BOARD OF SELECTMEN
April 26, 2011
Needham Public Services Administration Building
Agenda

	6:45	Informal Meeting with Citizens
1.	**7:00**	Public Hearing- Verizon ▪ Kendrick Street ▪ Dedham Avenue
2.	**7:00**	Public Hearing- Comcast ▪ Great Plain Avenue
3.	**7:10**	Senior Center Project Update ▪ Joel Bargmann, BH+A ▪ Steve Popper, Director of Design and Construction
4.	**7:45**	Local Option Property Tax Relief ▪ Board of Assessors
5.	**8:00**	Presentation of Recommendations / Zoning Articles ▪ Ron Ruth, Chairman, Planning Board ▪ Lee Newman, Director of Planning and Community Development
6.	**8:45**	May 2011 ATM Citizens Petition – Needham Center Overlay District
7.	**8:55**	May 2011 ATM Citizens Petition – Farmers' Market ▪ Jeff Friedman, Proponent
8.	**9:00**	May 2011 ATM Citizens Petition – Reconstruction of Two-Family Dwellings ▪ George Guinta
9.	**9:05**	May 2011 ATM Citizens Petition – Accessory Structures ▪ Robert Lizza, Proponent
10.	**9:15**	Town Manager ▪ Greene's Field Play Structure Committee Proposal ▪ Positions on Warrant Articles
11.	**9:30**	Board Discussion ▪ Committee Reports
12.	**9:35**	Executive Session – Exception 3

CONSENT AGENDA *=Backup attached

1.	Accept the following donations received to the Needham Health Department's Domestic Violence Action Committee: Dr. Robert B. Brooks and Marilyn Brooks- $25.00; Lynn and Stephen Baum- $100.00; Elaine Beilin and Robert H. Brown, Jr.- $100.00; Lawrence & Valerie Kistler- $25.00; Lynne R. Weinstein- $25.00; Ann C. MacFate- $50.00.
2.	Approve the calendar year 2011 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 22, 2011. **Establishment** **License Type**

	Veteran's Taxi of Newton, LLC	Taxi/Livery
	Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.	Pool Table
	Second Time Around	Sale of Second Hand Articles
	Closet Exchange – Best of the Mall	Sale of Second Hand Articles
	Closet Exchange – Designer & Boutique	Sale of Second Hand Articles
	Closet Exchange – Consignment Drop Off	Sale of Second Hand Articles
	Closet Exchange – Last Chance Store	Sale of Second Hand Articles
	Crosby Jewelers, Inc.	Sale of Second Hand Articles
	Janet Cotter Design	Sale of Second Hand Articles
3.*	Approve a One Day Special Wines & Malt Beverages Only license from Lisa Sacchetti of Gifford Cat Shelter to hold a wine tasting and silent auction event on Saturday, April 30, 2011 from 5:00pm to 8:00pm at The Village Club, 83 Morton Street, Needham.	
4.*	Approve minutes of April 5, 2011 meeting.	
5.*	Water & Sewer Abatement, Order No. 1123	

Board of Selectmen
AGENDA FACT SHEET for April 26, 2011

Agenda Item: Public Hearing: Verizon Petition for Kendrick Street
Presenter(s): Penny Kane, Verizon Communications

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Verizon requests permission to place a new pole, Pole 26A on Kendrick Street approximately 77 feet easterly of existing Pole 26 Kendrick Street. The petition is necessary at the request of NSTAR Electric to provide pole space for additional electric service equipment.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from Verizon to place a new pole, Pole 26A on Kendrick Street approximately 77 feet easterly of existing Pole 26 Kendrick Street. The petition is necessary at the request of NSTAR Electric to provide pole space for additional electric service equipment.

3. BACK UP INFORMATION ATTACHED:

a. Letter of Application
b. Petition for Joint Pole Relocation
c. Order for Joint Pole Relocation
d. Petition Plan
e. Notice Sent to Abutters
f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	**Town Manager**	yes	no	NA	______
b.	**Town Counsel**	yes	no	NA	______
c.	**Finance Director**	yes	no	NA	______
d.	______	yes	no	NA	______

Disposition by BOS
Action taken: ______ **Present on future Agenda:** ______

Refer to/Inform: ______ **Report back to BOS on:** ______

verizon

125 Lundquist Drive,, Floor 2
Braintree, MA 02184

Phone 781 849-6305
Fax 781 849-0324

C: DPW 4/4/2011

March 24, 2011

Chairman
Board of Selectmen
Town of Needham
1471 Highland Avenue
Needham, MA 02492
#60 Kendrick St.

Enclosed please find one joint petition (03/11-04) from Verizon New England Inc. and NSTAR Electric for a new pole location on Kendrick Street in Needham. This petition is necessary as requested by NSTAR Electric to place new electric service equipment.

Notice to abutters is required.

A public hearing is required.

Favorable action on the part of the selectmen is deeply appreciated.

Thank you.

Penny Kane

Penny Kane

Verizon Right of Way Manager

OK to proceed
TM (T. Ryder)
Engr. 4/11/11
OK RPM DPW Director 4/12/11

encl.

PETITION FOR NEW JOINT POLE LOCATIONS

March 24, 2011

To the **Board of Selectmen**

of **Needham,** Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR Electric request permission to locate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way:

KENDRICK STREET **ONE (1) New Pole Location**

The petition proposes to place one new pole, Pole 26A, on Kendrick Street approximately 77 feet easterly of existing Pole 26 Kendrick Street. This petition is necessary at the request of NSTAR Electric to provide pole space for additional electric service equipment.

Wherefore they ask that they be granted a joint location for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON No. **03/11-04** dated **3/22/2011.**

Also for permission to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By Penny Kane
Manager Rights of Way

Dated this 24 day of March, 2011.

NSTAR ELECTRIC

By William D Lemon
Supervisor Rights and Permits

Dated this 27 day of March, 2011.

ORDER FOR NEW JOINT POLE LOCATION

In Board of Selectmen of the Town of **Needham**, Massachusetts

Notice having been given and a public hearing held, as provided by law,
ORDERED: That the VERIZON NEW ENGLAND INC. and NSTAR Electric be and they are hereby granted a joint location for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Company may deem necessary, in the public way hereinafter referred to, as requested in petition of said Company dated the 24th day of **March 2011**.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON No. **03/11-04** dated **3/22/2011** - filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC wires and cables not to exceed the necessary amount of wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles which may be erected thereon under this order:

KENDRICK STREET **ONE (1) New Pole Location**

The petition proposes to place one new pole, Pole 26A, on Kendrick Street approximately 77 feet easterly of existing Pole 26 Kendrick Street. This petition is necessary at the request of NSTAR Electric to provide pole space for additional electric service equipment.

Also that permission be and hereby is granted to said Company to lay and maintain underground laterals, conduits, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, conduits and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Needham**, Massachusetts, held on the _______ day of _________________________ 2011.

____
Clerk of Selectmen

We hereby certify that on ________________________ 2011, at _____ o'clock _____m., at the ____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

____

____

____

____

____

Selectmen of the Town of **Needham**, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Needham,** Massachusetts, on the ________ day of ________________ 2011, and recorded with the records of location orders of said Town, Book _________, Page _________. this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

____

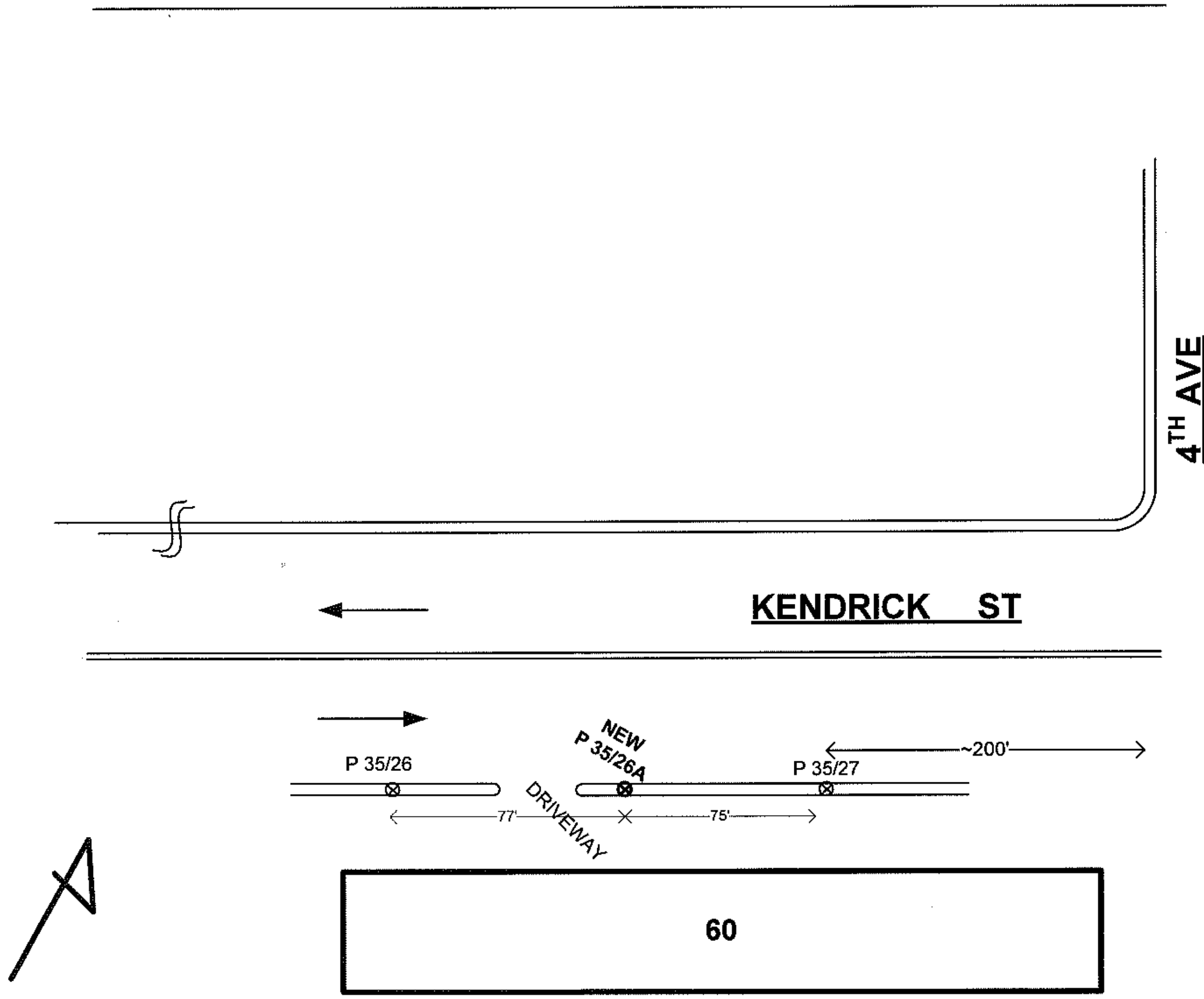
Town Clerk

JOB 9ADVA6
Petition Plan______
Date 3/22/2011

NEEDHAM

NEW ENGLAND INC

A REQUEST TO INSTALL NEW POLE 35/26A ON KENDRICK ST



Prepared by P.Desroses **DISTANCES SHOWN ARE APPROXIMATE** **Checked by**

LEGEND

- Proposed VERIZON Pole Location
VERIZON- Location to be Abandoned
VERIZON Pole Location to Remain
- Proposed Joint Pole Location
- Existing Joint Pole to Remain
- Power Co. Pole Location to be Abandoed
- Present Joint Pole Location to be Abandoned
- Power Co. Location to be Held Jointly
VERIZON. Location to be Held Jointly
- Existing VERIZON Manhole
- Proposed VERIZON Manhole Location
- Existing VERIZON Conduit
- Proposed VERIZON Conduit Location
- Existing VERIZON. Buried Cable
- Proposed VERIZON. Buried Cable Location

NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Public Services Administration Building, 500 Dedham Avenue, at 7:00 p.m. on April 26, 2011** upon petition of Verizon dated March 24, 2011 to place a new pole, Pole 26A on Kendrick Street approximately 77 feet easterly of existing Pole 26 Kendrick Street. The petition is necessary at the request of NSTAR Electric to provide pole space for additional electric service equipment. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
James G. Healy
John A. Bulian

BOARD OF SELECTMEN

Dated: April 13, 2011

60 KENRICK ST

PARCEL_ID	St No.	Street	Owner Names	Owner Address	Mailing Address OWNER_CITY	State	OWNER_ZIP
199/300.0-0001-0000.0	140	KENDRICK ST	BP 140 KENDRICK STREET PROPERTY LLC C/O BOSTON PROPERTIES, INC	111 HUNTINGTON AVE-STE 300	BOSTON	MA	02199-7610
199/300.0-0002-0000.0	0	KENDRICK ST	TOWN OF NEEDHAM SEWER DEPT--PUMPING STA	1471 HIGHLAND AVE	NEEDHAM	MA	02492
199/300.0-0004-0000.0	60	KENDRICK ST	COM REALTY CORPORATION	P.O. BOX 514	NEEDHAM	MA	02494-0004
199/300.0-0006-0000.0	63	KENDRICK ST	155 FOURTH, LLC, TRUSTEE C/O BLUESTONE MANAGEMENT SVCS	100 WELLS AVE - SUITE 200	NEWTON	MA	02459
199/300.0-0012-0000.0	117	KENDRICK ST	INTERCONTINENTAL FUND III, 117 KENDRICK STREET LLC	1270 SOLDIERS FIELD RD	BOSTON	MA	02135
199/300.0-0021-0000.0	0	HIGHLAND AVE	METROPOLITAN DISTRICT COMMISSION C/O INTERNATIONAL EQUIPMENT CO.	300 SECOND AVENUE	NEEDHAM	MA	02494
199/301.0-0002-0000.0	0	KENDRICK ST	METROPOLITAN DISTRICT COMMISSION CUTLER PARK	20 SOMERSET ST	BOSTON	MA	02108

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-LAw, to the Best of our knowledge
For the Needham Board of Assessors..........

Board of Selectmen
AGENDA FACT SHEET for April 26, 2011

Agenda Item: Public Hearing: Verizon Petition for Dedham Avenue
Presenter(s): Penny Kane, Verizon Communications

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Verizon requests permission to relocate one pole, Pole 97/27 Dedham Avenue by 23 feet in an easterly direction on Dedham Avenue. The petition is necessary to provide clearance to accommodate a new driveway and bus entrance for the Pollard Middle School.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from Verizon to relocate one pole, Pole 97/27 Dedham Avenue by 23 feet in an easterly direction on Dedham Avenue. The petition is necessary to provide clearance to accommodate a new driveway and bus entrance for the Pollard Middle School.

3. BACK UP INFORMATION ATTACHED:

a. Letter of Application
b. Petition for Joint Pole Relocation
c. Order for Joint Pole Relocation
d. Petition Plan
e. Notice Sent to Abutters
f. List of Abutters

4. SIGN OFF/APPROVAL REQUIRED:

a.	**Town Manager**	**yes**	**no**	**NA**	________
b.	**Town Counsel**	**yes**	**no**	**NA**	________
c.	**Finance Director**	**yes**	**no**	**NA**	________
d.	________	**yes**	**no**	**NA**	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

verizon

125 Lundquist Drive,, Floor 2
Braintree, MA 02184

Phone 781 849-6305
Fax 781 849-0324

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN
2011 MAR 31 A 9:01

C: DPW 3/31/11

March 30, 2011

Chairman
Board of Selectmen
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Enclosed please find one petition (03/11-03) from Verizon New England Inc. for a pole relocation on Dedham Avenue in Needham. This petition is necessary to provide clearance for a new bus driveway for the Pollard Middle School.

Notice to abutters is required.

A public hearing is required.

Favorable action on the part of the selectmen is deeply appreciated.

Thank you.

Penny Kane

Penny Kane

Verizon Right of Way Manager

OK to proceed (T. Ryder) per snyg 4/11/11

OK RPM DPW Director 4-12-11

encl.

PETITION FOR POLE RELOCATION

March 24, 2011

To the Board of Selectmen

Town of Needham, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:

DEDHAM AVENUE **One (1) Pole Relocation**

The petition proposes to relocate one pole, Pole 97/27 Dedham Avenue by 23 feet in an easterly direction on Dedham Avenue. This petition is necessary to provide clearance to accommodate a new driveway and bus entrance for the Pollard Middle School.

Wherefore they ask that they be granted a relocation for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. No. **03/11-03** dated **3/24/2011**.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioner may desire for distributing purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By Penny Kane
Manager Rights of Way

Dated this 30 day of March, 2011.

ORDER FOR POLE RELOCATION

In Board of Selectmen of the Town of **Needham**, Massachusetts

ORDERED: That the VERIZON NEW ENGLAND INC. be and they are hereby granted a relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 24th day of **March 2011**.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON No. **03/11-03** dated **03/24/2011** - filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC., wires and cables not to exceed the necessary wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles which may be erected thereon under this order:

DEDHAM AVENUE **One (1) Pole Relocation**

The petition proposes to relocate one pole, Pole 97/27 Dedham Avenue by 23 feet in an easterly direction on Dedham Avenue. This petition is necessary to provide clearance to accommodate a new driveway and bus entrance for the Pollard Middle School.

Also that permission be and hereby is granted to said Company to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as they may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Needham**, Massachusetts, held on the _______ day of _______________________ 2011.

____

Clerk of Selectmen

CERTIFICATE

I hereby certify that the foregoing is a true copy of a relocation order adopted by the Board of Selectmen of the Town of **Needham**, Massachusetts, on the ______ day of _____________________ 2011, and recorded with the records of location orders of said Town, Book ________ Page ________.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

____

Town Clerk

PETITION PLAN

JOB No. 4AA1NN

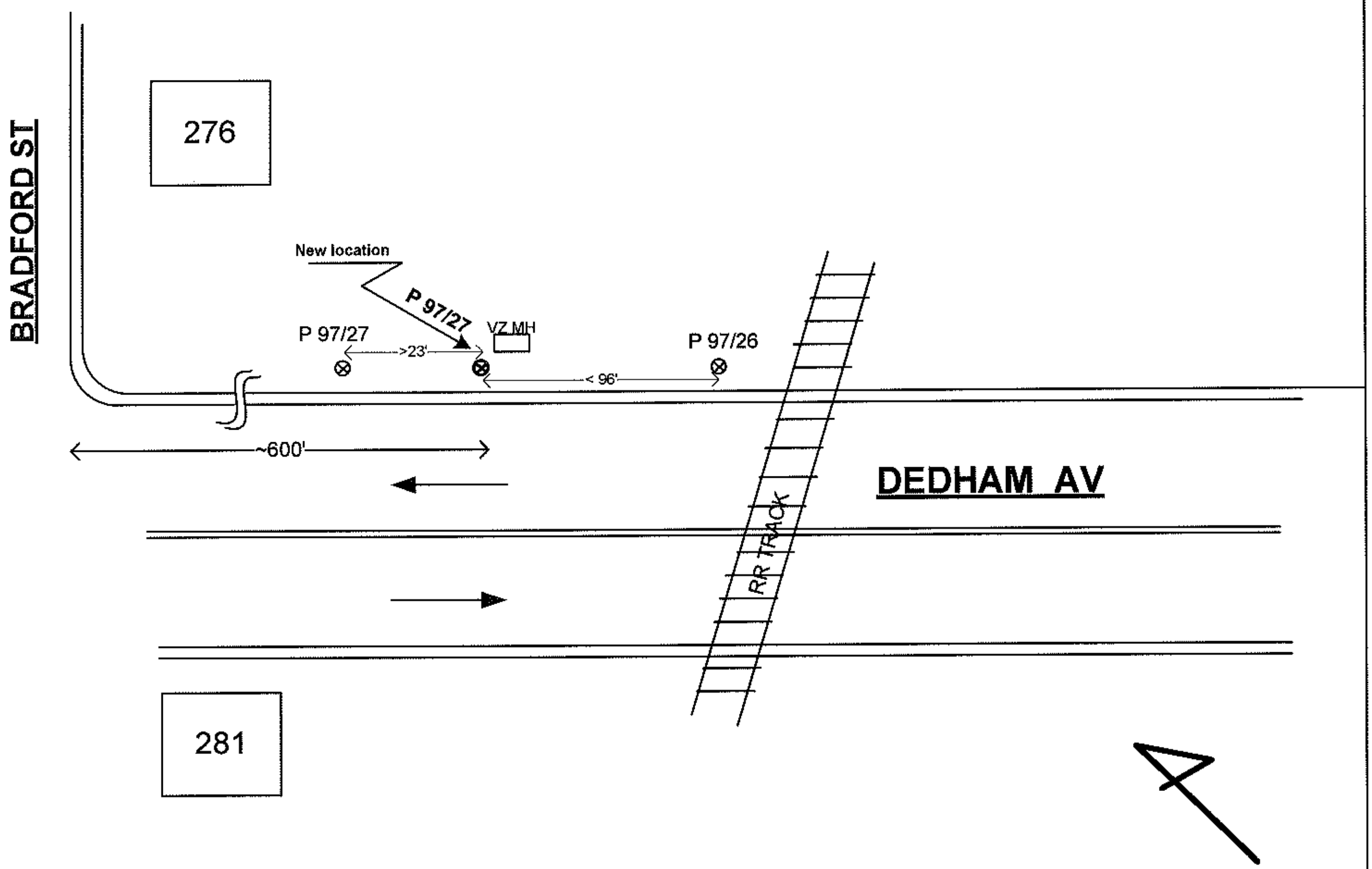
Municipality **NEEDHAM**

Petition Plan

Date **03/22/2011**

VERIZON NEW ENGLAND INC

Showing **A REQUEST TO RELOCATE POLE 97/27 ~ 23' EASTWARD FOR NEW DRIVE WAY TO THE SCHOOL**



Prepared by P.Desroses **DISTANCES SHOWN ARE APPROXIMATE** **Checked by**

LEGEND

- Proposed VERIZON Pole Location
- VERIZON- Location to be Abandoned
- VERIZON Pole Location to Remain
- Proposed Joint Pole Location
- Existing Joint Pole to Remain
- Power Co. Pole Location to be Abandoed
- Present Joint Pole Location to be Abandoned
- Power Co. Location to be Held Jointly
- VERIZON. Location to be Held Jointly
- Existing VERIZON Manhole
- Proposed VERIZON Manhole Location
- Existing VERIZON Conduit
- Proposed VERIZON Conduit Location
- Existing VERIZON. Buried Cable
- Proposed VERIZON. Buried Cable Location

NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Public Services Administration Building, 500 Dedham Avenue, at 7:00 p.m. on April 26, 2011** upon petition of Verizon dated March 24, 2011 to relocate one pole, Pole 97/27 Dedham Avenue by 23 feet in an easterly direction on Dedham Avenue. The petition is necessary to provide clearance to accommodate a new driveway and bus entrance for the Pollard Middle School. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
James G. Healy
John A. Bulian

BOARD OF SELECTMEN

Dated: April 13, 2011

276 DEDHAM AVE

PARCEL ID	St No.	Street	Owner Names	Owner Address	Mailing Address OWNER CITY	State	OWNER ZIP
199/035.0-0001-0000.0	200	HARRIS AVE	TOWN OF NEEDHAM SCHOOL DEPT-WILLIAM F POLLARD MIDD	1471 HIGHLAND AVE	NEEDHAM	MA	02492
199/038.0-0026-0000.0	276	DEDHAM AVE	DING, HONG & YE, JENNY Q.	276 DEDHAM AVE	NEEDHAM	MA	02492
199/038.0-0027-0000.0	266	DEDHAM AVE	MASOUDI, MANOUCHEHR & MASOUDI, LEYLA	266 DEDHAM AVE	NEEDHAM	MA	02492
199/038.0-0040-0000.0	263	DEDHAM AVE	GILENBERG, ZARINA & GLIENBERG, ARTHUR	263 DEDHAM AVE	NEEDHAM	MA	02492
199/038.0-0041-0000.0	273	DEDHAM AVE	KHIRALLAH, JOSEPH E. & KHIRALLAH, AMELIA F.	273 DEDHAM AVE	NEEDHAM	MA	02492
199/038.0-0042-0000.0	281	DEDHAM AVE	PRIZAND, DIANA & PRIZAND, ALEXANDER	281 DEDHAM AVE	NEEDHAM	MA	02492
199/051.0-0084-0000.0	0	GREAT PLAIN AVE	MBTA	10 PARK PLAZA	BOSTON	MA	02116

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-LAw, to the Best of our knowledge
For the Needham Board of Assessors..

Board of Selectmen
AGENDA FACT SHEET for April 26, 2011

Agenda Item: Public Hearing: Comcast Petition for Great Plain Avenue
Presenter(s): Rich Ferrucci, Comcast, Outside Plant Engineer

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Comcast requests permission to place from pole 48/1 on Pickering Street approximately 50 feet of conduit south to Great Plain Avenue then 230 feet westerly to a vault location in the sidewalk between 933 and 935 Great Plain Avenue. The petition is necessary to provide Comcast Services to both buildings.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Move that the Board of Selectmen approve and sign petition from Comcast to place from pole 48/1 on Pickering Street approximately 50 feet of conduit south to Great Plain Avenue then 230 feet westerly to a vault location in the sidewalk between 933 and 935 Great Plain Avenue. The petition is necessary to provide Comcast Services to both buildings.

3. BACK UP INFORMATION ATTACHED:

a. Petition for Joint Pole Relocation
b. Order for Joint Pole Relocation
c. Petition Plan
d. Notice Sent to Abutters
e. List of Abutters
f. Pictures of affected Businesses

4. SIGN OFF/APPROVAL REQUIRED:

a.	**Town Manager**	yes	no	NA	________
b.	**Town Counsel**	yes	no	NA	________
c.	**Finance Director**	yes	no	NA	________
d.	________	yes	no	NA	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

Comcast

Outside Plant Engineering

RECEIVED
APR 12 2011
PUBLIC WORKS DEPT.
NEEDHAM, MA

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

2011 APR 11 P 4:35

Petition for Conduit Location

To the Town of Needham Board of Selectman, Needham, Massachusetts

Comcast of New England requests permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or private ways:

From pole ~~1~~ 48/1 on Pickering St. place approx. 50 feet of conduit south to Great Plain Ave. then 230 feet westerly to a vault location in the sidewalk between 933 and 935 Great Plain Ave to provide Comcast Services to both buildings. Construction is expected to be completed in three days, a Needham Police detail will be present, and proper signage provided for traffic and pedestrian travel. Trench will conform to Needham standards with 24" of cover and CDF for proper compaction. Mirra Co. Inc. is our preferred contractor for this work, will post a bond with the Town and will provide a 24 hour contact number at the time of permitting. 3" Conduit

Also for permission to lay and maintain underground conduits, manholes, cables, and wires, in the above or intersecting public ways for purposes of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked: **GR PL 362-519** Date **4-11-2011**

Showing location of conduit to be constructed is filed herewith.

OK to proceed
work needs to be completed
before July 15, 2011 due to
Town project at Pickering St
[signature], Engr
4/15/11

Date: April 11, 2011

OK RPM, DPW Director
4/15/11

Comcast of New England

By: Rich Ferrucci

Title: Outside Plant Engineer

85 East Belcher Rd.

Foxboro, MA 02035

Comcast

Outside Plant Engineering

Order for Conduit Location

In Board of Selectman of the Town of Needham, Needham, Massachusetts

ORDERED:

That permission be and hereby is granted the Comcast of New England to lay and maintain underground conduits and manholes, with wires and cables to be placed therein, under the surface of the following public or private ways as requested in petition of said Company dated the 11 day of April, 2011.

Description of Work:

From pole 1/1 on Pickering St. place approx. 50 feet of conduit south to Great Plain Ave. then 230 feet westerly to a vault location in the sidewalk between 933 and 935 Great Plain Ave to provide Comcast Services to both buildings.

Substantially as shown on plan marked : **GR PL 362-519** dated **April 11, 2011** filed with said petition. Also that permission be and hereby granted said Comcast of New England to lay and maintain underground conduits, manholes, cables and wires, in the above or intersecting public or private ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such material and constructions and all work done in such a manner as to be satisfactory to the Board of Selectmen or to such municipal officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the Town when work is completed.

2. In every underground main line conduit construction by said company hereunder one duct not less than three inches in diameter shall be reserved and maintained free of charge for the use of the fire and police telephone and telegraph signal wires belonging to the Town and used by it exclusively for municipal purposes.

3. Said Company shall indemnify and save the Town harmless against all damages, costs and expense whatsoever to which the Town may be subjected in consequence of the acts or neglect of said Company, its agents, or servants, or in any manner arising from the rights and privileges granted it by the Town.

4. In addition said Company shall, before a public way is disturbed for the laying of its wires and conduits, execute its bond in penal sum of Five Thousand Dollars ($5,000) (reference being had to the bond already on file with said Town) conditioned for faithful performance of duties of the permit.

5.Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Needham, Massachusetts held on the ___th, day of _______, 2011

____

Chairman, Board of Selectman

Outside Plant Engineering

We hereby certify that on ________________________, 2011 at __________, o'clock at the Needham Town Hall, a public hearing was held on the petition(s) of Comcast of New England for permission to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the lines of said Company under said order and that said order was duly adopted.

____

____

____

Selectmen of the Town of Needham

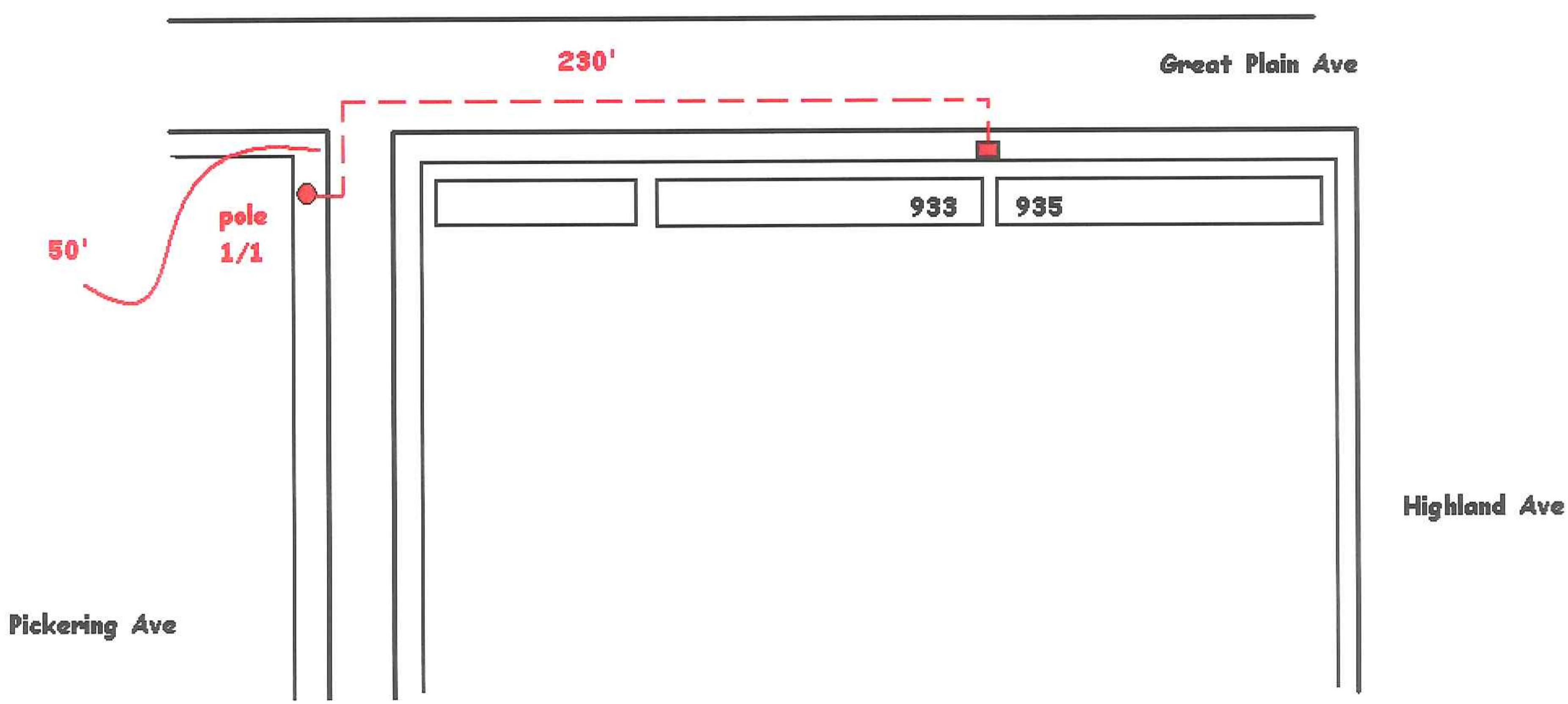
CERTIFICATE

I hereby certify the foregoing is a true copy of a location order, and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Needham, Massachusetts, on the _____day of _________, 2011 and recorded with records of location orders of said Town, Book ____, Page _____.

This certified copy is made under the provisions of Chapter 168 of the General Laws and any additions therein or amendments thereof.

Attest ___________________________

Town Clerk


230'
Great Plain Ave
50'
pole
1/1
933
935
Highland Ave
Pickering Ave

NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Public Services Administration Building, 500 Dedham Avenue, at 7:00 p.m. on April 26, 2011** upon petition of Comcast dated April 11, 2011 to place from pole 48/1 on Pickering St. approximately 50 feet of conduit south to Great Plain Avenue then 230 feet westerly to a vault location in the sidewalk between 933 and 935 Great Plain Avenue. The petition is necessary to provide Comcast Services to both buildings. A public hearing is required and abutters should be notified.

Maurice Handel
Gerald A. Wasserman
Daniel P. Matthews
James G. Healy
John A. Bulian

BOARD OF SELECTMEN

Dated: April 13, 2011

933 - 935 GREAT PLAIN AVENUE

PARCEL_ID	St No.	Street	Owner Names	Owner Address	Mailing Address OWNER_CITY	State	OWNER_ZIP
199/047.0-0002-0000.0	902	GREAT PLAIN AVE	ATB REALTY LLC C/O DR. THOMAS BARTZOKIS	2867 BANYAN BLVD. CIR. NW	BOCA RATON	FL	33431
199/047.0-0003-0000.0	916	GREAT PLAIN AVE	MMM PROPERTY, LLC	7 HARVARD ST	BROOKLINE	MA	02445
199/047.0-0004-0000.0	934	GREAT PLAIN AVE	TOMMASINO, ROBERT C, TR C/O STUART ROTHMAN	907 MASSACHUSETTS AVE	CAMBRIDGE	MA	02139
199/050.0-0024-0000.0	20	PICKERING ST	THE JOURNAL OF BONE AND JOINT SURGER C/O NEWMARK KNIGHT FRANK	1515 WASHINGTON ST. SUITE 1002	BRAINTREE	MA	02184
199/050.0-0026-0000.0	961	GREAT PLAIN AVE	S-BNK NEEDHAM CENTRE, LLC C/O TRAMMELL CROW CO	P O BOX 14115	READING	PA	19612-4115
199/050.0-0027-0000.0	935	GREAT PLAIN AVE	SULLIVAN, JAMES M, TRUSTEE C/O SULLIVAN & CO INC	PO BOX 850918	BRAINTREE	MA	02184-0918
199/050.0-0028-0000.0	921	GREAT PLAIN AVE	HARTMAN, FREDERICK M., II, TR 919 GREAT PLAIN AVENUE REALTY TRUST	919 GREAT PLAIN AVE	NEEDHAM	MA	02492
199/050.0-0030-0000.0	905	GREAT PLAIN AVE	TSG PROPERTIES, LLC	119 DEAN AVE	FRANKLIN	MA	02038

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-LAw, to the Best of our knowledge
For the Needham Board of Assessors...

SECOND TIME AROUND
RESALE GOES UPSCALE
935
LOVELY N
PROFESSIONAL NA
OPEN
MANICURE
ROLLER & SPA PEDICURE
WHITE & PINK
AIR-BRUSH
OPEN
SUNDAY
781-453-2504
933
PEDI - SPA
04/06/2011


NAIL CARE
Closet Exchange
WAXING
ACRYLIC
SILK
GEL
SCULPTURE
FIBERGLASS
WALK-INS WELCOME
Closet Exchange
04/06/2011


04/06/2011

NO PARKING HERE TO CORNER
TWO HOUR PARKING
10
Comcast
www.comcast.com
04/06/2011

Board of Selectmen

AGENDA FACT SHEET for 4/26/11

Agenda Item: Senior Center Design Update

Presenter(s): Joel Bargmann, BH+A Architects
Steve Popper, Director of Design and Construction

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1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Mr. Bargmann and Mr. Popper will update the Board on the progress of the design of the new senior center at Needham Heights.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

a. None

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	________
b.	Town Counsel	yes	no	NA	________
c.	Finance Director	yes	no	NA	________
d.	________	yes	no	NA	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: Local Option Property Tax Relief

Presenter(s): Board of Assessors

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:**

   The Board of Assessors has evaluated two local option statutes relative to property tax relief. The Board recommended the inclusion of one local option acceptance in the May 9, 2011 Special Town Meeting relating to active duty military personnel. The Board has not recommended adoption of the local option for personal exemptions under MGL Chapter 59, Section 5, Clause 57. Members of the Board of Assessors will present their findings to the Board of Selectmen regarding these two matters.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN: YES NO (circle one)**

3. **BACK UP INFORMATION ATTACHED:**

   a. Letter from Damon Borelli, Member of the Board of Assessors dated March 30, 2011

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**[no]**	**NA**	______________
b.	**Town Counsel**	**yes**	**[no]**	**NA**	______________
c.	**Finance Director**	**yes**	**[no]**	**NA**	______________
d.	**DPW**____________	**yes**	**[no]**	**NA**	______________

Disposition by BOS
Action taken: ______________ **Present on future Agenda:** ____________

Refer to/Inform: ____________ **Report back to BOS on:** ____________

Prepared by kpf

LAW OFFICE OF DAMON J. BORRELLI, LLC
100 Border Road
Needham, Massachusetts 02492
Telephone (781) 449-6913 Facsimile (781) 449-7958
Email: damon@damonborrelli.com

March 30, 2011

Mr. Thomas Colarusso
Mr. Kevin Foley
Board of Assessors
Town of Needham
Town Hall
500 Dedham Avenue
Needham, MA 02492

Re: Local Option Personal Exemptions, Circular 2011-02B
Massachusetts General Law Chapter 59, section 5, clause 57
Seniors Eligible for State Circuit Breaker Tax Credit

Gentlemen:

At the request of the Board, I conducted a study of the above-referenced local option. This local option presents two issues for consideration by the Board of Assessors as follows:

1. Is adoption of the local option fiscally prudent and economically beneficial for the citizens of the Town?
2. If adoption of the local option is found to be prudent and beneficial, by what methodology should the Board of Assessors seek to have the local option placed on the Special Town Meeting Warrant for the May 2011 Town Meeting?

My analysis concludes that this local option is neither fiscally prudent nor beneficial for the citizens of the Town. For this reason, I find it unnecessary to consider the second question. The basis for these conclusions follows below.

The maximum tax credit allowed further to the Commonwealth's "circuit breaker" is $970.00. Computation of this tax credit has the following working parameters:

1. The applicant/applicants must be at least 65 years of age.
2. The maximum permitted income for an individual filer is $49,000.00, for a single filer not head of household $62,000.00, and for joint filers $74,000.00.
3. The assessed real estate valuation can not exceed $793,000.00.
4. Eligible taxpayers who own their property may claim a credit equal to the amount by which their property tax payments in the current tax year (excluding any exemptions and abatements), including water and sewer debt charges, exceed 10% of their total income for the tax year.

5. If, as the case in the Town of Needham, the water and sewer debt service is not included in the taxpayer's property tax assessment, then 50% of the water and sewer charges actually paid during the tax year can be included when computing the credit.

The Town of Needham offers a variety of exemptions to its disabled citizens, senior citizens, and veterans. These exemptions, presented on the attached sheet, range from a minimum of $175.00 to the full amount of the real estate tax assessment.

Historical data suggests that the overlay account is appropriately and conservatively funded based on existing financial considerations. The current balance of the overlay accounts for each of the past ten fiscal years is presented in the attached graphical representation. Each fiscal year's overlay account holds sufficient funds to cover known exemptions and abatements. The accounts also hold sufficient funds to satisfy potential adverse appellate decisions. Statutory bars prevent the initiation of litigation after seven years. Concurrent with the termination of this litigation threat, the overlay accounts asymptotically approach a zero balance.

If adopted, and requested by a qualified applicant, the local option requires that Assessors grant an exemption based on the prior year's "circuit breaker" credit. 578 taxpayers in the Town of Needham qualified for the tax credit in FY 2009. The average tax credit was $857.00.

The Board conducted extended deliberations to determine the acceptable limits of any exemption if the local option were to be proposed for adoption. These discussions determined that a 100% exemption of the "circuit breaker" amount was not reasonable. Based on then available data, the Board determined that a fiscally responsible limitation for the exemption was the lesser of $250.00 or 25% of the amount of the "circuit breaker" credit as calculated on the taxpayer's Massachusetts Department of Revenue Schedule CB. Under this limitation, the average credit would be approximately $214.25; the potential liability For the Town created by adoption of the local option would about $125,000.00.

The granting of an exemption under Clause 57 bars exemptions based on any other criterion. Although the Department of Revenue directs Assessors to grant the exemption(s) which provide the most benefit, it is the responsibility of the taxpayer to select and timely file the appropriate exemption request(s). Currently, the Assessors' Office mails appropriate exemption forms to all disabled citizens, senior citizens, and veterans who qualified for an exemption in the prior fiscal year. If the proposed local option is adopted, this mailing would have to be greatly expanded both in scope (number of taxpayers advised of exemptions) and content (spectrum of exemption forms mailed), resulting in additional costs, or terminated, due to its unmanageability.

The primary, if only, advantage of the local option is the potential value of the exemption that it provides to senior citizens. In theory, the exemption provides relief, $250.00 in our case, from the taxpayer's municipal tax burden. This advantage is, however, illusory. The taxpayer's short-term opportunity cost as a result of electing this exemption could exceed $175.00 for a non-veteran and up to several thousands of dollars for a disabled individual or veteran when other exemptions are lost. In the long-term, due the reduction in municipal real estate taxes created by electing the exemption, the taxpayer's state income tax liability could increase.

The actual disadvantages of adoption of the local option are numerous and significant. First, the Town lacks robust retrospective data which would permit an accurate quantification of the cost of the local option as compared to the savings when other exemptions are forfeited. As a result, the advantageous, gradual diminution of each fiscal year's overlay account, as depicted in the attached graph, could be compromised. Second, the "circuit breaker" calculation in Massachusetts' Department of Revenue Schedule CB utilizes both real estate tax data and water/sewer charges. The Town of Needham splits assessment of these charges. The Board of Assessors and Board of Selectmen cooperatively determine and set the real estate tax rate. Through enterprise funds managed under the Department of Public Works, the Board of Selectmen and Town Meeting cooperatively set the water/sewer rate. If the local option were adopted in its current form, a Constitutional collision would result as the Board of Assessors would be called on to overrule via an exemption that rate set by another authority or governmental branch, i.e., the Board of Selectmen and/or Town Meeting. The cost shift would also be contrary to the statutorily required operational characteristics of the water/sewer enterprise fund(s). This would result as water and sewer use charges support at least a portion of the exemption. Finally, adoption of the local option raises the potential for unnecessary and counterproductive taxpayer confusion – forcing some to expend funds to secure legal advice and others to elect the least advantageous exemption.

The foregoing analysis supports the conclusion that the proposed local option is neither fiscally prudent not economically useful. Accordingly, its adoption not recommended. Declining to request that this local option be presented to Town Meeting represents an appropriate and thoughtful use of the Board of Assessors' authority. For this reason, I present no consideration of the process for inclusion on the May 2011 Special Town Meeting warrant. If the Board deems it appropriate, a report of our analysis might be made verbally or in writing to the Board of Selectmen.

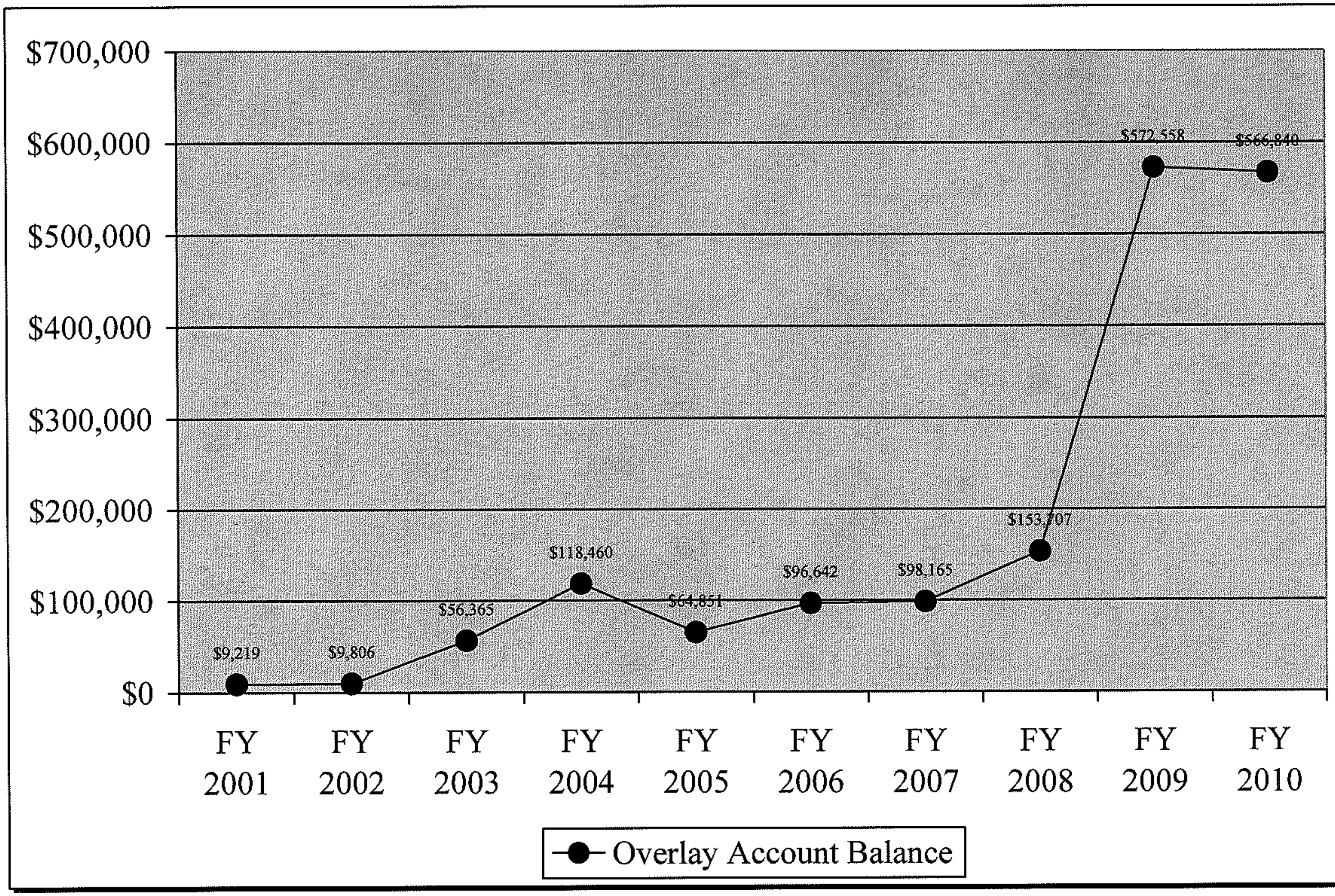
The undersigned notes with appreciation the assistance of Ms. Kate Fitzpatrick, Mr. David Davison, Mr. Hoyt Davis and the staff of the Town of Needham Finance Department, the Assessors' Office in particular, in the preparation of this report.

The undersigned stands ready to provide a more complete report to the Board of Assessors if requested.

Very truly yours,

Damon J. Borrelli

Enclosures


$700,000
$600,000
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$9,219
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$118,460
$64,851
$96,642
$98,165
$153,707
$572,558
$566,840
FY 2001
FY 2002
FY 2003
FY 2004
FY 2005
FY 2006
FY 2007
FY 2008
FY 2009
FY 2010
Overlay Account Balance

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: Report on Zoning Articles

Presenter(s): Ron Ruth, Chairman, Planning Board
Lee Newman, Director of Planning & Community Development

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1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Mr. Ruth and Ms. Newman will discuss the zoning articles contained in the Annual and Special Town Meeting Warrants and will update the Board as to the Planning Board's recommendations for its own articles and those submitted by petition.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

a. 2011 Annual Town Meeting Warrant previously distributed
b. Zoning Articles contained in the May 9, 2011 Special Town Meeting Warrant

4. SIGN OFF/APPROVAL REQUIRED:

a.	**Town Manager**	yes	no	NA	____________
b.	**Town Counsel**	yes	no	NA	____________
c.	**Finance Director**	yes	no	NA	____________
d.	____________	yes	no	NA	____________

Disposition by BOS
Action taken: ____________ **Present on future Agenda:** ____________

Refer to/Inform: ____________ **Report back to BOS on:** ____________

ARTICLE 1: AMEND ZONING BY-LAW – PERSONAL FITNESS SERVICE ESTABLISHMENT IN AN INDUSTRIAL DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts, by inserting immediately below the row that reads "theatres, indoor moving picture shows, bowling alleys, skating rings, billiard rooms, and similar commercial amusement or entertainment places" a new entry, which shall read as follows:

"Use	RRC SRA	SRB	GR	A-1,2 &3	I	IND	IND-1	IND P*
Personal fitness service establishment; provided, all required off-street parking is provided on-site for all land uses located on the subject site and in adherence with the requirements of Section 5.1.2, Required Parking, absent any waivers from the provisions of Subsections 5.1.1.5 and 5.1.1.6……	N	N	N	N	N	Y	N	N
Personal fitness service establishment; where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot……	N	N	N	N	N	SP	N	N"

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article 1 Informtaion: This article would authorize personal fitness service establishments in the Industrial District either by right or by special permit. Presently the use is permitted in Needham's Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business districts.

Under the proposed amendment, personal fitness service establishments would be permitted as-of-right in the Industrial district where the number of off-street parking spaces required to service the fitness use and all other land uses located on the property are provided in accordance with zoning by-law requirements. Personal fitness service establishments having insufficient off-street parking would be permitted by special permit in the Industrial district where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower parking total would provide adequately for all uses or activities *served by the parking lot. Personal fitness service establishments are defined within the zoning by-law as a business which involves instructional and/or directed exercise and fitness activities, including, but not limited to, personal training, yoga, spinning, pilates, exercise and fitness classes and lessons, and related activities; having at least one instructor or supervisor for every 15 clients; a maximum class size of 15 clients; a maximum occupancy at any one time of 20 persons; and a maximum total area of 2,500 square feet.*

ARTICLE 2: **AMEND ZONING BY-LAW - AMENDMENTS TO NEW ENGLAND BUSINESS CENTER, HIGHLAND COMMERCIAL-128 AND MIXED USE-128 DISTRICTS**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

Section 3.2.4 Uses in the New England Business Center District ("NEBC")

1. Amend Section 3.2.4.1 Permitted Uses

a. By adding to (c) after the words "but not including a medical clinic": "; Medical Services Building; and medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter "Group Practices"); and physical therapy, alternative medicine, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. "Professional" shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of less than two such professionals ("Non-group Practice")."

b. By amending (j) to read: "On the ground floor only of a multi-story building, consumer and commercial service establishments dealing directly with the general public; business service centers; retail establishments; pharmacies not affiliated with Group Practices, physical therapy, alternative medicine, wellness treatments such as acupuncture, yoga, chiropractic and/or nutrition services; day care uses (other than adult day care establishments requiring a special permit under Section 3.2.4.2 (b) hereof); indoor athletic and exercise facilities; and laundry and dry-cleaning pick-up stations where processing is done elsewhere."

2. Amend Section 3.2.4.2 Uses Permitted by Special Permit

a. By amending current section (f) to read: "Eat in or take-out restaurants or other eating establishments, including coffee shops, provided they are located on the ground floor of a multi-story building. Further provided that drive-thru restaurants or other eating establishments are prohibited."

b. By adding a new section (i): "Group Practices and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies. If the principal use is located on the ground floor, then the affiliated pharmacy may be located there also."

Section 3.2.5 Uses in the Highland Commercial-128 District Use

3. Amend Section 3.2.5.1 Permitted Uses

a. By deleting from Section 3.2.5.1(e) the word "professional".

b. By adding to (f) after the words "but not including a medical clinic": "; Medical Services Building; Group Practices; alternative medicine practices, physical therapy, and wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, all as defined in Sections 1.3 and 3.2.4.1."

Section 3.2.6 Uses in the Mixed Use-128 District

4. Amend Section 3.2.6.1 Permitted Uses

a. By deleting from Section 3.2.6.1(e) the word "professional".

b. By adding to (g) after the words "but not including a medical clinic": "; Medical Services Building; Group Practices; alternative medicine practices, physical therapy, and wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, all as defined in Sections 1.3 and 3.2.4.1."

Section 4.8 Dimensional Regulations for NEBC

5. Amend 4.8 Table

a. By changing Maximum Lot Coverage from 50% to [range of 65%-80%] or remove requirement altogether.

b. By changing Floor Area Ratio from 0.40 to 0.50.

6. Amend Footnote (2)

a. By changing first sentence to read: "Maximum lot cover shall be [range of 65% to 80%] for all projects or remove requirement altogether."

b. By changing second sentence to read: "However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet the maximum lot coverage may be increased to [range of 75% to 90%] or remove requirement altogether."

7. Amend Footnote (4)

By changing the sentence to read: "A 25-foot front yard setback must be maintained for structured parking." (25-foot replaces 30-foot.)

8. Amend Footnote (6)

a. By changing first sentence to read: "A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board." (1.75 replaces 1.1)

b. By changing third sentence to read: "Further, the Planning Board may allow a floor area ratio of up to 2.0, by special permit, where the applicant demonstrates, the Board's satisfaction, that the proposed use will not generate peak hour trips in excess of 0.6 trips per 1,000 square feet of total development area." (2.0 replaces 1.5)

Section 4.8.1 Supplemental Dimensional Regulations for NEBC

9. Amend subsection (4)

By changing the first sentence to read: "A minimum of [range of 10%-20%] of the total lot area must be open space." (range of 10%-20% replaces 25%)

Section 4.8.2 Floor Area Ratio, Incentives

10. Amend Section 4.8.2

By changing the first sentence to read: "In the New England Business Center District the maximum floor to area ratio (FAR) permitted by right shall be 0.5." (0.5 replaces 0.4.)

Add New Section 4.8.3

11. Adding Section 4.8.3 as follows: "The Planning Board may, by special permit, waive any and/or all dimensional requirements set forth above in this Section 4.8 (including sections 4.8.1 and 4.8.2) except with respect to the height requirement up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan, and that such waivers are consistent with the requirements of Section 6.8."

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article 2 Information: Pursuant to the appropriation last May by Town Meeting, the Council of Economic Advisors ("CEA"), a committee established by the Board of Selectmen to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, and the Planning Board sought the services of an interdisciplinary team lead by a qualified planning, economic development, urban design and traffic firm to undertake a follow-up study of the New England Business Center ("NEBC") to that originally completed by Goody, Clancy & Associates in 2001. The purpose of the study was to explore recurrent issues raised by local businesses, developers, real estate brokers and tenants during symposia sponsored by the CEA in regards to expanding the type and mix of allowable uses, including medical uses; expanding the allowable amount of restaurant, retail and other consumer service uses on the first floor of multi-story buildings; analyzing which dimensional controls were restraining development; and assessing the traffic and other impacts of proposed changes. The study results are not completely finalized, and Town Meeting may anticipate that some sections of the article may be amended. Recommended changes include expanding allowed uses, expanding the allowed mix of retail, restaurant and consumer services on the first floor, and changes in dimensional controls. Information regarding specific changes is as follows.

1a. Uses permitted as of right in Section 3.2.4.1 include "professionals" but presently exclude "Medical Clinics". The By-Law amendments proposed regarding medical uses generally are to clarify and create certainty as to such uses allowed by right, allowed by special permit or prohibited in the NEBC, taking proper account of existing language in the By-Law and the impacts by way of traffic and parking of large medical uses.

Confusion has arisen as to what types of medical uses were excluded and which were allowed in the NEBC. Because the definition of "Medical Services Building" was inserted into the zoning by-law when the Medical Overlay District was adopted, and because the language was not mentioned in connection with the NEBC zoning changes in 2001, allowance of uses detailed in *that definition within the NEBC was unclear. Because of the impacts of parking and traffic, certain medical uses, like Medical Clinics, were prohibited in the NEBC but others were not mentioned. Under the Zoning By-Law, uses not allowed are prohibited.*

Accordingly, this amendment would allow as of right non-group practices of two or fewer medical professionals. Larger professional groups, physical therapy and alternative and other wellness treatment uses will be allowed only upon the issuance of a special permit, given possible impacts on traffic and parking.

The proposed amendment does not change the situation for medical clinics as not being allowed. The amendment clarifies that Medical Service Buildings, as defined in the By-law, are similarly not allowed, and clarifies what uses within that definition are allowed. Recent proposed uses within the NEBC have been stymied by the lack of clarity regarding these uses.

1.b. The need for services ancillary and supportive of businesses in the NEBC was a recurrent theme of the symposia and study conducted by the Town over the last few years. As evidenced by the Study, such services—restaurants, retail, and consumer services—are severely restricted by our current zoning and represent an outdated office building model. Accordingly, the amendment broadens the profile of uses allowed on the first floor of a multi-story building in the NEBC to address this deficiency. It is expected that an amendment will be proposed to include language presently being considered to limit the use of this section by 'big box' retailers. The amendment also resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the NEBC, and relocates food uses to specially permitted uses. Because coffee shops and restaurants will not be limited as to size, it was determined that such uses should be subject to special permit.

2.a. This amendment would allow by special permit all restaurant-related uses and specifically prohibits drive-through eating facilities. Due to unique operational issues surrounding restaurant uses, such as parking and traffic, it was determined that such uses should be subject to special permit.

2.b. Group practices, alternative medicine practices, wellness treatment facilities, and physical therapy uses, may have varying impacts on traffic and parking depending on their operational model. This provision would allow such uses by special permit.

3.a. The amendment resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the Highland Commercial-128 District, which rendered the permitted medical uses unclear.

3.b. The use of the Highland Avenue corridor for large medical uses was not envisioned by the original study and the impacts in terms or parking and traffic are not appropriate. This amendment clarifies the original intentions.

4.a. The amendment resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the Mixed Use-128 District, which rendered the permitted medical uses unclear.

4.b. The Mixed Use-128 area, with its small lots and difficult road layout, was not envisioned for large medical uses by the original study, and the impacts in terms or parking and traffic are not appropriate. This amendment clarifies the original intentions.

<u>5-10.</u> These sections propose amendments to existing dimension requirements within the NEBC district. Under consideration are revisions to floor area ratio, lot coverage, and open space standards currently authorized by right or by Special Permit within the district. Town Meeting should expect that an amendment will be proposed to include these provisions. Final recommendations are pending the final study results and public hearing.

<u>11</u>. The future development of the NEBC depends on Needham's ability to be responsive to the requirements of new or proposed uses. Successful office parks, such as those located in Waltham and Burlington, have flourished due to the flexibility of their zoning provisions. This amendment will impart greater flexibility into the Zoning By-Law by allowing the Planning Board to waive dimensional requirements, except height, by special permit after making specific findings as to the propriety of the waivers as to a particular project and location.

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: May 2011 ATM Citizens Petition – Needham Center Overlay District

Presenter(s): Louis Wolfson, Proponent

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:**

   Mr. Wolfson has been invited to provide the Board with a brief outline of the petition that he sponsored in the Annual Town Meeting Warrant under Article 10.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)**

3. **BACK UP INFORMATION ATTACHED:**

   None

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	**NA**	________
b.	**Town Counsel**	**yes**	**no**	**NA**	________
c.	**Finance Director**	**yes**	**no**	**NA**	________
d.	________	**yes**	**no**	**NA**	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: May 2011 ATM Citizens Petition – Farmers' Market

Presenter(s): Jeff Friedman, Proponent

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1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Mr. Friedman has been invited to provide the Board with a brief outline of the petition that he sponsored in the Annual Town Meeting Warrant under Article 11.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

None

4. SIGN OFF/APPROVAL REQUIRED:

a.	**Town Manager**	**yes**	**no**	**NA**	______
b.	**Town Counsel**	**yes**	**no**	**NA**	______
c.	**Finance Director**	**yes**	**no**	**NA**	______
d.	______	**yes**	**no**	**NA**	______

Disposition by BOS
Action taken: ______ **Present on future Agenda:** ______

Refer to/Inform: ______ **Report back to BOS on:** ______

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: May 2011 ATM Citizens Petition – Reconstruction of Two Family Dwellings

Presenter(s): George Guinta Jr., Proponent

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:**

   Mr. Guinta has been invited to provide the Board with a brief outline of the petition that he sponsored in the Annual Town Meeting Warrant under Article 12.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)**

3. **BACK UP INFORMATION ATTACHED:**

   None

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	NA	____________
b.	**Town Counsel**	**yes**	**no**	NA	____________
c.	**Finance Director**	**yes**	**no**	NA	____________
d.	____________	**yes**	**no**	NA	____________

Disposition by BOS
Action taken: ____________ **Present on future Agenda:** ____________

Refer to/Inform: ____________ **Report back to BOS on:** ____________

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: May 2011 ATM Citizens Petition – Accessory Structures

Presenter(s): Robert Lizza, Proponent

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:**

   Mr. Lizza has been invited to provide the Board with a brief outline of the petition that he sponsored in the Annual Town Meeting Warrant under Article 12.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN:** **YES [NO] (circle one)**

3. **BACK UP INFORMATION ATTACHED:**

   None

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	**NA**	________
b.	**Town Counsel**	**yes**	**no**	**NA**	________
c.	**Finance Director**	**yes**	**no**	**NA**	________
d.	________	**yes**	**no**	**NA**	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: Greene's Field Play Structure Working Group

Presenter(s): Kate Fitzpatrick, Town Manager

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**:

I will recommend that the Board consider the creation of a Greene's Field Play Structure Working Group to evaluate the entire Greene's Field parcel and make recommendations relative to the alignment of the park, in consideration of use of the park for play, passive recreation, and youth sports; and evaluate options for replacing the play structure with one that is reminiscent of the iconic nature of the prior play structure, is aesthetically pleasing, is suitable for younger children, and is consistent with current standards for play structures.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)**

Suggested Motion: That the Board vote to create a Greene's Field Play Structure Working Group consisting of 11 members to evaluate the entire Greene's Field parcel and make recommendations relative to the alignment of the park, in consideration of use of the park for play, passive recreation, and youth sports; and evaluate options for replacing the play structure with one that is reminiscent of the iconic nature of the prior play structure, is aesthetically pleasing, is suitable for younger children, and is consistent with current standards for play structures.

3. **BACK UP INFORMATION ATTACHED:**

   a. Proposed Charge and Composition – Greene's Field Play Structure Working Group dated April 21, 2011

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	**NA**	______
b.	**Town Counsel**	**yes**	**no**	**NA**	______
c.	**Finance Director**	**yes**	**no**	**NA**	______
d.	______	**yes**	**no**	**NA**	______

Disposition by BOS
Action taken: ______ **Present on future Agenda:** ______

Refer to/Inform: ______ **Report back to BOS on:** ______

Prepared by kpf

Proposed Charge
Greene's Field Play Structure Working Group
April 21, 2011

The Board of Selectmen and Park and Recreation Commission are seeking candidates for the Greene's Field Play Structure Working Group.

Background

Greene's Field is a 2.5 acre park bordered by Great Plain Avenue and Pickering Street. The park consists of areas for passive recreation, soccer, youth baseball, basketball, and a playground area.

The Greene's Field Play Structure was installed in 1989, through a collaboration of the Needham Women's Club and other community organizations. At that time, the goal was to create a play space that would be iconic in the Town Center and make a statement that children were important to the community. Though originally intended for school-aged children, the playground became a favorite destination for pre-school families.

The wooden structure was declared unsafe and removed in 2010.

Charge

The charge of the Greene's Field Play Structure Working Group is to:

1. Evaluate the entire Greene's Field parcel and make recommendations relative to the alignment of the park, in consideration of use of the park for play, passive recreation, and youth sports.
2. Evaluate options for replacing the play structure with one that is reminiscent of the iconic nature of the prior play structure, is aesthetically pleasing, is suitable for younger children, and is consistent with current standards for play structures.

Composition

The Working Group shall consist of 11 members. When practicable, the committee should include representatives of service organizations which have participated in public private partnerships to create or renovate playgrounds in the Town of Needham, representatives of users of the playground, individuals with demonstrated experience in fundraising.

Members of the public are welcome to attend all meetings of the Working Group and to provide comment, feedback and suggestions.

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: Annual and Special Town Meeting Articles

Presenter(s): Kate Fitzpatrick, Town Manager

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**:

The Board will review articles contained in the Annual and Special Town Meeting Warrants.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)**

Suggested Motion: That the Board vote to support (not to support) articles ____________ in the Annual Town Meeting Warrant.

Suggested Motion: That the Board vote to support (not to support) articles ____________ in the Special Town Meeting Warrant.

3. **BACK UP INFORMATION ATTACHED:**

a. 2011 Annual Town Meeting Warrant previously distributed
b. May 9, 2011 Special Town Meeting Warrant
c. Status of Articles 4.20.2011

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	**NA**	____________
b.	**Town Counsel**	**yes**	**no**	**NA**	____________
c.	**Finance Director**	**yes**	**no**	**NA**	____________
d.	____________	**yes**	**no**	**NA**	____________

Disposition by BOS
Action taken: ____________ **Present on future Agenda:** ____________

Refer to/Inform: ____________ **Report back to BOS on:** ____________

Prepared by kpf

SPECIAL TOWN MEETING

WARRANT

TOWN OF NEEDHAM

MONDAY, MAY 9, 2011

7:30 P. M.

NEWMAN ELEMENTARY SCHOOL

CENTRAL AVENUE **NEEDHAM**

Additional information on particular warrant articles will be made available form time to time at www.needhamma.gov/townmeeting during the weeks leading up to the Special Town Meeting.

May 9, 2011 Special Town Meeting Warrant
Table of Contents

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the Constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Newman Elementary School:

MONDAY, THE NINTH DAY OF MAY, 2011

at seven-thirty in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: AMEND ZONING BY-LAW – PERSONAL FITNESS SERVICE ESTABLISHMENT IN AN INDUSTRIAL DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts, by inserting immediately below the row that reads "theatres, indoor moving picture shows, bowling alleys, skating rings, billiard rooms, and similar commercial amusement or entertainment places" a new entry, which shall read as follows:

"Use	RRC SRA	SRB	GR	A-1,2 &3	I	IND	IND-1	IND P*
Personal fitness service establishment; provided, all required off-street parking is provided on-site for all land uses located on the subject site and in adherence with the requirements of Section 5.1.2, Required Parking, absent any waivers from the provisions of Subsections 5.1.1.5 and 5.1.1.6……	N	N	N	N	N	Y	N	N
Personal fitness service establishment; where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot……	N	N	N	N	N	SP	N	N"

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This article would authorize personal fitness service establishments in the Industrial

District either by right or by special permit. Presently the use is permitted in Needham's Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business districts.

Under the proposed amendment, personal fitness service establishments would be permitted as-of-right in the Industrial district where the number of off-street parking spaces required to service the fitness use and all other land uses located on the property are provided in accordance with zoning by-law requirements. Personal fitness service establishments having insufficient off-street parking would be permitted by special permit in the Industrial district where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower parking total would provide adequately for all uses or activities served by the parking lot. Personal fitness service establishments are defined within the zoning by-law as a business which involves instructional and/or directed exercise and fitness activities, including, but not limited to, personal training, yoga, spinning, pilates, exercise and fitness classes and lessons, and related activities; having at least one instructor or supervisor for every 15 clients; a maximum class size of 15 clients; a maximum occupancy at any one time of 20 persons; and a maximum total area of 2,500 square feet.

ARTICLE 2: **AMEND ZONING BY-LAW - AMENDMENTS TO NEW ENGLAND BUSINESS CENTER, HIGHLAND COMMERCIAL-128 AND MIXED USE-128 DISTRICTS**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

Section 3.2.4 Uses in the New England Business Center District ("NEBC")

1. Amend Section 3.2.4.1 Permitted Uses

a. By adding to (c) after the words "but not including a medical clinic": "; Medical Services Building; and medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter "Group Practices"); and physical therapy, alternative medicine, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. "Professional" shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals ("Non-group Practice")."

b. By amending (j) to read: "On the ground floor only of a multi-story building, consumer and commercial service establishments dealing directly with the general public; business service centers; retail establishments; pharmacies not affiliated with Group Practices, physical therapy, alternative medicine, wellness treatments such as acupuncture, yoga, chiropractic and/or nutrition services; day care uses (other than adult day care establishments requiring a special permit under Section 3.2.4.2 (b) hereof); indoor athletic and exercise facilities; and laundry and dry-cleaning pick-up stations where processing is done elsewhere."

2. Amend Section 3.2.4.2 Uses Permitted by Special Permit

a. By amending current section (f) to read: "Eat in or take-out restaurants or other eating establishments, including coffee shops, provided they are located on the ground floor of a multi-story building. Further provided that drive-thru restaurants or other eating establishments are prohibited."

b. By adding a new section (i): "Group Practices and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies. If the principal use is located on the ground floor, then the affiliated pharmacy may be located there also."

Section 3.2.5 Uses in the Highland Commercial-128 District Use

3. Amend Section 3.2.5.1 Permitted Uses

a. By deleting from Section 3.2.5.1(e) the word “professional”.

b. By adding to (f) after the words “but not including a medical clinic”: “; Medical Services Building; Group Practices; alternative medicine practices, physical therapy, and wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, all as defined in Sections 1.3 and 3.2.4.1.”

Section 3.2.6 Uses in the Mixed Use-128 District

4. Amend Section 3.2.6.1 Permitted Uses

a. By deleting from Section 3.2.6.1(e) the word “professional”.

b. By adding to (g) after the words “but not including a medical clinic”: “; Medical Services Building; Group Practices; alternative medicine practices, physical therapy, and wellness treatment facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services, all as defined in Sections 1.3 and 3.2.4.1.”

Section 4.8 Dimensional Regulations for NEBC

5. Amend 4.8 Table

a. By changing Maximum Lot Coverage from 50% to [range of 65%-80%] or remove requirement altogether.

b. By changing Floor Area Ratio from 0.40 to 0.50.

6. Amend Footnote (2)

a. By changing first sentence to read: “Maximum lot cover shall be [range of 65% to 80%] for all projects or remove requirement altogether.”

b. By changing second sentence to read: “However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet the maximum lot coverage may be increased to [range of 75% to 90%] or remove requirement altogether.”

7. Amend Footnote (4)

By changing the sentence to read: “A 25-foot front yard setback must be maintained for structured parking.” (25-foot replaces 30-foot.)

8. Amend Footnote (6)

a. By changing first sentence to read: “A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board.” (1.75 replaces 1.1)

b. By changing third sentence to read: “Further, the Planning Board may allow a floor area ratio of up to

2.0, by special permit, where the applicant demonstrates, the Board's satisfaction, that the proposed use will not generate peak hour trips in excess of 0.6 trips per 1,000 square feet of total development area." (2.0 replaces 1.5)

Section 4.8.1 Supplemental Dimensional Regulations for NEBC

9. Amend subsection (4)

By changing the first sentence to read: "A minimum of [range of 10%-20%] of the total lot area must be open space." (range of 10%-20% replaces 25%)

Section 4.8.2 Floor Area Ratio, Incentives

10. Amend Section 4.8.2

By changing the first sentence to read: "In the New England Business Center District the maximum floor to area ratio (FAR) permitted by right shall be 0.5." (0.5 replaces 0.4.)

Add New Section 4.8.3

11. Adding Section 4.8.3 as follows: "The Planning Board may, by special permit, waive any and/or all dimensional requirements set forth above in this Section 4.8 (including sections 4.8.1 and 4.8.2) except with respect to the height requirement up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan, and that such waivers are consistent with the requirements of Section 6.8."

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: Pursuant to the appropriation last May by Town Meeting, the Council of Economic Advisors ("CEA"), a committee established by the Board of Selectmen to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, and the Planning Board sought the services of an interdisciplinary team lead by a qualified planning, economic development, urban design and traffic firm to undertake a follow-up study of the New England Business Center ("NEBC") to that originally completed by Goody, Clancy & Associates in 2001. The purpose of the study was to explore recurrent issues raised by local businesses, developers, real estate brokers and tenants during symposia sponsored by the CEA in regards to expanding the type and mix of allowable uses, including medical uses; expanding the allowable amount of restaurant, retail and other consumer service uses on the first floor of multi-story buildings; analyzing which dimensional controls were restraining development; and assessing the traffic and other impacts of proposed changes. The study results are not completely finalized, and Town Meeting may anticipate that some sections of the article may be amended. Recommended changes include expanding allowed uses, expanding the allowed mix of retail, restaurant and consumer services on the first floor, and changes in dimensional controls. Information regarding specific changes is as follows.

1a. Uses permitted as of right in Section 3.2.4.1 include "professionals" but presently exclude "Medical Clinics". The By-Law amendments proposed regarding medical uses generally are to clarify and create certainty as to such uses allowed by right, allowed by special permit or prohibited in the NEBC, taking proper account of existing language in the By-Law and the impacts by way of traffic and parking of large *medical uses.*

Confusion has arisen as to what types of medical uses were excluded and which were allowed in the NEBC. Because the definition of "Medical Services Building" was inserted into the zoning by-law when the Medical Overlay District was adopted, and because the language was not mentioned in connection with the NEBC zoning changes in 2001, allowance of uses detailed in that definition within the NEBC was unclear. Because of the impacts of parking and traffic, certain medical uses, like Medical Clinics, were prohibited in the NEBC but others were not mentioned. Under the Zoning By-Law, uses not allowed are prohibited.

Accordingly, this amendment would allow as of right non-group practices of two or fewer medical professionals. Larger professional groups, physical therapy and alternative and other wellness treatment uses will be allowed only upon the issuance of a special permit, given possible impacts on traffic and parking.

The proposed amendment does not change the situation for medical clinics as not being allowed. The amendment clarifies that Medical Service Buildings, as defined in the By-law, are similarly not allowed, and clarifies what uses within that definition are allowed. Recent proposed uses within the NEBC have been stymied by the lack of clarity regarding these uses.

1.b. The need for services ancillary and supportive of businesses in the NEBC was a recurrent theme of the symposia and study conducted by the Town over the last few years. As evidenced by the Study, such services—restaurants, retail, and consumer services—are severely restricted by our current zoning and represent an outdated office building model. Accordingly, the amendment broadens the profile of uses allowed on the first floor of a multi-story building in the NEBC to address this deficiency. It is expected that an amendment will be proposed to include language presently being considered to limit the use of this section by 'big box' retailers. The amendment also resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the NEBC, and relocates food uses to specially permitted uses. Because coffee shops and restaurants will not be limited as to size, it was determined that such uses should be subject to special permit.

2.a. This amendment would allow by special permit all restaurant-related uses and specifically prohibits drive-through eating facilities. Due to unique operational issues surrounding restaurant uses, such as parking and traffic, it was determined that such uses should be subject to special permit.

2.b. Group practices, alternative medicine practices, wellness treatment facilities, and physical therapy uses, may have varying impacts on traffic and parking depending on their operational model. This provision would allow such uses by special permit.

3.a. The amendment resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the Highland Commercial-128 District, which rendered the permitted medical uses unclear.

3.b. The use of the Highland Avenue corridor for large medical uses was not envisioned by the original study and the impacts in terms or parking and traffic are not appropriate. This amendment clarifies the original intentions.

4.a. The amendment resolves the duplicative reference to "professional" in two separate subsections of Permitted Uses in the Mixed Use-128 District, which rendered the permitted medical uses unclear.

4.b. The Mixed Use-128 area, with its small lots and difficult road layout, was not envisioned for large medical uses by the original study, and the impacts in terms of parking and traffic are not appropriate. This amendment clarifies the original intentions.

5-10. These sections propose amendments to existing dimension requirements within the NEBC district. Under consideration are revisions to floor area ratio, lot coverage, and open space standards currently authorized by right or by Special Permit within the district. Town Meeting should expect that an amendment will be proposed to include these provisions. Final recommendations are pending the final study results and public hearing.

11. The future development of the NEBC depends on Needham's ability to be responsive to the requirements of new or proposed uses. Successful office parks, such as those located in Waltham and Burlington, have flourished due to the flexibility of their zoning provisions. This amendment will impart greater flexibility into the Zoning By-Law by allowing the Planning Board to waive dimensional requirements, except height, by special permit after making specific findings as to the propriety of the waivers as to a particular project and location.

ARTICLE 3: AMEND GENERAL BY-LAW/OBSTRUCTION OF SIDEWALKS

To see if the Town will vote to amend Article 3 Section 3.1.2 of the General By-Laws by deleting the first sentence and inserting in place thereof the following:

"3.1.2 Obstruction of Sidewalks Except as permitted by the Board of Selectmen or the Director of Public Works, no person shall place, or cause to be placed, upon any public way or sidewalk, any lumber, wood, box, crate, barrel, can, package or other thing, or allow the same to remain for more than one hour, or more than ten minutes after being notified to remove the same by a constable or police officer," or take any other action relative thereto.

INSERTED BY: Planning Board/Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This is a companion to Article 6 in the 2011 Annual Town Meeting Warrant. Article 6 would allow the Planning Board to permit temporary and seasonal outdoor seating for restaurants on private property, and the Board of Selectmen to permit temporary and seasonal outdoor restaurant seating on public property. Any approval from the Board of Selectmen would require a separate license or lease of the public land. Compliance, if applicable, with the Board's Alcohol Regulations would be required in either case. This article would amend the General By-Laws so as to accommodate the outdoor seating.

ARTICLE 4 : ACCEPT M.G.L. CHAPTER 59, SECTION 5, CLAUSE 56

To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5, Clause 56 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This is a local option statute that if accepted would allow Needham residents who are members of the Massachusetts National Guard or who are military reservists and are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year that they are serving in *a foreign country. The Board of Assessors may already grant members of the National Guard and reservists who incur a financial hardship a full or partial exemption of their property taxes under Clause 18A. If this article is adopted, it would allow the Assessors to consider (at the Board's discretion) other extenuating circumstances, but only for those guard members and military reservists serving on active duty outside the United States. In order to be eligible for a reduction of real estate taxes under this option, a guard member or reservist must own the property as of July 1 of the fiscal year for which the relief is sought. The adoption of this article expires two years from the effective date, unless reauthorized by a vote of Town Meeting.*

ARTICLE 5: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate $178,700 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that $178,700 be transferred from line 10 of Article 21 of the 2010 Annual Town Meeting, as amended under Article 13 of the November, 2010 Special Town Meeting; or take any other action relative thereto:

Department	Description	Recommended	Amendment
Public Works	Construction Equipment	$39,700	
Public Works	Large Speciality Equipment	$139,000	
	Total Appropriation	$178,700	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: In years when there is the potential availability of a balance remaining in the Reserve Fund, the Board of Selectmen and Finance Committee may recommend that Town Meeting amend the operating budget of the current fiscal year to fund cash capital requests that the Town would not otherwise be able to fund. The two capital items that were deferred for FY2012 include the following:

Construction Equipment *This grouping consists of equipment primarily used in the heavy maintenance, construction, or reconstruction of the Town's infrastructure. Unless circumstances require otherwise, the equipment scheduled to be replaced in FY2012 includes:*

Unit	*Division*	*Year*	*Description*	*Cost*
131	*Highway*	*2000*	*Street Roller*	*$39,700*

Large Specialty Equipment *Public Works specialty equipment consists of power-assisted equipment or other specialized tools used by the Department in the performance of its work. The Groundmaster mower is an ultra-precise cutting machine that is suited for high visibility sports fields. This piece of equipment will improve productivity, overall aesthetics, and quality of turf. Unless circumstances require otherwise, the vehicles scheduled to be replaced in FY2012 include:*

Unit	*Division*	*Year*	*Description*	*Cost*
336	*Parks*	*2000*	*16 foot mower*	*$59,000*
New	*Parks*	*n/a*	*Groundmaster Mower*	*$80,000*

ARTICLE 6: APPROPRIATE FOR ENGINEERING STUDY FOR ENERGY UPGRADES

To see if the Town will vote to raise and/or transfer and appropriate $50,000 for an engineering study for energy upgrades, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that $40,000 be transferred from Article 37 of the 2004 Annual Town Meeting and $10,000 be transferred from line 10 of Article 21 of the 2010 Annual Town Meeting, as amended under Article 13 of the November, 2010 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Board of Selectmen appointed a Green Communities Study Committee to make recommendations about the Town's participation in the Commonwealth's "Green Communities Program." One of the criteria for participation in the program is that each community develop a plan to reduce energy consumption by 20% from a defined baseline. Although the Committee has not recommended, and the Board of Selectmen has not discussed whether or not to seek official designation as a "Green Community" under the State program, the Study Committee recognizes that while Needham has demonstrated a serious commitment to energy reduction initiatives, the Town must continue to expand those efforts. The Committee has recommended that the Town contract for an energy upgrade audit to build on the initiatives that have already been implemented. The consultant will perform an audit on the highest energy-use facilities, and will make recommendations that will serve as the basis of the Town's capital planning in the area of energy reduction.

ARTICLE 7: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and/or transfer and appropriate $248.00 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, as follows, and that $248 be transferred from Overlay Surplus; or take any other action relative thereto.

Department	Vendor	Description	Fiscal Year	Amount
Human Resources	Health Resources	Testing	FY2009	$ 53
Human Resources	Health Resources	Testing	FY2009	$ 106
Human Resources	Health Resources	Testing	FY2009	$ 89
			Total	**$ 248**

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: State law requires Town Meeting action in order for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation.

ARTICLE 8: RESTORATION OF CHARLES RIVER TREATMENT FACILITY WELL

To see if the Town will vote to raise and/or transfer and appropriate $600,000 for design, engineering, restoration and improvements at the Town's Charles River Water Treatment Facility Well, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

<u>Article Information</u>: The Charles River Water Treatment Facility draws upon three wells to provide the Town with its drinking water. In general, during winter months, the Town's water needs are met by the Charles River Water Treatment Facility. During summer months, the Town's water supply is supplemented with MWRA water pumped through the St. Mary's Pumping Station.

Well #1 was built in 1936 and is approximately 100 feet deep. A filtering screen lines the well removing particles from the water as the water is pumped to the Water Treatment Facility. Over time, the screen becomes coated with mineral deposits and particles. As part of the ordinary maintenance of the wells, the screens are cleaned on a three-year rotating basis, with one well cleaned every year. During the cleaning this year, the screen in well #1 collapsed resulting in the accumulation of 55 feet of deposits in the well, rendering it unusable. Well #1 is the Town's top producing well. The Town has been supplementing its water production with MWRA supplied water since well #1 collapsed.

The Public Works Department retained engineering services to evaluate the options for restoring well #1's pumping capacity. Three options were investigated: repair of the existing well, repair of the existing well and drilling of a satellite well to supplement the existing well, and abandonment of well #1 and drilling of a new well. The selected option was to drill a replacement well. A Request for Proposals (RFP) has been advertized to secure the services of a consulting engineer to undertake the testing, design, permitting and related engineering services related to the replacement of the well.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 5th day of April 2011.

John A. Bulian, Chairman
Denise C. Garlick, Vice Chairman
Gerald A. Wasserman, Clerk
Maurice P. Handel
Daniel P. Matthews

Selectmen of Needham

A TRUE COPY
Attest:
Constable:

Town Clerk's Office
Needham, MA 02492

First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224

ATTN: SPECIAL TOWN MEETING WARRANT

2011 Annual Town Meeting Status of Articles April 20, 2011

Article	Title	Status	BOS Rec.	FC Rec.	BOS Member	FC Member
3	Non-Betterment Street Acceptance - Farley Pond Lane		Adopt	Adopt	Dan	John
4	Layout of Great Plain Avenue		Adopt	Adopt	Dan	John
5	Technical Amendments for NE Business Center			No position taken	Jerry	Matt
6	Outdoor Seating			No position taken*	Jerry	Lisa
7	Neighborhood Business District			No position taken*	Jerry	Lisa
8	Corrective Zoning Amendments			No position taken	Jerry	Matt
9	Schedule of Use Regulations			Adopt	Moe	Matt
10	Amend Zoning By-Law - Needham Center Overlay District			Rec at TM	Moe	Richard
11	Amend Zoning By-Law - Farmers' Market			No position taken*	Moe	Richard
12	Amend Zoning By-Law - Reconstruction of Two-Family Dwellings			No position taken	Moe	Matt
13	Amend Zoning By-Law - Accessory Structures			No position taken	Moe	Matt
14	Establish Elected Officials' Salaries		Adopt	Adopt	Jim	Richard
15	Fund Collective Bargaining Agr - Indep Town Workers / MLDC			Rec at TM	Dan	Rick L.
16	Fund Collective Bargaining Agreement - DPW / MLDC			Rec at TM	Dan	Rick L.
17	Fund Collective Bargaining Agreement - 911 Operators / MLDC	Withdraw		Rec at TM	Dan	Rick L.
18	Fund Collective Bargaining Agreement - Police Union			Rec at TM	Dan	Rick L.
19	Fund Collective Barg Agrmt - Police Superior Officers Assoc.			Rec at TM	Dan	Rick L.
20	Amend General By-Law / Bd of Health Regulations			Rec at TM	John	Dick
21	Transfer of Budgetary Fund Balance		Adopt	Adopt	John	Steve
22	Accept Chapter 73, Section 4 of the Acts of 1986		Adopt	Adopt	Jerry	Steve
23	Appropriate for Senior Corps		Adopt	Adopt	Jerry	Steve
24	Appropropriate for Needham Property Tax Assistance Program		Adopt	Adopt	Jerry	Steve
25	Appropriate the FY2012 Operating Budget			Adopt	Moe	Rick Z
26	Appropriate the FY2012 RTS Enterprise Fund Budget			Adopt	John	John
27	Appropriate the FY2012 Sewer Enterprise Fund Budget			Adopt	John	John
28	Appropriate the FY2012 Water Enterprise Fund Budget			Adopt	John	John
29	Continue Departmental Revolving Funds		Adopt	Adopt	Dan	Rick L
30	Authorization to Expend State Funds for Private Ways		Adopt	Adopt	Dan	Dick
31	Appropriate for CPA Project - Home Energy Improvements		Adopt	Adopt	Jerry	Lisa
32	Approp for CPA Proj - Linden/Chambers/High Rock Feas Des		Adopt	Adopt	Jerry	Lisa
33	Appropriate for CPA Project - Preservation of Historic Docs		Adopt	Adopt	Moe	Lisa
34	Appropriate to Community Preservation Fund		Adopt	Adopt	Moe	Lisa
35	Rescind Debt Authorization		Adopt	Adopt	Jim	Steve
36	Appropriate for General Fund Cash Capital			Adopt	Dan	Rick Z
37	Appropriate for Fire Engine		Adopt	Adopt	John	Rick L
38	Appropriate for Roof Repairs/Needham High School		Adopt	Adopt	John	Matt
39	Appropriate for Public Works Infrastructure Program		Adopt	Adopt	John	Dick
40	Appropriate for Feasibility Study of the Cricket Field Building		Adopt	Adopt	John	Dick

41	Appropriate for Booth Street Reconstruction		Adopt	Adopt	Moe	Dick
42	Appropriate for RTS Construction Equipment		Adopt	Adopt	John	Dick
43	Appropriate for RTS Large Specialty Equipment		Adopt	Adopt	John	Dick
44	Appropriate for Sewer Enterprise Fund Cash Capital			Adopt	Jim	John
45	Appropriate for Water Enterprise Fund Cash Capital			Adopt	Jim	John
46	Appropriate for Workers Compensation Reserve Fund		Adopt	Adopt	Dan	Steve
47	Appropriate for Capital Improvement Fund			Rec at TM	Jim	Richard
48	Appropriate to Capital Facility Fund			Rec at TM	Jim	Richard
49	Appropriate to Stabilization Fund			Rec at TM	Jim	Richard
50	Omnibus			Rec at TM		Assign if needed
	* There may be a financial impact, but it is not clearly quantifiable					

Special Town Meeting

Article	Title	Status	BOS Rec.	FC Rec.	BOS Member	FC Member
1	Amend Zoning By-Law / Personal Fitness			Rec at TM	Moe	
2	Amend Zoning By-Law / NEBC			Rec at TM	Moe	
3	Amend General By-Law / Outdoor Seating			Rec at TM	Jerry	
4	Accept M.G.L. c. 59 Section 5 Clause 56			Adopt	Dan	
5	Appropriate for GF Cash Capital			Rec at TM	John	
6	Appropriate for Engineering Study for Energy Upgrades		Adopt	Adopt	Jerry	
7	Appropriate for Payment of Unpaid Bills		Adopt	Adopt	Jim	
8	Appropriate for Restoration of Charles River Well		Adopt	Adopt	Jim	

Board of Selectmen

AGENDA FACT SHEET for 4/26/2011

Agenda Item: Committee Reports

Presenter(s): Board Discussion

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1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:**

   Board members will report on the progress and / or activities of their Committee assignments.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN:** **YES [NO] (circle one)**

3. **BACK UP INFORMATION ATTACHED:**

   None

4. **SIGN OFF/APPROVAL REQUIRED:**

a.	**Town Manager**	**yes**	**no**	**NA**	________
b.	**Town Counsel**	**yes**	**no**	**NA**	________
c.	**Finance Director**	**yes**	**no**	**NA**	________
d.	________	**yes**	**no**	**NA**	________

Disposition by BOS
Action taken: ________ **Present on future Agenda:** ________

Refer to/Inform: ________ **Report back to BOS on:** ________

ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Lisa Sacchetti
Event Manager Address	[illegible]
Event Manager Phone Number	[illegible]
Organization Representing (if applicable)	Gifford Cat Shelter
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☑ Non-profit ☐ For profit ☑ Proof of non-profit status is attached Form of Proof: IRS Letter
Name of Event	Wine Tasting & Silent Auction
Date of Event 4/30/11	

License is for Sale of:
☑ Wines & Malt Beverages Only
☐ All Alcoholic Beverages (for non-profit groups only)

Requested Time for Liquor License FROM: 5pm TO: 8pm

Are tickets being sold in advance for this event? ☑ YES $ 25 /per ticket ☐ NO

Is there an admission fee for this event? ☑ YES $ 35 /per ticket ☐ NO

Are you using dues collected to purchase alcohol for this event? ☐ YES ☑ NO

How many people are you expecting at this event? 50-70

Name & address of event location. Please attach proof of permission to use this facility.

Needham Village Club Morton St. Needham

Who will be serving the alcohol to your guests?

Jenwean Mason, certified server

Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).

Jenwean Mason
Certificate # G371200

Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.

Server will pour wine for guests
See attached picture

☑ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (*A person holding a Section 14 license cannot purchase alcoholic beverages from a package store.* (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))

Event Manager Signature: [signature] **Date:** 3-10-11


wine tasting area

You're invited

To the 4th Annual
Ellen M. Gifford Cat Shelter
Wine Tasting & Silent Auction

Saturday, April 30, 2011
5:00-8:00PM
Needham Village Club
83 Morton Street, Needham, MA

For more information & to purchase tickets online,
visit: www.giffordcatshelter.org
Advance tickets by mail or online, $25
Tickets at the door, $35

Congratulations

You have successfully completed the ServSafe Alcohol® Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at **www.ServSafe.com**.

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,

Paul Hineman

Paul Hineman

Executive Director, National Restaurant Association Solutions

In Alaska you must laminate your card for it to be valid.

ServSafe®

ID NO. 4964905

CARD NO. 6371200

ServSafe Alcohol® CERTIFICATE

JENNEAN MASON

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION

3/31/2009

NATIONAL RESTAURANT ASSOCIATION®

Student Name	JENNEAN MASON
Class Number	518823
Exam Date	3/31/2009
Expiration Date	3/31/2012

Overall Point Score	54
Overall % Score	90
Passing % Score	75
Status	PASSED

NOTE: You can access your score and certification information anytime at **www.ServSafe.com** with the class number provided on this form.

Please make a copy of your ServSafe Alcohol Certificate Card for your records. Replacement copies can be obtained for a fee by completing the Certificate and Score Release Request Form available at **www.ServSafe.com**.

Please feel free to address any questions regarding your certification to the National Restaurant Association Service Center Department at **servicecenter@restaurant.org** or 800.765.2122, ext. 6703.

NATIONAL RESTAURANT ASSOCIATION®

175 West Jackson Boulevard, Suite 1500
Chicago, IL 60604-2814
1.800.SERV-SAFE
312.715.1010 in Chicagoland

www.ServSafe.com

Town of Needham
Board of Selectmen
Minutes for April 5, 2011
Needham Public Services Administration Building

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

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Daniel P. Matthews, Maurice P. Handel, Denise C. Garlick, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Wasserman was not present.

7:00 p.m. Public Health Week Proclamation:
Janice Berns, Health Department Director appeared before the Board. Mr. Bulian read a proclamation declaring April 4 through 10, 2011 to be National Public Health Week, with a theme of "Safety is No Accident: Live Injury-Free" in Needham, Massachusetts.

Motion by Mr. Matthews that the Board of Selectmen vote to sign a proclamation declaring April 4 through 10, 2011 to be National Public Health Week in Needham, Massachusetts.
Second: Mr. Handel. Unanimously approved 4-0.

7:05 p.m. Change of Officer/Director, Bertucci's Restaurant:
Shawn deRonde, General Manager of Bertucci's appeared before the Board to request approval for a change of officer and director with regard to an alcoholic beverage restaurant license.

Motion by Mr. Handel that the Board of Selectmen approve and sign Form 43 For a New Officer/Director at Bertucci's Restaurant, 1257 Highland Avenue and to forward this application to the ABCC for approval.
Second: Mr. Matthews. Unanimously approved 4-0.

Mr. Matthews commented the public has a right to know who actually owns the license and believes the State of Massachusetts should administer licensing in a more transparent way. Mr. deRonde said he would pass on Mr. Matthews comments to the directors of Bertucci's Restaurant.

7:10 p.m. Consent Agenda and Appointments:
Motion by Mr. Handel that the Board of Selectmen vote to accept the Consent Agenda as presented.

1.* In accordance with Section 20B(5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2013 including an increase of 2% in base wages; authorize a one-time payment of

	$250 for non-represented employees in FY2011; and endorse a $500 increase in the Town's contribution to the 401A plan in accordance with Personnel Policy #515, as amended.	
2.	Approve the integrated collective bargaining agreement between the Town and the Needham Police Union for the period July 1, 2010 through June 30, 2011.	
3.	Accept a donation made to The Needham Health Department's Gift of Warmth fund: $1000 from Needham Women's Club.	
4.*	Approve minutes: Executive Session 3/8/2011	
5.	Accept the following donation made to The Park and Recreation Commission for Arts in the Park: $100 from Tom Nutile Music	
6.*	Approve a request for a Public Entertainment on Sunday license for Blue on Highland, 882 Highland Avenue, Needham.	
7.*	Approve request from the Needham Cultural Council to hold the Spring Arts Festival at Avery Square from 9:00am – 3:30pm on June 11, 2011 with a rain date of June 12, 2011. The MBTA has approved blocking off part of Avery Street for them to use and the Council will contact the police to hire a detail for the event.	
8.*	Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 15, 2011 from 10:00AM to 2:45 PM on the grounds of the Pollard Middle School.	
9.*	Approve and sign the 2011 Arbor Day Proclamation, which proclaims the last Friday in April as Arbor Day in the Town of Needham and encourages residents to support all efforts to protect our trees and woodlands for future generations to come.	
10.*	Approve a One Day Special Wines & Malt beverages license from Lesli Reich of Temple Aliyah to hold a comedy night event on Saturday, April 9, 2011 from 8:00 pm to 11:00 pm at Temple Aliyah, 1664 Central Avenue, Needham.	
11.	Grant Permission for the following resident to hold a block party:	

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Celia Carboni	42 Greenwood Avenue	Greenwood Avenue	July 16	July 17	12-11pm 12- 9pm

Second: Ms. Garlick. Unanimously approved 4-0.

7:10 p.m. Public Hearing/Laying Out of Great Plain Avenue:
Richard P. Merson, DPW Director appeared before the Board to discuss the alteration and widening on Great Plain Avenue at the intersection of the MBTA Right of Way to the Harris Street intersection. He stated land on Great Plain Avenue is on the west side of the road and abuts only property owned by the Town of Needham and the MBTA. Mr. Merson showed the Selectmen the plan showing the Right of Way and easements.

Mr. Bulian opened the public hearing and asked for comments. No public comments were made.

Motion by Mr. Matthews that the Board vote to approve and sign the plan to alter and widen a portion of Great Plain Avenue Right of Way between the MBTA Right of Way and Harris Street as shown on the plan entitled, Plan Showing the Alteration & Widening of a Portion of Great Plain Avenue in Needham, MA.
Second: Mr. Handel. Unanimously approved 4-0.

Public Hearing/Street Acceptance for Farley Pond Lane:
Mr. Merson discussed with the Board the Right of Way on Farley Pond Lane to be taken at the intersection of South Street to the end of the road. Mr. Merson presented the Board with the proposed plan of the layout.

Mr. Bulian opened the public hearing and asked for comments. No public comments were made.

Motion by Mr. Handel that the Board vote to approve and sign plan to lay out Farley Pond Lane Right of Way as shown on the plan entitled, Acceptance Plan of Farley Pond Lane South St. to end – a distance of 890 feet +/-.
Second: Ms. Garlick. Unanimously approved 4-0.

Public Hearing/Street Acceptance for a portion of Booth Street:
Mr. Merson told the Board the layout is intended as a Betterment Street Acceptance and explained the abutters would share the full cost of the construction of the roadway. He stated there are 12 abutting properties and the portion of the Right of Way on Booth Street to be taken is at the intersection of Central Avenue to the 1964 acceptance location at 50 Booth Street. He stated during the petition process 11 signatures were received and a letter estimating the cost was sent to the abutters January 21, 2011. Mr. Merson presented the Board with the proposed plan of the layout. Ms. Fitzpatrick said there is an article on the Town Meeting warrant to fund construction if the abutters want to continue to move forward and the Board votes to layout the street. She stated that once the project is complete the cost would be apportioned to each abutter.

Mr. Bulian read a fax from Matthew and Jennifer Packard, 20 Booth Street. Mr. and Mrs. Packard stated they do not support the project at this time and are concerned with the significant changes that might be made to their property and the cost. Mr. and Mrs. Packard asked the scope of the project be reduced.

Mr. Bulian opened the public hearing and asked for comments.

Jeff MacMann, 15 Booth Street is in favor of the project. He asked to see the layout of the road. Mr. MacMann asked whether the Town intends to manage the project to save money. Mr. Merson said costs could be contained by eliminating a sidewalk on one side of the street, and by determining the best cost saving approach to the construction project. Mr. MacMann asked if approved by the

Selectmen, what the next steps would be. Mr. Merson said the process would continue with funding the work, survey, design, and scheduling the project.

Ann Shuman, 45 Booth Street stated that over the years the street has been plowed due to safety issues, and only patched not paved. She stated the potholes are a safety issue for cars and people. Ms. Shuman asked about the cost and apportionment. Ms. Shuman is in favor of the project.

Theresa Murch, 21 Booth Street stated people want the road fixed but there are logistical issues to consider. Ms. Murch is in favor of the project.

Dawn Xiao-Hong Ding, 37 Booth Street is opposed to the project based on cost and how it would affect her property.

Scott Sammut, 44 Booth Street is in favor of the project and would like the sidewalk placed on the north side of the road.

Sheldon Itzkowitz, 18 Booth Street is in favor of the project. He asked about the retaining wall on his property. Mr. Merson said the retaining wall on his property may not be affected. Mr. Itzkowitz is in favor of a sidewalk on the north side of the road.

Patricia Foley, 530 Central Avenue is in favor of the project and questioned the design to handle the sharp slope on her property.

Christopher Fisichella, 37 Hill Street is in favor of the project and asked for a copy of the layout. Mr. Fisichella asked the Town to consider putting in a speed bump.

Mr. Matthews suggested that the Board continue the public hearing until the next Board of Selectmen's meeting on April 13, 2011. He stated the extra time would allow the Department of Public Works and the Town Manager to work with the neighbors to come to a consensus that everyone can support.

Motion by Mr. Matthews that the Board of Selectmen vote to continue the public hearing on the plan to lay out Booth Street Right of Way as shown on the plan entitled, Acceptance Plan of Booth Street From 1964 Booth St. Acceptance to Central Ave. – a distance of 619 ft. +/- in Needham, Massachusetts to Wednesday, April 13, 2011.
Second: Mr. Handel. Unanimously approved 4-0.

8:10 p.m. Babson College Scholarships:
Melissa Shaak, Director of Financial Aid, Babson College appeared before the Board to discuss scholarship recommendations to local residents from a fund made available to the Town from Babson College. She stated she met with Selectman Handel last week and reviewed the applications.

Mr. Handel thanked Babson for the care the college puts into selecting the students and working with the Town so that Needham has representation at Babson. He also acknowledged the relationship the Town has had with Babson over the years, and especially the increased participation with respect to Needham's tercentennial.

Motion by Mr. Handel that the Board of Selectmen votes to award the Town of Needham Babson Scholarships to the following applicants:

Kelsey Bronski	**Current first-year student**
Anthony Elian	**Current first-year student**
Travis Jonasson	**Current junior**
Susanna Kroll	**Current first-year student**
Flynn Lincoln	**Current sophomore**
Lauren Confort	**Transfer applicant**
Julia Salamone	**Enrolling Fall 2011**
Nicholas Wong	**Enrolling Fall 2011**

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

Ms. Garlick thanked the students at Babson for the community work they are doing, including work at the Charles River Arc and tutoring some students at the Needham Housing Authority. She stated they have been tremendous role models.

8:15 p.m. Town Manager:
Ms. Kate Fitzpatrick, Town Manager appeared before the Board with 6 items to discuss:

1. Accept and Refer Zoning Amendment:
Ms. Fitzpatrick told the Board that the Planning Board voted to place an article on the May 9, 2011 Special Town Meeting Warrant: Amend Zoning By-law: Personal Fitness Services. She stated that at its meeting tonight, the Planning Board may vote to place an article on the May 9, 2011 Special Town Meeting Warrant: Amend Zoning By-law; New England Business District. She asked the Board of Selectmen vote to accept both articles for referral to the Planning Board for review, public hearing, and report.

Motion by Mr. Handel that the Board vote to accept and refer Article 1. Amend Zoning By-law: Personal Fitness Services, and Article 2. Amend Zoning By-law; New England Business District, to the Planning Board for review, public hearing, and report.
Second: Mr. Matthews. Unanimously approved 4-0.

2. Accept Access Easement/Avita Needham LLC:

Ms. Fitzpatrick told the Board that construction of a 70 bed memory care center at 880 Old Greendale Avenue by Avita LLC is almost complete. She stated that one of the conditions of the Planning Board approval was the granting of an access easement to the Town of Needham over a portion of the property owned by Avita. The easement, she said, enables Town vehicles to drive through a portion of the property so that they can access a sewer and drain easement located on Town property. Ms. Fitzpatrick said the easement and easement plan have been approved by Town Counsel. She asked that the Board of Selectmen accept the easement on behalf of the Town.

Motion by Mr. Handel that the Board vote to approve and authorize the Chair to sign the Grant of Access Easement by Avita Needham LLC to the Town of Needham date April 5, 2011.
Second: Ms. Garlick. Unanimously approved 4-0.

3. Close Special Town Meeting Warrant:
   Ms. Fitzpatrick asked that the Board close the Special Town Meeting Warrant for May 9, 2011, subject to minor technical corrections to be made by the Town Manager and Town Counsel.

   Motion by Mr. Matthews that the Board approve and close the May 9, 2011 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel.
   Second: Mr. Handel. Unanimously approved 4-0.

4. Elimination of Commuter Parking at Needham Center Station:
   Ms. Fitzpatrick reminded the Selectmen that at its March 8, 2011 meeting, the Board held a public hearing on whether to eliminate commuter parking in Needham Center. Based on information gathered at that hearing, she said that she recommends converting the commuter parking, except for the two handicapped spaces, to a combination of retail and permit parking in the lot. Ms. Fitzpatrick recommended that the Board vote to eliminate commuter parking in Needham Center effective July 1, 2011.

   Motion by Mr. Matthews that the Board vote to eliminate commuter parking in Needham Center effective July 1, 2011, with the exception of two HP-designated spaces, and further to convert the 34 parking spaces to 16 permit parking spaces and 18 2-hour spaces as presented in the Town Manager's proposal to the Board dated March 8, 2011.
   Second: Mr. Handel. Unanimously approved 4-0.

5. Town Hall Project Update Video:
   Ms. Fitzpatrick showed a video to the Board updating the progress on the Town Hall renovation.

6. Town Manager Report:
   Ms. Fitzpatrick updated the Board on Needham's participation in the U.S./Pakistan Professional Partnership Program for Public Administrators. She said guests from Pakistan will be in Needham beginning April 11, and will take part in many meetings, touring departments in the Town Hall, and meeting the staff.

8:30 p.m. Town Manager Performance Evaluation:
Mr. Bulian said in accordance with its policies, the Board of Selectmen was asked to prepare an annual performance evaluation of the Town Manager. He stated each member of the Board completed an evaluation, which were them compiled into a consensus evaluation overview document. This document, he said, contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Mr. Bulian reviewed the consensus evaluation and stated Ms. Fitzpatrick received an "Excellent/Highly Commendable" rating, a numerical rating of 5. Mr. Bulian told Ms. Fitzpatrick she is an exceptional Town Manager and the Town is very fortunate to have her working in Needham. Mr. Matthews echoed the thoughts of Mr. Bulian. Mr. Handel said he is proud to be working as a Selectman with a Town Manager such as Ms. Fitzpatrick. Ms. Garlick said Ms. Fitzpatrick is an extraordinary Town Manager and believes Ms. Fitzpatrick's reputation goes far beyond the boundaries of Needham. Ms. Fitzpatrick said Needham is a great town and a great place to work and thanked the Selectmen for their support.

Ms. Garlick commented her term as a Selectmen ends this evening. She thanked the people of Needham for the privilege of serving the community as a volunteer, Town Meeting member, on the Board of Health, and on the Board of Selectmen. Ms. Garlick expressed her respect for her colleagues on the Board of Selectmen and for the work and support for the Needham Coalition on Suicide Prevention, the renovation of Town Hall, the Senior Center, and for the work on the Council on Economic Advisors to revitalize the NEBC and sustaining the downtown. She thanked Kate Fitzpatrick, Chris Coleman, Dave Davison, Sandy Cincotta, and the staff. She commented she is deeply committed to the Town of Needham as she moves to her new position as State Representative.

Mr. Bulian commented tonight is his last night as Chairman and that he has enjoyed being Chairman for the last year. He said he is very proud of the accomplishments during the last year and looks forward to continuing on the Board of Selectmen.

8:40 p.m. Executive Session:
Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session under Exception 3 – to discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares. Not to return to open session prior to adjournment.

Second: Mr. Handel. Mr. Bulian polled the Board. Unanimously approved 4-0.

Note: The meeting adjourned at 8:37 p.m.

Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR
(cc: TOWN COMPTROLLER)

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-$1,097.00
Water Irrigation:	$0.00
Water Service:	$0.00
Sewer Sales:	-$3,072.80
Transfer Station Charges:	$0.00
Total Abatement:	-$4,169.80

Order #: 1123

Read and Approved: 4/22/2011

DPW Office Manager

Director of Public Works

For the Board of Selectmen

Date: 4/26/2011

Town of Needham
Water Sewer Billing System
Adjustment Form

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
PC	Levingston	Scott	34733	16638	3	Tolman St	$0.00	-$75.75	-$157.05	-$232.80	Equip	N
PC	Karten	Laurie	26811	12744	70	Cynthia Rd	$0.00	$0.00	-$652.70	-$652.70	Leak	N
PC	Levenson	Sylvia	18915	10114	153	Evelyn Rd	$0.00	-$105.75	-$249.45	-$355.20	COA	N
PC	Geller	Jeanette	13739	40	50	Sterling Rd	$0.00	-$105.75	-$249.45	-$355.20	COA	N
PC	Coury	Thomas	1151	15970	59	Gilbert Rd	$0.00	-$873.70	-$1,929.95	-$2,803.65	Equip	Y
PC	Crawshaw	Jeff	23611	7466	35	Falcon St	$0.00	-$229.65	-$508.65	-$738.30	OE	Y
	Greis	Michael	8577	9150	384	Webster St	$0.00	$391.35	$880.65	$1,272.00	Billing	Y
	Fiorentino	Nicholas	15377	12406	395	Hillside Ave	$0.00	-$62.75	-$127.85	-$190.60	Equip	Y
	Sesso	Howard	15377	8688	154	Lexington Ave	$0.00	-$35.00	-$78.35	-$113.35	OE	Y

Total: -$4,169.80

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Legend:
O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.
O.E. Error = Over estimation was issued
Leak = Leak in house or at spicket that caused loss of water, with proof of repair
O.E. = High estimation of consumption to have customer respond to meter upgrade/exchange request
TWN = Town Project caused damage to private property
Equip = Equipment Malfunction
Prog. = Meters programed incorrectley causing reading to be transferred incorrectly to billing system
UEW = Unexplained for water lost
P.F. = Pool Fill
Meter = Meters Crossed or entered into system incorrectley
Billing = Steps were charged incorrectly
COA = Council On Aging