superintendent of Schools, and Hank Haff, Project Manager apprised the Board of the status of the

Massachusetts School Building Authority (MSBA) Statement of Interest process and the draft submissions for the Hillside and Mitchell Schools.

Dr. Gutekanst commented the Statement of Interest for Pollard Middle School will be completed within the next week. He said the intent is to submit all 3 Statements of Interest to the MSBA at one time and to work with the MSBA to determine the next steps.

The Board thanked the School Committee for their work.

8:25 p.m. DeFazio Park Site Development Pre-feasibility Study:
Steve Popper, Director of Design, Hank Haff, Project Manager, and Heidi Black, Chair, School Committee appeared before Board to discuss the DeFazio Park Site Development Pre-feasibility Study. Mr. Popper told the Board the purpose of the Study was to explore the feasibility and cost of developing a temporary or permanent school at DeFazio Park. He reviewed the different aspects of the Study with the Board.

Mr. Bulian asked about leasing or purchasing modulars.

Mr. Handel asked the service life of a modular classroom, and possibly acquiring modulars for re-use on more than one school project.

Mr. Matthews asked whether the DPW has been contacted to find out how this project might fit in with their operations. He also asked if Park and Recreation Commissioners have been contacted about this approach and what affect it may have on their usage and programs at DeFazio. Mr. Matthews asked Mr. Popper to contact the Park and Recreation Department. Mr. Haff said members of the facilities planning group, which includes the Director of Park and Recreation and a board member from Park and Recreation, are aware of the possibility of the project. Mr. Matthews said it makes sense to reach out to groups, so they feel included in the discussion. Ms. Fitzpatrick clarified many groups are well aware of the project and have been included in the discussion.

Mr. Borrelli commented a benefit of the project is improvement to the parking lot. He also asked for clarification on estimated costs. Mr. Borrelli said he is supportive of much needed swing space, but concerned about the future of High Rock School and redistricting.

Mr. Matthews said the Town is trying to develop a capital plan that will provide good school facilities to the Town 50 years or more. He noted redistricting is secondary to having facilities that best serve the whole community.

Ms. Black noted some thoughtful conversation would have to happen prior to any large scale redistricting. She said it would be a difficult, emotional discussion with deep feelings. Ms. Black said the School Committee has not had any

detailed conversation at this point and is hoping it won't have to. She said the Town will wait to hear from MSBA about the SOI and will then move forward.

8:45 p.m.

School Safety & Best Practices:

Dan Gutekanst, Superintendent of Schools, Phil Droney, Chief of Police, and Paul Buckley, Fire Chief apprised the Board about Town practices aimed at keeping school buildings as safe as possible, and discussed best practices in use in school districts.

Mr. Matthews recognized the recent blizzard and said a tremendous amount of work was done by the school department, police and fire departments, and DPW. He thanked everyone for their efforts. Ms. Fitzpatrick noted great cooperation between all departments.

Dr. Gutekanst said he believes the schools in Needham are safe because of the Town's public safety officials. He said the principals and the central office meet regularly with public safety officials to strategize and review protocols. He commented two school department representatives participate on the local Emergency Planning Committee, and fire and lockdown drills are routine. He said the School Resource Officer (SRO) from the Police Department is in daily contact with the high school and all schools in Needham. He said this is a huge resource. He noted the Public Facilities Department continues working with the School Committee to ensure building maintenance and safety. He said a new phone system is planned at Pollard, new buzzer systems at all the elementary schools, and new exterior doors at Hillside, Pollard, Mitchell schools have been installed. He said items such as these help make the schools more secure. He commented on the Health and Safety Committee and various student safety measures.

Chief Droney said he is comforted by the leadership team in Needham. He said the Police Department has a crisis response plan in place for the schools, including St. Joseph's and the Walker School. He noted the Police Department has done scenario training and participated in the Metro LEC, enabling the Town to have access to resources such as K-9 officers and computer technicians. He said some Needham officers serve as SWAT members and crisis negotiators.

Chief Buckley pointed out the reason for meeting tonight is to put people at ease about the safety of Needham schools. He stated the departments continue to plan and train. He said the relationship between the Town management team and the school management team are what makes the system work well. He also stated the Police and Fire management teams also work well together. He said the Town has taken a leadership role in safety, and while no system is perfect, Needham schools are very safe.

The Board thanked Superintendent Gutekanst, Chief Droney, and Chief Buckley for their efforts to keep Needham safe.

Dr. Gutekanst noted there are also many “wrap around” services, including Needham Youth Services, Board of Health, Substance Abuse Coalition, and the Suicide Prevention Commission, all of which help in making sure people can get the assistance they need during difficult times.

9:05 p.m. FY2012 Financial Audit:
Scott C. McIntire, CPA, Melanson Heath & Company, P.C. and David Davison, Assistant Town Manager/Director of Finance appeared before the Board with an update of the recently completed audit of the Town’s general purpose financial statements for FY2012 and their recommendations.

Mr. McIntire said the audit went very well. He told the Board there were no disagreements on the application of generally accepted accounting principles. Mr. McIntire reviewed the Independent Auditor’s Report and said the financial statements of the Town are in accordance with generally accepted accounting principles for government entities in the United States. Mr. McIntire noted a General Fund Unassigned Fund balance as of June 30, 2012 of \$10,847,000, an increase of about \$2,000,000 from the prior year. He commented \$10,847,000 represents about 9% of the General Fund Expenditures. Mr. McIntire commented on recommendations made in the management letter. He noted the importance of continuing to improve the monthly reconciliation process, and said significant improvements have made in FY2012. He recommends regular internal audits and risk assessments for areas where things could go wrong, and to develop plans for corrective action as deemed warranted in Needham. He noted preparation for GASB 68, which will become effective in 2015.

The Board thanked Mr. McIntire for the report. Ms. Fitzpatrick thanked Dave Davison, Michelle Vaillancourt, and Evelyn Poness for their work in preparing statements for the auditors.

9:30 p.m. Board Discussion:

1. Section 15 Alcohol Licenses

Mr. Matthews noted it is required the Board make an affirmative finding that the grant of a license is not detrimental to the education or spiritual activities of the house of worship.

Motion by Mr. Bulian that the Board determine that the granting of the Section 15 All Alcoholic Beverages license to Needham Wine & Spirits LLC., d/b/a Needham Wine & Spirits, 1257 Highland Avenue, Michael O’Connell, Manager, is not detrimental to the educational and/or spiritual activities of the Roman Catholic Church, Archdiocese of Boston, 1315 Highland Avenue, Needham.

Second: Mr. Handel. Unanimously approved 4-0.

Motion by Mr. Borrelli that the Board determine that the granting of the Section 15 All Alcoholic Beverages license to Needham Center Wine & Spirits d/b/a Lianos Liquors, 1013 Great Plain Avenue, Chris Lianos, Manager is not detrimental to the educational and/or spiritual activities of the First Parish of Needham Unitarian Church, 23 Dedham Avenue, Needham.

Second: Mr. Bulian. Unanimously approved 4-0.

2. Committee Reports

Mr. Matthews said he and Ms. Fitzpatrick attended a meeting with municipalities at the Minuteman School to discuss the district agreement and MSBA plans for improvement of the school. He said he will keep the Board apprised.

9:35 p.m.

Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of February 12, 2013.

Second: Mr. Handel. Unanimously approved 4-0.

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=>

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 9, 2013
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss:

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	Hillside School – Cafeteria (4/9/13)
Precinct B	-	Hillside School – Cafeteria (4/9/13)
Precinct C	-	Newman School - Gymnasium
Precinct D	-	Newman School - Gymnasium
Precinct E	-	Pollard Middle School – Inner Space
Precinct F	-	Stephen Palmer Community Room
Precinct G	-	Broadmeadow School - Performance Center
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, THE NINTH DAY OF APRIL, 2013

from seven o'clock in the forenoon, until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for One Year;
One Selectman for Three Years;
One Town Clerk for Three Years;
One Assessor for Three Years;
Three Members of School Committee for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – veteran) for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;
Two Trustees of Needham Public Library for Three Years;
One Member of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Member of Needham Housing Authority for Five Years;
One Commissioner of Trust Funds for Three Years;
One Commissioner of Trust Funds for One Year;
Two Members of Park and Recreation Commission for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
Two Town Meeting Members from Precinct A for Two years;
Eight Town Meeting Members from Precinct B for Three Years;
Eight Town Meeting Members from Precinct C for Three Years;
One Town Meeting Member from Precinct C for One Year;
Eight Town Meeting Members from Precinct D for Three Years;
Eight Town Meeting Members from Precinct E for Three Years;
Eight Town Meeting Members from Precinct F for Three Years;
Eight Town Meeting Members from Precinct G for Three Years;
Eight Town Meeting Members from Precinct H for Three Years;
One Town Meeting Member from Precinct H for Two Years;
Eight Town Meeting Members from Precinct I for Three Years;
Eight Town Meeting Members from Precinct J for Three Years.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 5th day of March 2013.

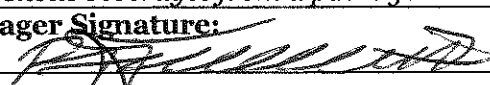
GERALD A. WASSERMAN, *Chairman*
DANIEL P. MATTHEWS, *Vice Chair*
JOHN A. BULIAN, *Clerk*
MAURICE P. HANDEL
MATTHEW D. BORRELLI

Selectmen of Needham

a true copy
ATTEST:

**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET**

(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Robert T. Timmerman II		
Event Manager Address	1211 Highland Avenue Needham MA 02492		
Event Manager Phone Number	781-589-4227		
Organization Representing (if applicable)	Father Daniel J. Kennedy - Needham Knights of Columbus		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☐ Non-profit ☒ For profit ☐ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	Saint Patrick's Day Party		
Date of Event	March 16, 2013		
License is for Sale of:			
☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:		TO:
		5	11
Are tickets being sold in advance for this event?	☒ YES	\$ 25.00 /per ticket	☐ NO
Is there an admission fee for this event?	☒ YES	\$ 25.00 /per ticket	☐ NO
Are you using dues collected to purchase alcohol for this event?	☒ YES		☐ NO
How many people are you expecting at this event?	75-90		
Name & address of event location. Please attach proof of permission to use this facility.			
Father Daniel J. Kennedy - Needham Knights of Columbus 1211 Highland Avenue, Needham, MA 02492			
Who will be serving the alcohol to your guests?			
Matthew Ching Paid bartender			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
Matthew Ching			
Copy of Certificate on file at Selectmen's Office			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
ON FILE IN SELECTMENS OFFICE			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date:
			February 28, 2013

**FATHER DANIEL J. KENNEDY
NEEDHAM KNIGHTS OF COLUMBUS
ANNUAL SAINT PATRICK'S DAY
PARTY**

TRADITIONAL CORNED BEEF AND CABBAGE DINNER

**4 PIECE IRISH BAND FOR YOUR DANCING AND
LISTENING PLEASURE**

SPECIAL PERFORMANCE BY:

THE O'DWYER SCHOOL OF IRISH DANCE

Saturday March 16, 2013

Social Hour 6PM

Dinner at 7:00

Tickets \$25.00

Proceeds to benefit Saint Joseph Parish Schools

**Father Daniel J. Kennedy Needham
Knights of Columbus Council #1611
1211 Highland Avenue**

~~Floor Plan for February 3, 2013 (Super Bowl Party)~~

ENTRANCE

BAR

KITCHEN

RESTROOMS

CERTIFICATION NUMBER:

67043

ALCOHOL INTERVENTION METHODS
CERTIFIES:

MATTHEW L CHING

CAMPBELL TRENT
508-756-8542

EXPIRES:
APR 10 2013

ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Jennifer McGrady		
Event Manager Address	86 Mayflower Rd, Needham 02492		
Event Manager Phone Number	781-449-7706		
Organization Representing (if applicable)	Greene's Field Committee - Needham Sports Council		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☒ Non-profit ☐ For profit ☒ Proof of non-profit status is attached Form of Proof: <u>Letter from the Dept of Treasury</u>		
Name of Event	Go Greene St. Patrick's Day Party		
Date of Event	Saturday, March 16, 2013		
License is for Sale of: ☐ Wines & Malt Beverages Only ☒ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	7 PM	TO: 11 PM
Are tickets being sold in advance for this event?	☒ YES	\$ 50 /per ticket	☐ NO
Is there an admission fee for this event?	☐ YES	\$ /per ticket	☒ NO
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	325		
Name & address of event location. Please attach proof of permission to use this facility. Powers Hall in Needham's Town Hall			
Who will be serving the alcohol to your guests? Bartenders from Mobile Mixers bartending service.			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate). 1) Jeffery Boyer 3) Michael Spiegel 5) Robert Tritto 2) Gregory DiMarco 4) Helen Sullivan			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan. Guests will purchase alcohol from the bar. They will also be given 1 free drink ticket for beer or a soft drink. Guests will be ID'd by bartender at registration table and given appropriate bracelet.			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature: Jennifer McGrady			Date: 2-14-13

Go Greene St. Patrick's Day Party!

Sponsored by Parent Talk

Date: Saturday, March 16, 2013

Time: 7pm – 11pm

Location: Needham Town Hall

Tickets: \$50 before 3/1. \$60 beginning 3/1 [Add to Cart](#)

Prefer to pay by check? No problem! Send your checks to:

Greene's Field Fundraising – Needham Sports Council

PO Box 920682

Needham, MA 02492

Please write Go Greene St. Patrick's Day Party in the memo line.

Join us for a fun-filled Saint Patrick's Day party and auction to be held on Saturday, March 16th from 7pm – 11pm in Powers Hall at Needham Town Hall. The party will feature a Taste of Needham from local restaurants, a silent auction, prizes, dancing and it wouldn't be St. Patrick's Day without green beer! Save the date for this "not to be missed" St. Patrick's Day Party! Tickets will go on sale January 24th at www.greenesfield.org. The Greene's Field Go Greene St. Patrick's Day Party is generously sponsored by Parent Talk. Questions? email Jen at jenmcgrady@me.com

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[Tweet](#)

ServSafe

ID NO. 0194269

CARD NO. 9213795

SGASafe Alcohol® CERTIFICATE

JEFFERY BOYER

Card expiration date starts from the date of the examination. Card has space.

DATE OF EXAMINATION

6/19/2012

Student Name	Jeff Boyer
Class Number	1036236
Exam Date	6/19/2012
Expiration Date	6/19/2015

Overall Point Score	39
Overall % Score	98
Passing %Score	75
Status	PASSED

**NATIONAL
RESTAURANT
ASSOCIATION**

ServSafe

ID NO. 6194269

CARD NO. 9213794

SGASafe Alcohol® CERTIFICATE

GREGORY DIMARCO

(Card expires three years from the date of the examination. Local laws apply.)

DATE OF EXAMINATION

6/19/2012

Student Name	Gregory DiMarco
Class Number	1036236
Exam Date	6/19/2012
Expiration Date	6/19/2015

Overall Point Score	35
Overall % Score	88
Passing %Score	75
Status	PASSED



ServSafe

ID NO: 6194259

CARD NO: 9213793

SGASafe Alcohol® CERTIFICATE

MICHAEL SPIEGEL

Card good until 6/19/15 on the date of last examination. If card does apply.

DATE OF EXAMINATION

6/19/2012

Student Name	MICHAEL SPIEGEL
Class Number	1036236
Exam Date	6/19/2012
Expiration Date	6/19/2015

Overall Point Score	38
Overall % Score	95
Passing % Score	75
Status	PASSED

**NATIONAL
RESTAURANT
ASSOCIATION**

ServSafe

ID NO. 6194269

CARD NO. 7529372

SGASafe Alcohol® CERTIFICATE

HELEN SULLIVAN

Class expires three years from the date of the examination. 1 year has expired.

DATE OF EXAMINATION

12/22/2010

Student Name	Helen Sullivan
Class Number	934031
Exam Date	12/22/2010
Expiration Date	12/22/2013

Overall Point Score	36
Overall % Score	90
Passing % Score	75
Status	PASSED



ServSafe

ITEM# 6194269

CARD# 8502925

SGASafe Alcohol* CERTIFICATE

ROBERT TRITTO

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION

10/21/2011

Student Name	Robert Tritto
Class Number	988022
Exam Date	10/21/2011
Expiration Date	10/21/2014

Overall Point Score	37
Overall % Score	93
Passing %Score	75
Status	PASSED

**NATIONAL
RESTAURANT
ASSOCIATION**

CHAPEL STREET

450
19

- Get

- 28 30" high-top
tables
5 3' tables
3 60" round
tables
Coat racks
- have 2 that hold
80 coats
- get 4 more

Deutsche Bank

Don't take for granted

Drawing
scale will only be
accurate when printed on
11x17" paper at 100%.

**Dimensions for
hall and stage
contained in
online
regulations.**

Balcony:
seats 90
not available
for events with
alcohol.

Chairs:
Half floor can
accommodate
330 chairs
with center
aisle.

HIGHLAND AVENUE

NEEDHAM TOWN HALL
Needham, Massachusetts

உதவித்துருவியைப் பெறுவதற்கான

Scale: $3/16"=1'-0"$

SKF-2