

**Town of Needham
Board of Selectmen
Minutes for January 9, 2018
Needham Town Hall
Powers Hall**

6:00 p.m. Executive Session: (Exceptions 3 and 6)
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, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

Motion by Mr. Bulian 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 litigating position of the public body and the chair so declares.

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 prior to adjournment.

Second: Mr. Handel. Ms. Cooley polled the Board. Unanimously approved 5-0.

6:45 p.m. Informal Meeting with Citizens: Bill Becher, Needham resident spoke with the Board concerning the post office requiring all walkways be cleared of snow and ice down to the pavement or mail will not be delivered. He said he has not received mail in a few days.

7:00 p.m. The public portion of the Board of Selectmen meeting of January 9, 2018 was convened by Chair Marianne B. Cooley.

7:00 p.m. Hearing: Change of Manager - Needham Cabot Concessions, LLC.
Jerold Winston, proposed manager appeared before the Board to discuss an application for a change in manager. A review indicates Mr. Winston meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Kate Fitzpatrick, Town Manager indicated all paperwork is in order.

Motion by Mr. Handel that the Board of Selectmen approve and sign an application for a Change in Manager to Jerold Winston for Needham Cabot

**Concessions LLC., operating in the Sheraton Needham Hotel, 100 Cabot Street, Needham and to forward this application to the ABCC for approval.
Second: Mr. Bulian. Unanimously approved 5-0.**

7:02 p.m. Public Hearing: Change of Beneficial Interest - Needham Cabot Concessions
Andrew Upton, attorney appeared before the Board representing Needham Cabot Concessions LLC., to discuss an amendment application for a Change in Beneficiary of its liquor license.

Ms. Fitzpatrick indicated all paperwork is in order and the transaction was advertised in the December 14, 2017 Needham Times.

**Motion by Mr. Handel that the Board of Selectmen approve and sign an amendment application for a Change in Beneficiary for Needham Cabot Concessions, LLC., 100 Cabot Street, Needham and to forward this application to the ABCC for approval.
Second: Mr. Bulian. Unanimously approved 5-0.**

7:03 p.m. Public Hearing: Change of Beneficial Interest - Great Plain Hospitality
Ms. Cooley explained tonight's hearing is to ratify the vote taken by the Board of Selectmen on September 26, 2017, as Great Plain Hospitality was seeking approval for a Change in Beneficial Interest in its liquor license. The Board voted unanimously in its approval and the amendment application was forwarded to the ABCC for its approval. It was discovered that a public advertisement of this transaction had not been placed before the 9/26/17 hearing. The ABCC requires proof of this advertisement before it will approve the amendment application. The transaction was noticed in the December 18, 2017 edition of the Boston Globe.

Ms. Cooley said all paperwork is in order.

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

**Motion by Mr. Handel that the Board ratify its vote of the September 26, 2017: That the Board vote to approve the application submitted for Change in Beneficial Interest by Great Plain Hospitality, LLC, LLC d/b/a L & K and forward the application to the Alcoholic Beverages Control Corporation for its approval.
Second: Mr. Bulian. Unanimously approved 5-0.**

7:05 p.m. Appointments and Consent Agenda:
Motion by Mr. Handel that the Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$150 from Timothy Kickham.**
- 2. Upon the recommendation of the Assistant Town Manager/Director of Finance, change the mileage reimbursement rate from 53.5 cents to 54.5 cents per mile consistent with the rate determined by the IRS.**
- 3. Approve Minutes of December 8, 2017 (Open Session) and December 19, 2017 (Open Session); and November 14, 2017 (Executive Session).**
- 4. Approve a 2018 Sunday Entertainment License for SAI Restaurant, Inc. d/b/a Masala Art located at 990 Great Plain Avenue, Needham.**
- 5. Accept the following donations made to the Needham Public Health Department's Gift of Warmth Program: \$500 from MP & JS Cruickshank of Needham; \$6,000 from the Needham Community Council; \$1,000 from the Congregational Church of Needham; \$900 from Christ Episcopal Church Needham; and \$200 from Mary Clare McEnery Siegel of Needham.**
- 6. Water & Sewer Abatement, Order #1249**

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

7:05 p.m. Introduction of Director of Building Maintenance:
Rick Merson, Director of DPW appeared before the Board to introduce the Town's new Director of Building Maintenance, Barry Dulong. Mr. Merson said Mr. Dulong comes to Needham having a wealth of experience with large regulated facilities. He welcomed Mr. Dulong to Needham.

Ms. Cooley said the position is critical for Needham and that Mr. Delong is an important partner to many people, making sure facilities remain current and up to date.

The Board welcomed Mr. Dulong and wished him well in his new position.

7:08 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with six items to discuss:

- 1. Board Goal Update**
Ms. Fitzpatrick referred to "Board of Selectmen/Town Manager, FY2018-FY2019 Board of Selectmen Goals," dated January 9, 2018, discussing progress made by the Board. She highlighted the status of key goals in several categories including "Maximize Use of Town Assets and ensuring that Town and School services are housed in buildings that provide suitable and effective environments," "Ensuring appropriate Regulation and Assessment of, and Investment in Infrastructure," "Maintaining and improving the vitality and economic success of the Town," "Expanding energy efficient and environmentally sound operations for the Town and its residents and businesses," "Maintain and develop amenities that contribute to the desirability of Needham as a place to live and work," "Maintain and

Enhance Town's Financial Sustainability," and "Evaluate Town Operations and Administration."

The Board thanked Ms. Fitzpatrick for the update.

2. MMA Annual Meeting Resolutions

Ms. Fitzpatrick and Mr. Davison reviewed three resolutions proposed for adoption at the MMA Annual Meeting and asked the Board to vote whether or not to support them.

Ms. Cooley said she will be attending the annual meeting on Saturday, January 13, 2018.

Motion by Mr. Matthews that the Board vote to support the following resolutions proposed for action at the MMA Annual Meeting: Resolution Ensuring a Strong and Enduring Fiscal Partnership Between Cities and Towns and State Government in Fiscal 2019 and Beyond, Resolution in Opposition to the Ballot Question that Would Reduce the Sales and Use Tax Rate, and Resolution Supporting a Local-State-Federal Partnership to Combat the Impact of Climate Change; and, to authorize the Chair or voting representative to participate in the discussion at the Annual Meeting and use her best judgement on any amendments or other matters that may arise.

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

Discussion ensued on the Resolution Supporting a Local-State-Federal Partnership to Combat the Impact of Climate Change, the Resolution in Opposition to the Ballot Question that would reduce the Sales and Use Tax Rate, and the Resolution Ensuring a Strong and Enduring Fiscal Partnership between Cities and Town and State Government in Fiscal 2019 and Beyond.

7:30 p.m. Ms. Cooley announced the Board would now discuss agenda item Industrial/Highway Commercial Public Hearing, as the hearing was posted for 7:30 p.m.

7:30 p.m. Industrial/Highway Commercial Public Hearing:
Ms. Cooley welcomed residents. She said the public hearing is to hear from residents so the Board of Selectmen can make a determination about whether it would like to refer the proposed zoning to the Planning Board for further consideration.

Jack Cogswell, Chair, Council of Economic Advisors and Devra Bailin, Director of Economic Development appeared before the Board outlining the CEA's recommendation for zoning changes in Industrial Districts along the Route 128 Right of Way. Mr. Cogswell made a brief statement as to the role of the CEA. He said the CEA began studying the Industrial 1 Zoning District in 2012 covering Gould Street from Highland Avenue to Ellis and Crawford Streets. The CEA

recommends updating the zoning to make the district more economically competitive, while respecting the concerns of adjacent residential neighborhoods and existing businesses. He said after meetings with businesses, residents, and land owners in the area, the CEA agreed to revise some proposals in response to concerns, and to provide a detailed analysis, traffic impact report, and elevation drawings to better understand visual impacts. Mr. Cogswell said the study area was divided into two zones due to topography and abutting properties: the Highland Avenue side of the railroad tracks and the Ellis and Crawford Street side of the railroad tracks. He explained the zoning proposal for each side, saying it is expected to take many years to develop the properties.

Ms. Cooley asked for comments from the Board.

Mr. Handel, as a member of the Board of Selectmen and the Council of Economic Advisors, said the study and proposal reflect advice to the Board of Selectmen for improving the value of the area in a way that is sensitive to the interests of the surrounding residential community. Mr. Handel said he believes the results can be very positive in the area.

Mr. Borrelli asked whether intense development would be “as of right” or by a special permit process. Ms. Bailin explained some of the provisions are “as of right” and some are by special permit, based on FAR (floor area ratio).

Mr. Matthews said zoning in Needham is primarily under the jurisdiction of the Planning Board, requiring approval by two thirds of Town Meeting. He commented the proposal from the CEA involves a change of direction people need to understand. He said since the 1950’s and construction of Route 128, the Town has used the highway as a barrier to intense commercial development from residential neighborhoods. He said the question in the Muzi and Crawford Street areas is whether the Town would be better off to allow greater levels of density. He said the Board, while discussing the specific CEA proposal, is also considering the entire concept about what the Town might do. He commented all issues would be worked out by the Planning Board, should they decide to develop a formal proposal. He said the basic question is whether the Town wants to allow for greater height and density, with a goal of increasing employment, adding to the local economy, and getting more value out of the land, while recognizing development means more traffic and other changes on nearby neighborhoods. He encouraged residents to continue participating in discussions. Mr. Matthews said he is very interested in understanding public opinion, both pro and con.

Ms. Cooley invited public comment.

Lois Sockol, 611 Greendale Avenue commented the change would affect all residents, suggesting the question be put on a ballot. She asked for an explanation of the term “neutralized,” when referring to Route 128. She commented

Needham is not an urbanized town, rather a beautiful “Norman Rockwell” town. Mr. Handel explained “neutralized” gives no land use to the highway.

Louise Miller, 5 North Hill Avenue asked all Boards reviewing the proposal to “slow down.” She asked what the Town wants to achieve. She commented many zoning changes have been enacted over the last few years, allowing for development, and the impact has not yet been felt. Ms. Miller commented unnecessary increased economic value from the zoning changes may occur, noting the Town is fiscally well positioned to meet and/or exceed the service requirements of the Town.

Jim King, 46 Hampton Avenue asked the Board to consider the impact from units currently under construction east of Route 128, suggesting traffic and schools will be affected. He said building should be on Wexford Street, which is already commercially zoned. Mr. King said there will be too much traffic. He commented noise from construction on Route 128 has been ongoing for two years. He asked if anyone has shown interest in constructing a seven story building on Crawford Street. Ms. Cooley said she not aware of any interest in constructing a building.

Elizabeth Kaponya, 27 Highland Terrace, Town Meeting member said she has been contacted by several neighbors and has attended CEA meetings. She said roads currently under construction should be finished to see if traffic is alleviated, before further development. Ms. Kaponya agreed with comments to wait until the heavy density apartments are built and occupied. She also suggested a local shuttle bus to help alleviate traffic.

David Mindland, 74 Hampton Avenue (at the intersection of Ellis, Crawford, Hampton, and River Park Streets) said he is directly affected. He commented the neighborhood is small and lovely, and relatively quiet except for some morning commercial traffic. Mr. Mindland said he is frightened by the proposal and the Town should protect the neighborhood. Mr. Mindland said stricter regulations for buffers and mechanicals on rooftops must be in place.

Ben Daniels, 5 Sachem Road asked what type of business will be allowed in the area. He commented he heard rumors of the Muzi Ford property being sold, and that two land owners (Muzi Ford and TV station) will benefit. He asked whether a Legacy type mall or more 40B housing will be built. He is concerned with additional traffic, saying the no U-turn sign currently in place at the intersection of Highland Avenue, Gould Street, and Hunting Road causes cars to turn around on Sachem Road. Mr. Daniels said it is premature to start adding more development. He agreed with a previous speaker to let voters decide by referendum.

Pat Heck, 141 Noanett Road, suggested the Board reconsider the “neutralized” zone. He said the sewer system must be considered and whether it can handle

increased capacity. He noted the Gould Street and Central Avenue intersection is dangerous and a traffic light should be installed.

Larry Pelletier, 107 Gould Street said traffic will only increase with development, suggesting road configuration must be thought out. He asked that buffer and setbacks be considered, saying he is not against economic development but wants the neighborhood to be a safe and pleasant place to live.

Deb Whitney, 36 Hunting Road said cars turn around in her driveway, as noted by a previous speaker. She is concerned about traffic impact from development, noting her neighborhood has already lost land due to the new entrance and exit ramps off of Route 128. She commented on development across the highway, saying the neighborhood has been impacted by light coming from taller, new buildings (TripAdvisor and others). Ms. Whitney said she hoped the new ramps would alleviate some cars in the area, and is concerned with additional traffic. She said her children are not able to play outside without an adult present, due to the danger of many cars turning around in her driveway. She suggested a slow approach. Ms. Whitney said Sachem Road is a private road, maintained by its residents, however there is a financial cost to residents due to cars turning around on the street by people who do not live there.

Jim King, 46 Hampton Road noted the number of units currently being built in Needham Crossing and on Greendale Avenue. He said drainage is an issue.

Lois Sockol, 611 Greendale Avenue said she is concerned about all of Needham, not just a particular area. She commented her neighborhood has already taken a big hit from construction of the Mill Creek development. She referred to Mr. Matthews comment about Route 128, when built, as the divide between urban and suburban. She asked that Route 128 be kept as a “big wall” to protect the Town from industry.

Greg Reibman, Newton Needham Chamber of Commerce said it is obvious more discussion is needed. He said the Muzi family have been good citizens and supportive to Needham, deserving respect when it comes to what they want to do with their property.

Ford Peckham, 26 Lawton Road is concerned about the size of buildings, light pollution, and shadows during the day across from residences on Gould Street. He said once zoning is changed, how can the Town control what businesses move in, and can new businesses build “as a matter of right?” Mr. Peckham said more traffic will not work. He commented residents must attend meetings to make their voices heard. He suggested a straw vote be taken tonight.

Michelle Saipe, 5 Sachem Road suggested Wexford Street needs revitalization. Ms. Cooley told Ms. Saipe Wexford Street has been rezoned for mixed use

development, and that the proposal for Gould Street does not include zoning for housing.

Marsha Sherman, 166 Noanett Road said she is concerned about the type of businesses, acknowledging the area must be reconstructed and more aesthetically pleasing, recommending a playground and restaurants. She is concerned about traffic on Gould Street, suggesting a new exit from Route 128 to the area.

Terence Noonan, 125 Broadmeadow Road asked whether a traffic study has been done since the TripAdvisor building was completed? Ms. Cooley said traffic has been studied since building TripAdvisor, noting should proposed zoning occur additional traffic studies will be required. Ms. Fitzpatrick commented further studies will be done as more work is scheduled for Kendrick Street, Third Avenue, and Fourth Avenue.

Patrick Heck, 141 Noanett Road said he is not entirely against the proposal, as the area needs enhancement. He reiterated there is a problem with sewers in the neighborhood, requiring attention before any further construction.

Jack Cogswell, CEA Chair explained the process, should the proposal move forward. Ms. Cooley commented on the process, noting potential uses would be defined as part of the planning.

Larry Pelletier, 107 Gould Street echoed the need for the railroad tracks to be the dividing line, and to slow down development on the residential side of the tracks. He said the impact from current development has not been studied.

Marsha Sherman, 166 Noanett Road asked how can residents stay updated on progress. Ms. Cooley said the Town's website will be updated and is the best place for information.

Ms. Cooley closed the public hearing and asked for Board comment.

Mr. Bulian thanked residents for participating, agreeing a slower approach is best. He said the Board needs more information on the impact of more people living and working in Needham. He said there is a desire for better transportation in the region, as roads in Needham will not be able to accommodate more cars. Mr. Bulian acknowledged the Kendrick Street exit is wonderful, but is not convinced traffic will have been helped. Mr. Bulian said more industry and housing bring more cars and people to Needham, noting the Town is already feeling pressure from new and potential development. He said Needham enjoys the economic benefits of new business and is a town well positioned, but growth must be managed for the foreseeable future. He reiterated a slow approach is best and resident involvement is necessary and welcomed.

Mr. Handel said managing growth has been a long term policy in Needham, noting zoning is a long term proposition. He said he has a lot of confidence in the Planning Board's ability to conduct a public process to produce zoning reflecting concerns of residents. He said the area in question is not bucolic, but industrial and unattractive. Mr. Handel said the area can be greatly improved by effective zoning for future development. He said he believes the Planning Board should take up the matter as there is no harm in being proactive to improve the situation.

Mr. Borrelli thanked everyone for participating. He said he hears the concern of residents, agreeing to slow down the process. Mr. Borrelli said he is not sure there is a need for more development, and is not interested in moving the proposal forward at this time.

Mr. Matthews reflected on questions from residents, answering each one as he understands it. He said he does not know of any planned projects, rather the attempt by the Town at zoning for future development. He pointed out zoning changes gradually take effect depending on opportunities presented by private businesses, taking place over 15 years. He said the Town will have a lot of control over whatever is built, because almost anything will require a special permit. But, he said, when looking at projects you can see, over time, in terms of size of the buildings (massing, sq. ft., height), the tendency will be in an area with high real estate values to build out to the maximum allowed. He said the Town's website has information on zoning changes and theoretical renderings of what the area might look like over time. He commented on transportation and plans that have been in place over the last 20 years to widen Route 128 from Braintree through Needham. He said those plans will not change, and people should not expect any additional exits because of what the Town does with its zoning. He noted the railroad right-of-way connecting Needham to Newton and a potential express bus, but agreements by many stakeholders and capital investment would be necessary. He reiterated no one should assume any of that will happen as part of this project and that it is a long way away, if at all. Mr. Matthews commented he hears people saying they want improvement to the parcels, but scale and traffic are of concern. He said it has been helpful hearing from residents and thanked folks for participating.

Ms. Cooley thanked everyone for attending, noting mixed opinions by the Board of Selectmen as to the best course of action. She said zoning is a long term issue with many components the Board needs to understand. She said additional comments can be sent to selectmen@needhamma.gov.

8:45 p.m. The Board resumed discussion related to the Town Manager's report.

3. Open Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed a preliminary list of warrant articles for the 2018 Annual Town Meeting. She asked the Board to vote to open the warrant.

Motion by Mr. Handel that the Board vote to open the warrant for the 2018 Annual Town Meeting.

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

4. DEP Water Management Act Permit

Ms. Fitzpatrick recommended the Board relinquish its Water Management Act Permit effective April 30, 2018. The Town will continue to exercise all of its grandfathered rights to withdraw water from the Charles River Basin in the annual average amount of 2.63 million gallons per day for an annual volume total of 959.95 million gallons, pursuant to its Registration Statement for Water Withdrawal, Registration No. 32019901, and all subsequent renewals thereof.

Motion by Mr. Handel that the Board vote to give up the Town's Water Management Act Permit effective April 30, 2018 and to forward a letter to the Massachusetts Department of Environmental Protection regarding same.

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

Ms. Cooley reminded folks that just because a water ban will not be in effect, they should continue to conserve water.

5. Eversource Reliability Project - Notice of Intent

Ms. Fitzpatrick told the Board Eversource Energy has filed a Notice of Intent with the Needham Conservation Commission seeking an Order of Conditions for construction of the transmission line in accordance with the Wetlands Protection Act and the Town's Wetlands By-law. The Siting board process is not complete, and the Energy Facilities Siting Board has not yet approved the project or the route. Ms. Fitzpatrick recommended that the Board submit a letter to the Conservation Commission requesting the Commission require approval by the Energy Facilities Siting Board a condition of any Order of Conditions that are granted.

Motion by Mr. Handel that the Board vote to request that the Conservation Commission make Energy Facilities Siting Board approval a condition of any Order of Conditions that is granted to Eversource for the West Roxbury to Needham Reliability Project and forward a letter to the Commission regarding same.

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

6. Town Manager's Report

Ms. Fitzpatrick thanked employees of the DPW for their work handling over a foot of snow last week. She asked residents for patience as the Town works to remove the snow from sidewalks and parking lots. She referred residents to the DPW's Snow and Ice information on the Town's website. Ms. Cooley reminded folks to continue clearing fire hydrants during snowstorms. Ms. Fitzpatrick added that catch basins should also be cleared to avoid flooding. Mr. Handel thanked the DPW for the great work they did to clear streets of snow.

Ms. Fitzpatrick reported on a conversation with the MBTA/Keolis on issues raised by the Transportation Committee during a meeting attended by State Representative Denise Garlick. She noted on-time performance, crowded trains, station maintenance, grade crossings, and the new Great Plain Avenue light as items to be worked on in the next few months.

9:00 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of Tuesday, January 9, 2018.

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

A list of all documents used at this Board of Selectmen meeting is available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>