

**Town of Needham  
Board of Selectmen  
Minutes for November 14, 2012  
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 Gerald A. Wasserman. 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. Public Hearing: Draft Alcohol Regulations – Sale of Alcohol off Premises  
Mr. Wasserman asked interested parties to comment on the proposed regulations for the sale of alcohol for consumption off premises. He opened the public hearing.
- Mr. Bulian read an email from Jennifer Cohen, 75 Peacedale Road. She recommends the Board determine the key health and well-being factors that might be impacted by opening alcohol outlets in Town and urged the Board to track data once alcohol outlets are introduced. She wrote data on whether or not this choice negatively impacts the community is critical to the health and well-being of residents.
- Jeanne McKnight, 210 May Street is concerned for herself and others living in single family residential zones. Ms. McKnight said she has no comment on the proposed regulations, but hoped the regulations would say something about the location of liquor stores by precluding them to be located across the street or abutting single family residences. She handed the Board illustrations showing possible zoning options from Needham Junction to the New England Business Center.
- Peter Atallah, 18 Lindburgh Avenue commented the vote should not be considered a mandate. He said people have the idea of a wine shop or craft beer shop and feels what was voted on is much broader. He concurred with the email from Ms. Cohen that data should be tracked and asked the Board to proceed slowly in awarding licenses.
- Robert Carp, 188 Needham Street, Newton said he is an attorney who practices before the ABCC and owns several liquor stores. He said the Town could face problems issuing licenses, unless issued by lottery. He said if licenses are not issued by lottery the Town could face a constitutional challenge. Mr. Carp is interested in knowing the criteria the Board will use in deciding who will be granted a liquor license.

Jane Fogg, Board of Health, 15 Parkinson Street, made eight suggestions regarding issuing licenses. She suggested licensees should be inspected twice a year, Keno machines should be prohibited, food stores should be issued licenses for wine and malt beverages, sales registers should be manned by an employee over the age of 21. She also suggested an evidence based training program be given twice a year to store managers and employees. She said the Planning Board should establish “sensitive use areas”, signage should be under regulation, home delivery purchases should be regulated, and nips and pints should be behind the counter. She said the Board of Health looks forward to working with the Board and the Police Department to ensure a safe environment for residents.

Steven Rubin, 160 Standish Road, owner of two package stores and asked by the Planning Board to be a member of the task force, suggested the Board proceed slowly as Needham is a small town. He said he is interested in a license, but is “on the fence”. He feels a beer and wine shop with specialty foods would be the right fit for the Town.

Matt Fogelman, 185 High Rock Street, attorney representing restaurants, bars, liquor stores throughout Massachusetts said the vote shows overwhelming support and is confident the Board will proceed cautiously.

Karen Mullen, 410 Webster Street said she is happy with the draft regulations. She asked for clarification on the “sensitive use areas”, asked for an enforcement plan, and asked why home delivery was not mentioned in the draft regulations.

Nick Legris, Great Plain Avenue, reiterated the small town feel is imperative. He does not envision big liquor stores and advocates for a boutique store.

Bob Timmerman, 360 Hunnewell Street, opposes allowing liquor stores and suggests the Board require scanner technology to validate I.D’s.

Ray Hamwey, 76 Bess Road, is interested in obtaining a license and asked for the time frame for accepting applications and issuing licenses.

Anthony Greco, 845 Highland Avenue, owner of 7-11 asked if convenience stores would be considered for a license.

Andrew Pittman, 75 Prince Street, suggested product signs should not be allowed in store fronts as it has a negative connotation.

Larry Cohen, 77 Warren Street, suggested the Town consider insurance regulations. He also feels there will be a number of applications and suggests the Board appoint a separate committee to handle the work load.

Mr. Wasserman closed the public hearing and asked the Board for its comments.

Mr. Matthews said he feels allowing liquor licenses will not add or take away from substance abuse issues and will add a modest economic benefit. He said allowing liquor stores are mainly a convenience for residents. Mr. Matthews commented on “sensitive neighborhoods” and said the Board will hear from individual applicants and neighbors. He said he is thoroughly prepared to listen to each application filed prior to awarding a license.

Mr. Borrelli is concerned with signage and the logistics of selling beer and wine in a food store. He commented he is not in favor of any type of formal zoning change, but rather listening to residents to come up with a comprehensive plan for the neighborhood. He said the number one consideration is going to be how liquor stores will affect neighborhoods and the Town, and said the Board is up to the task.

Mr. Handel said he is concerned about using zoning as a tool to deal with the sensitivity of proximity to residential use, but it doesn’t mean the comments raised by Ms. McKnight are invalid. Mr. Handel said he is not interested in the technology or the method used for identification, but rather the outcome. He said the owner is responsible and liable. He commented on the list of suggestions made by Jane Fogg, Board of Health including visitation and enforcement. He said home delivery should be allowed otherwise the business will go to a surrounding town. Mr. Handel said the bottom line is the quality of the business activity.

Mr. Bulian commented the rights of residents are taken seriously, as well as their right to be protected. He said he is interested in technology for I.D. validation. He said the law requires anyone purchasing liquor must be asked for identification. He is concerned with neighborhoods determined to be “sensitive areas” and locations that may be near schools, houses of worship, and playgrounds. He said children must be protected.

Mr. Wasserman said it is the job of the Board to carefully evaluate all applications. He strongly agrees the Board must proceed slowly when awarding licenses. He agreed with Mr. Handel in the type of shop located downtown versus one located near route 128. He said the vote was strong and it is up to the Board to be responsible in choosing appropriate businesses.

The Board took a 5 minute break.

8:00 p.m.

Consent Agenda and Appointments:

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

#### **APPOINTMENTS**

- 1. Solar Exploratory Committee**      **Jonathan Bracken (term expires 12/31/2013)**  
**Liz Driscoll (term expires 12/31/2013)**

Ed Friedman (term expires 12/31/2013)  
Dan Goodman (term expires 12/31/2013)  
David Harris (term expires 12/31/2013)  
Kathleen Phelps (term expires 12/31/2013)  
Pralay Som (term expires 12/31/2013)

2. **Cultural Council** Michael Labrecque (term expires 6/30/2014)
3. **Human Rights Committee** Abdul Asmal (term expires 6/30/2013)

**CONSENT AGENDA \*=Backup attached**

1. **Accept a \$200 donation made to Needham Youth Services from The Early Childhood Professional Association. The monies are to be used to sponsor the Single Parent Support Group.**
- 2.\* **Approve a Special One Day All Alcoholic Beverages license for Stuart Kaplan of Bright Spirit to host a “Bright Spirit Poker Challenge” on December 14, 2012 from 6:00 p.m. to 11:00 p.m. in Powers Hall at Needham Town Hall, 1471 Highland Avenue Needham.**
- 3.\* **Approve minutes from April 24, 2012 and October 23, 2012 meetings.**
- 4.\* **Approve a request from the Needham Running Club to hold its annual road race on Tuesday, January 1, 2013 from 9:00 AM to 1:00 PM. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
5. **Approve request from Liz O’Connell for St. Joseph Schools of Needham to use Avery Square for Santa’s Village on Saturday, December 1, 2012 from 11:00 a.m. to 8:00 p.m. The “The SJP Christmas Express” event features an enchanting train ride on the MBTA line and also includes having snack and souvenir booths, Santa’s Village characters and carolers.**
6. **Grant determination that request from Craig Geddes, Financial Advisor at Edward Jones, for an open house/grand opening on December 19, 2012 does not require a one-day special liquor license.**
7. **Approve collective bargaining agreement between the Town and Needham Police Union for fiscal years 2012 through 2015.**
- 8.\* **Water and Sewer Abatement Order #1150**
9. **Accept a \$25 donation made to the Needham Police Department for its Car Safety Seat Installation program from Linda Bloomingdale of Waban, MA.**
- 10.\* **Approve a 2013 Taxi/Livery License application from Azzeddine Alami of Alami Rides.**
- 11.\* **Ratify and sign Proclamation for Veterans’ Day, November 11, 2012.**

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

8:10 p.m. Town Manager:  
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Criteria for Determining Whether to Utilize Tax Increment Financing

Ms. Fitzpatrick reminded the Board that at its October 23<sup>rd</sup> meeting, it discussed criteria for determining whether the Town should utilize tax increment financing (TIF) options. She asked the Board to adopt the revised criteria.

**Motion by Mr. Bulian that the Board vote to approve the Criteria for Determining Whether to Utilize Tax Increment Financing dated 11.14.12. Second: Mr. Handel. Unanimously approved 5-0.**

2. Tax Increment Financing Proposal – TripAdvisor

Ms. Fitzpatrick recommended that the Board approve a TIF agreement between the Town and TripAdvisor, which is proposing to relocate to the New England Business Center in Needham. Ms. Fitzpatrick invited representatives of TripAdvisor to make a presentation about the company. She commented Town Counsel David Tobin, Special Counsel Ray Miyares, and Jonathan Simpson will be available to answer questions about the TIF process and the TripAdvisor proposal.

Noel Watson, Corporate Controller, TripAdvisor gave a brief presentation about the company and its proposed expansion plans.

**Motion by Mr. Matthews that, subject to ratification by Town Meeting, the Board of Selectmen vote to approve the parcel labeled ‘Site Area’ on the Plan titled “Exclusive Use Plan – Building #3, dated September 2, 2012 and prepared by Tetra Tech, said parcel to comprise a portion of the parcels shown on Needham Town Assessor’s Plan No. 300 as parcels 15 and 16 with the street addresses 410 First Avenue and 66 B Street, respectively, as the ‘Center 128 Economic Opportunity Area’ (the “Center 128 EOA”) for a period of 13 years, pursuant to M.G.L. c. 23A, section 3E, and to approve the submission of an application of the Center 128 EOA to the Massachusetts Economic Assistance Coordinating Council (EACC) for approval.**

**Further, that subject to ratification by Town Meeting, the Board of Selectmen vote to execute a 13-year Tax Increment Financing (TIF) Plan and Agreement, pursuant to M.G.L. c. 40, section 59, between TripAdvisor LLC, Normandy GAP-V Development Needham, LLC, and the Town of Needham for property located as delineated by the Center 128 EOA and authorize the submission of the TIF Plan and Agreement to the EACC for approval.**

**Further, that subject to ratification by Town Meeting, the Board of Selectmen vote to accept, approve and certify the proposed Certified Project application by TripAdvisor LLC pursuant to M.G.L. c. 23A, section 3F and 402 CMR 2.00, and authorize the submission of the application to the EACC for approval.**

**Further, that the Board of Selectmen vote to execute the Host Community Agreement between TripAdvisor, Inc. Normandy Gap-V Development Needham, LLC and the Town of Needham.**

**Second: Mr. Bulian.**

It was noted that the motion made by Mr. Matthews did not reflect the revised motion contained in the fact sheet. Mr. Matthews offered the following motion to amend his motion:

**Motion by Mr. Matthews that the preceding motion be amended by removing the phrase “that the Board of Selectmen vote to execute the Host Community Agreement between TripAdvisor, Inc. Normandy Gap-V Development Needham, LLC and the Town of Needham” and inserting in place thereof the following:**

**Move that the Board of Selectmen vote to execute the Host Community Agreement between TripAdvisor LLC and the Town of Needham.**

**Move that the Board of Selectmen vote to execute the Host Community Agreement between Normandy GAP-V Development Needham, LLC and the Town of Needham.**

**The motion to amend was seconded by: Mr. Bulian. Unanimously approved 5-0. The main motion, as amended, was Unanimously approved 5-0.**

3. Call for Special Town Meeting

Ms. Fitzpatrick recommended that the Board of Selectmen call for a Special Town Meeting to be held on December 3, 2012 for the purpose of seeking Town Meeting authorization for a Tax Increment Financing Proposal. Ms. Fitzpatrick recommended the Board open the Plan A warrant and to close the warrant subject to technical corrections to be made by the Town Manager and Town Counsel.

**Motion by Mr. Handel that the Board of Selectmen vote to call and open the warrant for a Special Town Meeting to be held on December 3, 2012, and further to close the warrant subject to technical corrections to be made by the Town Manager and Town Counsel.**

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

4. Greendale Village 40B Proposal

Ms. Fitzpatrick reminded the Board of its discussion concerning the Greendale Village LLC application to MassHousing for site approval for construction of 10 units at 894 Greendale Avenue. She said comments were submitted to MassHousing on June 14, 2012, July 18, 2012, and October 2, 2012. She said the developer has submitted an updated project eligibility application as the company has acquired an adjacent parcel – 906 Greendale Avenue – and seeks to increase

the number of units from 10 to 20. Ms. Fitzpatrick recommended that the Board submit additional comments to MassHousing reiterating the Town's request that MassHousing condition its approval by requiring the developer to provide five affordable units (25% rather than the proposed 20%).

**Motion by Mr. Handel that the Board vote to authorize the Town Manager to forward a letter to MassHousing summarizing the comments of the Board.  
Second: Mr. Bulian. Unanimously approved 5-0.**

8:45 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews commented on the vote to create a Solar Exploratory Committee saying many people stepped forward to serve on the Committee and that the Town is fortunate with the number and quality of applicants.

2. Appointment to Metropolitan Area Planning Council (MAPC)

The Board discussed the appointment of Moe Handel as Needham's representative to the Metropolitan Area Planning Council (MAPC).

**Motion by Mr. Matthews that the Board vote to appoint Moe Handel as Needham's representative to the Metropolitan Area Planning Council (MAPC).**

**Second: Mr. Bulian. Approved 4-0. Mr. Handel abstained from the vote.**

8:50 p.m. Adjourn:

**Motion by Mr. Matthews that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of November 14, 2012.**

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

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

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