

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

WEDNESDAY, October 5, 2016

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 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:

WEDNESDAY, THE FIFTH DAY OF OCTOBER, 2016

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

HUMAN RESOURCE ARTICLES

ARTICLE 1: APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION

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

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

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

HILLSIDE SCHOOL ARTICLES

ARTICLE 2: APPROPRIATE FOR HILLSIDE SCHOOL CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$57,542,500, for architectural design, engineering, and construction of the Hillside School to be located at or about 585 Central Avenue and shown as Lot 3 on the Needham Assessor’s Map, numbered 310 and Lots 5,6,7,9,10, 11 and 27 on the Needham Assessor’s Map 108, including the payment of costs incidental or related thereto (the “Project”); which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and

for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said sum to be expended under the direction of the Town Manager and Permanent Public Building Committee. To meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, M.G.L. Chapter 70B, or any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty four point seventy two percent (34.72%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; and further that this is an emergency measure necessary for the immediate preservation of the safety and convenience of the Town, and therefore final vote of the Town Meeting passing this measure shall be immediately operative; 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 seek funding for the construction of the new Hillside Elementary School. The total budget for the Hillside School project is \$66,000,000, of which \$8,457,500 has already been appropriated by Town Meeting for feasibility design (\$695,000) and land acquisition (\$7,762,500). The balance remaining, \$57,542,500, is the amount needed to complete construction of the school. This amount must be appropriated in order for the project to move forward in the Massachusetts School Building Authority's (MSBA) school building process.

The method of funding for this project will be a Proposition 2½ Debt Exclusion Override, scheduled for November 8, 2016. As such, final approval of this project is contingent both upon successful Special Town Meeting appropriation and voter approval of the debt exclusion ballot question.

Although the appropriation needed for construction is \$57,542,500, the MSBA will share in the total cost of this project. The MSBA Board of Directors has approved an estimated maximum total facilities grant of between \$13,066,791 and \$14,014,874 for the school. The final amount that Needham receives will be based on a review and audit of the final project costs and may be an amount less than \$13,066,791. The maximum total facilities grant is based on an anticipated MSBA reimbursement rate of 34.72%, which is applied only to eligible project costs.

Residential tax bills will increase only by the Town’s share of the actual cost of the project. The Town will not borrow the full amount unless it is necessary.

Although the scheduled opening date of the new school is September, 2020, the Permanent Public Building Committee (PPBC) is currently considering an accelerated schedule, which would allow the building to open one year earlier than planned – in September 2019 – in an

effort to save on cost escalation factors for construction. The anticipated savings are in the \$1.25 to \$1.5 million range. The PPBC will have a clearer understanding of the schedule and potential savings as the design development process gets underway this fall. If the accelerated schedule becomes a reality and the project budget is reduced, the amount borrowed and ultimately spent will be reduced accordingly.

An Emergency Preamble is requested as part of this warrant article, to permit use of the funds immediately following final Town Meeting vote. The purpose of the preamble is to allow development of the project design on the aforementioned accelerated schedule, which could lead to significant potential budget savings.

ARTICLE 3: **APPROPRIATE FOR HILLSIDE SCHOOL OUTSIDE PLAY AREAS**

To see if the Town will vote to raise, borrow and/or transfer and appropriate the sum of \$250,000 for architectural design, engineering, and construction costs associated with outside play areas and fields at the new Hillside School to be located at or about 585 Central Avenue, including lands under license, to be expended under the direction of the Town Manager and Permanent Public Building Committee, said sum to be transferred from Article 1 of the November 4, 2013 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would fund the design and construction of a playing field and adjacent walkways at the new school. The field and walkway project is intended to be a completely separate, but parallel project that would be timed with the design of the building project. The proposed playing field will be approximately 25 yards by 35 yards, which is larger than U6 and U8 regulation soccer fields, but slightly smaller than a U10 youth soccer field.

This project is being kept separate from the school building project at the request of the MSBA, because a portion of these improvements will be constructed on land that is located within the Town of Needham, but owned by the Town of Wellesley. The Town of Wellesley owns a parcel of approximately 80 acres that abuts the new school consisting primarily of wetlands that surround the Rosemary Brook and act as a buffer to Wellesley's water supply. Wellesley has agreed to license a portion of this land to the Town of Needham for the purpose of making these recreational improvements.

An additional project to extend the walkways and construct nature trails around the upland knoll behind the school (also located within the licensed land) will be included in the FY2018 – FY2022 Capital Improvement Plan.

ZONING ARTICLES

ARTICLE 4: AMEND ZONING BY-LAW – HEIGHT LIMITATION EXCEPTIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2, Height Limitation Exceptions, by revising the first paragraph, so that it shall now read as follows (new language underlined):

“4.2.2 Height Limitation Exception

The maximum height regulation in Section 4.2.1 shall not apply to schools and municipal buildings which may contain three (3) stories or may be as high as forty-five (45) feet. In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, solar panels, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof. Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.

Notwithstanding the foregoing paragraph, a municipal building or structure located on a lot in excess of twenty (20) acres created by deed or plan, endorsed or recorded before September 1, 2012, may be as high as fifty (50) feet, provided the building or structure contains no more than one story, is used primarily for storage purposes and is located at least two hundred (200) feet from all property lines. Any municipal building which ceases to be a municipal building, because of a change of use or ownership, may continue to be used, maintained and reconstructed so as to contain up to the number of stories and the height which existed at the time of the change to non-municipal use or ownership. Notwithstanding the above, nothing contained herein shall in any way limit the rights conferred under footnote (h) of Section 4.2.1 Table of Regulations.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Explanation: This article would increase the height limitation for schools and other municipal buildings from the existing 40 feet to 45 feet. The Town has limited land resources and often requirements for certain types of necessary programming within schools and for other

municipal functions mandate greater flexibility in building height. This has been found to be the case with respect to the proposed new Hillside School on the Owen's Farm site on Central Avenue and with respect to the Police/Fire station on Chestnut Street. Like other institutional uses, municipal and school uses also often require that equipment and other non-habitable structures be placed on the roof to support HVAC, plant, and other mechanical functions. The amendment authorizing the allowance of these types of structures tracks those used in the Institutional and commercial zones. The amendment limits the height of these structures to fifteen feet and their coverage to 33% of the total roof area. (It should also be noted that the Planning Board, under site plan review authority, may also require them to be setback from the building edge to minimize their visibility.) The allowance of cornices and parapets 5 feet above the maximum building height also serves to limit the visibility of such structures. Finally, to assure continued progress in energy conservation in municipal buildings and schools, this article also allows for solar panels to be installed without limitation on coverage on roof tops provided they are set back a distance at least equal to the height of the panel.

ARTICLE 5: **AMEND ZONING BY-LAW – DEFINITION OF BASEMENT**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by replacing the existing definition of the term “Basement”, so that the entire definition shall now read as follows:

“Basement – That portion of a building that is partly or completely below grade. A minimum of 50% of the area of the basement walls must be below grade to be considered a basement. Only one basement level may be partly below grade; additional basement levels must be completely below grade. Notwithstanding the above, a walkout basement shall be limited to a maximum height of 10 feet with said height measured from the plane of the finished basement floor to the plane of the underside of the first floor joists directly above. For purposes of this definition, area shall be computed by taking the exterior perimeter of basement walls, whether or not exposed, multiplied by the height of all walls, whether or not exposed.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Explanation: Presently under the By-Law, where a structure is on a sloping site, multiple stacked basements all having 100 percent above-grade exposure along at least one exterior wall are permitted under the Basement definition and the measurement of average height. This article would amend the Basement definition so as to permit only one basement level to be placed partly below grade; additional sub-basement levels would be permitted but only if such additional sub-basement levels are placed completely below grade. Furthermore, walkout basements would be limited to a maximum height of 10 feet with said height measured from the plane of the finished basement floor to the plane of the underside of the first floor joists directly above. The article is designed to correct an unforeseen By-Law outcome which permitted a residential structure containing two and one half stories to be built atop a multi-level basement

where both basement levels were placed 100 percent above grade at the elevation on the downhill side. The amendment clarifies the definition of the term "basement" so as to secure the desired and anticipated story limit as well as to provide a limit on overall building height along the walkout basement elevation.

FINANCIAL ARTICLES

ARTICLE 6: AMEND THE FY2017 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2017 Operating Budget adopted under Article 12 of the 2016 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
3	Group Health Insurance, Employee Benefits, Assessments & Administrative Costs	\$13,197,691	\$13,220,510
4	Needham Electric, Light & Gas Program	\$3,414,290	\$3,462,195
9	Reserve Fund	\$1,541,875	\$1,454,376
20	Minuteman Assessment	\$762,686	\$766,061
23B	Public Works Expenses	\$1,542,389	1,662,389
25A	HHS Salaries & Wages	\$1,235,205	\$1,296,510

Or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Line item changes are proposed to correct the amount needed to be appropriated for the FY2017 Minuteman School Assessment, to fund an unanticipated project, to implement a deferred service improvement in the Health Department, and to recognize the final methodology for payments related to the solar array. The approved fiscal year 2017 budget included a Minuteman Assessment of \$762,686 rather than the required assessment of \$766,061 through a transcription error. The increase in the appropriation is \$3,375. This past summer, the Town was notified that an old fence along the High School property line behind the tennis courts was constructed on private property. The plan to remove the fence and to install a concrete wall to stabilize the slope between Town property and the residential properties on Webster Street is estimated at \$120,000. As noted in the Finance Committee's letter to Town Meeting in the 2016 Annual Town Meeting Warrant, evaluation of the creation of a new Environmental Health Agent position and associated employee benefits costs has continued along with a review of the organizational structure of the department. The evaluation and

review are complete and the position has been proposed for funding in the amount of \$61,305 in the Health and Human Service salary line and \$22,819 in the Group Health Insurance, Employee Benefits, Assessments, & Administrative Costs line. Finally, the amount of electricity that the solar array is producing is more than the budget plan assumed. The Town pays SolarCity to generate power, which is provided to Eversource, who pays the Town for the power added to the grid. The Town pays approximately \$0.09 per KWH and receives on average approximately \$0.17 per KWH. The payment to the Town is deposited in the General Fund. So, while the Town is receiving more in revenue than it is expending for solar generation, the accounting of the transactions requires an increase in the appropriation for electricity in the Needham Electric Light & Gas Program line in the amount of \$47,905 to pay SolarCity.

ARTICLE 7: AMEND THE FY2017 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2017 RTS Enterprise Fund Budget adopted under Article 13 of the May 2016 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
101B	Expenses	\$1,200,969	\$1,278,969

said sum to be raised from RTS Enterprise Fund Receipts; or take any other action relative thereto.

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

Article Information: This article would amend the FY2017 RTS Enterprise Fund Budget. The article seeks to appropriate an additional \$78,000 to the expense line of the operating budget. At the time that the enterprise budget was developed, the recycling market was much more favorable than it is now. The materials for recycling were generating extra revenue, or were a low cost to remove. The market has changed and the removal of product for recycling has turned from a revenue producer to an expense. Customers accepting commodities for recycling are charging to take the product, as there has been a break in demand. The cost is two-fold, first is the fee the Town pays the vendors to take the product, and the second is the cost to transport the product to the vendors. This is especially true for single stream and comingled materials. Presently, the market still provides revenue for the Town for certain metals and clean paper/cardboard materials. The compost operation remains steady and revenue producing.

ARTICLE 8: APPROPRIATE FOR NPDES MS4 PERMIT DEVELOPMENT

To see if the Town will vote to raise, borrow and/or transfer and appropriate the sum of \$200,000 for the purpose of funding engineering and consulting services for the development of an application for a National Pollutant Discharge Elimination System (NPDES) MS4 Stormwater Permit, said sum to be spent under the direction of the Town Manager, and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The United States Environmental Protection Agency (EPA) has released the requirements for National Pollutant Discharge Elimination System (NPDES) compliance. The purpose of this funding is to engage an engineering firm to develop the Town's NPDES MS4 permit application.

The new regulations are the most sweeping set of stormwater regulations in the last 45 years. While Needham has been planning and implementing stormwater improvements for many years, the new regulations will require substantial changes to the Town's stormwater operations, drainage infrastructure, site plan and subdivision reviews, and the creation of a stormwater by-law. The permit mandates the discharge of clean stormwater to the Maximum Extent Practicable (MEP) and/or stormwater that does not cause or contribute to an exceedance of water quality standards. The permit will also require that pollutants be reduced to meet Total Maximum Daily Loading requirements for pathogens (bacteria), will require a plan for reduction in the amount of phosphorous discharging to waterbodies by 45%, and a plan for improving conditions for impaired water bodies including Alder Brook, the Charles River, Fuller Brook and Rosemary Brook for a variety of other contaminants. Construction and/or installation of structural Best Management Practices (BMPs) are required in each year of the new permit, such as the dredging of Rosemary Lake and the Dedham Avenue Reservoir, installation of aerating devices on Lake Drive and Glendoon Road, and installation of water quality tanks in Chestnut Street and Marked Tree Road.

The 2016 NPDES requirements include six control measures: public education and outreach, public participation and involvement, illicit discharge detection and elimination (IDDE), construction site runoff control, post-construction runoff control, and pollution prevention and good housekeeping. The focus of the funding is for IDDE and pollution prevention and good housekeeping, with the other factors to be developed in-house. IDDE includes tasks such as creation of a stormwater General By-law, data collection and mapping of the sanitary sewer system and stormwater system including all swales, ditches and water conveyances, all interconnections with other stormwater systems, all water bodies, and all catchment areas, assessment and ranking of the areas identified in the mapping phase, development of high and low priority areas for screening, written catchment investigation procedures, development of system vulnerability factors, and dry and wet weather sampling. Pollution prevention and good housekeeping include tasks such as establishing procedures and maintenance plans for all parks and open spaces, buildings and facilities, and vehicles and equipment; an operations and maintenance plan for all catch basins, street sweeping, winter road maintenance, and the

development of a stormwater pollution prevention plan (SWPPP) for all maintenance garages, Public Works facilities, transfer stations, and waste handling facilities. Annual reporting of all maintenance activities, spills or overflows, and inspections is required including posting and updating all stormwater activities on the Town's website.

ARTICLE 9: APPROPRIATE FOR ELIOT SCHOOL TRAFFIC SAFETY IMPROVEMENTS

To see if the Town will vote to raise, borrow and/or transfer and appropriate the sum of \$90,000 for the purpose of funding engineering, design and construction for Eliot School Traffic Safety Improvements, said sum to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

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

Article Information: The Eliot School participated in a Safe Routes to School study, conducted by the Commonwealth, that recommended several improvements to the Eliot School walking route. Recommended improvements under this article include the installation of flashing School Zone 20 MPH signs and radar enabled speed limit signs on Central Avenue within 1,000 feet of the Eliot School. The Traffic Management Advisory Committee concurred with the study and recommended that these improvements be installed as soon as possible considering weather limitations. The study included other recommendations including the reconstruction of the Cedar Street/Central Avenue intersection. These improvements will be considered in the FY2018 – 2022 Capital Improvement Plan.

GENERAL ARTICLES /CITIZENS' PETITIONS / COMMITTEE ARTICLES

ARTICLE 10: ACCEPTANCE OF EASEMENT/1001 – 1015 CENTRAL AVENUE SUBDIVISION

To see if the Town will vote to authorize the Selectmen to accept the following easement from RRNIR, LLC: Non-exclusive right and perpetual easement and right of way over Sunrise Terrace for the purpose of passing on foot or by vehicle as shown on a plan entitled "Sunrise Terrace, Definitive Subdivision, last revised June 29, 2016, on file with the Needham Planning Board; or take any other action relative thereto.

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

Article Information: As a condition of approval of the 1001 – 1015 Central Avenue Subdivision, the Planning Board required that the Developer grant the Town an access easement to allow vehicles and pedestrians to pass and re-pass over the way known as Sunrise Terrace.

ARTICLE 11: GRANT OF EASEMENT – GREENDALE AVENUE

To see if the Town will vote to authorize the Park & Recreation Commission to grant a thirty-foot wide, perpetual, non-exclusive easement to NSTAR Electric Company d/b/a Eversource Energy, for the purpose of installing, maintaining, repairing, replacing and operating an underground electric transmission line in and under a portion of Town property known as the “Gravel Pit” located off of Greendale Avenue (Assessors Map 15, Parcel 4), with the location of the easement on such property to be determined by the Park & Recreation Commission upon completion of field surveys and investigation of soil conditions, but approximately as shown on the drawing on file at the Town Clerk’s Office, such easement to be substantially in the form of a proposed easement on file at the Town Clerk’s Office, and to authorize the Commission to execute any documents or instruments necessary to effect said easement upon such terms as they deem to be in the best interest of the Town; or take any other action relating thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Eversource is proposing to make improvements to its existing electric transmission line system in Needham by separating the existing double circuit tower transmission lines between the Baker Street Substation in West Roxbury and the Needham Substation on Chestnut Street. The work is necessary to improve the reliability of its existing transmission line system. Eversource has been working closely with the Town on the topic of routing, with an emphasis on avoiding or minimizing impacts to the residents of Needham during construction and operation of the approximately 3.2 mile transmission line. From the inception of the project, the Board of Selectmen has made it clear that the Town will not support a route involving construction of a new overhead transmission line along the entire right of way. It is the Board’s opinion that constructing a new overhead transmission line along this portion of right of way would result in significant and unacceptable negative impacts to the abutting residential neighborhoods along the right of way and MBTA railroad tracks. As a result of these discussions, Eversource has identified a preferred route that would run the line over Route 128/195 up to the Valley Road area, and the balance of the transmission line (approximately 2.6 miles) would be installed underground.

The preferred route would require the installation of the transmission line outside of the Eversource right of way across a municipal parcel near Greendale Avenue, which is under the primary jurisdiction of the Park & Recreation Commission. At its meeting on August 22, 2016, the Commission voted to recommend the granting of a thirty-foot wide perpetual, non-exclusive easement to Eversource for the purpose of installing, maintaining, repairing, replacing and operating an underground electric transmission line in and under a portion of the property known as the “Gravel Pit.” Prior to executing the easement, the Commission will enter into a host community agreement with Eversource to ensure appropriate mitigation, including construction of a trail connecting to the Town’s trail network along the Greendale Avenue green buffer zone.

ARTICLE 12: AMEND GENERAL BY-LAW – NOTIFICATION

To see if the Town will vote to amend the General By-laws by deleting sections 1.2 and 1.3, renumbering sections accordingly, and inserting in place thereof the following:

“SECTION 1.2 NOTIFICATION

1.2.1 All Town Meetings shall be notified and warned by posting attested copies of the Warrant calling for the Town Meeting in not less than twenty public places in the Town at least seven days before the time of holding the Annual Town Meeting and at least fourteen days before any Special Town Meeting.

1.2.2 The Town Clerk shall cause to be delivered or mailed to each Town Meeting Member, at least seven days in advance, a copy of the Warrant for the Annual Town Meeting, held for the purpose of the transacting of business.

1.2.3 The Town Clerk shall cause to be delivered or mailed to each Town Meeting Member, at least fourteen days in advance, a copy of the Warrant for each Special Town Meeting.

1.2.5 The Town Clerk shall make available to any resident, upon request, a copy of the Warrant for each Town Meeting, and shall post a copy of each warrant on the official Town of Needham website.

1.2.6 The Town Clerk shall cause the titles and a synopsis of all Town Meeting Articles to be printed in a local newspaper.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: In 2002, Town Meeting voted to eliminate the practice of distributing the Town Warrant to each household. The General By-laws of the Town still require the mailing of a notice of each annual Town Election. With the increased use of the Town’s website, the advent of social media and the number of other ways to inform the public, the Town Clerk has recommended that the mailing of a postcard for the Annual Town Election – always held on the second Tuesday of April – is no longer necessary.

ARTICLE 13: CITIZENS’ PETITION – AMEND ZONING BY-LAW

To see if the Town will vote to amend Section 4.2.1, Table of Regulations, of the Needham Zoning Bylaw with respect to Single Residence B and General Residence Districts as follows:

1. **31.5' Maximum Height (Average)**: Revise to indicate that the Maximum Height for Single Residence B and General Residence districts shall be thirty-one and one-half (31.5) feet.
2. **35' Maximum Height (Average) with 50% increase in Side and Rear Setbacks**: Insert the following new footnote (m): “(m) Notwithstanding anything to the contrary contained herein, a building or structure located in either a Single Residence B or General Residence district may be up to thirty-five (35) feet in height provided such building or structure maintains side and rear setbacks that are at least 50% greater than the applicable minimum setback distances identified in this Section 4.2.1.” Footnote (m) shall be added as reference for “Maximum Height,” Single Residence B and General Residence districts.
3. **Existing and Proposed Grades used in Height Calculation**: Insert the following new footnote (n): “(n) The lower of existing and proposed grade elevations around a building shall be used to calculate the maximum height of Buildings and Structures located in Single Residence B and General Residence districts.” Footnote (n) shall be added as reference for “Maximum Height,” Single Residence B and General Residence districts.
4. **37' Maximum Height Above Grade at Any Point Around Building**: Insert the following new footnote (o): “(o) The maximum height at any single point of any building or structure located in either a Residence B or General Residence district shall not exceed thirty-seven (37) feet above the lower of new and existing grade elevations around the building.” Footnote (o) shall be added as reference for “Maximum Height,” Single Residence B and General Residence districts.
5. **Neighborhood Context in Establishing Front Yard Setbacks**: Insert the following new footnote (p): “(p) The minimum required front setback for a lot in either a Single Residence B or General Residence district shall not be less than the average front setback of existing buildings that are located on the same street and within one-hundred fifty (150) feet of the lot being developed. If two or more existing buildings on a single lot are located within one-hundred fifty (150) feet of the lot being developed, the building having the shortest front setback shall be used in calculating the average front setback. Notwithstanding the foregoing, the minimum front setback shall not exceed thirty-five (35) feet. For any corner lot, the requirements of this footnote (p) shall apply to the front setback from the lot’s address street.” Footnote (p) shall be added as reference for “Front Setback” for Single Residence B and General Residence districts.

INSERTED BY: Paul Dawson et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation at Town Meeting

Article Information: This article is submitted on the petition of Paul Dawson et al. The petitioner seeks to accelerate the pace of the Town’s response to the issue of residential tear downs. The purpose of the article is to amend the Town’s Zoning Bylaws as they pertain to

Single Residence B and General Residence districts such that i) new structures are more compatible with their contexts and ii) all properties located in these zoning districts are afforded greater protections from crowding and loss of sun and privacy. The proposal would reduce the maximum allowable heights contained in Table 4.2.1 of the Zoning Bylaws as they pertain to construction in Single Residence B and General Residence districts. Specifically, the proposal would (a) reduce the maximum average above-grade height of new construction from 35 to 31.5 feet (a 10% reduction); (b) allow maximum height of 35 feet if side and rear yard setbacks that are at least 50% greater than the specified minimum (depending upon the specific circumstances, minimum side setbacks are 10, 12.5 or 14.5 feet and rear setbacks are either 10 or 20 feet); and (c) institute a 37-foot maximum height above grade at any single point around a building or structure. In order to reduce circumvention of the Zoning Bylaw's height restrictions, the lower of new and proposed grade elevations would be used in the calculation of the height of new structures located in Single Residence B and General Residence districts. The article also includes a provision whereby front yard setbacks would be determined based on the average front setback distance of neighboring structures located on the same street and within 150 feet of the property being developed, subject to a 20-foot minimum and 35-foot maximum.

The Large House Review Study Committee, appointed by the Planning Board, has been meeting since 2014 and is in the process of developing recommendations for zoning changes to present to the Planning Board for action at the 2017 Annual Town Meeting. As this is a citizens' petition article, the Planning Board will present its recommendations on this article at the Special Town Meeting.

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 16th day of August 2016.

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

A TRUE COPY
Attest:
Constable:

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

ATTN: SPECIAL TOWN MEETING WARRANT