

**Town of Needham
Board of Selectmen
Minutes for October 23, 2018
Needham Town Hall
Powers Hall**

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

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Veterans' Day Proclamation:
Mr. Bulian read a proclamation recognizing Sunday, November 11, 2018 as Veterans' Day in the Town of Needham.

Motion by Mr. Bulian that the Board of Selectmen of the Town of Needham, do hereby recognize Sunday, November 11, 2018 as Veterans' Day and ask the citizens of the Town to join in appropriate observance of those who have served, preserving the principles of justice, freedom, and democracy.

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

Mr. Matthews noted Sunday, November 11, 2018, is the 100th anniversary of the armistice ending World War I.

7:03 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda.

No Appointments were made at this meeting. It was noted the list of LEPC Appointees was removed for editing.

CONSENT AGENDA

- 1. Approve a One Day Special All Alcoholic Beverages License for Chris Brinkhaus, of St. Sebastian's School to hold its Alumni Reception event on October 23, 2018 from 6:00 p.m. to 9:00 p.m. The event will be held in Ward Hall, 1191 Greendale Avenue, Needham MA.**
- 2. Accept a \$1,500 donation made to the Needham Health Department's Substance Abuse Prevention & Education Program from the Needham High School PTC.**
- 3. Approve Open Session minutes of October 9, 2018 and October 10, 2018.**
- 4. Accept the following donations made to the Needham Park and Recreation Commission for the Children's Theatre and Arts in the Parks Summer Series:**

\$35 onsite donations for Children’s Theatre; \$241 on-site donations for Arts in the Parks; and \$1 from Carol Proia for Arts in the Parks.

- 5. Approve a request from the Needham Running Club to hold its annual New Year’s Day 5K road race on Monday, January 1, 2019 from 9:00 a.m. to 1:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire and Park and Recreation.**
- 6. Approve request from the Newton Needham Regional Chamber to hold the Annual Blue Tree Lighting Ceremony on Saturday, December 1, 2018 at 4:30 p.m. in Avery Square and Blue Tree festivities at the Town Common at 5:00 p.m. Approval also includes use of Garrity Way from 1:00 p.m. to 6:00 p.m.**
- 7. Approve request from the Newton Needham Regional Chamber to have “meter-free” parking in Needham Center and Needham Heights from November 22, 2018 through January 2, 2018.**
- 8. Approve a One Day Special Wines & Malt Beverages License for Robert T. Timmerman II, of the Needham Knights of Columbus to host its Autumn Harvest Tasting event on November 2, 2018 from 6:00 p.m. to 10:00 p.m. The event will be held at the Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
- 9. Support Youth Services’ “Needham Unplugged” for the month of March 2019 including its annual no-meeting night/no-homework night which will be held on Thursday, March 14, 2019.**
- 10. Approve a 20B Exemption for Joseph Scott Brumit who is an employee with the Needham Public Schools- Continuing Education Programs, to engage in work with the Council on Aging as a Tai Chi/QiGong Instructor.**

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

7:00 p.m. Public Hearing: Eversource Energy, Grant of Location - Great Plain Avenue
Karen Johnson, Eversource Energy representative appeared before the Board requesting permission to install approximately 20 feet of conduit in Great Plain Avenue. She said this work is necessary to provide underground electric service at 810 Great Plain Avenue, Needham.

Ms. Fitzpatrick stated all paperwork is in order.

Mr. Matthews commented placement of conduit under the public way was put down before the public hearing.

David Tocci, Builder, admitted installing conduit underground, noting in his 40 years in Needham he did not know of the regulation for a public hearing before installing conduit. He agreed it will not happen again.

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

Mr. Matthews asked for comments from the Board. No comments were made.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 20 feet of conduit in Great Plain Avenue. This work is necessary to provide new underground electric service at 810 Great Plain Avenue, Needham.

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

7:07 p.m. Public Hearing: Change of Category Retail Package Store Wine and Malt Only to All Alcoholic Retail Package Store for Volante Farms, 292 Forest Street.

Public Hearing: New All Alcoholic Retail Package Store License for Gordon's Fine Wines of Needham, Inc. (77-79 Wexford Street)

Mr. Matthews said in conducting the public hearing it is his intention to combine testimony from both hearings to have a single record. He said discussion by the Board of Selectmen will be at the close of the public hearing, with any action the Board sees fit. Mr. Matthews said the reason for combining the public hearings is because Needham has a limited quota of package store licenses (eight total, six being All Alcohol). He stated Needham currently has 6 outstanding package store licenses (five All Alcohol, one wine and malt, currently held by Volante Farms). He noted only one All Alcohol license remains, therefore the Town cannot grant each applicant a license, as it would be a violation of the quota. Mr. Matthews stated the Board's options include granting either application, denying both applications, or some other action. He commented a fair volume of correspondence has been received for each applicant, which will be part of the record.

Mr. Matthews invited representatives from Volante Farms to the table for comment.

Dave Volante, Owner, 799 Central Avenue and Steve Volante, Owner, 809 Central Avenue appeared before the Board to discuss an application for a Change of License Category for a Retail Package Store License for Volante Farms from Wine and Malt beverages only to All Alcoholic beverages. Volante Farms has been licensed as a wine and malt only retail package store at its present location since February, 2013. Volante Farms is a one story building that has 320 square feet devoted to the display of alcoholic (currently wine and malt only) beverages. No change in the display area currently licensed for the sale of alcoholic beverages is planned for this requested change in Category.

Dave Volante explained the farm stand and greenhouse operates on 30 acres of land in Needham. He noted in 2012 a wine and malt application was submitted, commenting sales are not high volume, rather a convenience for customers. He stated working with local brewers was an easy fit, and over the last few years some of the brewers are now distilling gin and rum products sourcing local ingredients. He said Volante Farms is looking to carry three or four shelves of carefully selected product.

Steve Volante said they have partnered with two local breweries who are using their products to make beer. He noted using local ingredients is a nice touch.

Mr. Matthews asked the Volantes if they have spoken with counsel on the limitation in Needham's regulation on grocery stores.

Dave Volante said it is really up to the Board as to where Volante Farms falls within the definition of grocery store.

Mr. Matthews thanked Dave and Steve Volante for their comments, and invited representatives from Gordon's Fine Wines to the table.

Steven Miller, Attorney, Richard Gordon, Owner, and David Gordon, Proposed Manager appeared before the Board regarding an application for an All Alcoholic Retail Package Store License for Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wine. Gordon's is a new package store that will be located at 77-79 Wexford Street. The store will consist of 9,730 square feet all on one floor, with approximately 2,500-3,000 square feet that will be used for retail space and about 7,500 square feet that will be used for storage. There is one entrance located at the front and two exits located at the side and rear of the property.

Mr. Miller stated Gordon's has been in business for 85 years and currently operate stores in Waltham, Newton, and Boston, all without violations of any kind. He stated the focus of the Needham store will be more of a fine wine business.

Discussion ensued on the floor plan including storage and sales areas.

David Gordon said the business focuses on selling fine wine and has expanded greatly over the last six years to the point that more space is needed. He clarified nips, pints, half gallons of vodka, Fireball, beer, flavored vodka, flavored whiskey, cheap vodka, forties, Yellowtail, Woodbridge, or Josh will not be sold at the store. He said a high level of service will be provided, along with professional wine consultation. Mr. Gordon explained more about the business, saying people buy wine over the course of a month or two, then pick up purchases at the store. He commented storage is critical to growing the business. Mr. Gordon stated the proximity of the location to the highway will allow customers throughout New England to travel to the store, acknowledging he feels the store will become a destination for "the greatest fine wine program in New England." Mr. Gordon said the build out of the space will include a temperature controlled store room, tasting areas, consultative sales areas, and meeting rooms to host events. He said the store will be a catalyst for the growing area. He noted his strong roots in Needham and provided the Board a sample catalogue.

Mr. Matthews clarified in order for Gordon's to utilize an alcohol license at the Wexford Street location, a Zoning Board of Appeals permit is required. He asked whether an application has been submitted to the Zoning Board of Appeals.

Mr. Gordon said the application has been submitted and a public hearing is scheduled for November 15, 2018.

Mr. Matthews asked for comments from the Board.

Mr. Handel asked if the need is primarily for storage and whether there will be an active retail presence.

Mr. Miller said 2/3's of the space will be storage. Mr. Gordon said "yes," and explained the changing retail environment. He said he estimates two or three people per hour will come to the store, in addition to 15-20 people when there is a tasting event.

Mr. Borrelli said there are other liquor stores looking to fill the fine wine niche. He asked how the business serves the Needham community?

Mr. Gordon explained classes will be held for people to learn about wine and spirits, much like in their Waltham location which has a Fine Wine Culinary Center including a kitchen and seating for 35 people where programming was created for the local community.

Mr. Borrelli asked whether expanding the retail operation at the Needham location is anticipated in the long term.

Mr. Gordon said "I hope so."

Mr. Bulian asked how the concept differentiates from a package store.

Mr. Gordon explained the concept of great service and that customers will be "fitted" to the type of wine they like. He said the formula has worked well in Waltham and he hopes to do the same thing in Needham.

Ms. Cooley asked about email marketing and the issues coming before the Zoning Board of Appeals.

Mr. Gordon explained examples of the email programs are the brochure provided and on Gordon's website. He stated the zoning issues have to do with backing out onto a public street from a retail store and the possibility that an additional parking spot will be required.

Mr. Borrelli asked if deliveries will be made from the location?

Mr. Gordon said "yes, mainly in Newton, Needham, and Waltham."

Mr. Matthews opened the public hearing and invited public comment.

Betsy Heffernan, 99 Whitman Road said keeping a small town feel is important and the description of Gordon's Fine Wines is similar to Needham Center Fine Wines. She said she does not believe Gordon's is different and not sure Needham needs it.

Michael Niden, 79 Maple Street said as president of the Citizen's for the Preservation of Town Hall and founder/board member of the Great Hall Concert Series changes made a few years ago were done to make Needham's downtown a better place, with more foot traffic and better stores. He said he supported package stores years ago, but was surprised at the number of available licenses in Needham. He noted other comparable towns have three to five liquor licenses, not six. Mr. Niden said adding another license would greatly hurt the existing stores in the downtown, noting personalized service is already being offered. He stated allowing another store could force one or two existing shops to close, and a store on the outskirts of town would draw people away from downtown. Mr. Niden said he does not object to Volante's application, but is opposed to an All Alcohol license being issued to Gordon's.

Andrew Mann, 8 Woodledge Road said he enjoys fine wine and there is no offering of the fine wine experience in Needham. He said he supports a liquor license for Gordon's Fine Wine.

Jason Abrams, 160 Nardone Road supports the application for Gordon's Fine Wine and feels it will be a great addition to Needham.

Ben Rosen, 20 Stratford Road said Gordon's Fine Wine creates a great experience in their stores, and is not a typical package store. He said Gordon's would be a great addition to the Town.

Elizabeth Kaponya, 27 Highland Terrace said she is not enthusiastic having Gordon's in the neighborhood, and disputes the claim of two to three customers per hour. She suggested the Board visit the Waltham location to get an idea of traffic flow. Ms. Kaponya said the store would be high volume, would create more gridlock on the streets, and she is not sure adequate parking is available. However, she is enthusiastic about allowing Volante Farms an upgrade to their current liquor license, as they have been in Needham over 100 years.

Chris Lianos, owner, Needham Center Fine Wines reminded the Board of the difficult initial process for granting liquor licenses, and the time taken to understand the business model of the applicant. He said at that time, the Town did not want package stores or a big box store. Mr. Lianos suggested if a license is granted, square footage should be similar to the existing stores. He noted Reveler Craft Beer was given a license two years ago and he had no issues, as he felt they were not competing for business.

Artie Crocker, 17 Fairlawn Street said the issue boils down to the “feel” people want in Needham and “who we are” as a community. He referred to Bin Ends as a destination location off the highway, and Vino di Vino whose focus is fine wine. He commented Needham Fine Wines in the center of Town has a community feel and Volante Farms does not have the feel of a grocery store. Mr. Crocker said Volante Farms is an integral part of “who we are” as a community. He supports granting the license to Volante Farms.

Wendy Decker, 55 Grant Street said the proposal by Gordon’s sounds much like Needham Center Fine Wines, and the Town does not need it. She agrees with Mr. Crocker in that granting the license to Volante Farms would be positive, as they have supported the community for a long time.

Paul Turano, said he loves Volante Farms and has done business with Gordon’s for over 10 years doing “experience style” dinners. He said the Gordon’s concept is for a niche market with specialized clientele, and would not compete with current stores.

David Haddon, 10 Woodlawn Avenue said demand should be the driver. He said he feels there is no need and granting a sixth license would financially weaken the existing five stores. He said, however, he supports granting the license to Volante Farms because they are a long time Needham business and it would solve having to issue a sixth license without diluting the other five licenses. He commented most stores run along Highland Avenue, but Volante’s location serves the Wellesley side of Town.

Scott Linzmeyer, Owner Reveler Beverage Co., 250 Chestnut Street said Gordon’s is a fine operation, but is not appropriate for Needham. He said Volante is not competition for his business and has earned the license based on their pitch of the farm to table nature of the craft beer and spirits industry. Mr. Linzmeyer said granting the license to Volante Farms would be a great addition to Needham.

John Negoshian, 1101 South Street and land owner on Wexford Street stated the industrial park is changing and adding something like Gordon’s Fine Wine would be great. However, he said 10,000 square feet is a package store warehouse, which he does not want in Needham. Mr. Negoshian said the business would be too complex to control.

Mr. Matthews asked representatives from Gordon’s Fine Wine if the business will be another big box liquor store and how it will be different? He asked how can the Board of Selectmen be assured that the business model presented is the one that will be followed?

Steven Miller said any change to the floor plan would require Board of Selectmen approval. He said Gordon’s concept is very unique, pairing food and fine wine. David Gordon commented their customers receive a daily email customized to their

wishes and needs. He said customers can pick up their wine, take a class, and learn about wine. He said the Gordon business model is completely different from shops currently in Needham. Mr. Gordon said many of his customers are from Needham.

Mr. Matthews closed the public hearing and thanked each applicant for their presentation.

8:12 p.m. Consideration of Section 15 All Alcohol Licenses:

Mr. Matthews asked for Board comment.

Mr. Bulian commented he originally opposed liquor stores, but voters overwhelmingly supported liquor stores in Needham. He said while Volante Farms runs a very good business, it was never anticipated an All Alcohol License would be provided to a food store. He acknowledged he was ecstatic when Volante was granted a beer and wine license, however Needham regulation 9.5.5 says package store licenses issued to food stores should be limited to wine and malt beverages only. Mr. Bulian said he supports the regulation. Mr. Bulian said however, he is intrigued by the Gordon's Fine Wine concept. He stated he is not ready to make a decision tonight. He noted the many years it has taken for Needham to impart a mixed use concept in Needham Crossing/Wexford Street/Muzi Ford area. He noted apartments are being built, recognizing population growth. Mr. Bulian commented on possibly keeping the extra full license for Gordon's Fine Wine or some other use, noting development (commercial, residential, and retail) in Needham Crossing. He said the Town has yet to move on the retail component of Needham Crossing. He said he is interested in hearing comments from his colleagues, suggesting the Board consider continuing the public hearing to another night.

Mr. Handel agreed the Board needs to wait until there is specific language and approval for food sales. He stated he does not feel Volante Farms is a supermarket. Mr. Handel also commented on the ZBA decision regarding Gordon's Fine Wine. He said the Board carefully balanced, and was successful in granting licenses to provide for a local need and quality of town life. He said he does not want to alter the formula for granting licenses.

Mr. Borrelli said the initial process of granting licenses was difficult and decisions were based on filling a niche, either warehouse or specialty stores. He noted Gordon's participated in the original process, and he feels the new proposal is a warehouse with retail space. He said he feels Gordon's would pull business away from the downtown and would not be a great addition to Needham. He voiced concern about traffic and delivery. He said the concept of farm to distillery is intriguing and one he would like to have in Needham, noting times have evolved since originally granting alcohol licenses. Mr. Borrelli said it is important to help a local business. Mr. Borrelli concurred with continuing the public hearing until Town Counsel opines on the issue of supermarket/grocery store vs. farm.

Ms. Cooley agreed more information is needed for the Board to make its decision. She commented the issue of Volante Farms as a food store must be resolved. She said discussion has been interesting, particularly the distinction between wine/malt licenses and alcohol licenses. Ms. Cooley shares the concern about Gordon's becoming another package store, and is not fully convinced by what she has heard.

Mr. Matthews concurred with the Board to continue the hearing, commenting the initial process had a lot of debate, a home rule petition approved by Town Meeting, and a referendum vote by citizens. He said Needham has one All Alcohol license to grant unless the statute is changed, which is not easy to do. Discussion ensued on the framework of initial regulations as told to voters, particularly as it relates to food stores/convenience stores. He said from his point of view he would vote "no" to allow Volante Farms an All Alcohol license because the public was told grocery stores would be limited to beer/wine. He acknowledged Volante Farms is a unique business which includes a food store. Mr. Matthews commented on holding a license in reserve, demand, and fairness to existing businesses. He said granting a license would have to fill a different niche. He noted development in Needham Crossing now permits retail uses to serve the population that lives there. Mr. Matthews said the record will be held open for 21 days for additional written comment, suggesting Volante Farms and Gordon's could each address outstanding questions.

Mr. Handel said more information is needed regarding square footage of each location.

Motion by Mr. Handel that the Board of Selectmen vote to continue Public Hearing - Change of Category Retail Package Store Wine and Malt Only to All Alcoholic Retail Package Store for Volante Farms, 292 Forest Street, and Public Hearing - New All Alcoholic Retail Package Store License for Gordon's Fine Wines of Needham, Inc. (77-79 Wexford Street) to Tuesday, November 27, 2018 at 7:30 p.m., and to hold the record open 21 days for additional written comment.

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

8:40 p.m.

Town Manager:

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

1. MPO Annual Election October 31, 2018

The Board discussed items related to the Boston MPO Municipal Elections. Ms. Fitzpatrick recommended that the Board vote to authorize the submission of an absentee ballot.

Motion by Mr. Handel that the Board vote to submit an absentee ballot for Scott Galvin, Mayor of Woburn, Tom Maloney, Chair, Norwood Board of Selectmen, Ruthanne Fuller, Mayor of Newton, and Daniel Dunn, Chair, Arlington Board of Selectmen for the MPO election on October 31, 2018.

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

2. Rules and Regulations for Use of School Facilities

On October 9, 2018 the Board held a public hearing on the proposed revision to the Rules and Regulations for Use of School Facilities and associated fee schedule. These are the regulations that guide the Building Maintenance Division in its permitting of School facilities in accordance with School Committee policy. Ms. Fitzpatrick noted the proposal has been revised based on feedback from the public hearing.

Motion by Mr. Handel that the Board vote to approve the Rules & Regulations for Use of School Facilities, revised October 23, 2018.

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

3. Town Manager's Report

Ms. Fitzpatrick reminded residents Veteran's Day observances will be held on Sunday, November 11, 2018 at Memorial Park. Mr. Handel added the Exchange Club will provide donuts and coffee for those in attendance.

Ms. Fitzpatrick reported on Saturday, October 27, 2018 from 10 a.m. - 2 p.m. the Health Department has organized a medication take back on Garrity Way.

Ms. Fitzpatrick also reported the final tour of the Public Safety Building on Chestnut Street will be on Saturday, October 27, 2018 from 10 a.m. - 11 a.m. She added a presentation was made to the League of Women Voters on Friday, October 19, 2018 at the Needham Library from 9:15 a.m. - 11 a.m. regarding the Public Safety Building project and Ballot Question #4. Mr. Matthews said a good effort was made to get information to residents regarding the project. He said if Question #4 is approved by voters it will provide new police and fire stations with improved safety/response times for the community for years to come.

9:00 p.m. Board Discussion:

1. Discuss Update of F2019-FY2020 Goals

The Board discussed its goals for FY2019-FY2020, including the addition of two goals: to support the creation of a Public Information Officer to expand the Town's communication efforts; and to support the expansion of hours of operation of the Pools at the Rosemary Recreation Complex from Memorial Day to Labor Day, if practicable.

Mr. Matthews said if the goals are added to the list, it may be necessary to remove a couple of items to make sure staff is able to handle their responsibilities.

Ms. Fitzpatrick added the creation of a Public Information Officer will ensure consistent and everyday information reaches residents by social media, as well as by newspaper.

Motion by Mr. Handel that the Board vote to amend its FY2019 - FY2020 goals list to support the creation of a Public Information Officer to expand the Town's communication efforts; and to support the expansion of hours of operation of the Pools at the Rosemary Recreation Complex from Memorial Day to Labor Day, if practicable.

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

9:00 p.m.

Committee Reports:

Mr. Matthews reported the new Minuteman Regional High School construction project is on target for opening in September 2019 and within the budget. He noted some challenging elements included the question of "What is the right size for the school?" He noted the school is being built for 635 students, commenting enrollment is currently 516 students due to several factors. He said a revised Regional Agreement allowing some member towns to leave the district, as well as a change in state regulation allowing out of district students and the right of families to opt for vocational programs that are not available in their communities was substantially limited at the time decisions were being finalized on the project.

Discussion ensued on tuition and enrollment, with Mr. Matthews saying Minuteman administration feels the numbers will increase next year. Mr. Matthews noted the Town's financial planning, commenting tuition costs per Needham student will increase next year.

Ms. Cooley commented it was indicated that an \$80,000 surcharge will be coming next year as a result of the current situation. She commented on recruiting new students, and that the most challenging issue for students admitted but who choose not to attend is distance, a factor that cannot be changed.

Mr. Borrelli said he received marketing information in the mail highlighting the benefits of attending Minuteman and an upcoming forum.

9:06 p.m.

Adjourn:

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of Tuesday, October 23, 2018.

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

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

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

