Town of Needham
Board of Selectmen
Minutes for June 28, 2016
Selectmen's Chamber
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 Chairman Matthew D. Borrelli. Those present were Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Maurice P. Handel, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt was not present.

7:00 p.m. Joint Meeting with Planning Board:
Lee Newman, Director of Planning & Community Development, and members of the Planning Board including Elizabeth Grimes, Paul Alpert, Martin Jacobs and Ted Owens met with the Board to discuss issues of mutual interest including the status of the large house zoning, other pending zoning initiative, and the scheduling of zoning proposals.

Elizabeth Grimes said the Planning Board held a public meeting to discuss large house zoning with builders and realtors in Needham. She said the meeting was generally positive, but some questions remained unanswered. Ms. Grimes said a second public hearing was held, which she said was fairly well attended, and a questionnaire was distributed to gather additional feedback. Ms. Grimes said some people at the public hearing expressed they felt the LHSC was not "doing enough." Ms. Grimes said the LHSC discussed the outcome of both public hearings and it was decided smaller working group sessions would be a benefit for future discussions.

Ms. Newman said themes from the public hearings considered by the smaller working groups included the averages of front yard setbacks, rear yard setbacks, and FAR standards.

Mr. Handel asked if smaller conforming vs. non-conforming lots was discussed?

Ms. Newman said discussion about the possibility of reducing the FAR standard occurred, particularly on non-conforming lots where homes are out of scale. Ms. Grimes said comments heard at the public hearing indicated lots under 10,000 sq. ft were the issue, and that tighter regulations are sought. Mr. Handel and Mr. Borrelli concurred.

Mr. Borrelli asked whether it is possible to have separate standards for conforming and non-conforming lots?

Ms. Newman said the tools being proposed are for both conforming and non-conforming lots, but the standards are variable. Ms. Grimes said the goal is not to impose significant restrictions on lots larger that 10,000 sq. ft because the FAR would be greater, but on smaller lots the proposal may be tighter. Mr. Borrelli clarified the FAR would not include the attic or basement. Ms. Grimes clarified there is an allowance of 600 sq. ft. for the garage, which she said is standard in surrounding communities.

Mr. Bulian said he thinks the public outcry is geared toward the half dozen builders who are taking advantage of the smaller lots and building structures that are too large. He commented most builders do a good job positioning and sizing new homes. He said the issue with non-conforming lots is enhanced because the lot itself is not conforming and smaller, therefore making the mass appear larger. He said he does not believe, once changes are made, there is a problem. Mr. Bulian commented the Town, over the last 25 years has changed. He said he supports what the LHSC has proposed and would like the front setback maintained at 20 ft. Mr. Bulian said homes being built should have an outdoor play area for children. Mr. Bulian agreed with comments made by Mr. Borrelli and said vetting needs to continue.

Mr. Matthews commented on a timeline for bringing the issue to Town Meeting next May. He said he is concerned about the complexity of the issue, as history shows bringing substantial zoning items to Town Meeting can be too much for Town Meeting members to wade through all at once, thereby getting derailed. He reiterated the thought suggested by Mr. Borrelli of separating out key issues into individual items. He said a robust public hearing process is necessary.

Ms. Grimes said the Planning Board has yet to discuss the issue, nor taken a position. She commented it is not right for the Planning Board to take a position until receiving a recommendation from the LHSC.

Ms. Cooley asked whether the Planning Board discussed the idea of the single basement provision? Ms. Grimes said it has, and there is a flaw in the zoning by-law with respect to how many basements can be built in a single family home. She said the issue could be brought forth in November with permission from the Board of Selectmen. She said she will be working with Dave Roche, Building Inspector to formulate language. Ms. Cooley commented the Board of Selectmen has conceptually had a discussion agreeing a single family home may have a single level basement.
Ms. Fitzpatrick reminded the Board of Selectmen and the Planning Board that Town Meeting is scheduled for October 5, 2016.

Mr. Handel commented the LHSC is doing a great job dealing with a difficult issue. He said there may be public expectation that the LHSC work on the social aspect of the issue, which he said it obviously cannot do. He commented a strategy is required making sure people understand what is being brought forth. Ms. Grimes agreed. Mr. Borrelli said it may be wise to have an additional meeting for Town Meeting members to have their questions answered, as it is such a complex issue.

Ms. Cooley commented in addition to the social issue, two other key issues raised by the public but that are not part of the LHSC focus of work, include trees and storm water. Mr. Matthews encouraged the planners to discuss the issue as an agenda item on a regular basis, including thinking about whether or not some of the individual issues need to be broken out. He commented there is enough time between now and May to make sure the public is not surprised with the way the issue is being handled.

Ms. Grimes said there may be unintended consequences to breaking out individual issues, and feels the issue should be discussed as a whole. She noted there could be one or two minor items that could be handled individually. Mr. Matthews clarified the Planning Board is legally and politically responsible, as elected officials, to guide the LHSC at every turn, rather than make big changes just prior to presenting at Town Meeting. Mr. Jacobs said he was not sure he agrees with Mr. Matthews comment, saying the LHSC has been considering the issue for over two years and have struggled to reach consensus. He said that while he is a member of the Planning Board, he said he has not attended any of the LHSC meetings and therefore may not be well informed on the broad package of proposals. He commented he believes the Planning Board should wait for the LHSC to do its work.

Mr. Borrelli asked whether there were any other initiatives, in addition to trees, drainage, or basements requiring discussion? Ms. Newman said there may be adjustments on how height is measured and exemptions allowing utility systems on the roof in municipal uses.

Mr. Borrelli commented on the timeline saying it makes sense to bring minor, correctional zoning items to Special Town Meeting, particularly regarding basements or municipal items. Ms. Grimes commented the Planning Board is limited in what zoning changes it can bring to May Town Meeting. She said by not allowing the Planning Board to bring zoning articles to fall Town Meeting really restricts development and is harmful to the business community. Ms. Grimes said it is not the way Needham should proceed, as the Town is growing and expanding. Mr. Jacobs and Mr. Alpert agreed, Mr. Owens did not agree.

Mr. Bulian said he understands the rationale as to why the Board of Selectmen holds zoning articles until May, and stated he agrees with much of Ms. Grimes comments, but has no interest in "opening the floodgates" to zoning in the fall. He said he is open minded to a case by case basis.

Mr. Matthews stated basic government accommodates Town Meeting running as long as necessary to deal with all articles. He said many towns do not have a Special Town Meeting, but Needham has found some items in the fiscal cycle require a vote, with the general feeling that as long as Town Meeting is in session, other items can be discussed as long as they can be dealt with in one night. He commented there is no hard and fast rule prohibiting zoning in the fall, but whatever is brought forward must be able to be fully discussed, along with other items within one night. Mr. Matthews said adhering to one night Special Town Meeting is a general practice of the Board based on feedback from Town Meeting members and other committees. Mr. Matthews said the Planning Board may bring items to the Special Town Meeting as long as they are straight forward and can be fully discussed, along with the other business of the night. Mr. Matthews said the Board of Selectmen is not the boss of the issue, suggesting further discussion with other boards and committees may be necessary if the Planning Board feels there are other items that need to be accomplished at other times of the year. Mr. Matthews said the Board of Selectmen is the "warrant committee" who organize the warrant to accomplish the business of the Town. He said there is no prohibition about bring items forward to the Special Town Meeting, but the Board of Selectmen has been told by many Town Meeting members not to put complicated zoning on the warrant, except at the Annual Town Meeting.

Mr. Borrelli suggested zoning is one of the most important issues on the warrant, and the opportunity for debate and discussion in preparation for Special Town Meeting is hindered by the summer season when people are not always in Town.

Mr. Handel agreed further discussion is necessary, but suggested if an item needs to be addressed on a timely basis, everyone should be open to having discussion even if it means by doing so requires an extra night at the fall Special Town Meeting. He said Town Meeting members may be willing to have a 2 night fall Town Meeting.

Mr. Borrelli asked both Boards if there were any other items to discuss?

Mr. Matthews said he wanted to discuss Senate Bill 2311.

Ms. Newman said the Planning Board have seen a memo dated June 7, 2016 prepared by Judi Barrett, Director of Municipal Services, RKG Associates, Inc., commenting she thought the bill was dead on arrival in the House from what she is hearing.

Mr. Borrelli commented the Board of Selectmen will be signing a letter tonight opposing the bill. Mr. Jacobs asked to see the letter to be signed by the Board of Selectmen.

Mr. Matthews said Senate Bill 2311 represents a major overhaul of State planning law. He said the content in the bill has been mulled for a few years, but he thought another comprehensive bill, similar to Senate Bill 231, but with new features added and some removed, will come forward next year and every year until there is a substantial change. He commented that as a Selectmen he looks to the planners for advice and recommendations. Mr. Matthews said he hopes the Planning Board can take an active role in Senate Bill 2311.

Mr. Borrelli thanked the members of the Planning Board for the discussion.

Ms. Fitzpatrick noted the Selectmen's major objection to Senate Bill 2311 are the sweeping "as of right" provisions that cut the Planning Board out of decisions in terms of multi-family housing, and the expansion of various provisions from the Board of Appeals. She noted the planners should have input and control over the technical aspects of the bill.

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

APPOINTMENTS

MWRA Advisory Board (Alternate)	**Chris Seariac (term expires 6/30/2019)**
Various Reappointments	**List at end of this agenda**

CONSENT AGENDA

1. **Approve a request from the Public Health Department for a 20(b) exemption to allow the following school employees to work as seasonal packers/drivers for The Traveling Meals program: Dawn O'Halloran, KASE Program; and Catherine Murray, Broadmeadow School Cafeteria.**
2. **Approve a request from the Charles River YMCA to hold its 4th of July Road Race in Needham on July 4, 2015 from 7:00 a.m. to 11:00 a.m. The route of the race has been approved by the following departments: Police, Fire, Park and Recreation and, DPW.**
3. **Approve a request from Public Facilities for a 20(b) exemption to allow the following town employee to work as a part-time evening/weekend building monitor: Stephane Grably, Program Coordinator Volunteer & Transportation.**
4. **Accept a $20 donation made to Needham Youth Services from Ms. Paula McEvoy, a Needham resident. The monies are to be used to sponsor Needham Youth Services VAN program.**
5. **Accept miscellaneous donations totaling $2,718 made to the Council on Aging's Transportation Account for the period of FY16.**
6. **Accept donations made to the Council on Aging's Donation Account for the period of FY16 from the following: Knizeski- $150 (in memory of her parents); Smolin- $100; Brownell- $24; and a miscellaneous donation of $90.**
7. **Accept the following donations made to the Needham Park and Recreation Commission for its Arts in the Parks and Children's Theatre programs: $1,561 from Parent Talk Inc. for Children's Theatre; $700 from Roche Brothers for Arts in the Parks; $700 from Louise Condon for Arts in the Parks; $700 from Copley Motorcars Corporation for Arts in the Parks; $700 from Friends of**

Denise Garlick for Arts in the Parks; $700 from the Needham Exchange Club; and $700 from Dedham Savings Bank.

8. **Support Youth Services' "Needham Unplugged" for the month of March including its annual no-meeting night which will be held on Thursday, March 9, 2017.**
9. **Approve a 2016 Common Victualler License for Great Plain Hospitality d/b/a RFK Kitchen located at 948 Great Plain Avenue, Needham.**
10. **Approve minutes of June 14, 2016 meeting (open session)**
11. **Approve a One Day Special Wines & Malt Beverages request from Jaclyn McGrory, of The American Cancer Society to hold its "Tee Off Fore Hope" event on Tuesday, July 12, 2016 from 6:00 p.m. to 9:00 p.m. The event will be held at Club Champion Boston, located at 924 Great Plain Avenue, Needham.**
12. **Approve a One Day Special Wines & Malt Beverages request from Amy Sinclair of TripAdvisor to provide service for the Hubspot/Wayfair event to be held at TripAdvisor on Wednesday, July 13th from 4:00 to 9:00 p.m.**
13. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Eileen Smith	21 LaSalle Road	LaSalle Road	7/4/16	N/A	2pm-10pm

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

7:45 p.m. Wireless Fire Alarm Update:
Dennis Condon, Needham Fire Chief and Dave Davison, Assistant Town Manager/Finance appeared before the Board to provide a status report on the Town's initiative to modernize the fire alarm system.

A Powerpoint presentation was viewed.

Chief Condon gave a history of the Town's fire alarm system saying it was funded in 1889, first struck in 1890, and still in use today. He said the current system is deteriorating, noting two firefighters currently maintain the system on an overtime basis. He explained the current system works based on a telegraph system. He commented a new system would work by radio signal. He said the project is moving forward with a contract being signed with L.W. Bills Company for installation of equipment. Chief Condon said the first radio alarm box will be installed at the St. Mary's Street Pump Station. He explained the benefits of modernizing the system include reduced maintenance costs, better reliability during inclement weather, and reduced capital costs for maintaining the system.

Mr. Borrelli asked about a back up system. Chief Condon said the system has full redundancy, including secondary equipment and antenna.

Mr. Borrelli asked about budget appropriation for the new system. Mr. Davison commented most of the cost will be covered, but there is a possibility of a phase II capital request. He said boxes currently on poles will be abandoned and auctioned off at the end of the project.

The Board thanked Chief Condon and Mr. Davison for the update.

7:50 p.m. Grant of New Drain Easement and Permission to Encroach into Existing Drain Easement - 56 Nichols Road
Richard Merson, DPW Director, Anthony DelGaizo, Town Engineer, Chris Seariac, Superintendent/Water and Sewer and Sean Harrington, Assistant Superintendent/ Water and Sewer appeared before the Board to discuss a grant of new drain easement and permission to encroach into existing drain easement at 56 Nichols Road.

Mr. Merson explained the property owners at 56 Nichols Road are in the process of constructing a new house. He said currently there is a drain easement that runs from the front corner of the property towards the rear center of the property line making the new house difficult to place.

Through discussions and permitting with DPW personnel, the drain line was relocated such that the new structures are adjacent to the property lines creating more space for a house. The old drain line was abandoned and removed as part of the construction.

Mr. Merson said the property owners request permission to encroach on the existing drain easement so they may obtain a building permit. Also, the new owners have prepared an as built location of the new drain line and a new grant of drain easement document to the Town. The plan and documents will be recorded at the Registry of Deeds. The property owners will request that the current easement be extinguished once the proposed easement is in place.

Motion by Mr. Bulian that the Board vote to permit the new house structure at 56 Nichols Road to encroach on the existing easement and approve and sign the new Grant of Drainage Easement for 56 Nichols Road.
Second: Mr. Handel. Unanimously approved 5-0.

7:55 p.m. EPA - National Pollutant Discharge Elimination System (NPDES):
Richard Merson, DPW Director, Anthony DelGaizo, Town Engineer, Chris Seariac, Superintendent/Water and Sewer and Sean Harrington, Assistant Superintendent/ Water and Sewer appeared before the Board to discuss the new final version of the EPA's National Pollutant Discharge Elimination System permit, which was signed on April 4, 2016 regulating the discharge of storm water into the waters of the United States and becomes effective July 1, 2017.

A Powerpoint presentation was viewed.

Mr. Merson explained various glossary terms. He discussed Minimum Control Measures including Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination (IDDE), Construction Site Runoff Control, Post-Construction Runoff Control, and Pollution Prevention/Good Housekeeping. Mr. Merson commented the next steps include a funding request at the October 2016 Special Town Meeting, engage consultants to evaluate and prepare the plan, evaluate funding mechanisms, submit the application, and establish general by-laws.

Mr. DelGaizo discussed the Watershed Management Plan.

Ms. Fitzpatrick said it is important to point out that the Town has been proactive in preparing and incorporating NPDES within projects. She commented there is a lot in the application and it is not going to be inexpensive. Ms. Fitzpatrick said a long term plan for storm water is needed.

Mr. Borrelli commented NPDES is an expensive and tedious mandate, and the Town needs to find a way to pay for it and be in compliance. He asked if revisions in the permit are possible. Mr. Merson said he believes the permit is final and it is what all towns will have to do.
Mr. Borrelli asked about cost and how they will be estimated. Ms. Fitzpatrick said funding to be sought in October will be for the development of the application, which will help to identify projects and their costs. She commented the amount proposed is the minimum amount in order to be responsive and in compliance.

The Board thanked Mr. Merson, Mr. DelGaizo, Mr. Seariac, and Mr. Harrington for the presentation.

8:25 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. <u>Acceptance of Declaration of Restrictive Covenant and Grant of Easements</u>
Ms. Fitzpatrick said the Planning Board has requested that the Board of Selectmen accept and execute a Declaration of Restrictive Covenant and Grant of Easements for 1001-1015 Central Avenue Definitive Subdivision Plan, also known as Sunrise Terrace. She said the documents were required by the Planning Board as part of the approval of the subdivision plan for the construction of the subdivision, and set forth the requirements of the developer with respect to the on-going private responsibility for appropriate maintenance of the roadway and drainage system. She said the Easements, which will also require Town Meeting approval, will also allow perpetual right to pass and re-pass over the way and will allow access to the drainage system for emergency repairs.

Mr. Borrelli asked for questions from the Board. No questions were asked.

Motion by Mr. Handel that at the request of the Planning Board, that the Board accept and authorize the Chairman to sign the Declaration of

Restrictive Covenant and Grant of Easements for the 1001-1015 Central Avenue Definitive Subdivision Plan.
Second: Mr. Bulian. Unanimously approved 5-0.

2. Set Water and Sewer Rates
Ms. Fitzpatrick noted Dave Davison, ATM/Finance and Evelyn Poness, Town Treasurer are in attendance. She reminded the Board it held a public hearing regarding the Water and Sewer Rates at its June 14, 2016 meeting. She said the Water and Sewer Rate Structure Committee voted to recommend the rate structure that was presented to the Board. The rate structure presented to the Board is a continuation of a phased approach with sewer rates. She said no change is proposed to the basic service fees or any of the water rates. The increase to the sewer steps are the same as discussed with the Board of Selectmen in June 2015 and again at the public hearing held on June 14, 2016.

   Mr. Borrelli asked whether additional emails or public comment on the issue was received. Ms. Fitzpatrick said no additional comments were received, however noted a typographical error in the Needham Times. She said the amount of the Town's investment in the sewer system over the next few years is not $8 billion.

   Motion by Mr. Bulian that the Board approve the proposed water and sewer rates identified on Schedule WS and that they be effective July 1, 2016; further that the Board approve a Septage Disposal fee of $85.00 per 1,000 gallons.
   Second: Mr. Handel. Unanimously approved 5-0.

3. Senate 2311 - An Act Promoting Housing and Sustainable Development

   Ms. Fitzpatrick reminded the Board that at its meeting on June 14, 2016 it discussed legislation that has since passed in the Senate relative to zoning and housing and the potential impact of the legislation - if enacted - on the Town of Needham. A letter to State Representative Denise Garlick outlining the Board's concerns regarding local control was prepared. Ms. Fitzpatrick recommended the Board approve and sign the letter to Representative Garlick.

   Motion by Mr. Handel that the Board approve and sign a letter to Representative Garlick relative to Senate 2311.
   Second: Ms. Cooley. Unanimously approved 5-0.

   Quiet Zone Comment Letter
   Ms. Fitzpatrick said the Town's Transportation Committee has reviewed the draft Quiet Zone Study conducted by BETA and have asked that the Board submit a comment letter to the Federal Railroad Administration. The FRA is conducting a review of the quiet zone regulations, and the Transportation Committee suggests the Town comment specifically with respect to the private, pedestrian crossing at the Needham Golf Club property.

Motion by Mr. Handel that the Board approve and authorize the Town Manager to sign a comment letter to the Federal Railroad Administration relative to quiet zone regulations.
Second: Mr. Bulian. Unanimously approved 5-0.

<u>Draft Facility Financing Plan</u>
Kate Fitzpatrick and Dave Davison, Assistant Town Manager/Finance provided the Board with an update draft facility financing plan based on assumptions discussed with the Board on June 14, 2016.

Ms. Fitzpatrick referred to a memo dated June 8, 2106 from Mr. Davison to the Board "2016 Facility Financing Summary." She commented the memo will require further discussion at the July Board of Selectmen meeting, and quite likely into the next six months. She said the financing summary is the planning tool of what could happen, when it could happen, and how it might happen, but not a recommendation of what will happen. She said it is a helpful document for planning the 9 building needs over the next decade and a half.

Mr. Davison explained the "Facility Financing Summary Attachment" dated June 28, 2016. He noted the significant capital facility improvements that need to be addressed and spoke about increasing the RTS Enterprise Debt Service Budget and Sewer and Water Enterprise Funds. Mr. Davison commented on projects that have been approved, in various stages of completion, including Central Avenue/Elliot Street Bridge design, Public Works Infrastructure Program (2016), Central Avenue/Elliot Street Bridge Project, High School Cafeteria, and Public Works Infrastructure Program (2017), as well as projects already been recommended for funding by debt including Public Works Infrastructure Program 2018 and 2019, Fuel Island Relocation, Fire Specialty Fleet, Rosemary Pool Complex, and the High School Boiler Replacement.

Mr. Borrelli commented the information is an incredible "road map" for the next decade of projects. He said it is interesting as it does not appear the Town will touch the debt stabilization fund until after 2022, which is better than he expected. Mr. Borrelli commented that overall, things can work noting the RTS project will need a little bit of help.

Ms. Fitzpatrick commented the consultant doing the feasibility study for the Public Works project will appear before the Board in July to give a sense of where the project is headed.

Mr. Borrelli thanked Mr. Davison for the presentation. He noted the attendance of Rick Zimbone, Finance Committee and Ann Gulati, Director of Financial Operations, Needham Public Schools.

9:00 p.m. Board Discussion:

1. Committee Reports
   Mr. Borrelli reported that he and Ms. Fitzpatrick met with Representative Garlick, Senator Rush, MBTA, Keolis Commuter Services, and Duncan Allen, member, Transportation Committee concerning scheduling and idling of trains. He said it was a positive meeting in that the MBTA is working on scheduling and adding extra train cars. Keolis management told the Board if the temperature is zero degrees or below, the train will idle all night and if the temperature is above zero degrees trains should not be idling all night. He noted should there be a mechanical issue, the trains would start and be left idling until the problem is fixed. Mr. Borrelli said trains should be started 50 minutes prior to departure, which is logged. Mr. Borrelli said that plans for the erection of a new monopole were discussed and he was told there is flexibility in placement along the 1.5 mile stretch of track. He said constituents will be contacted explaining the outcome of the meeting.

   Ms. Fitzpatrick said she was impressed that the Assistant General Manager of the MBTA had a firm grasp on the issues surrounding the Needham train line.

   Mr. Matthews reported a meeting was held with almost all stakeholders of the Minuteman school district last week on whether or not to reach out to Belmont Town Meeting to seek an approval of the bonding or go to referendum. He said the Chairman of the Belmont Board of Selectmen and Finance Committee, as well as other members said they would not change their recommendation on the project. Mr. Matthews said the other stakeholders did not want to make the process anymore politically contentious and felt it best to go directly to referendum. He said the School Committee of the Minuteman school district met and voted to go to referendum, setting a district-wide voting date of Tuesday, September 20, 2016 from 12 noon-8:00 p.m. He commented the Town Manager and Town Clerk will determine the best voting location in Needham.

   Ms. Cooley noted the attendance of members from the Massachusetts Department of Elementary & Secondary Education saying it was helpful having their direction in terms of their commitment to having outside communities pay the capital facilities fee and acknowledging the tension between some towns.

9:20 p.m. Adjourn:
Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of June 28, 2016.
Second: Mr. Bulian. Unanimously approved 5-0.

A list of all documents used at this Board of Selectmen meeting are available at:
http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=