

**Town of Needham  
Board of Selectmen  
Minutes for April 13, 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 Maurice P. Handel. Those present were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. John A. Bulian was not present.

7:00 p.m. Reorganization of the Board:  
Tedi Eaton, Town Clerk, swore in newly elected Officials: Daniel P. Matthews.

The Board accepted nominations for re-organization of the Board of Selectmen:

**Motion by Mr. Matthews that the Board of Selectmen vote to nominate Matthew D. Borrelli to serve as Chairman of the Town of Needham Board of Selectmen.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board of Selectmen vote to nominate Marianne B. Cooley to serve as Vice-Chairman of the Town of Needham Board of Selectmen.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

**Motion by Ms. Cooley that the Board of Selectmen vote to nominate Daniel P. Matthews to serve as Secretary/Clerk of the Town of Needham Board of Selectmen.**

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

**Motion by Mr. Handel that the Board of Selectmen vote to approve the regular meeting schedule for the year as printed.**

**Second: Mr. Cooley. Unanimously approved 4-0.**

**Motion by Mr. Matthews that the Board of Selectmen vote to appoint Sandy Cincotta to serve as Committee Secretary for the Town of Needham Board of Selectmen.**

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

**Motion by Mr. Handel that the Board of Selectmen vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Board of Selectmen.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

Mr. Borrelli presented Mr. Handel a Town of Needham blanket recognizing his service to the Town during the last year.

The Board repositioned itself and Mr. Borrelli took his place as Chairman.

7:05 p.m. Arbor Day Proclamation 2016:  
Ms. Cooley read a proclamation recognizing the last Friday in April as Arbor Day in the Town of Needham.

**Motion by Mr. Handel that the Board of Selectmen of the Town of Needham do hereby proclaim the last Friday in April as Arbor Day in the Town of Needham and we encourage our residents to support all efforts to protect our trees and woodlands for future generations to come.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

7:06 p.m. Appointments and Consent Agenda:  
**Motion by Ms. Cooley 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. Approve the calendar year 2016 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2016.**

| <b>Establishment</b>                                                 | <b>License Type</b>                 |
|----------------------------------------------------------------------|-------------------------------------|
| <b>Veteran's Taxi of Newton, LLC</b>                                 | <b>Taxi/Livery</b>                  |
| <b>A&amp;D Limousine</b>                                             | <b>Taxi/Livery</b>                  |
| <b>Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.</b> | <b>Pool Table</b>                   |
| <b>Second Time Around</b>                                            | <b>Sale of Second Hand Articles</b> |
| <b>Closet Exchange – Best of the Mall</b>                            | <b>Sale of Second Hand Articles</b> |
| <b>Closet Exchange – Designer &amp; Boutique</b>                     | <b>Sale of Second Hand Articles</b> |
| <b>Closet Exchange – Consignment Drop Off</b>                        | <b>Sale of Second Hand Articles</b> |
| <b>Closet Exchange – Last Chance Store</b>                           | <b>Sale of Second Hand Articles</b> |
| <b>Cherry Picked</b>                                                 | <b>Sale of Second Hand Articles</b> |
| <b>Crosby Jewelers, Inc.</b>                                         | <b>Sale of Second Hand Articles</b> |
| <b>Segaloff's Jewlers</b>                                            | <b>Sale of Second Hand Articles</b> |
| <b>Janet Cotter Design</b>                                           | <b>Sale of Second Hand Articles</b> |
| <b>Needham Bowl Away</b>                                             | <b>Bowling Alley</b>                |

- 2. Approve a One Day Special Wines & Malt Beverages License for Kaitlyn Ferrini, of Riverside Community Care to hold its Spring Fling event on June 7, 2016 from 6:00 p.m. to 8:00 p.m. The event will be held at Copley Motorcars, 37 Chestnut Street, Needham.**

3. Approve a request from the Natick Rotary to hold its Tour de Natick bike event on Sunday, June 19, 2016. The Needham portion of the route involves only a short leg of the longer, 25 mile course which begins at 8:00 am. The section of the route going through Needham is from Charles River Street at the Dover line to South Street at the Dover line. The route that the riders will take through Needham has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
4. Accept a \$100 donation made to the Needham Community Revitalization Trust fund from the Needham Open Studios.
5. Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race/ 1 mile walk in Needham on November 13, 2016 from 7:00 a.m. to 12:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
6. Water & Sewer Abatement Order No. 1215
7. Accept a \$250 donation made to Needham Youth Services from Louise Condon Realty. The monies will be used to sponsor Needham Youth Services Programs.
8. Approve a One Day Special Wines & Malt Beverages License for Robert Timmerman of Needham Knights of Columbus to host "Take Delaney to the Beach" Trivia Night on April 22, 2016 from 6:30 p.m. to 11:00 p.m. The event will be held at the Needham Knights of Columbus, 1211 Highland Avenue, Needham.
9. Grant permission for the following residents to hold block parties:

| Name              | Address          | Party Location                                                               | Party Date | Party Rain Date | Party Time      |
|-------------------|------------------|------------------------------------------------------------------------------|------------|-----------------|-----------------|
| Sheila Eisenstadt | 91 Fairfield St. | Same                                                                         | 6/10/16    | 6/11/16         | 6pm-9pm         |
| Julie Hannon      | 32 Jarvis Circle | Corner of Jarvis Circle&Nardone Rd. to the end of Jarvis Circle near Central | 6/11/16    | 6/12/16         | 1:30 pm-6:30 pm |

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

7:10 p.m. Public Hearing - New All Alcohol License - Ko Bistro, Inc., 250 Chestnut Street: Li Feng Lin, Proposed Manager/Owner appeared before the Board to discuss an application for an All Alcoholic License for Ko Bistro, a new restaurant to be located at 250 Chestnut Street.

Mr. Lin told the Board the plans for the restaurant include 3,530 s.f. with a main dining room area composed of a sushi bar, two smaller dining rooms and a general seating area to accommodate 104 patrons. Mr. Lin said the new restaurant will be similar to his restaurant in Hopkinton, MA with Asian Fusion food. He commented on his experience serving alcohol to the public.

Mr. Borrelli invited public comment.

Maryanne Huard, 123 Lincoln Street stated her concern about parking and consumption of alcohol.

Nick Shaheen, Attorney representing the owners of the property said Mr. Lin's restaurant will have less seating than the previous restaurant. He said traffic and parking will be almost identical, except for minor modification. He commented no parking issues are anticipated.

Mr. Matthews asked if there is direct access to Lincoln Street from the property. Mr. Shaheen said there is no access to Lincoln Street. Mr. Matthews asked whether there was any reason to believe the restaurant would need access to parking on Lincoln Street. Mr. Shaheen said no. Mr. Matthews asked whether there was any reason to suppose the neighbors on Lincoln Street would get notice if there was any application filed. Mr. Shaheen said he wasn't sure and thought Mr. Lin's attorney would have been present at the hearing to answer questions. Mr. Matthews agreed that he thought Mr. Lin's attorney would have been present. Mr. Shaheen said he thought there would be no impact to Lincoln Street, School Street, or hospital parking.

Mr. Handel asked Ms. Huard if parking from the previous restaurant affected Lincoln Street. Ms. Huard said cars have parked on Lincoln Street but she was not sure if they were overflow from the hospital or medical building. She asked where patrons were expected to park. Mr. Shaheen said he could not imagine any patrons at any establishments along Chestnut Street parking on Lincoln Street.

Mr. Matthews asked Mr. Shaheen what parking will be available for patrons of the restaurant. Mr. Shaheen said all of the parking that was always available for the previous restaurant will be available from 236 to 262 Chestnut Street, both front and rear. He said there is an easement to 10 condominium units that also allows for parking.

Mr. Borrelli asked the hours of operation. Mr. Lin said the restaurant may open for breakfast and the hours of operation will be 7 a.m. - 10 p.m., Monday-Friday, and until 11 p.m. on Saturday.

Mr. Borrelli asked for Board comment.

Mr. Matthews told Mr. Lin that Needham has been a historically dry town. He commented there is concern, noting the service of alcohol should be part of the food service, not the main part of the business. Mr. Lin said he understood.

Mr. Borrelli said typically the Board of Selectmen like to hear from the representing attorney, as it makes for a much smoother discussion. He welcomed Mr. Lin to Needham.

**Motion by Mr. Matthews that the Board of Selectmen approve the application for a new All Alcohol License under the Town of Needham Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms for Ko Bistro, Inc., Li Feng Lin, Proposed Manager, and including a waiver of the Town of Needham Regulations for the Sale of Alcoholic Beverages, Section 3.1, Service Bar/Waiting Area and to forward the approved Alcohol License application to the ABCC for approval.**  
**Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Matthews that the Board of Selectmen determines that the premises are not detrimental to the activities of the Beth Israel Deaconess Hospital.**  
**Second: Mr. Handel. Unanimously approved 4-0.**

7:15 p.m. Department of Public Works:

Richard P. Merson, DPW Director appeared before the Board with 2 items to discuss:

1. Approve & Sign Records, Witnessing the Perambulation of the Town Boundaries  
Mr. Merson told the Board all Massachusetts Towns are required to have at least two Selectmen locate and witness their town boundary markers every five years (per M.G.L. Chapter 42, Section 2). He said perambulation of the Town of Needham's bounds was performed on March 5, 2016 and asked the Board sign corresponding documents.

**Motion by Mr. Handel that the Board vote to approve and sign the attached records that the Town boundary markers were witnessed during the perambulation which took place March 5, 2016.**  
**Second: Ms. Cooley. Unanimously approved 4-0.**

2. Central Avenue/Elliot Street Bridge Project Inter-Municipal Agreement  
Mr. Merson reviewed the project saying the Central Avenue/Elliot Street Bridge is owned by the Town of Needham and the City of Newton. He said the bridge is in need of significant rehabilitation due to instability in the arch stones. He explained several bridge rehabilitation options were studied and the optimum design that complied with existing laws and regulations was selected. Mr. Merson said an Inter-municipal Agreement has been created to reimburse the City of Newton for Needham's share of the bridge reconstruction cost, noting the Agreement shares the cost 50%-50% between the municipalities with the exception of the stone facing required by the Newton Upper Falls Historic District which will be paid entirely by the City of Newton.

Mr. Borrelli asked for an updated schedule of the project. Mr. Merson said the schedule and work plan has not been received from the contractor but will be forthcoming. Mr. Merson said the bridge closure is expected to begin in July 2016 for up to six months.

Mr. Handel said information regarding the project is on the Town's website and that it is not too early to seek alternate routes.

**Motion by Mr. Handel that the Selectmen vote to approve and sign the Inter-municipal Agreement between the Town of Needham and the City of Newton for the rehabilitation of the Central Avenue/Elliott Street Bridge.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

7:30 p.m.

Town Manager:

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

1. Close Special Town Meeting Warrant

Ms. Fitzpatrick reviewed items contained warrant and recommended the Board vote to close the warrant for the May 9, 2016 Special Town Meeting.

**Motion by Mr. Handel that the Board vote to close the warrant for the May 9, 2016 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

Mr. Borrelli said the Board will not take positions on the Special Town Meeting warrant or the Annual Town Meeting warrant until Mr. Bulian returns and the full Board is present.

2. Positions on Warrant Articles

Ms. Fitzpatrick reviewed items contained in the Annual Town Meeting Warrant. She spoke about zoning by-law articles, community preservation articles, and a proposed amendment to the article for future school needs.

Mr. Borrelli asked for Board comment.

Mr. Matthews said the proposal has two changes including changing the word "review" to "oversee" in the function of the committee, and to strike the term "to the demographer" as to with whom the committee communicates. Mr. Matthews said it makes sense to strike the expression "to the demographer," because the future school needs committee is an advisory committee and should be able to speak with anyone. He said he understands why the Finance Committee might want to have a stronger word than "review" for the role of the committee. Mr. Matthews said he was unsure of the intent, but thought "overseeing" is more than the function should be since the work of the demographer is under a contract through the school department and superintendent. He suggested it may make sense to consider the word "evaluate" for the function of the committee. Mr. Borrelli said he also expressed some concern for the language of "oversee," and said the issue will be brought up, as it pertains to control and budgeting. Mr. Handel agreed.

3. Town Manager's Report

Ms. Fitzpatrick reported the Department of Housing and Community Development (DHCD) approved the inclusion of 390 units on Second Avenue on the inventory of subsidized housing, putting Needham at 1,246 units (11.28%) of affordable housing. She commented this story should be reported in a suburban context in that a community like Needham can achieve a number of affordable units by making sure zoning decisions are back in the hands of the community. Mr. Borrelli said it is terrific news and nice the Town is over the 10% affordable housing threshold. Mr. Handel said the housing was done in a very controlled manner compared to some other communities.

Ms. Fitzpatrick said staff from public safety and health met with registered marijuana applicants who made presentations to the Board on March 22, 2016. She said more information will be provided to the Board in advance of its April 26, 2016 meeting which may generate additional questions or comments.

Mr. Borrelli said he has additional questions for the applicants.

Mr. Matthews said if members of the Board have additional questions for the applicants, they should have the opportunity ask them.

Ms. Cooley noted a fair amount of feedback from the public has already been received, and people are welcome to continue to submit comments.

7:43 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews updated the Board on the status of the Minuteman Regional High School, saying the new regional Agreement was approved by all towns. He said 16 towns remain in the district, but that six towns are on track to exit the district on July 1, 2017 and are excused from direct liability on the bonding for the MSBA project. He said it is understood that if the project moves ahead, many of the towns will continue sending students to the school and they will be assessed under State regulations for out of district students for capital projects with MSBA participation. He said the project is critical to having a good path forward for the district. He commented it is a constant reminder of the difficulties in bargaining a complicated subject with multiple parties with differing points of view.

The Board took a five minute recess.

7:55 p.m. 2016 Annual Town Meeting Preparation - Zoning Amendments  
Lee Newman, Director of Planning & Community Development and Elizabeth Grimes, Vice-Chair, Planning Board, and John Conley appeared before the Board with a description of the rationale behind the zoning articles on the Annual Town Meeting Warrant.

John Connery, Connery Associates commented on Article 18 - Amend Zoning By-Law Mixed-Use Overlay District and Article 19 - Amend Zoning By-Law - Map Change to Mixed-Use and the potential school, fire, police costs. He discussed the Overlay District and the financial impact of multi-family development in Needham. He commented the site is where planning and fiscal policy come together over time.

Mr. Handel commented amending the zoning is strategic and will help the area evolve over time.

Mr. Matthews said Mr. Bulian has shown some concern and should have an opportunity to speak with the Planning staff.

Ms. Newman gave a brief synopsis of each article:

Article 20 - Amend Zoning By-Law - Permitted Uses in New England Business Center District

Ms. Newman explained the article revises what was originally done in Goody Clancy and allows for retail offices, commercial establishments, and restaurants to operate in a single story structure.

Article 21 - Amend Zoning By-Law - Maximum Building Bulk

Ms. Newman said Article 21 extends a rule changed by the Planning Board years ago and allows underground parking not to count toward FAR. She said it is an appropriate tool to use now in the areas of Chestnut Street, Avery Square, and Hillside Avenue.

Article 22 - Amend Zoning By-Law - Special Permit Granting Authority in Center Business District

Ms. Newman said Article 22 corrects an inadvertent hole in zoning. She said the purpose of this article is to reinstate jurisdiction by specifically naming the Planning Board as the special permit granting authority for all permits related to use irrespective of whether site plan review has been triggered.

Article 23 - Amend Zoning By-Law - Retaining Walls

Ms. Newman said this zoning amendment recognizes Needham has lots with topographical issues and that it makes sense to create a framework to allow retaining walls to go forward, as of right, in the setback area.

Mr. Matthews said he is concerned the issue overlaps with building codes and public safety. He said it would be helpful for Town Meeting members to hear from the Building Commissioner who can explain from the point of view of a professional who has to work on some of the issues.

Mr. Matthews asked to speak about some additional planning related matters after discussion of amendments to the zoning articles.

#### Article 24 - Minimum Side and Rear Line Setbacks: Accessory Structures

Ms. Newman explained accessory structures have evolved over time into 2 story structures 5 feet from the property line. She commented the Article allows for accessory structures but if it exceeds 15 feet in height, the structure must respect the underlying zoning setback standards.

Mr. Borrelli asked Mr. Matthews about items he wished to discuss.

Mr. Matthews commented on Senate Bill 2144, a major overhaul of State zoning law currently advancing in the legislature. He said there are a lot of technical and common sense changes, but also other features encouraging ceding certain kinds of planning authority to local area planning commissions, which he said is fine for people on the Cape and North Shore who are the sponsors of the bill, but not very good for 2/3 of the State in the local jurisdiction on the Metropolitan Planning Council. He commented the MMA has reservations about the bill. He said he has been told the planning community has largely “signed off” on it. He asked Ms. Newman about Needham’s position. Ms. Newman said Needham has not signed off on it. Mr. Matthews said it may be worth investing some money to have a consultant look at the bill and advise what it means for the Town. Ms. Grimes clarified Mr. Matthews is suggesting the Planning Board discuss the issue and seek funding for a professional to study the issue and report back to the Planning Board. Mr. Matthews said the bill is too complicated and too important for one person to evaluate it, and said it makes sense to pay for a professional outside opinion. Ms. Grimes agreed.

Mr. Matthews commented on the recent Large House Study Committee meeting. He said he is concerned about the complexities that may derail things from getting to the 2/3 vote at Town Meeting. He commented some residents feel the large house issue is the number one planning issue for Needham, but some people in the business community say there is no problem. He commented the Town needs to find a way to bring it to Town Meeting for a vote. Mr. Matthews suggested the possibility of a piece of the issue be broken out and brought to Town Meeting for a vote that would have an impact. Mr. Matthews commented on a 1999 proposal brought to Town Meeting to address the issue of large house redevelopment, and a one sentence amendment put into the article exempting all lots under 10,000 sq. ft. Mr. Matthews said the one sentence significantly diluted the impact of the article. He said he would like to reopen the issue for discussion to write an article that would remove the one sentence that exempts all lots under 10,000 sq. ft so all lots have a 12 ft. setback. Mr. Matthews said it would have a significant effect, in a simple way, for people to understand the issue of “massing” of new construction on smaller lots. He said he feels it is time to revisit the issue, and would be timely for this spring/summer and could be queued up for Town Meeting in the fall of 2016. He said a 2/3’s vote would be a significant step in addressing the issue, however if the 2/3’s vote is not reached, then it says something different about public opinion. Ms. Grimes questioned why the Planning Board would look at one article and not the other? Mr. Matthews said the concern of the Board of Selectmen about bringing

zoning items to fall Town Meeting is that a full and fair discussion must occur. He said Town Meeting members also want Special Town Meeting limited to one night. He said anything brought to fall Town Meeting must be limited in scope to be fully and fairly discussed without the risk of going into a second evening. Mr. Matthews said a zoning amendment of one sentence is not the same as an article of several pages. He said experience shows an article of several pages can have a very long debate. Mr. Matthews suggested the issue has intense public interest and this particular element is small and simple enough, to be understood by residents. He commented if the issue could be broken out it could have a productive impact.

Mr. Borrelli said there will be further discussion on the large house issue. He said he is concerned for the possible 2,200 lots being affected and bringing it to Special Town Meeting. He agreed simple steps that can be taken.

8:30 p.m.

Adjourn:

**Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of April 13, 2016.**

**Second: Ms. Cooley. 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=>