

**Town of Needham  
Board of Selectmen  
Minutes for December 20, 2016  
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens: Thomas Crimlisk, 4 Memorial Circle spoke with the Board expressing concern about terrorism and the influx of immigrants into the United States. The Board was willing to listen to Mr. Crimlisk's concerns, telling him diversity is one of Needham's strongest attributes.

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, Maurice P. Handel, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

A moment of silence was observed recognizing Detective John O'Brien, Sr., Firefighter Frank Ficcardi, Police Officer William Peter Matthes, III, Police Officer Robert Driggs, and Police Officer Richard Cyr, all of whom passed away during 2016.

7:01 p.m. Needham Housing Authority:  
Reg Foster, Chair, Needham Housing Authority appeared before the Board to introduce newly appointed Executive Director Paul DuMouchel and to discuss ongoing issues and future planning.

A powerpoint presentation was viewed showing recent accomplishments and challenges ahead for the Needham Housing Authority. Mr. Foster spoke about repairs at the Seabeds Way facility due to ice dams, High Rock Homes federalization, occupancy/wait list, and the financial health of the Needham Housing Authority. Mr. Foster commented on the lack of affordable housing in greater Boston, underfunding of capital infrastructure and maintenance, and uncertainty with the incoming Trump administration. Mr. Foster said the NHA will hold a meeting on Saturday, January 28, 2017 to discuss strategic planning and potential redevelopment of the Linden Chambers complex.

Discussion ensued about Linden Chambers and changes in the Town since 2010. Mr. Foster noted that Needham's reaching its 10% subsidized housing inventory goal, funding changes, and new administrations may affect decisions.

Mr. Handel suggested residents may benefit in understanding how the Housing Authority relates to Town government. Mr. Foster explained that while the Housing Authority feels a part of Needham Town government, under state law the Housing Authority is a quasi State agency. He explained the make up of the Needham Housing Authority.

Mr. Bulian suggested the Housing Authority keep the neighbors in mind and engaged when moving forward, noting they are an important stakeholder in the project. He said he is glad Linden Chambers is being considered again.

Mr. Matthews said the job of Executive Director is the most important employee in the Housing Authority. He said the job is extremely demanding, noting pay is not at the same professional skill level as in other places. He commented he is not surprised to hear people who do well are offered other opportunities. Mr. Matthews said the Town wants people to succeed, however he suggested Mr. Foster continue thinking about hiring an Assistant Director. Mr. Matthews said tough work lies ahead and the Board of Selectmen want to be supportive of the Housing Authority mission, suggesting the Housing Authority keep the Town Manager and Board of Selectmen “in the loop.”

7:28 p.m.

**Commercial Marijuana Law:**

Timothy McDonald, Director of Public Health and Stephen Epstein, M.D., member, Needham Board of Health provided the Board with suggestions for recommending changes to the commercial use of marijuana law. It was noted the Town’s legislative delegation is scheduled to meet with the Board in January, 2017.

Mr. Borrelli thanked Mr. McDonald for his memorandum dated November 29, 2016.

Mr. McDonald said the Board of Health had a discussion on December 2, 2016, to understand the impact of the statewide vote and Needham’s vote, specifically, and what changes would be appropriate to protect health and wellness in the community. He said it is understood the concept of legalization of marijuana for commercial use is already passed and accepted, and that changes would have to be “fairly technical in nature and on the margins.”

Dr. Epstein said two major public health concerns include youth access and impaired driving. He said home growing and environmental (electricity, mold, odors) issues are also of concern. Discussion ensued on impaired driving, current testing for acute intoxication vs. chronic marijuana use, youth access, distinguishing between a medical marijuana facility and a commercial facility (which would operate by different rules), and the zoning change made near Route 128 to allow for mixed use/housing. Dr. Epstein explained the difference between a medical marijuana facility and a commercial use facility, as well as associated advertising. Dr. Epstein said the Board of Health, operating as an agent of the State Department of Public Health, rather than as an agent of the Town, may have some unique ability to assist. He said one idea includes a different buffer zone for a medical facility and commercial facility, noting the possibility of families with small children in close proximity to a commercial marijuana facility that may have extensive advertising. Dr. Epstein commented State Representative Denise Garlick attended the Board of Health meeting looking for ideas in what the State can do, noting some ideas

include raising the tax rate, raising the minimum age to 25 years old, and greater local control.

Mr. Borrelli said he has no interest in having a commercial facility in Needham. He said he felt this way even before the vote was taken. He commented he is intrigued by possible regulations by the Board of Health, as well as the Board of Selectmen's authority to seek to prohibit a commercial facility by ballot vote.

Mr. McDonald commented most regulations by the Board of Health would be about the operation of a facility, i.e. semiannual inspections, quarterly compliance checks. He commented Sage Cannabis, a medical marijuana facility, is planning to open in Needham by June 2017.

Mr. Handel commented it took decades for the Town to allow the sale of alcohol, and he feels the Town is entitled to have the same process whether or not the community wants commercial marijuana sales. He commented the vote in Needham (45% for/55% against) must be respected, and to at least have a referendum. He commented he does not want Board of Health regulations to compromise new zoning reforms, particularly in the Wexford Street area. Mr. Handel said he does not want a retail facility to compromise the ability for the kind of development that the Board of Selectmen and Planning Board have spent much time and energy to spark. He suggested the community work with legislators who have the ability to make a decision about commercial marijuana in Needham, on the basis of "opting in," as opposed to "opting out."

Dr. Epstein said the Board of Health has been very cognizant of the work by the Planning Board and the Town. He stated however, it was upsetting to find the Planning Board changed the zoning of the Wexford Street area without even considering a marijuana dispensary was scheduled to open in the location. He commented the BOH supported having a dispensary in the area partly because a reasonable buffer zone would be established. He said in changing the area to "mixed use," the Planning Board did not respect what happened at the previous Town Meeting. He said he would be interested in ideas to adequately control commercial development for marijuana, while protecting the ability of having a medical establishment and housing in the area.

Mr. Handel commented zoning changes require 2/3's vote at Town Meeting, while regulations are not decided by Town Meeting, thereby possibly compromising the will of Town Meeting. He said the best solution is to decide as a community whether the product should be sold in Needham on a commercial basis.

Mr. Borrelli said balance is necessary and discussions must continue to restrict commercial use.

Ms. Cooley said the recommendations from the BOH are helpful, but the potential for a commercial marijuana ballot question is one the Town should exercise.

Mr. Bulian agreed with Mr. Handel, Ms. Cooley, and Mr. Borrelli regarding a ballot question. He pointed out personal home-growing regulations are necessary for safety, but must be balanced with rules enforcement without being too obtrusive. He commented scanner technology should be used in commercial facilities throughout the State.

Mr. Matthews said the issue is if the Town is going to work with a newly enacted statute, or whether it will be changed in some way. He said, in general, voters have very little idea of the details of regulations in the statute. He said voters would probably not object to reasonable changes in the statute, if the changes move in the direction of what the voters already thought they were voting for. He asked about a timeline for the legislature to amend the new statute? Mr. McDonald said he thought the legislature may decide to “take up” changes to the law in late January or early February. Mr. Matthews suggested high priority be given to building Statewide consensus with everyone who shares concerns and who want to make changes, well before the January 2018 implementation date. He commented the “fallback” would be to make sense of the statute as written by the industry. Discussion ensued regarding restrictions and timing of putting a referendum on the ballot.

The Board thanked Mr. McDonald and Dr. Epstein for the information.

8:00 p.m.

**Age-Friendly Community Project Update:**

Mr. McDonald updated the Board on the progress of the Age-Friendly Community Project. He said the Public Health Department and Council on Aging submitted a Healthy Aging grant application to the MetroWest Health Foundation, which was granted in November. He said the focus of the grant will be to address some of the challenges of senior transportation (better coordinating senior transportation, or better publicizing what already exists, rather than something that would create more senior transportation); and to develop a combined product (booklet, referral resources, and DVD) that will help Needham seniors assess options for modification making their homes more accessible.

Mr. Borrelli suggested contacting the City of Newton regarding their transportation initiative. He said small things can be done by the Town to help seniors with accessibility issues.

Mr. Handel said suggested North Hill may share with the Town their assessment tool to help people assess their home. Mr. McDonald said one of the goals of the Health Department is to be a trusted resource for seniors considering home modification.

Ms. Cooley suggested AARP may have helpful resources on housing issues.

Mr. Matthews said he was interested to learn that people are not satisfied with existing cab service in Town. He said he would be interested to know why. Mr. Matthews commented people want point to point transportation, and the Town could assist customers with how to use the system.

8:09 p.m.      Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. FY2018-FY2022 Capital Improvement Plan

**Motion by Mr. Handel that the Board approve the FY2018 - FY2022 Capital Improvement Plan for transmittal to the Finance Committee.**

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

2. Budget Best Practices & Priorities

Ms. Fitzpatrick reminded the Board that at its meeting on November 22, 2016, it discussed its annual statement of operating budget priorities, and a new statement of budgeting best practices. She noted the Board also reviewed a revision to the Capital Improvement Policies to include the newly created Debt Service Stabilization Fund.

**Motion by Mr. Bulian that the Board vote to approve the fiscal year 2018 Statement of Best Practices & Budgeting Priorities dated December 20, 2016.**  
**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to approve the revision to the Capital Improvement Policies by including the Debt Service Stabilization Fund.**

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

8:12 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:**

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|-----------------------------|--------------------------------------|
| 1. Needham Cultural Council | Gail Lustig (term expires 6/30/2019) |
| 2. Conservation Commission  | Sue Barber (term expires 6/30/2017)  |

**CONSENT AGENDA**

1. Accept the following donations made to the Needham Community Revitalization Trust fund:
  - \$300 from Edward & Carol de Lemos
  - \$100 from Gerald & Mary Murray
  - \$100 from Paul Good
  - \$250 from Marianne Cooley
2. Ratify a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club who hosted a Holiday Party event on December 17, 2016

**from 7:00 p.m. to 11:00 p.m. The event was held at the Village Club, 83 Morton Street, Needham.**

3. **Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to hold a Holiday Party event on December 23, 2016 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.**
4. **Approve Special One Day Wine & Malt Beverages licenses for Steve Volante of Volante Farms to host the following events: a Grand Tasting on January 21, 2017 from 6:00 p.m. to 10:00 p.m.; a Cooking class on February 4, 2017 from 12:00 p.m. to 3:00 p.m.; a Grand Tasting on February 11, 2017 from 12:00 p.m. to 4:00 p.m.; a Cooking class on March 4, 2017 from 12:00 p.m. to 3:00 p.m.; and a Grand Tasting on March 25, 2017 from 12:00 p.m. to 4:00 p.m. All events to be held in the Greenhouse at Volante Farms, 292 Forest Street, Needham.**
5. **Water & Sewer Abatement Order #1228**
6. **Approve a request for a One Day Entertainment license for RFK Kitchen to have live entertainment on December 31, 2016 from 9:00 p.m. to 1:00 a.m. This license is part of a pilot program for One Day Entertainment licenses.**
7. **Accept the following donations made to the Needham Health Department's Gift of Warmth fund: \$400 from the First Baptist Church in Needham, and \$200 from Shahin Sagafi of Rockville, MD.**
8. **Approve a request from New Garden to extend its liquor license on December 31, 2016 until 1:00 a.m. The Police Department has approved this request.**
9. **Upon the recommendation of the Assistant Town Manager/Director of Finance, approve a decrease in the mileage reimbursement rate for employee's use of personal vehicles from 56 cents to 53.5 cents effective January 1, 2017.**
10. **Accept the following donation made to the Needham Health Department's Traveling Meals Program: \$100 from Florence Volk, a Needham resident.**
11. **Approve a Special One Day All Alcoholic Beverages license request from Artie Crocker of New Year's Needham to hold its New Year's Needham Countdown party on December 31, 2016 from 9:30 p.m. to 12:30 a.m. in Powers Hall at Needham Town Hall.**
12. **Approve a request from Sheraton Needham to extend its liquor license on December 31, 2016 until 1:00 a.m. The Police Department had approved this request.**

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

3. **DPW Feasibility Study**

Ms. Fitzpatrick recommended that the Board vote to accept the recommendation of Weston & Sampson to plan for the long-term reconstruction of the DPW facility at its present location at 470 Dedham Avenue. She noted plans for the first phases of the project - construction of a temporary fuel island and a seasonal storage facility - are already underway.

**Motion by Mr. Handel that the Board vote to accept the recommendation of Weston & Sampson that the preferred option for the reconstruction of the DPW facility is its present location at 470 Dedham Avenue.**  
**Second: Mr. Bulian. Unanimously approved 5-0.**

4. Town Manager's Report

Ms. Fitzpatrick said Needham has been honored with a plaque for being a 2016 "Leading by Example" community, recognizing the Town's energy saving projects, including the Solar Array Project located at the Transfer Station.

Ms. Fitzpatrick told the Board the Drought Management Task Force continues to keep the drought warning in place and have asked residents to be mindful of the amount of water they use, even inside the home. She said residents with high water bills should also check their home for leaks.

Ms. Fitzpatrick thanked Tony DelGaizo, Dave Kelly, and Phil Ciesluk for their work in making sure Needham's interests were kept abreast during the reconstruction and reopening of the Eliot Street Bridge. She said the bridge reopening was celebrated on Saturday, December 17, 2016, with a snowy parade.

8:17 p.m.      Board Discussion:

1. Community Statement

**Motion by Ms. Cooley that the Board of Selectmen of the Town of Needham recognize Saturday, December 10, 2016 as Human Rights Day in Needham, reminding all our residents that Needham is committed to creating and fostering a welcoming and safe community for all who live and work here. This commitment means we reject discrimination or acts of hate based on a person's race, color, gender identity, ethnicity, religion, sexual orientation, citizenship, ancestry, family/marital status, ability, source of income, military status, or age. Further, we remain diligent in celebrating and practicing diversity, inclusion, and respect in every possible aspect of life in Needham. We therefore ask our community to recognize Human Rights Day, finding the humanity within each other and to stand united with those most vulnerable among us.**

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

2. Housing Strategies

The Board discussed the purpose of the Affordable Housing Trust document and a draft of the Accessory Use Apartment rules and regulations.

Ms. Fitzpatrick said the purpose of the Affordable Housing Trust is to have a repository, particularly for fees the Town receives for monitoring of affordable housing. She also said contributions from the Community Preservation Fund or donations could be put in the Affordable Housing Trust. Ms. Fitzpatrick said funds could be used for monitoring, marketing and lottery efforts, technical studies related to proposed affordable housing, or small grant loan programs.

Mr. Borrelli commented on rules and regulations of accessory apartments in different communities which allow use in a structure or by adding on to a structure so related parties (i.e. elderly parents) can live together. The document he referred to also showed concerns people have and the impact accessory apartments have on a town (enforcement, traffic, schools, etc). Mr. Borrelli said he favors some sort of accessory use, but a workable, limited impact regulation will be difficult. He asked for Board input.

Mr. Bulian said the idea is interesting and deserves more study, but people must be aware of additional population. He said the Board of Selectmen have approved 526 apartment units currently under construction, rezoning in the Wexford Street area to allow for housing, other smaller subdivisions under construction, and possible rebuilding of the Linden Chambers complex. Mr. Bulian said there will be more traffic, congestion, and population on the roads. He commented he is concerned about the impact on Town services that have yet to be seen. Mr. Bulian said he supports looking at accommodations within the home, but he doesn't understand how separate adjacent structures would work in a fair and equitable manner.

Mr. Handel said the issue is an unrealized need in the Town for older residents. He commented having a separate kitchen in a home where an elderly person lives with family makes an enormous difference in the quality of their life. He commented eliminating the barrier to creating a separate kitchen should be done expeditiously.

Mr. Borrelli agreed there is a need to help people stay in their home.

Ms. Cooley suggested meeting with Karen Sunnarborg, Community Housing Specialist to discuss what other communities are doing before considering next steps for Needham.

Mr. Matthews said while folks are interested in accessory apartments, nobody wants a tax increase. He commented he is open minded, but under the current rules for accessory apartments people will have to be told whether it is for family members or some broader use with restrictions. He said it is worth learning more, noting the Town has agreed to construction of several hundred affordable and market priced units. He said the new housing will change the community in ways not currently understood.

Mr. Borrelli agreed with Ms. Cooley's suggestion of meeting with Karen Sunnarborg and establishing a small working group to consider the issue.

### 3. Committee Reports

Ms. Cooley reported the Large House Committee recommendations for revised zoning will not be a single article, but rather three articles: changes in setbacks, lot coverage/FAR, and height. Ms. Cooley said each article stands alone and will bring improvements.

8:40 p.m. Executive Session: (Exception 6)  
**Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.**

**Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session.**

**Second: Mr. Handel. Mr. Borrelli 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=>

NoteL The meeting adjourned at 9:15 p.m.