

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

SUNDAY, OCTOBER 4, 2020

RAIN DATE OCTOBER 11, 2020

1:00 P.M.

MEMORIAL PARK PARKING LOT

92 ROSEMARY STREET

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 the qualified Town Meeting Members of the Town of Needham to meet at the Memorial Park Parking Lot on:

SUNDAY, THE FOURTH DAY OF OCTOBER 2020

At 1:00 in the afternoon, then and there to act upon the following articles:

FINANCE ARTICLES

ARTICLE 1: AMEND THE FY2021 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2021 Operating Budget adopted under Article 14 of the 2020 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

Table with 4 columns: Line Item, Appropriation, Changing From, Changing To. Row 1: 9, Reserve Fund, \$2,077,091, TBD

or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: The purpose of this article is to provide a possible funding source for extraordinary COVID-19 expenses identified under Article 3 of this warrant.

ARTICLE 2: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the “Voluntary Tax Relief Program” authorized by statute. The Select Board’s recent practice has been to seek an annual appropriation for the Property Tax Assistance Program that is at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,945 in fiscal year 2020.

ARTICLE 3: APPROPRIATE FOR COVID-19 EXPENSES

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of funding COVID-19 related expenses, to be spent under the direction of the Town Manager, and to meet this appropriation that a sum be raised from the tax levy, a sum be transferred from Overlay Surplus; and a sum to be transferred from an available source; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: This article will fund extraordinary expenses related to the COVID-19 pandemic, including those needed to open the Needham Public Schools for both in-person learning and remote instruction. Costs include enhanced cleaning, HVAC maintenance and upgrades, PPE, teaching staff, public health support, and other mitigation costs.

ARTICLE 4: APPROPRIATE FOR BILLING AND COLLECTION SOFTWARE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,075,000 for the purpose of funding the development, design, acquisition, installation and implementation of new municipal billing and collection applications, network, hardware, and related technology, and the decommissioning and phase out of the Town’s existing enterprise billing and collection applications, including prior accounting and financial reporting applications, and other related expenses to be spent under the direction of the Town Manager, and to meet this appropriation that \$56,000, be raised from the tax levy, \$193,500 be raised from Water Enterprise Fund receipts, and that \$800,000 be transferred from Overlay Surplus, and \$25,500 be transferred from Article 8 of the October 5, 2016 Special Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This warrant article will fund the acquisition and implementation of new billing software for the Town’s major receivables (motor vehicle and trailer excise, property tax, and utilities) and for miscellaneous billing and over-the-counter transactions. The project also includes decommissioning the current system, which necessitates the exporting, printing, and archiving of the various financial records maintained in the system that will be retired. The project is anticipated to take 30 to 36 months to complete.

The current software is used by the Collector Treasurer to process, record, report, and reconcile all revenue collections daily. The Town bills and collects motor vehicle excise tax, real, and personal property taxes with the system. The software is also used to bill water and sewer consumption and services, service details, commercial disposal, out-of-district tuition, and numerous Town and School departmental receipts. The

system maintains all taxpayer accounts (current and historical) related to all billing and collections. The system is used to provide legal data to homebuyers and sellers relative to municipal charges and payment history.

The current billing applications were written in a language that is not well-supported. The software is operated using IBM System I AS/400 hardware, technology the Town has relied upon for 30 years but that is now outdated. The application provider may no longer support the tax billing software with patches and enhancements, and the system has limited functionality and compatibility with other more modern systems in use in the Town.

ARTICLE 5: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$21,390 for the purpose of supporting transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town. Funding for transportation improvements in FY2021 will be allocated to pedestrian and bicycle safety initiatives, unless circumstances require otherwise.

ZONING ARTICLES

ARTICLE 6: AMEND ZONING BY-LAW – AVERY SQUARE OVERLAY DISTRICT

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

- (a) Amend the definition of “Independent Living Apartments” in Section 1.3, Definitions, by (i) adding the words “or Avery Square Overlay District” after the words “Elder Services Zoning District”; (ii) deleting the word “only” before the words “residential uses”; and (iii) adding to the end of the definition the sentence “; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.”, so that it reads as follows:

“A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square Overlay District, as

provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer's/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.”

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“ASOD-- Avery Square Overlay District”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

“3.15 Avery Square Overlay District

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer's/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district provided that such development complies with all other requirements of this Section 3.15.

3.15.2 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.3 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.

- (c) Business uses permitted as of right in the underlying district.
- (d) Accessory uses permitted as of right in the underlying district.

3.15.3.2 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities
- (c) Independent Living Apartments.
- (d) Buildings with multiple uses containing, as a primary use, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

3.15.4 Dimensional Regulations

3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet.

A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied, except in the following circumstances:

- (a) With respect to the existing building, if a different use is proposed for the building that does not include Independent Living Apartments and/or Assisted Living and/or Alzheimer's/Memory Loss Facilities as the primary use(s), then the proposed use shall be governed by the use regulations of Section 3.15.3, above, but the fourth story cannot be occupied without a special permit.
- (b) If the Special Permit described in subparagraph (a), above is not granted, the fourth story shall remain unoccupied for any use without a Special Permit, but the fourth story, and any associated mechanical equipment, does not need to be demolished.
- (c) In the event the existing building is demolished, if the primary use(s) of the successor building is not one or both of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), then the successor building shall not be permitted to have a fourth story.

The ability to use and occupy the fourth story, when permitted by a Special Permit granted pursuant to Sections 3.15.3.2 (b) and/or 3.15.3.2 (c), shall continue notwithstanding (i) a shift in the number of units from the use described in Section 3.15.3.2 (b) to the use described in Section 3.15.3.2 (c),

or vice-versa; or (ii) the elimination of one of the uses described in Sections 3.15.3.2 (b) or 3.15.3.2 (c), provided such shift or elimination is allowed by such Special Permit or amendment thereto.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern façade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the building may not exceed thirty-five percent (35%) of the total roof area of the building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other limitations on floor area ratio, lot coverage, or building bulk contained in Sections 4.4.2, 4.4.7 and 4.4.9.

3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
 - (1) For Independent Living Apartments, there shall be one space per Apartment.
 - (2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.
- (b) Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District
 - (1) is adjacent to the Avery Square Overlay District;
 - (2) is in common ownership with adjacent land located in the Avery Square Overlay District;and

- (3) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single Residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

3.15.6 Affordable Housing

Any building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law, as may be modified in this Section 3.15.6. The following requirements shall apply to a development that includes ten or more Independent Living Apartments:

- (a) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.
 - (b) If the Applicant provides at least one-half of the affordable Independent Living Apartments required herein for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are therefore not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
 - (c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.
 - (d) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
 - (e) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.”
- (d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:

“In the Avery Square Overlay District, the front setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as

retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District.”

- (e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase “for each square foot” before the words “of parking space (excluding driveways and aisles)” on the fourth line of the first paragraph of that section so that it reads as follows:

“Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself.”

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision.”

- (f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number “3.15” after the number “3.14” on the second line of that Section so that it reads as follows:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Explanation: Articles 6 and 7 are proposed Zoning By-Law amendments that are intended to facilitate the redevelopment of the currently vacant Carter Mill Building at the corner of Highland Avenue and West Street. The Carter factory and mill was established at that site beginning around 1865, and, for the next 125 years until approximately 1990, the factory and mill operated at that location. The building has become a well-known landmark in Needham.

In 1993, the building was approved for the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home. In 1995, a small portion of the building was also approved for medical office use. In 2017, Avery Crossing and Avery Manor were closed, as well as the medical offices, and the building has remained vacant since that time. The proposed By-Law amendments will allow the empty Carter Mill building to be renovated to create a senior housing community (155 units are proposed), including age restricted

Independent Living apartments (72 units proposed), Assisted Living apartments (55 units proposed), and Memory Care units (28 units proposed).

Article 6 proposes to create the Avery Square Overlay District (“ASOD”) and lays out the regulatory framework for the new overlay district, while Article 7 describes its geographic boundaries. The boundaries of the ASOD match the boundaries of property on which the former Carter Mill building sits, except at the southern end of the property, where the overlay district boundary matches the boundary of the Avery Square Business District. The overlay district’s key provisions are summarized below.

Geographic Designation of the District

The ASOD is bounded on the north by West Street; on the east by Highland Avenue; on the south by the existing zoning boundary line between the Avery Square Business District and the adjacent SRB district, which runs through the existing parking area south of the existing building; and on the west by the MBTA commuter railroad right-of-way.

Purpose of the District

The purposes of the ASOD are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the Town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the proposed Avery Square Overlay District would be permitted to exceed certain density and dimensional requirements that normally apply in the underlying Avery Square Business District, provided that such development complies with all other requirements of the proposed Warrant Article.

Definitions

The proposed Warrant Article would amend the definition of “Independent Living Apartments” in Section 1.3 of the Bylaw so that within the ASOD, Independent Living Apartments may be located in the same building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.

Permitted Uses

The proposed ASOD Warrant Article lists the uses that are allowed as-of-right or by special permit. The use schedule largely mirrors that of the underlying Avery Square Business District with the following additional uses allowed by special permit: Assisted Living and/or Alzheimer’s/Memory Loss Facilities; Independent Living Apartments; and Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

The proposed ASOD warrant Article specifies that the Planning Board will be the Special Permit Granting Authority for all such special permits.

Allowable Building Height, Number of Stories, and Occupancy

The proposed maximum allowable building height (including mechanical structures such as HVAC equipment) in the ASOD is 44 feet. This height limitation does not apply to elevator shaft overruns, which cannot exceed a maximum height of 49 feet. The building may include, but not exceed, four (4) stories, all of which may be occupied. At present, the building includes three stories, all of which were occupied while the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home were in operation.

Restrictions on the 4th Story

Under the proposed ASOD Warrant Article, the total floor area of any fourth-floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, is not included in the calculation of maximum allowable floor area.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building, are proposed as follows: from the eastern facade of the building (facing Highland Ave), fifteen (15) feet; from the northern facade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade would be required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The minimum setbacks and limit on the percentage of the existing footprint of the building that can be used for a fourth story will reduce the visual impact of the fourth story.

If the primary use of the existing building ceases to be Independent Living Apartments and/or Assisting Living and or Alzheimer's/Memory Care Facilities, then the 4th story cannot continue to be occupied unless a special permit is granted allowing such continued occupancy, but the 4th story need not be demolished, and if the existing building is demolished and the primary use(s) are not Independent Living Apartments and/or Assisting Living and or Alzheimer's/Memory Care Facilities then the new building cannot have a 4th story.

Building Bulk and Other Requirements

The proposed maximum floor area ratio ("FAR") in the ASOD is 1.1. The property at the southern end of the parcel, in the adjacent SRB district, that is contiguous with and in common ownership with property in the Avery Square Overlay District, will be included in the lot for purposes of calculating FAR. In the proposed overlay district, the FAR calculation excludes garage parking within the building.

Off-Street Parking

The minimum number of off-street parking spaces specified in Section 5.1.2 of the By-Law will apply except that for Independent Living Apartments, there will be one parking space per apartment; and for Assisted Living units and Alzheimer's/Memory Loss units, the requirement will be one parking space for every two beds, plus one parking space for every two employees on the largest shift.

At present, there is a portion of the southern parking area that extends into the SRB district adjacent to the boundary of the ASOD (and underlying ASB District). Parking in this area will be continued and will be allowed as-of-right, provided that the parking area does not extend any further into the SRB district than is presently the case.

Affordable Housing

In the proposed ASOD Warrant Article, twelve and one-half percent (12.5%) of the Independent Living Apartments must be affordable units. Fractions are rounded up to the nearest whole number. There is no affordable housing requirement for Assisted Living and Alzheimer's/Memory Loss Facilities. Affordable units will be dispersed within the building and not concentrated in one area or on one floor. They will generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the building's market-rate units. The selection of eligible homebuyers or renters for the affordable units will be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the building. The affordable units will also be subject to an affordable housing restriction as defined in Section 1.3 of the Town By-Laws.

Other Proposed Changes to the By-Law

In order to facilitate the proposed renovation of the building, the proposed Warrant Article would amend the definition of "Front Setback" elsewhere in the By-Law to allow ground-level patios (of less than 100 square feet each), and walls no higher than 36 inches around those patios, serving some of the ground-floor units that will face Highland Avenue.

The proposed Warrant Article also would make a small change to the By-Law Section 4.4.6, Enclosed Parking, to correct a wording error, but not change its meaning and effect.

ARTICLE 7: AMEND ZONING BY-LAW – MAP CHANGE TO AVERY SQUARE 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 Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Explanation: This article describes the geographical boundaries of the new Avery Square Overlay District, which is bounded on the north by West Street; on the east by Highland Avenue; on the south by the northern and western boundaries of the property located at 1049 Highland Avenue and the northern boundary of the property located at 95 Dana Place; and on the west by the MBTA commuter railroad right-of-way.

CAPITAL ARTICLES

ARTICLE 8: APPROPRIATE FOR WALKER LANE SEWER

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$270,000 for the purpose of constructing an extension of the sewer main in Walker Lane, to be spent under the direction of the Town Manager, and to meet this appropriation that \$170,000 be raised from Sewer Enterprise Fund receipts, and that \$9,000 be transferred from Article 15 of the November 2011 Special Town Meeting, \$36,000 be transferred from Article 9 of the May 2013 Special Town Meeting, \$12,000 be transferred from Article 44 of the May 2015 Annual Town Meeting, and that \$43,000 be transferred from Article 45 of the May 2015 Annual Town Meeting; to provide that two-thirds of the whole cost of the improvement shall be borne by the Town and one-third of whole cost shall be borne by the properties benefitted thereby; to authorize the assessment of betterments on the properties benefitted by the improvement in accordance with the provisions of Massachusetts General Laws Chapters 80 and 83, using the fixed uniform rate method at a rate of up to \$60 per linear foot of frontage and \$0.95 per square foot of accessible area within 100 feet of the street; and to authorize the Select Board to acquire by purchase, gift, or eminent domain or otherwise, easements for utility purposes to permit the installation, maintenance and repair of municipal sewer line in Walker Lane; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This project involves the extension of an existing sewer main in Walker Lane to service up to five houses abutting Walker Pond. Septic systems servicing the homes, which are approximately 50 feet from the pond, are affecting the quality of the waterbody and causing excessive aquatic vegetative overgrowth. The impairment is limiting the recreational use of Walker Pond. The pond is owned jointly by the Town and the abutters. The article would fund the effort to improve the water quality by reducing the amount of nutrient laden groundwater entering the pond. The cost of the project will be borne by the town (2/3) and the abutters (1/3) in accordance with the Town Charter.

ARTICLE 9: RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

<u>Project</u>	<u>Town Meeting</u>	<u>Article</u>	<u>Authorized</u>	<u>Rescind</u>
Hillside School Construction (Sunita L. Williams Elementary School)	2016 October STM	2	\$57,542,500	\$9,000,000
Total				\$9,000,000

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids. The rescission for the Sunita Williams School does not represent the total open balance. At the time of the printing of this warrant, the final audit by the Massachusetts School Building Authority was not yet complete. There may be an additional portion of the borrowing authorization that will be needed to cover expenses which are determined by the State to be the Town's obligation.

COMMUNITY PRESERVATION ARTICLES

ARTICLE 10: APPROPRIATE FOR EMERGENCY RENTAL ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$120,000 for an emergency rental assistance program, to be spent under the direction of the Town Manager, and to meet this appropriation that said \$100,000 be transferred from the Community Housing Reserve and that \$20,000 be raised from Community Preservation Fund receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: The Needham Affordable Housing Trust is proposing to establish a short-term emergency rental assistance program for qualifying Needham renter households who have suffered a reduction in income due to the pandemic. Participation guidelines would restrict eligibility to households with incomes at or below 80% of area median income (AMI), with a preference given for those at or below 50% AMI. Applicants must provide documentation of income reductions due to Covid-19. The program will cover 50% of a household's monthly rent with a maximum monthly assistance of \$1,500 for three months of payments. The Program would be administered by a non-profit housing organization responsible for accepting applications, determining eligibility, selecting beneficiaries, entering into agreements with participants and landlords, disbursing checks to landlords, and providing regular reporting on progress.

ARTICLE 11: APPROPRIATE FOR FIRST BAPTIST CHURCH PRESERVATION & RESTORATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$90,200 for the First Baptist Church Preservation and Restoration, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: The First Baptist Church is requesting funding for the historic preservation of the street facing front porch and columns. The First Baptist Church, located at 858 Great Plain Avenue, is on the Town's historic register and has historic significance to the Town of Needham. The front porch of First Baptist Church in Needham is a prominent and identifying feature of the Great Plain Avenue streetscape. The First Baptist Church was originally located on the corner of Highland Avenue and Great Plain Avenue and was moved to the current location in 1928. The requested funds will help restore the historic capstone, steps, and landing of the front porch, the porch columns, architectural detailing around the roof line and of the porch façade, as well as a cornice piece on the east wing of the church.

ARTICLE 12: APPROPRIATE FOR FIRST PARISH CHURCH STEEPLE PRESERVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for First Parish Church Steeple Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: The First Parish Church is requesting funding for the historic preservation of the steeple. The First Parish Church, located at 23 Dedham Avenue, is on the Town's historic register and has historic significance to the Town of Needham. The steeple houses a Paul Revere Bell that still rings on special occasions. The First Parish Church hosted Needham's original Town Meeting and still hosts community events throughout the year. The requested funds would help preserve the steeple to ensure continued protection of this historic building.

ARTICLE 13: APPROPRIATE FOR NEEDHAM COMMUNITY FARM GROWING BED EXPANSION

To see if the Town will vote to raise and/or transfer and appropriate \$6,200 for Needham Community Farm Growing Bed Expansion, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Open Space Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: The Needham Community Farm is requesting funding to expand the growing area of the Community Farm to enhance its current growing beds. The Needham Community Farm offers community gardening classes, public volunteer opportunities, and community activities, and supplies fresh produce to the Needham Food Pantry and Needham Housing Authority sites. The requested funding would result in an increase of approximately 20% in growing area.

ARTICLE 14: CLAXTON FIELD LIGHTS & SKIN DIAMOND RENOVATION – DESIGN

To see if the Town will vote to raise and/or transfer and appropriate \$101,500 for Claxton Field Lights and skin diamond renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: This article will fund the design of two key improvements to Claxton Field. The current fields were constructed on a closed landfill that is not properly graded due to site conditions, settling of materials, and age. The project will include design of the skin diamond, involving removal of the existing skins, evaluation of soil conditions, and amendments and grade improvements as necessary to prevent future puddling after heavy rains and to reduce field closures. The second element of this design project will include an evaluation of the lighting needs of the field, upgrading the field lighting system, and inclusion of more energy efficient lights.

ARTICLE 15: DEFAZIO TRACK SYNTHETIC TRACK RESURFACING

To see if the Town will vote to raise and/or transfer and appropriate \$160,000 for the resurfacing of the synthetic track at DeFazio Field Complex, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Community Preservation Fund receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: This article will fund the replacement of the surfacing of the track at the DeFazio Field Complex. The track is subject to delamination (separation into layers) due to its age. The resurfacing project is intended to extend the life of this track by approximately 10 additional years, thereby delaying a full replacement.

ARTICLE 16: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2021 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

A. Administrative and Operating Expenses of the Community Preservation Committee \$82,000

Reserves:

B. Community Preservation Fund Annual Reserve \$ 817,977

C. Community Housing Reserve \$364,788

D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$364,788

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.

CITIZENS PETITIONS AND GENERAL ARTICLES

ARTICLE 17: RESOLUTION TO REQUEST A STUDY OF SYSTEMIC RACISM IN NEEDHAM

To see if the Town will adopt the following resolution, or take any other action relative thereto.

RESOLUTION TO REQUEST A STUDY OF THE EFFECTS OF SYSTEMIC RACISM IN NEEDHAM, PARTICULARLY IN REGARD TO THE CORE ISSUES OF RACIAL PROFILING, PUBLIC SAFETY, AND HOUSING, WITH AN UPDATE ON PROGRESS MADE TOWARD COMPLETION OF THE STUDY TO BE PROVIDED PRIOR TO THE 2021 ANNUAL TOWN MEETING INCLUDING, IF WARRANTED, RECOMMENDATIONS OF ACTIONS TO BE TAKEN BY THE TOWN OF NEEDHAM TO ADDRESS THESE CONCERNS, INCLUDING BUT NOT LIMITED TO, THE POSSIBLE APPROPRIATION OF FUNDS AT A FUTURE TOWN MEETING AND ADDITIONAL RESULTS AND RECOMMENDATIONS TO BE COMPILED AND PROVIDED IN A TIMELY FASHION TO FUTURE TOWN MEETINGS.

WHEREAS, since the murder of George Floyd there have been demonstrations and other public activity in the Town of Needham in support of police reform and in support of the victims of police violence, leading to the initiation of the town's Unite Against Racism Initiative;

WHEREAS, Town Meeting believes incidents of racism have occurred and continue to occur in Needham;

WHEREAS, the Town of Needham should thoughtfully consider the testimony of those who have been affected by racism;

WHEREAS, Town Meeting wishes to study actions that may be taken to improve the life experience of Black, Indigenous, and all People of Color (BIPOC) in Needham;

WHEREAS, Town Meeting understands law enforcement has historically been directly or indirectly tied to the perpetuation of discrimination and systemic racism;

WHEREAS, reimagining public safety has become a focus for our surrounding communities;

WHEREAS, the oversight of Needham Police, including but not limited to policies and practices concerning the use of force, hiring, firing and arbitration and discipline, as well as activity tracking, performance measurement, and ease of accessing information may require revision and clarification;

WHEREAS, alternative and more effective and appropriate approaches to the current police use of force policy are available;

WHEREAS, qualified immunity provides public safety officers nationally with such broad protections that they are rarely punished for unconscionable and apparently illegal actions;

WHEREAS, the Equal Justice Placard Program has been adopted by businesses throughout Needham and is affixed in the Town Hall;

WHEREAS, Needham housing and zoning policies have historically been directly or indirectly tied to perpetuation of discrimination and systemic racism;

BE IT RESOLVED THAT town officials and staff, perhaps through a new Citizens Committee, a newly-empowered Human Rights Committee, or a new working group, to be determined in whole or in part by the Select Board of the Town of Needham, Massachusetts, conduct a review of the effects of systemic racism in Needham and, if warranted, present to the 2021 Annual Town Meeting and subsequent Annual and Special Town Meetings specific warrant articles aimed at improvement. The review shall include evaluation of:

- Racism experienced by people in Needham;
- Discussions with the Town Committee Chairs to understand the role of racism within their areas of responsibility;
- Police oversight and accountability, including but not limited to qualified immunity, use of force policies, training (de-escalation, crisis intervention, legal education, diversity/inclusion), hiring and firing, arbitration and discipline, activity tracking, performance measurement, and ease of publicly accessing information;
- Evaluation of alternative police policies such as those offered by Campaign Zero;
- Racial profiling in public spaces;
- Expansion of the Equal Justice Placard Program through all Needham Town buildings; and
- Housing and zoning policies.

INSERTED BY: Select Board at the Request of Noah Mertz, et al

FINANCE COMMITTEE RECOMMENDS THAT: It is anticipated that the Finance Committee's recommendation will be posted on the Town's website prior to the start of Town Meeting.

Article Information: This article is inserted by the Select Board at the request of the petitioners who submitted revised text after the submission of their original petition. This non-binding resolution would request that the Select Board conduct a review of the effects of systemic racism in Needham and provides

certain findings and direction regarding that review. Racial equity is a priority for the Town, brought even more into focus by events this year. Town agencies, volunteer boards, and departments are active in this work, and the Select Board has established a Needham Unite Against Racism Initiative (NUARI). The NUARI effort includes a working group to help articulate a vision for racial equity in Needham, evaluate information and suggestions received in this process, develop guiding principles that will inform future action, and make recommendations to the Select Board.

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 8th day of September 2020.

Maurice P. Handel, Chair
Matthew D. Borrelli, Vice Chair
Marianne B. Cooley, Clerk
Daniel P. Matthews, Member
John A. Bulian, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable: