

# TOWN OF NEEDHAM



## SPECIAL TOWN MEETING WARRANT

MONDAY, November 2, 2015

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Additional information on particular warrant articles will be made available from time to time at [www.needhamma.gov/townmeeting](http://www.needhamma.gov/townmeeting) during the weeks leading up to the Special Town Meeting.

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 Town Hall:

**MONDAY, THE SECOND DAY OF NOVEMBER, 2015**

At 7:30 in the afternoon, then and there to act upon the following articles, viz:

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**HUMAN RESOURCE ARTICLES**

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**ARTICLE 1: APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Union and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016 and fiscal year 2017; or take any other action relative thereto.

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

*Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.*

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**ARTICLE 2: APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Superior Officers Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016; or take any other action relative thereto.

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

*Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.*

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**ARTICLE 3: APPROVE COLLECTIVE BARGAINING AGREEMENT – BCTIA/CUSTODIANS AND TRADES**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian and Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.*

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**GENERAL ARTICLES**

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**ARTICLE 4: AMEND GENERAL BY-LAWS – TERM OF MODERATOR**

To see if the Town will vote to amend the General By-Laws, Section 1.10 ELECTION OF OFFICERS, by deleting subsection (c) “A Moderator for a term of one year”, and inserting in place thereof a new subsection (c) “A Moderator for a term of three years”; or take any other action relative thereto.

INSERTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

*Article Information: The term of the Town Moderator in Needham is one year. Needham’s moderators have a history of running for the office annually, and State Law allows for a term of three years. The 2015 Annual Town Meeting voted to submit a home rule petition to the Legislature to amend the Town Charter to change the term of the Moderator to three years. At the time of the printing of the warrant, the petition is still pending in the Legislature. Town Meeting action to amend the By-law will be required.*

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**ARTICLE 5: ACCEPT ACCESS EASEMENT – ROCKWOOD LANE SUBDIVISION**

To see if the Town will vote to authorize the Selectmen to accept the following easements from the Wayside Realty Trust: 1. the perpetual right to pass and re-pass on foot or by vehicle over the

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area shown as Rockwood Lane (Ext.) on a plan entitled “Rockwood Lane Subdivision” last revised September 26, 2014, on file with the Needham Planning Board, and 2. an access easement to pass and re-pass on foot or by vehicle over the area shown as “13’ Wide Access Easement to be Granted to Town” depicted on a plan entitled “Rockwood Lane Subdivision” last revised September 26, 2014, on file with the Needham Planning Board; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: As a condition of approval of the Rockwood Lane Subdivision, the Planning Board required that the Developer grant the Town two access easements. The first will allow vehicles and pedestrians to pass and re-pass over the way known as Rockwood Lane Extension. The second easement provides access across private property to adjacent Town-owned land. Town Meeting approval of such easements is required in order for them to be effective.*

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## ZONING ARTICLES

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### **ARTICLE 6: AMEND ZONING BY-LAW – MIXED USE OVERLAY DISTRICT**

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

(a) In Section 2.1, Classes of Districts, by adding a new Overlay District designation category as follows:

“MUOD - Mixed-Use Overlay District”

(b) In Section 3, Use Regulations, by inserting a new Subsection 3.14, Mixed-Use Overlay District, to read as follows:

“3.14 Mixed-Use Overlay District

3.14.1 Purpose of District

The purposes of the Mixed-Use Overlay District (hereinafter referred to as the “MUOD”) include but are not limited to:

- (a) Promoting a range and balance of land uses;
- (b) Facilitating integrated physical design and encouraging interaction among activities;
- (c) Permitting mixed use (commercial and residential) on individual development sites that are currently zoned within Mixed Use-128 and the northern Highland Commercial-128, i.e. the northern portion of Highland Commercial-128 abutting the Mixed Use-128 zoning district (hereinafter “the abutting Highland Commercial-128”);
- (d) Permitting mixed use (commercial and residential) within the area currently zoned Mixed

- Use-128 and the abutting Highland Commercial-128;
- (e) Establishing controls which will facilitate responsible development while protecting the public interest by limiting the aggregate amount of development;
  - (f) Permitting flexible development on individual lots;
  - (g) Promoting site features and layouts conducive to a variety of uses;
  - (h) Promoting a pedestrian-friendly living and working environment; and
  - (i) Providing housing in Needham.

### 3.14.2 Scope of Authority

The MUOD is an overlay district superimposed on the Mixed Use-128 and the abutting Highland Commercial-128 District. All uses permitted by right or by Special Permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to further provisions of this Section. Where the MUOD authorizes uses not otherwise allowed in the underlying district, specifically multifamily residential, the provisions of the MUOD shall control. The Planning Board shall be the Special Permit Granting Authority (“SPGA”) for every MSP (as defined below) and any other Special Permit required for development whether permitted by Special Permit in the underlying zoning district or in the MUOD. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable in the MUOD, except as set forth herein.

### 3.14.3 Definitions

**Concept Plan:** An optional submittal for a Master Special Permit which provides a preliminary site plan for MUOD projects detailing the proposed character, uses, site layout, impacts and amenities. The requirements of the Concept Plan are set forth in the following sections.

**Mixed-Use Project:** A combination of retail, office, municipal, service establishments and/or residential uses, as may be approved by the Planning Board for the MUOD by issuance of the Master Special Permit.

**Master Special Permit (“MSP”):** The Special Permit that an applicant must obtain as a precondition to or in conjunction with obtaining any Site Plan Review approvals as provided in the Section 7.4 Site Plan Review.

**Site Plan Review:** The Site Plan Review that an applicant must obtain as part of approval for any MUOD Project.

**MUOD:** The Mixed-Use Overlay District (“MUOD”) comprising the land presently part of the Mixed Use-128 District and the abutting Highland Commercial-128 District.

### 3.14.4 Approval Process

#### 3.14.4.1 Overview

Prior to applying for a building permit for a MUOD Project, the following review sequence is recommended.

- (a) Concept Plan at the discretion of applicant.
- (b) Master Special Permit application and MUOD Plan Review application.

The Planning Board shall promulgate and adopt rules and regulations governing applications in the MUOD. Such rules and regulations shall take effect upon their filing with the Town Clerk, and applications must be submitted on a form provided by the Planning Board and must be in accordance with those rules and regulations, as they may be amended from time to time.

After approval of the Site Plan, no structure previously approved by Site Plan Review may be re-used or changed structurally, and no exterior features may be changed, unless the Planning Board or its designee approves such changes in such manner as the Planning Board determines applicable.

#### 3.14.4.2 Concept Plan

Prior to the application for approval of any MUOD project, a Concept Plan may be filed with the Planning Board for review at a scheduled public meeting or meetings. The Concept Plan shall generally define the proposed mixed use project's character, uses, site layout, impacts and amenities. The Planning Board shall provide written commentary regarding whether the Concept Plan is in compliance with the provisions of this MUOD. A Concept Plan submission at a minimum shall include:

- (a) A preliminary survey plan signed by a registered surveyor;
- (b) A preliminary site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the location and footprint(s) of all proposed buildings, general site grading with finish floor elevations, parking locations and total spaces allocated, landscaping concepts, roads, walkways, egress and access roads, open space and wetlands;
- (c) A preliminary utilities plan showing the proposed location of all germane utilities such as water supply, sewer service, storm water, gas, electric and other germane and/or similar utilities;
- (d) A preliminary subdivision plan, if applicable;
- (e) Proposed buildings as to location, use classification, general architectural design, and size; and
- (f) A zoning chart detailing uses and dimensional requirements (existing, required and proposed) including the need for special permits and/or waivers.

After review of the Concept Plan, the Planning Board shall provide written comments to the Applicant regarding the consistency of the Concept Plan with the objectives and criteria of the MUOD. The Planning Board may, in its written comments, provide suggestions regarding any and all aspects of the Concept Plan. The Planning Board shall advise the Applicant of the Planning Board's comments within sixty (60) days following submittal of the Concept Plan, unless such time is extended by written agreement of the Planning Board and the Applicant. The

comments of the Planning Board on the submitted Concept Plan shall be advisory in nature and shall be without binding effect on either the Planning Board or the Applicant. Said comments shall not be subject to appeal.

#### 3.14.4.3 Master Special Permit (MSP)

Every MUOD project must obtain a MSP issued by the SPGA. The purpose of the MSP is to specify the design, architectural character, site layout and improvements, traffic improvements, traffic impacts and their mitigation, adequate egress and access from and to the site, environmental impacts and their mitigation, specific locations and uses for buildings, public amenities, future division of the property, and other information required for the public and boards of the Town.

No MSP shall be granted unless the proposed project is in compliance with the performance standards set forth in Section 3.14.9.

A MSP shall govern all future development in a particular MUOD project. All construction and associated improvements must be in compliance with the MSP.

The Applicant must supply the Planning Board with sufficient copies of the Application for a MSP, along with all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials for review and comment.

Any proposed structure or improvement to the site must be in compliance with the MSP. Anyone seeking in the future to construct any structure, make any site improvement or change to a different use must apply to the Planning Board for approval of such changes in such manner as the Planning Board determines applicable. Such change or modification must meet all the performance standards then in effect.

#### 3.14.4.4 Special Permit and Site Plan Review within the MUOD.

Within the MUOD, the uses permitted by right or by Special Permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to further provisions of this Section.

In addition to the uses allowed by right or by special permit in the underlying zoning districts, the following residential uses are allowed by the MUOD MSP: multifamily dwellings (defined herein as four or more dwelling units) and multifamily dwellings above commercial uses in the Overlay. Single, two-family, or three family dwellings are not allowed.

MSP and other special permits must be obtained prior to or in conjunction with Site Plan Review Application or, in the event of future changes, in subsequent applications seeking modifications to the MUOD MSP and Site Plan.

The purpose of the Site Plan Review shall be to ensure that any proposed building and site improvements are in compliance with the MSP, the uses approved therein, efficient site flow and

improvements, requisite traffic improvements and mitigation of project impacts, adequate egress and access from and to the project, mitigation of environmental impacts, and designation of specific locations and uses for buildings, structures and public amenities. Site Plan Review shall include the following components for review and approval: building design and elevations, directional signage, landscaping, lighting, parking, and compliance with the MSP. The application shall also be reviewed for compliance with performance standards set forth in Section 3.14.9 and with the specific conditions of the proposed MUOD MSP.

The Planning Board shall hold its hearing on a MSP, other special permits, and Site Plan Review application only after receipt of complete applications.

After approval of the Site Plan Review application, special permits (if applicable), and MUOD MSP, no structure previously approved may be re-used or changed structurally, and no exterior features may be changed, unless the Planning Board or its designee approves such changes in such manner as the Planning Board determines applicable to the particular change.

#### 3.14.5 Special Permit Decision Criteria

Any special permits required for uses and/or dimensional requirements in the underlying zoning districts shall be subject to the criteria set forth in other sections of the Zoning By-Law in regards to the granting of special permits.

When the application is for a MSP, the Planning Board shall consider, in addition to the criteria set forth in other sections of the Zoning By-Law with regard to the granting of special permits, whether the MUOD project complies with the use regulations, dimensional requirements and performance standards set forth herein. The MSP shall be granted in the MUOD by the Planning Board only upon the Board's written determination that the adverse effects, if any, of the proposed MUOD project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site.

#### 3.14.6 Special Permit Conditions

Where the Planning Board grants any special permit and/or MSP, the Board may impose additional reasonable conditions, safeguards and limitations on time and use, including but not limited to the following:

- (a) A phasing schedule for construction of each component part of the project which ensures integration of residential, nonresidential and municipal uses;
- (b) A demolition and construction schedule, including a construction traffic management plan;
- (c) Hours of operation, site maintenance, delivery and waste removal times and lighting schedule;
- (d) Recording of approved special permits, MSP, and Site Plan Review decision in the Norfolk Registry of Deeds, and if registered land, in the Land Court prior to the issuance of any building permits;

- (e) All development shall be in compliance with plans approved in the MSP, other special permits and Site Plan Review decision and with all applicable federal, state, and local laws, rules and regulations and By-Laws;
- (f) If circumstances so warrant, with respect to a MSP, continued monitoring of off-site impacts to traffic and the environment in appropriate locations with regard to MUOD development; and
- (g) The Planning Board or its designated representative shall have the right to make inspections during the construction process.

#### 3.14.7 Time Limit

Until such time as the MSP and Site Plan Review decision are issued for a MUOD project, and the appeal period following the Planning Board's decisions has expired with no appeal having been filed, or any filed appeal has been finally determined by a court of competent jurisdiction, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time of the issuance of the first certificate of use and occupancy for a building with the MUOD, the zoning of the MUOD shall apply. If an Applicant has not made effective use of an issued MSP within two years of its issuance, then the MSP shall expire; provided, however, that the Planning Board may, upon application filed prior to such expiration, extend the MSP for one additional time period of up to three years.

#### 3.14.8 Dimensional Requirements

The dimensional requirements of any MUOD Project shall be governed by the dimensional requirements of the underlying zoning district(s) except as follows:

- (a) Height Limit: 70 feet and up to 84 feet by special permit, except within 350 feet of a river, in which event the building shall be limited in height to 54 feet.
- (b) Maximum Lot Coverage: 65%.
- (c) Minimum set back requirements from all lot boundaries shall be consistent with the setback requirements of the underlying district.
- (d) Maximum FAR: 3.0 (not to include parking garages or below grade parking).
- (e) As to residential units, parking shall be provided at 1.5 parking spaces per unit, except affordable units may be allowed to provide only 1 parking space per unit. Commercial development shall meet off-street parking requirements of the underlying district.
- (f) The Minimum Lot size for development for a MUOD project shall be two (2) acres.
- (g) Consistent with Section 4.9.3 of the Needham Zoning By-Law, the Planning Board by special permit may waive any applicable dimensional regulation, including the regulations noted above, by 25%. However, this ability to grant waivers shall not include the limits on height. The ability to grant waivers from the parking requirements for residential units shall be governed by the special permit provisions of Section 5.1.1.5 of the Needham Zoning By-Law.

#### 3.14.9 Performance Standards

The development of a MUOD Project in the MUOD shall comply with the following performance standards in lieu of those set forth elsewhere in the Zoning By-Law:

#### 3.14.9.1 Residential Development

- (a) Residential Development Cap: In the MUOD district no more than 250 dwelling units shall be permitted.
- (b) At least 40% of all dwelling units within any MUOD project shall be one-bedroom units but not more than 70%.
- (c) At least 10% of all dwelling units shall be Affordable Units as defined below.

#### 3.14.9.2 Landscaping

The Applicant shall prepare a landscaping plan showing that the MUOD project will meet the landscaping requirements of the Needham Zoning By-Law and the following standards: promote the establishment, protection, and enhancement of the natural landscape; ensure appropriate use of plant material in new construction; preserve natural tree cover; and promote the inclusion of new tree planting in order to reduce visual blights, noise and glare, prevent soil erosion, reduce stormwater runoff, increase ground water discharge, create shade and reduce solar overheating.

#### 3.14.9.3 Massing

Any buildings proposed for a MUOD project shall provide visual relief along the façade of each building.

Building design throughout a MUOD project shall include designs which promote visual relief by varying roof lines, height and other aesthetic features.

#### 3.14.9.4 Screening and Buffer Requirements

A MUOD project shall provide an appropriate visual barrier between features of the Mixed-Use Project and public streets and abutting properties. Dumpsters, trash handling areas, mechanical equipment at ground level or roof top, service entrances, utility facilities for building operation, loading docks or spaces and similar components shall be subject to visual barrier as determined by the Planning Board.

#### 3.14.9.5 Stormwater Management

The stormwater management system serving any MUOD project shall comply with all applicable federal, state and local laws, rules, regulations and By-Laws.

#### 3.14.9.6 Roadways

In order to assure there is adequate access and egress for emergency vehicles and normal traffic expected in the Mixed-Use Project, and safe pedestrian access, the roadways serving the MUOD Project shall comply with the Zoning By-Law. An applicant must demonstrate that the adequacy

of the roadways providing access and egress to and from the MUOD Project and within the site itself ensures safe vehicular and pedestrian traffic.

#### 3.14.9.7 Parking and Loading Standards

An application for MUOD MSP shall include a parking plan setting forth the number of parking spaces and loading areas, the location and design of same, including lighting and landscaping. If required by the Planning Board, the application shall also include a parking and loading study which support such plan. The required off street parking spaces may be accommodated by employing at-grade parking areas, parking garages or below grade parking areas. Further, podium parking, a form of below grade parking, shall be allowed if the parking structure is not more than 4 feet above finished grade and designed and/or landscaped in a manner that the Planning Board deems sufficient to properly buffer the podium parking structure from view.

#### 3.14.9.8 Affordable Units

The following standards shall apply in the MUOD. All projects shall include Affordable Units; further at least 10% of the dwelling units shall be Affordable Units. The term “Affordable Unit” shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (“DHCD”) for rental or ownership units set forth in 760 CMR 56, as amended from time to time, in order that such Affordable Unit shall be included in the DHCD Subsidized Housing Inventory. Affordable Units shall be subject to the following conditions:

- (a) The Affordable Unit shall be affordable in perpetuity. A Deed Restriction or other suitable restriction (hereinafter the “Restriction”) shall assure this condition. The Restriction shall be structured to survive any and all foreclosures.
- (b) Where the Affordable Units are proposed for sale, the continuing enforcement of the Restriction through subsequent resales shall be the subject of a Monitoring Agreement.
- (c) The Restriction and Monitoring Agreement shall be drafted in compliance with State requirements, as amended from time to time, and guidelines promulgated thereunder. The Restriction and Monitoring Agreement shall be subject to the review and approval of Town Counsel prior to the issuance of a certificate of occupancy for any dwelling unit.
- (d) The Affordable Unit shall conform to the standards of DHCD for inclusion in the DHCD Subsidized Housing Inventory.
- (e) A right of first refusal shall be granted to the Town or its designee for a period not less than 90 days after notice thereof.
- (f) Affordable Units shall satisfy the design and construction standards of the Local Initiative Program, as amended from time to time, with regard to distinguishability from market rate units.
- (g) Each Affordable Unit must be constructed and an occupancy permit obtained at the rate of at least one Affordable Unit for every nine market rate units.
- (h) In computing the number of required Affordable Units, any fraction of a unit must be rounded up, and the result shall be the number of Affordable Units to be built within the MUOD and not off site.

### 3.14.10 Peer Review

The Planning Board, at the expense of the Applicant and pursuant to M.G.L. Chapter 44, Section 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, wetlands scientists, lighting technicians, and experts on impacts, to review all Concept Plans, special permit applications, MSP, and Site Plan Review applications.

### 3.14.11 Rules and Regulations

The Planning Board shall adopt rules and regulations for the implementation of this Section.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted.

*Article Information: As part of its ongoing mission to evaluate Town-wide economic conditions and to make recommendations to promote and encourage new and existing businesses, the Council of Economic Advisors (CEA) has been studying the implementation of a residential overlay in the Mixed-Use-128 and adjacent Highland Commercial-128 zoning districts in Needham Crossing, which was first recommended in the Goody Clancy Zoning and Land Use Planning Study in 2001. To assure that any residential overlay proposal firstly would have in and of itself a positive fiscal impact and, secondly, have a positive economic impact on surrounding target areas, the CEA secured funding from the Massachusetts Housing Partnership and engaged the services of Connery Associates to draft the zoning article and to provide a fiscal analysis of its impact. After months of study and analysis, and meetings with businesses, owners, and residents in the area, the CEA forwarded the recommended zoning approach to the Board of Selectmen. Public hearings on the zoning proposal were held by the Planning Board in September of 2015, and this article represents the zoning approach as recommended by the Planning Board.*

*The proposed zoning amendment establishes the purposes to be served by the Mixed-Use Overlay District including: permitting a mix of residential and commercial uses on the same site or within the District, establishing controls which will facilitate responsible development while protecting the Town’s fiscal and other interests, permitting flexible development on individual lots, and providing additional housing. The amendment sets out the procedure for seeking a Master Special Permit from the Planning Board in the Overlay District and establishes specific special permit and site plan review requirements.*

*Based on fiscal projections, the amendment would allow for the establishment of a Mixed-Use Overlay District in which up to 250 residential units would be permitted. The number and makeup of the units was determined to provide a long-term, sustainable, and positive impact on the Town’s tax base. The number of one-bedroom units in any project would be at least forty percent, but not more than seventy percent. Ten percent of such housing would be includable on*

*the Inventory of Subsidized Housing in order to ensure that the Town maintains the required percentage of its housing stock as affordable under M.G.L. chapter 40B. Because the types of development most likely to provide positive overall economic impact are larger residential facilities, the zoning provides for a two-acre minimum lot size. Unlike Downtown residential development, the zoning plan does not recommend isolated smaller residential projects above commercial ones. Single family, two-family, and three-family development is not allowed. The proposed amendment also sets out the off-street parking requirement for the residential units – 1.5 parking spaces per unit (except for affordable units which require one parking space per unit). Any commercial development within the project must meet the underlying zoning districts’ parking requirements.*

*Most of the dimensional requirements of the underlying zoning districts are incorporated into the Overlay District. The proposed amendment permits the allowable Floor Area Ratio to be increased to 3.0 (not including parking garages or structures) in order to incent the residential development. As in the underlying zoning, the proposed amendment permits the Planning Board to waive dimensional requirements (except height restrictions) up to 25% by special permit. The proposed amendment also provides guidelines for landscaping, massing of buildings or structures, screening and buffer requirements, roadways for access and egress, parking and loading and storm water management. The Planning Board is also expressly authorized to engage a peer review consultant at the applicant’s expense.*

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**ARTICLE 7:    AMEND ZONING BY-LAW – MAP CHANGE TO MIXED USE  
OVERLAY DISTRICT**

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

- (a)    Place in the Mixed Use Overlay District all that land described under Article 3, paragraph 2 of the March 25, 2002 Special Town Meeting, superimposing that district over the existing Mixed Use 128 District (MU-128), said description being as follows:

“Beginning at the point of intersection of the easterly sideline of the Circumferential State Highway Layout of 1953, and the centerline of the MBTA right-of-way thence running northeasterly by said centerline to a point with its intersection with the centerline of the Charles River, thence turning and running southeasterly by the centerline of the Charles River to its intersection with a line 100 ft. northerly and parallel to the northerly sideline of Highland Avenue, thence turning and running westerly by said parallel line to its intersection with the westerly most sideline of Highland Circle, thence turning and running by said centerline northwesterly and westerly to the point of intersection with a line 200 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence running westerly by said parallel line to a point of intersection with the easterly lot line of Lot 2, as shown on a plan recorded in the Norfolk County Registry of Deeds as Plan 1364 of 1988, thence running southerly by said lot line to a point, thence turning and running westerly by the southerly lot line of Lot 2 to the point of intersection with the

easterly sideline of Brook Road thence continuing in the same direction of said lot line to the intersection of the line of the end of Brook Road at the easterly sideline of the Circumferential Highway Layout of 1953, thence northerly by said Highway Layout to the point of beginning.”

- (b) Place in the Mixed Use Overlay District all that land described under Article 3, paragraph 3 of the March 25, 2002 Special Town Meeting, superimposing that district over the existing Highland Commercial -128 District (HC-128) located north of Highland Avenue, said description being as follows:

“Beginning at the point of intersection of the centerline of Highland Avenue and the easterly sideline of the Circumferential State Highway Layout of 1953, known as Route 128 (Interstate Route 95); thence running northerly along said sideline of the Circumferential State Highway to the point of intersection of said Circumferential Highway and the westerly projection of the southerly lot line at the end line of Brook Road of Lot 2 as shown on a plan recorded in the Norfolk County Registry of Deeds as Plan 1364 of 1988, thence running easterly by said projection and said southerly lot line of Lot 2 to a point, thence turning and running northerly by the easterly lot line of Lot 2 to a point of intersection with a line 200 ft. from a parallel to the northerly sideline of Highland Avenue, thence running easterly by said line 200 ft. from and parallel to the northerly sideline of Highland Avenue to the point of intersection of the southerly most centerline of Highland Circle, thence running easterly and southeasterly by said centerline of Highland Circle to the intersection with a line 100 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence running by said parallel line easterly to the centerline of the Charles River, thence running easterly by said centerline of the Charles River to the northerly centerline of Highland Avenue, thence running westerly by said centerline to the point of beginning.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted.

*Article Information: This article describes the geographical boundaries of the proposed Mixed Use Overlay District. The Mixed Use Overlay District would include all land located in the Mixed Use-128 (MU-128) District. The Mixed Use-128 (MU-128) District is bounded by Route 128 to the west, the rear lot lines of properties on Highland Avenue to the south, the Charles River to the east, and the elevated rail line to the north. Also included in the Mixed Use Overlay District is the portion of the Highland Commercial-128 (HC-128) District located north of Highland Avenue. The affected portion of the Highland Commercial-128 District includes all properties fronting on the north side of Highland Avenue between Route 128 and the Needham/Newton Town line. The district boundary typically follows the rear lot lines of properties along the north side of Highland Avenue to a depth of 200 feet.*

**ARTICLE 8: AMEND ZONING BY-LAW – HISTORIC PRESERVATION  
DIMENSIONAL SPECIAL PERMIT**

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

“4.7.5 Historic Preservation Dimensional Special Permit

4.7.5.1 Purpose

The purpose of this by-law is to encourage the preservation and restoration of historic architectural features on existing historic buildings and structures in the community, by modifying certain dimensional standards that might be an impediment to such preservation and restoration efforts.

4.7.5.2 Applicability

Modification of dimension standards per a Historic Preservation Dimensional Special Permit shall be allowable in all zoning districts.

4.7.5.3 Historic Eligibility

For purposes of a Historic Preservation Dimensional Special Permit, the building or structure must be listed on one of the following:

- (a) The National Register of Historic Places;
- (b) The State (Commonwealth of Massachusetts) Register of Historic Places;
- (c) Inventory of Historic Assets of the Commonwealth for the Town of Needham, or designated for inclusion in such inventory, including those buildings listed for which complete surveys may be pending; and
- (d) Pending nominations in good standing to the National or State Register.

4.7.5.4 Special Permit

After making the findings required by Section 4.7.5.5 below, the Board of Appeals may, by special permit waive the front, side, and rear setbacks for the zoning district, by relaxing each by up to a maximum of 40%, as necessary.

4.7.5.5 Findings Required

In order to grant a special permit, the Board of Appeals shall find:

- (a) That the purpose of the Permit is for the preservation and/or restoration of a historic architectural feature on an existing building and/or structure that is eligible under Section 4.7.5.3 above;
- (b) That the proposed renovation, repair, or addition, to the maximum extent feasible, preserves and/or restores the historical architectural features of the building, or structure;
- (c) That such modification of a dimensional requirement is required to enable the preservation and/or restoration of the historical architectural features of the building or structure and that failure to grant the special permit is likely to result in construction or continuation of an inappropriate physical modification, or the destruction or deterioration of the existing historical architectural features;
- (d) That the proposed renovation, repair, or addition has been determined by vote of the Needham Historical Commission to be a historically accurate architectural restoration;
- (e) That the building or structure will remain on the site on which it was originally constructed; and
- (f) That the proposed use will not generate negative impacts to the surrounding area or zoning district or that any negative impacts generated may be feasibly mitigated.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

*Article Information: The purpose of this article is to encourage the preservation and restoration of historic architectural features on existing historic buildings and structures in the community, by modifying certain dimensional standards that might be an impediment to such preservation and restoration efforts. The proposed by-law gives the Board of Appeals authority to issue a special permit waiving the front, side, and rear setbacks for the zoning district by relaxing each by up to a maximum of 40%, as necessary. In order to grant a special permit, the Board of Appeals must find: (a) That the proposed renovation, repair, or addition, to the maximum extent feasible, preserves and/or restores the historical architectural features of the building or structure; (b) That such modification of a dimensional requirement is required to enable the preservation and/or restoration of the historical architectural features of the building or structure and that failure to grant the special permit is likely to result in construction or continuation of an inappropriate physical modification, or the destruction or deterioration of the existing historical architectural features; and (c) That the proposed renovation, repair, or addition has been determined by vote of the Needham Historical Commission to be a historically accurate architectural restoration. To be eligible for a historic preservation dimensional special permit, the building or structure must be listed on one of the following: The National Register of Historic Places; The State (Commonwealth of Massachusetts) Register of Historic Places; or The Inventory of Historic Assets of the Commonwealth for the Town of Needham. Pending nominations in good standing to the National or State Register are also eligible for a historic preservation dimensional special permit under the proposed amendment.*

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## FINANCIAL ARTICLES

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### **ARTICLE 9:    AMEND THE FY2016 OPERATING BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2016 Operating Budget adopted under Article 16 of the 2015 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

| <b>Line Item</b> | <b>Appropriation</b>   | <b>Changing From</b> | <b>Changing To</b> |
|------------------|--|----------------------|--------------------|
| 3                | Group Health Insurance, Employee Benefits & Administrative Costs | \$11,474,207         | \$11,670,207       |
| 6                | Debt Service   | \$11,224,301         | TBD                |
| 9                | Classification, Performance & Settlements                        | \$175,000            | \$360,000          |
| 10               | Reserve Fund   | \$1,384,767          | \$1,524,767        |
|                  |  |                      |                    |

Or take any other action relative thereto.

INSERTED BY:    Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* This article seeks to amend the Town's operating budget for fiscal year 2016. The Finance Committee's recommendation that this article be adopted was made in anticipation of an amendment to change the Debt Service budget amount from "TBD" to \$11,474,301 – an increase of \$250,000. The Board of Selectmen voted to transfer the \$250,000 – originally proposed for appropriation under Article 14 of this Warrant – to the Debt Service line in the operating budget. This agreement occurred after the vote of the Finance Committee. The funds will be used to offset debt service costs for pending capital projects.

The \$196,000 increase to the Group Health Insurance, Employee Benefits & Administrative Costs budget line is to cover increased health insurance costs. This funding increase was expected at the time the fiscal year 2016 budget was presented to Town Meeting this past May. At that time, there were several variables that could impact the fiscal year 2016 health insurance budget, including premium increases, additional head count in the School and Town departments, plan selection by employees, and actual enrollment. The projected funding gap ranged from \$260,000 to \$280,000. Given the number of variables, it was agreed that the final budget amount would be recommended at the fall Special Town Meeting. Based on current enrollment, it is projected that \$196,000 should be sufficient to meet expenses for fiscal year 2016.

The \$185,000 increase to the Classification Performance & Settlements budget line is to set aside funds for union contracts that are not yet settled, and to cover changes to the various non-

represented employee schedules that were amended this year: Schedule C, Schedule G, and Schedule K. Schedule C provides the wage rates for part-time, seasonal, and temporary positions, including minimum wage positions whose pay rate has increased under State law. Schedule G is the salary and wage rates for full-time and permanent non-represented positions in Town Government, and Schedule K represents the compensation plan for department managers who are not otherwise covered under a separate employment contract.

The proposed change to the fiscal year 2016 Reserve Fund is an increase of \$140,000 based on new revenue identified for appropriation. The Reserve Fund is one of the budgets that provides budget flexibility and is relied upon as a fund to help cover snow and ice removal costs that exceed the appropriation.

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## CAPITAL ARTICLES

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### **ARTICLE 10: APPROPRIATE FOR FIRE STATION 2 FEASIBILITY STUDY**

To see if the Town will vote to raise and/or transfer and appropriate \$50,000 for a feasibility study for the repair, renovation and/or addition to Fire Station #2 to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation that \$12,305 be transferred from Article 39 of the 2013 Annual Town Meeting and that \$37,695 be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* The purpose of this article is to appropriate funds for a feasibility study leading toward improvements, repairs, renovation and/or addition to Fire Station #2 at the intersection of Highland Avenue and Webster Street. Prompted by significant commercial and residential growth in the service area of Station #2, the study will evaluate opportunities for garaging necessary safety apparatus, as well as building and envelope deficiencies identified in the recently completed Facility Master Plan. The study will include program and space needs identification, facility and system assessments, a range of conceptual design options, and cost estimates.

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### **ARTICLE 11: APPROPRIATE FOR HIGH SCHOOL CAFETERIA RENOVATION**

To see if the Town will vote to raise and/or transfer and appropriate a sum for engineering, design and construction for renovation and repairs to the cafeteria at Needham High School, to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: This article provides funding for final design, engineering and construction of expanded cafeteria space at Needham High School. The project scope includes an approximately 3,000 s.f. addition to the existing cafeteria to provide additional student seating. This expansion is needed to accommodate enrollment growth at the school. Currently, the cafeteria seating capacity is 488, but the average lunch seating is 536, with a second lunch seating of 620 students. The expansion is needed to increase capacity, provide sufficient seating, and meet building code requirements. In addition, serving areas and cashiers will be spaced more appropriately to improve the movement and circulation of students through the serving lines. A folding panel partition is proposed to separate the new space from the existing cafeteria. This multi-purpose design would strengthen school programs by providing additional space for directed study halls and academic support, testing, lectures, training, class meetings, and co-curricular space. The 2015 Annual Town Meeting appropriated \$150,000 for study and preliminary design.*

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**ARTICLE 12: APPROPRIATE FOR FEASIBILITY STUDY / HILLSIDE SCHOOL**

To see if the Town will vote to raise and/or transfer and appropriate \$45,000 for feasibility, design and engineering services related to the renovation and/or reconstruction of the Hillside School located at 28 Glen Gary Road and shown as Lot 01 on the Needham Assessors Map numbered 102, to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation that said sum be transferred from Article 1 of the November 4, 2013 Special Town Meeting, and that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action relative thereto

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: This article will provide funding to supplement the feasibility design budget of the Hillside School Renovation project. The November 4, 2013 Special Town Meeting approved \$650,000 for feasibility design of this project. At that time, the Central Avenue site had not yet been identified as a potential location for the Hillside School. The additional cost associated with studying the new site was allocated by the PPBC from other expenses categories of the project budget. As a result, supplemental funds totaling \$45,000 are needed to replenish the budget and complete the schematic design stage. If approved, this warrant article would increase the project budget to \$695,000, for which partial MSBA reimbursement is anticipated.*

**ARTICLE 13: APPROPRIATE FOR PROPERTY ACQUISITION**

To see if the Town will vote to raise and/or transfer and appropriate \$7,000,000 for the acquisition of real property known as Owens Farm, 585 Central Avenue and adjacent properties, and associated site costs, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: The property on Central Avenue became available for purchase this past summer, and was identified as a possible site for the relocation of the Hillside School. At the time of the printing of the warrant, the site was under final consideration by the School Committee and Permanent Public Building Committee for submittal to the Massachusetts School Building Authority (MSBA) as the Town's preferred site for location of a new school.*

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**TOWN RESERVE ARTICLES**

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**ARTICLE 14: ESTABLISH DEBT SERVICE STABILIZATION FUND**

To see if the Town will vote to establish a fund under the provisions of M.G.L. c. 40 Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003 to be known as the Debt Service Stabilization Fund. The purpose of this Fund is to allow the Town, from time to time, by appropriation, to reserve funds to pay the debt service for engineering and design, renovation, reconstruction or construction of Town facilities; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: This article seeks to create a stabilization fund to set aside funds from time to time to be available if necessary to pay certain debt obligations. This fund is intended to be part of the Town's overall planning strategy for addressing capital facility needs. The fund would provide added flexibility to maintain the Town's capital investment strategy by smoothing out the impact of debt payments in years when the debt level is higher than is typically recommended. The fund would also be beneficial at times when interest rates are higher than expected. The plan for the fund is designed to ensure that the monies are not depleted in a single year, and that the amount available for appropriation is known before the budget year begins. All appropriations to and from the fund require Town Meeting action.*

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 into our hands at Needham aforesaid this 21<sup>st</sup> day of September 2015.

**MAURICE P. HANDEL, *Chairman***  
**MATTHEW D. BORRELLI, *Vice Chairman***  
**MARIANNE B. COOLEY, *Clerk***  
**DANIEL P. MATTHEWS**  
**JOHN A. BULIAN**

*Selectmen of Needham*

A TRUE COPY

Attest:

Constable:

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**Town Clerk's Office  
Needham, MA 02492**

**ATTN: SPECIAL TOWN MEETING WARRANT**