

**Town of Needham
Select Board
Minutes for May 14, 2019
Needham Town Hall
Select Board's Chamber**

6:15 p.m. Call to Order:
A meeting of the Select Board was convened by Chair John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

6:15 p.m. Executive Session: Exception 3 - Potential Litigation
Motion by Ms. Cooley that the Select Board 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.

To reconvene in Open Session at 6:45 p.m.

Second: Mr. Borrelli. Mr. Bulian polled the Board. Unanimously approved 5-0.

6:45 p.m. Informal Meeting with Citizens: No Activity.

7:00 p.m. The public portion of the Select Board meeting of May 14, 2019 was convened by Chair John A. Bulian.

7:00 p.m. Director of Public Works:

Richard P. Merson, Director of Public Works appeared before the Board with one item to discuss:

1. National Public Works Week Proclamation

Mr. Handel read a proclamation recognizing the week of May 19th through May 25th, 2019 as National Public Works Week.

Motion by Mr. Handel that the Select Board approve and sign the Proclamation for National Public Works Week May 19th through May 25th, 2019.

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

Mr. Merson said Public Works Week is a national event, telling the Board of the positive, constructive things the Town is doing related to public works. He said the annual opportunity to "Touch the Trucks" will be held on Saturday, May 18, 2019

and invited folks to take part in the event. He spoke about Career Day held at the Minuteman Technical School.

Ms. Fitzpatrick commented Mr. Merson will be recognized at the National Public Works convention to be held this summer for his work with the New England chapter.

Ms. Fitzpatrick commented the Town and the City of Newton were recognized for the work restoring the historic Eliot Street Bridge.

Mr. Bulian recognized Dennis Condon, Fire Chief for being sworn in as president of the Massachusetts Fire Chiefs Association. The Board congratulated Chief Condon on his achievement.

Discussion ensued on a recent large fire occurring in Needham and the mutual aid received from surrounding communities.

7:09 p.m. Public Hearing: Application for a License to Store Fuel Aboveground at 140 Cabot Street

Dan Klasnick, principal at Duval, Klasnick & Thompson LLC appeared before the Board on behalf of American Tower Corporation who is requesting a license to install (1) 10,000 gallon aboveground diesel fuel tank to be used for a backup generator at the property located at 140 Cabot Street, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Select Board.

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

Ms. Fitzpatrick said the paperwork is in order.

Motion by Mr. Handel that the Select Board vote to approve and authorize the Chairman to sign a license for American Tower Corporation to install (1) 10,000 gallon aboveground diesel fuel tank to be used for a backup generator at the property located at 140 Cabot Street, Needham.

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

7:13 p.m. Public Hearing: Level 3 Communications Grant of Location - 75 Second Avenue
Shelley Cullens, representative appeared before the Board to discuss Level 3 Communications request for permission to install approximately (1) 4" Schedule 40 PVC underground conduit, from an existing Pole #7 on Second Avenue to 75 Second Avenue, totaling approximately 503'. This work is necessary to provide a new fiber optic cable at 75 Second Avenue, Needham.

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

Ms. Fitzpatrick said the paperwork is in order.

**Motion by Mr. Handel that the Select Board approve and sign a petition from Level 3 Communications to install approximately (1) 4" Schedule 40 PVC underground conduit, from existing Pole #7 on Second Avenue to 75 Second Avenue, totaling approximately 503'. The work is necessary to provide a new fiber optic cable at 75 Second Avenue, Needham.
Second: Mr. Borrelli. Unanimously approved 5-0.**

7:15 p.m. Olin College Presentation, "Needham RTS - Reducing Tailings"
Greg Smith, DPW Superintendent, Linnea Laux, student at Olin College, Katina Orive, student at Babson College, and Clare Auld-Brokish, student at Wellesley College appeared before the Board with a report prepared on behalf of the Town as part of their Capstone course for the colleges certificate program. Recommendations made to the DPW on how to minimize compost tailings, as well as how to reduce the expenses associated with the disposal of compost tailings were included in their report.

Mr. Smith said that compost tailings are the organic and non-organic residuals of the composting process, and are comprised of organic matter such as sticks and rock, and non-organic matter such as plastics, and trace amounts of metal and ceramics that must be disposed of as a waste product.

Discussion ensued on the problem to be solved, composting process, cost savings, and recommendations.

Through their research and analysis, the students made three recommendations including acquisition of a trommel screener, aeration control, and changes in the user experience. Cost savings (including the availability of a state grant) and reduction of Needham's carbon footprint with implementation of the three recommendations were discussed.

Mr. Borrelli asked Mr. Smith about implementing the recommendations.

Mr. Smith said he is intrigued with the recommendations, and taken together, would provide many benefits to the Town. He said he is interested in the trommel machine, but is concerned about having enough staff to run the trommel. Mr. Smith said the report is impressive and a great collaboration.

Discussion ensued on separation of yard and food waste.

The Board thanked the students for their report.

7:35 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS - No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Approve a One Day Special All Alcoholic Beverages license for Chris Brinkhaus of St. Sebastian's School to host its Reunion Dinners event on May 17, 2019. The dinners will be from 5:00 p.m. to 10:00 p.m. Dinners will be held in the West Campus Center, 1191 Greendale Avenue, Needham.**
- 2. Approve a One Day Special All Alcoholic Beverages license for Chris Brinkhaus of St. Sebastian's School to host its Reunion Clambake event on May 18, 2019. Events are from 5:00 p.m. to 10:00 p.m. Events will be held in the West Campus Center and in Ward Hall, 1191 Greendale Avenue, Needham.**
- 3. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1000 from the Petrini Corporation.**
- 4. Accept the following donations made to the Needham Park and Recreation Commission's Arts in the Parks Summer Concert Series: \$600 from the Needham Exchange Club, and \$800 from Dedham Savings Bank.**
- 5. Approve a One Day Special Wines & Malt Beverages license for Patricia Deroian of Needham Pool & Racquet Club to hold its New Member Reception event on Friday, June 7, 2019 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool & Racquet, 1545 Central Avenue, Needham.**
- 6. Ratify a One Day Special Wines & Malt Beverages license for Maxwell Sparr of Trip Advisor who hosted an event for Boston Tableau User Group on Wednesday, May 8, 2019 from 5:30 p.m. to 6:30 p.m. The event was held at Trip Advisor, 400 1st Avenue, Needham.**
- 7. Accept the following donations made to Needham Youth & Family Services to be used towards future programming needs: \$30 from The Kurdziel/Rivers Family, Needham residents; and \$25 from the Pachus Family, Needham residents.**
- 8. Accept the following donations made to Needham Youth & Family Services to sponsor the Project VAN (Volunteers Around Needham) Summer Program: \$850 from the Needham Community Council; \$100 from the Beber family; and \$20 from the Kline family.**
- 9. Accept a \$1,000 donation made to the Needham Health Division's Traveling Meals Program from an anonymous donor.**
- 10. Approve a request from Angela Phinney of Bikes Not Bombs for its event to be held on June 9, 2019. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 12:00 p.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.**
- 11. Approve 2019 seasonal Mobile Food Vendor Permit for Chubby Chickpea for A Street location.**
- 12. Water & Sewer Abatement Order # 1274**
- 13. Approve and sign a Complaint for Voluntary Withdrawal of Land from Registration System to satisfy a condition of the Planning Board to consolidate**

the RTS and Cogswell parcels. Consolidation cannot occur until the parcel is “de-registered”.

14. Approve Open Session minutes of April 23, 2019, May 6, 2019, and May 8, 2019; and Executive Session minutes of April 23, 2019.
15. Approve a One Day Special Wines & Malt Beverages Only license for Megan LaPorte, who is hosting an Adult Dodgeball Party on May 18, 2019 from 6:00 p.m. to 10:00 p.m. The event will be held at the Haddad Middle School Gym, 110 May Street, Needham.
16. Approve design of Eaton Square Plaza Banner as submitted by the Needham Community Revitalization Committee Trust Fund (NCRTF).
17. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify –Jane Carroll	11 Prince Street	End of Prince near Great Plain	5/4/19	N/A	3pm-8pm
Robert Pettit	80 Robinwood Avenue	50-94 Robinwood Avenue	6/1/19	N/A	3pm-9pm
Daniel Burns	6 Louart Drive	Wildale Circle	9/7/19	9/8/19	4pm - 8pm
Robert Klein	11 Andrea Circle	Andrea Circle	6/2/19	N/A	12pm-3pm

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

7:35 p.m.

Transportation Committee:

David Montgomery, Chair, and Transportation Committee members including Richard Creem, Justin McCullen, and Steve McKnight met with the Board to discuss the role and priorities of the Transportation Committee.

Mr. Montgomery stated the reason for meeting is to discuss ways the Transportation Committee and Select Board could communicate to better serve the Town. Mr. Montgomery said the Transportation Committee is a valuable resource of knowledge on transportation matters affecting Needham, wishing to work cooperatively with and in support of the Select Board and the Town Manager in the coming year on transportation goals identified in the “FY2019-FY2020 Select Board’s Goals.”

Mr. Bulian commented a “Transportation Summit” will be held the night of June 10, 2019 in Powers Hall. He said discussion, including public comment, will likely to help the Town move forward.

Mr. Montgomery discussed points in his memo dated March 6, 2019, highlighting bus service within Needham. He said scheduling and routes must be reconsidered given the growth in Needham Crossing. He also said the Transportation Committee could be helpful with the Highland Avenue/Needham Street reconstruction, noting a coordinated effort with Newton should be a priority and include discussion of shuttle service to the Newton Highlands T stop. He pointed out the Transportation Committee has a focus on the commuter rail service, but asked if consideration

could be given to look not just at existing service, but service the Town should have (rail, bus, public/private shuttle service).

Discussion ensued on the Needham 2025 effort, population, housing growth, traffic, and infrastructure.

Mr. Montgomery commented on the Transportation Summit, offering the Transportation Committee's help and support in any way.

A brief discussion ensued regarding the possibility of a quiet zone, particularly at the grade crossing within the Needham Golf Course. Mr. Matthews commented the issue of a quiet zone must be resolved.

Mr. Matthews said commuter parking must be improved as it is limiting the number of people from the region who use the commuter rail. He concurred bus service and connecting to the Green Line makes a lot of sense, requiring a partnership with the City of Newton.

Ms. Cooley said she is interested in bike sharing stations at rail stops.

Mr. Borrelli said regional transportation could possibly include college buses.

Mr. Handel said he feels achieving a quiet zone is a worthy goal, but cost and safety are an issue. He noted coordination of resources between Needham and Newton must be a goal.

The Board thanked the Transportation Committee for the discussion.

8:00 p.m. Public Hearing: Proposed Development at 1180 Great Plain Avenue
Mike McKay, Architect, Giorgio Petruzzello, Supreme Development, Peter Zahka, Esq., and Bob Engler, principal SEB, LLC appeared before the Board with a brief synopsis of the proposed development at 1180 Great Plain Avenue.

Mr. Zahka explained the project is a 16 unit (8 1BR/ 8 2BR) apartment complex, including subsidized housing. Mr. Zahka noted the property is in a residential zone and currently owned by the Congregational Church. He gave a history of the property dating back to 1966 when it was acquired by Daystar Foundation, then divided into 3 parcels in the 1970's, and in 1998 10,000 sq. ft. of the property was sold off, noting a reserved right of way for driveway access and installation of utilities. He said the Congregational Church acquired the property in 2014 leasing it as a preschool/daycare center. Mr. Zahka discussed potential options for the property based on the Town's zoning by-law. He said Mr. Petruzzello held two neighborhood meetings to hear and address concerns.

Mr. McKay showed a map and design plans. He commented on parking, traffic, and the Walnut Street right-of-way for emergency vehicles.

Ken Kram, traffic engineer discussed the traffic and impact study conducted on the property, commenting on traffic volume if the property were used as a daycare facility vs. an apartment complex. He summarized three traffic scenarios for the proposed use including no access from Walnut Street, all access from Walnut Street egress to Great Plain Avenue, and leaving the property as is. He said there is no significant difference for each scenario if the property is developed as an apartment complex because the volume is low.

Mr. Zahka noted the Town's 40B guidelines, explaining eleven of the guidelines are applicable to the project.

Mr. Bulian asked for Board comment.

Mr. Borrelli addressed the daycare issue, saying he wanted it on the record that he put in a bid for a local business wishing to remain anonymous, who wanted to open a small daycare (35 students). He said the daycare owners were told by the Building Department and Planning Department any development had to be on a small scale and a special permit would be required due to the parking issue. Mr. Borrelli said although the use is "as of right," other intricacies would require a public hearing and would help shape the project. Mr. Borrelli said at the time, he had no idea about neighborhood concerns from residents on Walnut Street. He commented if he had known, he would not have submitted the bid, commenting it would be illegal for him to rule on the matter while having a vested interest in the property. He reiterated he has no vested interest in the property. Mr. Borrelli commented he does not want the daycare scenario used as a threat or scare tactic, as some neighbors are indicating. He said it is not known how the property would be used if an apartment complex is not built, but that he would not support a daycare at the location.

Mr. Bulian opened the public hearing.

Christopher Palasinski, 65 Walnut Street asked the purpose of zoning, surmising it is to maintain the integrity of the neighborhood. He said closing off Walnut Street to traffic other than emergency services would be welcome.

Joe Leghorn, 140 Linden Street favors 40B housing as it is important for the character of the town. He stated he is not concerned with large families moving in, as the square footage of each unit is not large. Mr. Leghorn said traffic is the issue, noting the study did not address key intersections including Linden Street/Walnut Street/Maple Terrace or Walnut Street/Marked Tree Road. He noted most traffic passing through Walnut Street goes from Linden Street toward Marked Tree Road. Mr. Leghorn commented on the incredibly narrow road widths. He said volume is not the only issue, but infrastructure is a barrier to widening roads. Mr. Leghorn said all traffic entering and exiting from Great Plain Avenue would alleviate most, if not all traffic issues on the back streets. He said traffic flow should be a

condition of the special permit, as it would be enforceable. He concluded he does not believe a 55+ development is necessary, and generally could support the project as proposed with stringent traffic conditions.

Fabian Madsen, 45 Walnut Street said it is a good project and has been well presented.

Sandra Walters, 27 Walnut Street said her property backs up to the proposed development, concurring with Mr. Leghorn that traffic not enter/exit onto Walnut Street. She said she enjoys the quiet neighborhood and is opposed to any traffic entering/exiting onto Walnut Street.

Megan McCourt, 19 Walnut Street supports Ms. Walters regarding future use of the easement next to her property. She acknowledged the neighborhood generally supports the development. Ms. McCourt questioned use of the church parking lot as a backup egress to Walnut Place without a proper barrier. Mr. McKay said a fence or barrier will be put in place. Ms. McCourt asked for the community to have an opportunity to view final plans before a vote is taken.

Susan Tanner, 1186 Great Plain Avenue said the building is beautiful and rental apartments are a big need in Town. She said traffic will be an issue in any circumstance. She is impressed with the developer and is supportive of the project.

Bob Kispert, 46 Walnut Street is concerned about parking and is not sure there are enough spaces for visitors. He said it is an attractive development, but parking is his greatest concern.

Matt Gaines, 1207 Great Plain Avenue is not opposed to the project. He asked how a LIP project can override zoning. Mr. Bulian explained 40B projects override all zoning, except for health or safety. Mr. Gaines said since the traffic count is low, he suggested entrance/exit be from both Walnut Street and Great Plain Avenue to “spread the wealth.”

Paul Good, 30 Walnut Street said blocking access to Walnut is critical, mostly due to the children who play in the street and to retain the quality of life. He said any development would have the same or more traffic than indicated by the traffic count. He noted the developer made an important decision by closing access to Walnut Street to maintain the integrity of the neighborhood. Mr. Good said from a practical standpoint, the project is small scale and there is a need for affordable rents in Needham for people who want to downsize.

Jason Hecht, 59 Walnut Street agreed with Mr. Good that children play in the street because of the small amount of traffic. He said learning today the entrance/exit onto Walnut Street will be blocked makes is better.

Doug Fox, 43 Marked Tree Road is not concerned about traffic, the current building is an eyesore, and the proposed development is nice. He emphasized the “close knit neighborhood” on Walnut Street and closing access to the street alleviates many concerns. Mr. Fox said he does not believe there is enough parking for the complex.

Christopher Palasinski, 65 Walnut Street asked if the easement could be legally and permanently closed. Mr. Bulian stated emergency access is necessary, and public safety must have as much access as needed for the safety of everyone.

Suzanne Leslie, 49 Walnut Street favors the project if access to Walnut Street is closed. She said she cherishes the environment on Walnut Street. Ms. Leslie said emergency vehicles could access the property from the church parking lot. Mr. Bulian reiterated public safety needs access to the property from the easement.

Jennifer Connors, 133 Prince Street said there is a lack of housing and the project is the answer to the Town’s contemplated zoning change to allow for accessory dwelling units. She supports the development and disclosed she is the treasurer at the Congregational Church. She noted the church received several offers for the property. Ms. Connors noted Supreme Development was not the highest bidder, but was vetted as the best developer for the neighborhood, along with the need for affordable housing.

Susan Tanner, 1186 Great Plain Avenue commented until the nursery school, the driveway was never a throughway. She said deliveries prior to the nursery school were made through Walnut Street. She said while she is not quibbling with the neighbors, traffic has impacted Great Plain Avenue immensely and she is still in favor of the project.

Barbara Kochaniak, 24 Rivard Road said the project is too big. She commented the property should be kept as is.

Mr. Bulian closed the public hearing, stating the record will be kept open for additional emails/correspondence. He said the Select Board expects to take the issue up at its May 28, 2019 meeting.

Mr. Bulian asked for Board comment.

Mr. Matthews explained the 40B program for the benefit of people who were commenting on density and zoning, saying the program allows for more units to an acre and overrides all local zoning except with regard to health and safety. Mr. Matthews explained the Zoning Board of Appeals has complete jurisdiction to represent the Town relating to all matters of the project. He said the ZBA will hold a public hearing, review the project, and a decision will be made. Mr. Matthews explained since Needham has reached its 10% affordable housing threshold, the Select Board has the right to refuse the project. He said the decision for the Select

Board is whether or not, as an affordable housing project for this site and in this community, it makes sense to give approval allowing the project to move on to the ZBA. Mr. Matthews encouraged residents to attend the Zoning Board of Appeals meetings, as that is the Board who will make the final decision, including assurances made by the developer in the special permit to meet concerns of the neighborhood.

Mr. Handel noted the high degree of support for the project. He said he is sensitive to protecting the quality of life on Walnut Street. Mr. Handel said there is a lingering legitimate question of whether the size of the development is the size it has to be in order to make it economically viable for the developer.

Ms. Cooley said she believes the project would be welcome in Needham and the developer is working on the challenges regarding Walnut Street. Ms. Cooley said it is not clear to her if 24 parking spaces are necessary given changing transportation options.

Mr. Borrelli said the right buyer for the property is necessary to make a project work. He said protecting Walnut Street is important and that there may be a better way to access the property, but he not sure. He said the site is constrained and fewer units may alleviate some of the concerns. Mr. Borrelli said he is concerned with density and character of Walnut Street. He said if the scale, concept, and traffic is reasonable the project would work, but feels a less dense development would satisfy the needs of the neighborhood. He said the Zoning Board of Appeals is really the place to voice opinions on any issue related to the project.

Ms. Cooley concurred any project needs to be economically viable, but the area needs more housing and the project is exactly the type of housing the Select Board has said it is interested in having in Needham. She said it is a balance.

Mr. Bulian said he likes the project as presented, understanding there must be compromise. He commented he is less concerned about parking. Mr. Bulian commented the price point is good for downtown Needham, saying people looking to downsize will consider the location as it is a walkable location. Mr. Bulian suggested posting 3-hour parking signs on Walnut Street to eliminate overflow parking concerns. He concluded parking is a constant battle as the population increases.

Mr. Matthews emphasized the Select Board must make its decision within a 30 day window, saying the public should expect it to make its decision at the next meeting. He reiterated written comment is welcome.

The Board thanked the proponents and residents for their comments.

9:35 p.m. Ambulance Rates and Charges:

Dennis Condon, Chief of the Fire Department, David Davison, Assistant Town Manager/Director of Finance, and Evelyn Poness, Town Treasurer/Collector appeared before the Board to review the request to abate outstanding ambulance charges totaling \$693,641.50 for the service period between January 1, 2012 and December 31, 2017, and asked for the Board's approval. Also, the recommendation to implement a fee of \$499.00 for certain EMS calls which do not include transport was discussed.

Mr. Davison explained the reason for the abatement request is due to funds being uncollectible. He commented he does not believe the Town needs to change the practice of how it collects payment, as a new company was hired in July 2012 (part of the reason for the difficulty at that time). He said this is the last time the Board will see a large number for abatement, as he anticipates meeting with the Board annually with a balance to write-off.

Motion by Mr. Handel that the Board approve the recommendation to abate outstanding ambulance charges billed for services provided between January 1, 2012 and December 31, 2017 totaling \$693,641.50.

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

Motion by Mr. Handel that the Board approve the recommendation of a \$499.00 Emergency Services without Transport fee to be effective July 1, 2019.

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

9:50 p.m.

Town Manager:

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

1. Summer Hours Update

Ms. Fitzpatrick reminded the Board and residents of the implementation of summer hours, most notably at the Town Hall, PSAB, and Transfer Station. She noted the effective date for the summer hours is May 20, 2019 - August 30, 2019, commenting the information is posted around Town and on the newsflash sign in front of the RTS. Ms. Fitzpatrick said the Center at the Heights, Rosemary Recreation Complex, and the Needham Library will maintain their year round schedule in the summer.

2. Town Manager Update

Ms. Fitzpatrick reminded the Board and the public of the Transportation Summit to be held on June 10, 2019.

9:54 p.m.

Committee Reports:

No Committee Reports were made.

Mr. Bulian said this is the last Select Board meeting before Memorial Day. He encouraged residents take part in Memorial Day observances on Monday, May 27, 2019.

9:55 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, May 14, 2019.

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

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

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