

**Town of Needham
Board of Selectmen
Minutes for September 26, 2017
Needham Town Hall
Selectmen's Chamber**

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 Chair Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Certificate of Appreciation: Carol Boulris
Motion by Mr. Matthews to award a Certificate of Appreciation recognizing Carol Boulris for 30 years of distinguished service to the Town of Needham. Thank you for your many contributions to the Needham Historical Commission and the many years of dedication in serving as its Chair. Second: Mr. Borrelli. Unanimously approved 5-0.

Mr. Matthews commented Ms. Boulris has been involved in the community in many ways including serving on the Needham School Committee and Historical Commission where she played a key role in the vision of renovating the Needham Town Hall. He said her work is appreciated.

Mr. Handel said Ms. Boulris was instrumental in saving Needham's last one-room schoolhouse, where she chaired the committee to find the means and succeed in the effort.

Mr. Bulian stated Ms. Boulris has "made Needham what it is" through her years of service.

The Board congratulated Ms. Boulris.

7:03 p.m. Certificate of Appreciation: Volante Farms
Motion by Mr. Matthews to award a Certificate of Appreciation to Volante Farms in recognition of its 100th anniversary in service to the residents of Needham. From the delectable foods and high quality items in your store and cafe to the popular "Dinners in the Fields," you enrich the lives of our citizens. We wish you many more years of success in your future. Congratulations! Second: Mr. Borrelli. Unanimously approved 5-0.

Mr. Matthews recognized the changes in farming over the last 100 years, noting Volante Farms weathered changes over generations, continuing to contribute to the Town. He wished them many successful years.

7:04 p.m. Public Hearing Continuation: Eversource Energy - Country Way
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 30 feet of conduit in Country Way. She stated this work is necessary to provide underground electric service for a new home at 45 Country Way, Needham.

Ms. Cooley invited public comment. No comments were heard.

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 30 feet of conduit in Country Way. This work is necessary to provide underground electric service 45 Country Way, Needham.

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

7:06 p.m. Public Hearing: Wellesley Municipal Light Plant - Lehigh Road
David Allen, Wellesley Municipal Light Plant appeared before the Board requesting permission to install approximately 86 feet of conduit in Lehigh Road. He stated this work is necessary to provide underground electric service at 50 Lehigh Road, Needham. It was noted Daniel Trant, Wellesley Municipal Light Plant was also in attendance.

Ms. Cooley invited public comment. No comments were heard.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Handel pointed out a portion of homes in Needham receive their electrical service from the Town of Wellesley.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Wellesley Municipal Light Plant to install approximately 86 feet of conduit in Lehigh Road. This work is necessary to provide underground electric at 50 Lehigh Road, Wellesley.

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

7:07 p.m. Hearing: Great Plain Hospitality, LLC d/b/a RFK Kitchen - Change of Beneficial Interest in a Liquor License

Francesco Melandri, Owner appeared before the Board seeking approval of multiple Changes in Beneficial Interest in its liquor license.

Motion by Mr. Matthews that the Board vote to approve the application submitted for Change in Beneficial Interest by Great Plain Hospitality, LLC,

d/b/a RFK Kitchen and forward application to the Alcoholic Beverages Control Commission for its approval.

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

The Board acknowledged and thanked Mr. Melandri for his effort to get paperwork in order.

7:09 p.m. Public Hearing: Application for a License to Store Fuel Aboveground at 470 Dedham Avenue, Needham

Richard P. Merson appeared before the Board requesting a license for the Town of Needham to store 9,990 gallons of gasoline fuel aboveground, and a tank that will store 9,990 gallons of diesel fuel at 470 Dedham Avenue, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Mr. Merson stated the request is necessary for future development at 470 Dedham Avenue.

Ms. Fitzpatrick indicated all paperwork is in order and Dennis Condon, Needham Fire Chief is supportive of issuing the license. Chief Condon was unable to attend the hearing.

Motion by Mr. Handel that the Board of Selectmen vote to approve and authorize the Chair to sign a license for the Town of Needham to store 9,990 gallons of gasoline fuel aboveground, and a tank that will store 9,990 gallons of diesel fuel at 470 Dedham Avenue, Needham.

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

7:11 p.m. Department of Public Works:

Richard P. Merson, Director of Public Works appeared before the Board with two items to discuss:

1. Traffic Regulation - Linden Street

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P17-09-26 for Linden Street, Parking Prohibited During Certain Hours, East side, from opposite the northerly sideline of Sylvan Road to a point 500 feet north - No Parking, 7 AM - 8 AM and 2 PM - 3 PM, Monday - Friday.

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

2. Traffic Regulation - Chestnut Street

Mr. Merson commented the TMAC received a request from the franchisees at 260 Chestnut Street asking that a one hour parking zone be established on the east side of Chestnut Street from the extension of the south sideline of Chestnut Place to 40 feet south of the extension of the south sideline of Chestnut Place. He said the TMAC recommended a one hour parking zone be established on the east side of

Chestnut Street from the extension of the south sideline of Chestnut Place to 40 feet south of the extension of the south sideline of Chestnut Place.

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P17-09-26 for Chestnut Street, Time Limited in Designated Places, East side from the extension of the south sideline of Chestnut Place to 40 feet south of the extension of the south sideline of Chestnut Place, Time - 1 Hour.

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

Mr. Borrelli suggested the parking area should have a better flow. He asked if 15 minute parking was considered. Mr. Merson commented quick turnover parking for the area would not be appropriate.

7:17 p.m.

Town Manager:

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

1. Affordable Housing Trust Fund

Ms. Fitzpatrick reminded the Board the 2017 Annual Town Meeting approved the creation of an Affordable Housing Trust in accordance with M.G.L. c. 44 Section 55C. Ms. Fitzpatrick recommended the Board approve the Declaration of Trust document as the first step in implementing the Trust in Needham. She noted the proposal is for the membership of the Trust to be the Board of Selectmen, Town Manager (as required under state law), and one resident.

Motion by Mr. Bulian that the Board vote to approve and sign the Declaration of Trust for the Needham Affordable Housing Trust Fund.

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

2. Public Safety Facility Project Update

Ms. Fitzpatrick updated the Board on the Public Safety Facility Project, and discussed feedback received at two neighborhood meetings. She said it is expected, after Town Meeting discussion on Monday, October 2, 2017, that open houses will be scheduled for residents to view possible design options. Slides of potential designs for Fire Station #2 in Needham Heights and Police and Fire Station Headquarters in Needham Center were shown.

Ms. Cooley said neighborhood meetings have been helpful. She noted zoning for Fire Station #2 in Needham Heights is not just helpful but necessary, saying Town Meeting support is critical for the project.

Mr. Borrelli commented Needham is fortunate to have temporary space during construction at the Hillside School for the police and fire departments. He thanked the neighbors in the area for their understanding and commented cost savings are a benefit and far reaching.

Ms. Cooley reiterated use of Hillside School as temporary space will be after the opening of the new Williams School on Central Avenue.

3. Town Meeting Preparation

The Board took positions on remaining articles contained in the Special Town Meeting warrant dated October 2, 2017.

Motion by Mr. Handel that the Board vote to support Article 7 - Authorization for Acquisition of Real Property in the Special Town Meeting Warrant.

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

Ms. Fitzpatrick reminded the Board an appropriation is not being sought for the acquisition because mitigation for public safety response was part of the agreement when constructing the Second Avenue residences.

Motion by Mr. Handel that the Board vote to support Article 8 - Amend Zoning By-law: Map Change to Center Business District in the Special Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 9 - Amend Zoning By-law: Floor Area Ratio and Lot Coverage Requirement for a Municipal Building or Structure in the General Business District in the Special Town Meeting Warrant.

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

Mr. Matthews noted zoning changes are directly linked to the public safety construction project.

Motion by Mr. Handel that the Board vote to support Article 11 - Appropriate for High School Expansion Construction in the Special Town Meeting Warrant.

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

Dave Davison, Assistant Town Manager/Finance explained additional taxes are not being sought as funding for the High School Expansion project. He said cash sources including residual balances from prior appropriations for capital projects, monies set aside by Town Meeting in the Capital Facility Fund, and monies from an Overlay Surplus Fund will be utilized. He noted a 2/3 vote is required at Town Meeting.

7:40 p.m. Board Discussion:

1. Needham Crossing Boundary Definition

The Board discussed options for setting boundary lines for the area known as Needham Crossing. A map was viewed.

Ms. Cooley said the general question is whether the definition of Needham Crossing should expand to encompass commercial districts (Area-1 and Area-2 on the map) on both sides of Route 128.

Mr. Handel said he is open minded, noting Route 128 is a significant psychological boundary and the railroad right-of-way is a barrier to Reservoir Street. He surmised most people do not associate the area known as Needham Crossing as part of Needham Heights. He said the issue is worth exploring with residents and the real estate community, and a good question for the Planning Board and Council on Economic Advisors.

Mr. Borrelli said he is concerned with the identity of the Needham Heights area. He questioned whether the residential area would seem more industrial, thereby affecting home values.

Ms. Cooley said the Planning Board and Council on Economic Advisors will have an opportunity to weigh in on the issue. She contemplated the possibility of Needham Crossing having its own zip code.

Mr. Matthews said the map is helpful, commenting incorporating the Wexford Street area into Needham Crossing make sense. He said more discussion and a slow approach is needed for Area-2 and Area-3. He noted the main issue for Area-2 is it is very appropriate for the discussion, except that it is not contiguous by road. He said the possibility of physically linking Area-1 and Area-2 makes a lot of sense. Mr. Matthews said he does not remember any prior discussion of incorporating Area-3 (on the south side of Route 128) into Needham Crossing, except for possible zoning changes to try and modernize the area. He said solving the geographical connection of Area-2 should be explored, and a much broader discussion is needed for Area-3. He concluded he likes the idea of having the Council on Economic Advisors and the community involved in the discussion.

Mr. Bulian concurred with Mr. Matthews, saying commercial Area-1 (Needham Crossing) and Area-2 (Reservoir Street) should be connected. He said he is not sure about Area-3, and requires more discussion.

Ms. Cooley said Area-2 would benefit by a connection, and is a reasonable first step. She agreed Area-3 is perceived differently. She asked Ms. Fitzpatrick to contact the Council on Economic Advisors and Planning Board for their thoughts.

Mr. Bulian suggested the Board of Selectmen start looking at ways to connect Area-1 and Area-2.

2. Recreational Marijuana Next Steps

The Board discussed the concept of engaging with the Planning Board to consider zoning and general by-law articles for the 2018 Annual Town Meeting, should the Board of Selectmen seek to prohibit recreational marijuana sales in Needham. Ms.

Fitzpatrick said advice of Town Counsel is zoning and a general by-law should be passed due to ambiguities in the law.

Mr. Matthews clarified Needham voted “No” for recreational use of marijuana. He commented the new statute allows Needham, because of its “No” vote, to act by Town Meeting to prohibit retail sales within the Town. He said people dissatisfied with the vote have the option of taking it to the ballot under a number of procedures. He said while zoning and general by-laws may be two separate articles, they are basically one action of Town Meeting by two votes. He said the question of whether or not voters weigh in involves some procedural complexities. He commented if Town Meeting feels this “ought to be the law of the Town” then he is willing to frame the questions for Town Meeting, unless other persons avail themselves of rights under the complicated statute to raise the issue again with the voters. He said if voters reject by referendum or are not satisfied with what Town Meeting put in place, then the Board of Selectmen would take the necessary corrective action to put those decisions in front of Town Meeting. He said the third course of action being discussed tonight may not be logical because of the way the statute is laid out. Mr. Matthews said the new statute is well intentioned but convoluted, suggesting perhaps placing a non-binding referendum on the Town ballot in April.

Ms. Fitzpatrick and Mr. Bulian suggested a timeline and flow chart showing different options.

Discussion ensued on the best way for voters to be represented.

Ms. Cooley said asking the Planning Board to consider what zoning would look like seems prudent.

3. Committee Reports

No Committee Reports were made.

8:15 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: No Appointments were made at this meeting.

CONSENT AGENDA

1. **Accept the following donations made to the Needham Health Department’s Needham Substance Use Prevention & Education Donation Program: \$1,500 from Needham High School PTC Trust, \$1,500 from Norfolk County Sheriff’s Department, and \$1,500 from the Norfolk District Attorney.**
2. **Grant permission for the Needham Business Association to use the Town Common and surrounding area for its Harvest Fair and Souper Bowl on Saturday, October 7, 2017. Permission includes: Set up Booths on the Town**

Common; use of the parking lot behind Town Hall for kids activities and portable toilets (to be delivered and picked up on the same day); close Chapel Street from the corner of Great Plain Ave. to the Chapel Street parking lot for Souper Bowl Tent, and the food court; erect a tent to host the soup tasting contest on Chapel Street; erect a bounce house sponsored by the Charles River YMCA on the Town Common (far right corner closest to intersection of Highland and Great Plain Avenue facing Needham Center Fine Wines); have annual pumpkin patch set up in the middle of the town common; use the Town's generator to supply the electricity for the Souper Bowl and Food Court; use the outlets on the town common (in the dog house and next to the Blue Tree to power booths in that area); DJ and performers in front of Town Hall on Garrity Way; free parking for meters downtown; NBA member businesses may have items for sale on sidewalk in front of their own stores; A Trolley ride provided by Louise Condon that will run from Highland Avenue by the Town Common, will loop around the town, and return to the Town Common; and any changes as recommended by the Needham Police Department.

3. Approve minutes from September 12, 2017 meeting.
4. Approve a One Day Special Wines and Malt Beverages License for Nancy Berger, of NHS Friends of Music, to host its Kick-Off event on October 18, 2017 from 5:00 p.m. to 7:00 p.m. The event will be held at the Needham Historical Society, 1147 Central Avenue, Needham. Issuance of license is pending appropriate TIPS certification is provided prior to the event.
5. Approve a One Day All Alcoholic Beverages License for Julie Richmond of the Charles River YMCA, to host its YMCA Giving Gala on October 14, 2017 from 6:00 p.m. to 11:00 p.m. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham. Issuance of license is pending appropriate TIPS certification is provided prior to the event.
6. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify – Jill Oetheirmer	75 Coolide Ave	Middle of block on Coolidge Ave	9/24/17	10/1/17	4pm-7:30pm
Ratify – Amy Hurley	154 South Street	Corner of Green St & Needhamdale	9/24/17	N/A	3pm-8pm
Ratify – Jill Cotter	15 Holland St	Holland Street	9/24/17	10/1/17	4pm-8pm
Ratify – Sue Pouliot	54 Eaton Road	54 Eaton Road	9/23/17	9/24/17	4pm-8pm
Chrissy McCourt	181 Richdale Rd	114 Richdale Rd	10/29/17	N/A	3pm-8pm
Kelly Allen	103 Sylvan Rd	Sylvan/Harding	10/8/17	N/A	1pm-4pm
Michael McHugh	25 Blacksmith Drive	5-35 Blacksmith Drive	10/14/17	N/A	4pm-9pm
Jessica Karlin	36 Wilshire Park	Wilshire Park	10/1/17	N/A	4pm-8pm
Julie Middleton	74 Henderson St	Miller &	9/30/17	N/A	4pm-10pm

		Henderson Street			
Liz Berkman	113 Melrose Ave	Hatfield Park	10/15/17	10/22/17	3pm-6pm

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

8:16 p.m. Executive Session - Exception 3 (potential litigation):
Motion by Ms. Cooley that the Board of Selectmen vote to enter into Executive Session.
Exception 3 - To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares. Not to return to open session prior to adjournment.
Second: Mr. Handel. Ms. Cooley polled the Board. Unanimously approved 5-0.

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

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

Note: The meeting adjourned at 8:35 p.m.