

**Town of Needham
Board of Selectmen
Minutes for October 28, 2014
Powers Hall
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 John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Daniel P. Matthews, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Proclamation - Veterans' Day
Mr. Bulian read a proclamation recognizing Tuesday, November 11, 2014 as Veterans' Day in the Town of Needham.

Motion by Mr. Matthews that the Board of Selectmen of the Town of Needham, do hereby recognize Tuesday, November 11, 2014 as Veterans' Day and ask all citizens of the Town to join in appropriate observance of those who have served to preserve the principles of justice, freedom, and democracy. Second: Mr. Borrelli. Unanimously approved 5-0.

7:00 p.m. Appointments and Consent Agenda:
Motion by Mr. Handel that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

There are no appointments for this meeting.

CONSENT AGENDA *=Backup attached

- 1. Accept the following donation made to New Years Needham: \$250 from Craig Geddes of Edward Jones; \$250 from Wingate Healthcare; \$100 from Needham Music; \$250 from Petrini Corporation**
- 2. Approve a request from Christopher Hartzell, of the Needham Sheraton, to extend the hours of its liquor license on 11/29/2014 for a private function, and on 12/31/2014 for a private function. They would like to provide bar service until 1:00 a.m. for both events.**
- 3.* Approve minutes from October 14, 2014 meeting.**
- 4. Accept a \$10 donation made to Needham Youth Services from Lynn Cattanach, a Needham resident. The monies will be used to sponsor Needham Youth Services A Conversation program.**
- 5. Accept gift of \$10,000 from SolarCity for professional service expenses related to the Needham Solar Project as they relate to the Revised and Restated Energy Services Management Contract.**

- 6.* **Approve minutes of November 12, 2013 and March 11, 2014 (Regular Session).**
- 7. **Accept donation of two new Valley Forge Koralex II polyester flags for the Needham Town Common and the Needham Heights Common in preparation for the winter months from the Norfolk Lodge, A.F & A.M.**
- 8.* **Approve special banner hanging request from Paul Good, Needham Community Revitalization Trust Fund, for the hanging of a Needham Farmers Market banner for use within the NCRTE/Town of Needham Banner Display program.**
- 9. **Grant permission for the following residents to hold a Block Party:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Valerie St. Peters	15 Fairfield St.	Fairfield St.	10/31/2014	N/A	4-9pm

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

7:02 p.m.

Public Hearing - NSTAR Petition for Country Way:
 Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 9 feet of conduit at pole 344/8 on Country Way, Needham. Ms. Carroll said this work is necessary to provide service from pole 344/8 Country Way, Needham.

Mr. Bulian invited public comment. No comments were made.

Motion by Mr. Borrelli that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 9 feet of conduit from pole 344/8 Country Way, Needham. This work is necessary to provide service from pole 344/8 Country Way, Needham.

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

7:03 p.m.

Public Hearing - NSTAR Petition for Grove Street:
 Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 7 feet of conduit from pole 25/8 on Grove Street, Needham. Ms. Carroll said this work is necessary to provide underground service from pole 25/8 to feed shed located at 465 Grove Street.

Mr. Bulian invited public comment.

Kurt Wulff, 486 Grove Street said he was concerned about a related issue, but has no problem with the NSTAR petition for Grove Street. Ms. Carroll assured Mr. Wulff the issue regarding the double pole will taken care of within 2 weeks. Mr. Bulian closed the public hearing.

Motion by Mr. Borrelli that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 7 feet of conduit from pole 25/8 on Grove Street, Needham. This work is necessary to provide new underground service from pole 25/8 to feed shed located at 465 Grove Street.

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

7:06 p.m.

Public Hearing - Rail Trail:

Anthony Del Gaizo, Town Engineer, Tad Staley, Bay Colony Rail Trail Association, Patty Carey, Director of Park and Recreation, and Kathleen Phelps, Bay Colony Rail Trail appeared before the Board to discuss engineering plans for the Rail Trail project.

Mr. Del Gaizo presented a Powerpoint presentation outlining the current design plan. He said the trail is to start just beyond High Rock Street and extend westerly past Fisher Street, stopping approximately 800 ft. before the Charles River. He stated bids from the contractor may come in higher than anticipated, and that the final portion of the trail could be completed in the future once additional funds become available. He said the trail is 10 ft. wide with stone dust. Mr. Del Gaizo said part of the project includes installing wood railings for safety, as some side slopes are very steep.

Mr. Bulian commented he wants to see the trail extended all the way to the Dover line, as it is an important part of the project.

Mr. Bulian asked for comments from the Board.

Mr. Matthews asked about stop signs at trail crossings. He asked for more detail concerning access to the trail at High Rock Street, noting the possibility of an off-street parking lot. Mr. Matthews noted the trail is a publicly owned right of way, and some abutters have expressed concern about trespassing. He asked about safety.

Mr. Staley said many studies of rail trails indicate many trails become safer because they are in use. He pointed out vandalism associated with rail trails is very small. He said there are 54 abutters to the trail. He noted a view into some properties can be seen from the trail and said he recognizes that it will be a problem for some homeowners. Mr. Staley said \$50,000 has been raised specifically for screening/privacy on private property. He said screening could include fencing or plantings. He stated he continues to work with abutters.

Mr. Borrelli asked about parking along High Rock Street and at crossings. He also asked about a trash policy.

Mr. Handel commented on the construction of the trail and its affect abutters.

Mr. Del Gaizo described the construction process and equipment used to remove the railroad ties and install the trail. He said the project could take 4-9 months to complete.

Ms. Cooley asked about timing on the bids.

Mr. Del Gaizo said the Town should know the expected cost of the project before Christmas.

Mr. Bulian invited public comment.

Bob Fitzgerald, 145 Stratford Road said he was against the project initially, but felt if his concerns could be addressed adequately, he was open minded. He said he has 2 special needs children who play in the backyard and he is concerned for their safety. He said long and short term maintenance is also a concern, as well as the possibility of the trail being expanded to a lighted hard surface in the future. He said studies show vandalism increases on rail trails. He is concerned the Town does not have adequate resources to maintain the trail.

Gerald Finkelstein, 32 Pilgrim Road said parking should not be an issue and that every bicycle rider does not represent an automobile.

Doug Shatkin, VP Human Resources, Walker School said the trail will be of great use for the students at Walker School. He asked when will the Town know the full length of the trail and when should abutters ask for fencing and privacy screening. He said the safety of the children at the school is most important.

Mr. Bulian closed the public hearing and asked for Board comment.

Mr. Handel said he is confident the concerns of the abutters will be met.

Motion by Mr. Borrelli that the Board vote to approve, in concept, the design of the Rail Trail from High Rock Street to the Dover line.

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

8:00 p.m.

Large House Study Committee Update:

Liz Grimes, Planning Board and Lee Newman, Director of Planning and Community Development, and Marianne Cooley, Board of Selectmen appeared before the Board with an update on the work of the Large House Study Committee and answer any questions the Board may have.

Ms. Grimes gave a brief overview of the make up of the Large House Study Committee. She said the committee began its work by examining current trends in Needham, the number of houses torn down this year, location, average sales price, and the people buying new homes. She also said the committee reviewed the floor area ratio (FAR), and lot coverage.

Mr. Bulian asked whether the committee considered the demographic of who was selling the home. Ms. Grimes said “no”, and that it would be very hard to determine that information from public record. Mr. Bulian said the information could be available from the Town census.

Ms. Newman said most of the houses torn down had a value of \$600,000 with a FAR of approximately 0.2%, and a replacement house had an FAR of approximately 0.4%. She noted the average tear down home had 1,500 square feet, while the replacement home had 5,300 square ft. (including basement and attic). Ms. Newman said the committee also considered the FAR distribution across Needham, and where pockets of rebuilt homes were located. She said lot coverage was also considered.

Ms. Grimes said the committee met with Planning Director from Wellesley to discuss the changes and results that their town has made. She said regulations from Newton and Weston have also been considered.

Ms. Newman said the committee is considering how far it could shrink the footprint of a new house and still have a program the builders can work with to build a home that the market is demanding. Ms. Grimes also said it is important a seller is still able to recoup the amount of money that they would be recouping in today's market.

Mr. Bulian said many senior citizens need as much value as possible from the sale of the home to be able to afford end of life costs. He said he is concerned any actions by the Town have minimal effect.

Mr. Borrelli commented it is a sensitive issue to discuss values and regulations, but he said there are ways to build a nice home in Needham. He said he is concerned the issue may become too complicated and won't be good for the builders, and difficult to pass at Town Meeting. He said simplicity is best.

Ms. Grimes said the committee will also study tree by-laws in Lexington, Wellesley, and Newton. Ms. Newman said the committee will also be considering storm water drainage.

Ms. Grimes asked the Board review the sample by-laws from Lexington, Wellesley, and Newton, as each town is very different in their approach to what they require builders and private owners to do with their land, and the replacement of trees.

Mr. Matthews said it is not necessary to devise a complete new by-law, but rather find key ideas for implementation.

Ms. Cooley said it is a fact that the issue of trees and storm water are related, but not understood. She commented it is not any good to preserve a tree damaged during construction, but rather it is better to understand that trees are necessary to create tree canopies for energy savings and to soak up storm water.

Mr. Handel said he agrees with the approach of the committee, but the community also needs to address the issue of starter homes. He said the Town needs to preserve housing opportunities for people already living in Needham.

Mr. Matthews said the Town should allow more apartment/rental opportunities for people to come to Needham. He suggested condominium living.

The Board thanked Ms. Grimes, Ms. Newman, and Ms. Cooley for the presentation.

8:50 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Interim Rules and Regulations for the Use of the Center at the Heights:
Motion by Mr. Borrelli that the Board of Selectmen vote to approve the Interim Rules and Regulations for Use of the Center at the Heights dated October 28, 2014.
Second: Ms. Cooley. Unanimously approved 5-0.

2. Rail Trail Advisory Committee:

Ms. Fitzpatrick recommended that the Board approve the creation of a Rail Trail Advisory Committee to provide a forum for abutters, residents, and trail users to provide feedback and concerns after the trail is operational, and to make recommendations to the Board of Selectmen with respect to trail policy, maintenance, and future trail improvements, as appropriate.

Motion by Mr. Handel that the Board vote to approve the Charge and Composition of the Rail Trail Advisory Committee dated October 28, 2014.
Second: Mr. Borrelli. Unanimously approved 5-0.

9:00 p.m.

Board Discussion:

1. Quiet Zone Evaluation:

Mr. Handel said that over the years there have been citizens interested in establishing a quiet zone in parts of Needham to control train noise at Oak St., Great Plain Avenue, Rosemary Street, and West Street. He said the issue is coming up now due to the scheduled Streetscape project in Needham. He said it may be time for the Town to put measures in place to allow for a quiet zone. He said the measures could be done in a cost effective manner, so as not to over burden the capital needs of the community. He asked the Board consider looking at the cost to implement a safe, quiet zone at Great Plain Avenue and Oak Street, as these are the first areas of Town to be affected by the streetscape project.

Ms. Fitzpatrick commented the crossing at the Needham Golf Course should also be considered because it is not used at night or in the winter months.

Ms. Cooley said that while cost is important, safety is a bigger concern.

Mr. Matthews said past study of the issue indicated to him that it was not a good use of the Towns resources, and that there are safety issues. He said he would need to know the cost and amount of Town staff required to move forward.

2. Committee Reports:

No reports were made.

Mr. Bulian announced the Needham High School football team is hosting a playoff game against Quincy on Friday, October 31, 2014 at Memorial Field at 5:30 p.m.

9:10 p.m. Executive Session - Exception 3 (potential litigation):

Motion by Mr. Matthews 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. Borrelli. Mr. Bulian polled the Board. Unanimously approved 5-0.