

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 25, 2021

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 the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER 2021

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

FINANCE ARTICLES

ARTICLE 1: AMEND THE FY2022 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Sewer Enterprise Fund adopted under Article 21 of the May 1, 2021 Special 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. Rows include 201A Salary & Wages and 201D MWRA Assessment.

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article provides funding for the salary and wage increases for Sewer Enterprise personnel approved at the May 1, 2021 Special Town Meeting in the amount of \$12,521 and reduces the MWRA Assessment by \$47,620 based on the final assessment issued by the Massachusetts Water Resources Authority after the original amount was approved. The net change to the budget is a reduction of \$35,099.

ARTICLE 2: AMEND THE FY2022 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Water Enterprise Fund adopted under Article 22 of the May 1, 2021 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,413,248	\$1,457,409
301D	MWRA Assessment	\$1,677,742	\$1,670,433

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
 FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article provides funding for the salary and wage increases for Water Enterprise personnel approved at the May 1, 2021 Special Town Meeting in the amount of \$44,161 and reduces the MWRA Assessment by \$7,309 based on the final assessment issued by the Massachusetts Water Resources Authority after the original amount was approved. The net change to the budget is an increase of \$36,852.

ARTICLE 3: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$7,603.90 for the purpose of 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 will be allocated to pedestrian and bicycle safety initiatives unless circumstances require otherwise.

ZONING ARTICLES

ARTICLE 4: AMEND THE ZONING BY-LAW – OUTDOOR SEATING

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

- (a) Amend Section 6.9. Outdoor Seating, Subsection 6.9.1, Applicability, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter is” before the words “permitted under”; and (iii) adding the word “are” before the words “permitted under”; so that it reads as follows:

“Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law.”

- (b) Amend the first sentence of Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “is permitted during”; (iii) replacing the words “Section 7.4.4 and 7.4.6” with the words “Sections 7.4.4 and 7.4.6”; and (iv) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:”

- (c) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (a) by deleting the words “, licensed,” so that it reads as follows:

“(a) It is within the front yard, rear yard, or side yard of the restaurant’s owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:”

- (d) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by (i) deleting the words “so long as there remains no less than forty-eight inches (48”)”, or as otherwise permitted by law, of unencumbered sidewalk width remaining”; (ii) deleting the word “alternatively” before the words “on a public way”; and (iii) adding the word “on” before the words “other public property”; so that it reads as follows:

“(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant’s owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant’s owned or leased property, provided that:”

- (e) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(i) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;”

- (f) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iii) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(iii) A minimum width of forty-eight inches (48”)”, or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;”

- (g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iv) by (i) adding the words “shall not be authorized” after the words “Outdoor seating”; (ii) deleting the words “is prohibited” before the words “in designated or required landscape areas”; and (iii) by adding the words “, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;” at the end of the subparagraph so that it reads as follows:
- “(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;”
- (h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by adding the following sentence at the end of the section:
- “The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year.”
- (i) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by replacing the words “Board of Selectmen” with the words “Select Board”, in the second paragraph of the section so that it reads as follows:
- “Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board.”
- (j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:
- “Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine.”
- (k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1 Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.

- (l) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.
- (m) Amend the second sentence of Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 Permitted Uses, paragraph (k) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:
- “Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”
- (n) Amend the second sentence of Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 Permitted Uses, paragraph (i) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:
- “Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”
- (o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:
- “Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Under current zoning rules, the Planning Board may permit seasonal temporary outdoor seating at restaurants with waiter or waitress service on private property and the Select Board may permit such use on public property. This is implemented through an expedited permitting process (minor site plan review) where the outdoor seating meets the following criteria: (1) The outdoor seating is provided during the temporary outdoor seating season defined as April 1 thru October 31; (2) The outdoor seating is not located on a designated or required landscape area, parking lot, or driveway aisle; (3) The

outdoor seating is not located on a parking space within a public way; and (4) The outdoor seating does not increase the restaurant's overall seating capacity by more than thirty percent. Restaurants seeking outdoor seating outside of these criteria must currently seek a formal special permit from the Planning Board for seating located on private property. No authority is currently provided to the Select Board to deviate from the above-noted rules on public property.

This article would extend the circumstances under which the Planning Board and Select Board may authorize seasonal temporary outdoor seating. First, the article extends to all eat-in restaurants the expedited permitting process (minor site plan review) currently only afforded to restaurants with waiter or waitress service. Second, the article grants to the Select Board the discretion to approve the use of a parking space located either in a municipal parking lot or within a public way for outdoor seating where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, will be adequately provided for. Third, the article grants to the Select Board the discretion to allow outdoor seating outside of the normal temporary outdoor seating season of April 1 through October 31. The intent of these modifications is to enable the outdoor seating protocols that were put in place during the pandemic, which are not permissible under the current regulatory scheme.

ARTICLE 5: AMEND ZONING BY-LAW – CHESTNUT STREET BUSINESS DISTRICT FRONT SETBACK

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

1. Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word “a” with the word “the” and by capitalizing the term “business district” to read as follows (new language underlined):

“In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1.”

2. Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

“In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Explanation: This article is a technical correction to the zoning by-law designed to clarify historic interpretation and practice as relates to the front yard setback requirement for lots located within the

Chestnut Street Business District. In 1990 when the Chestnut Street Business District was created, the front yard setback requirement for the District was established at ten (10) feet for all buildings except for those located along both sides of Chestnut Street where a front yard setback of twenty (20) feet was required. This was the recommendation for the Chestnut Street Business District contained in the 1989 Needham Center Planning Study. The amendment offered above now clarifies the front yard setback requirement of ten (10) feet for all lots fronting on Keith Place, Oak Street, Chestnut Place, Clyde Street, Marsh Road, and Junction Street in the Chestnut Street Business District consistent with the recommendations of the 1989 Needham Center Planning Study.

CAPITAL ARTICLES

ARTICLE 6: APPROPRIATE FOR RIDGE HILL BUILDINGS DEMOLITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$603,091 for the purpose of the demolition and removal of buildings at Ridge Hill Reservation, to be spent under the direction of the Permanent Public Building Committee and Town Manager and to meet this appropriation that \$181,975 be raised from the Tax Levy, that \$48,426 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$17,000 be transferred from Article 43 of the 2016 Annual Town Meeting, that \$86,000 be transferred from Article 44 of the 2017 Annual Town Meeting, that \$26,805 be transferred from Article 41 of the 2017 Annual Town Meeting, that \$155,000 be transferred from Article 32 of the 2018 Annual Town Meeting, that \$37,315 be transferred from Article 5 of the May 14, 2018 Special Town Meeting, and that \$50,570 be transferred from Article 37 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Two of the three buildings at Ridge Hill are in advanced stages of disrepair and pose potential health and safety risks to the public. In 2019, Town Meeting approved \$25,000 in feasibility funding for the demolition of the buildings. This request would fund the demolition of the Ridge Hill Manor House and Garage at 463 Charles River Street. The existing barn structure is excluded from this scope. The Manor House and garage have hazardous building materials within the existing structures. These materials must be professionally handled, abated, and disposed of as part of the demolition project per federal and state regulations. The demolition scope of work also includes removal of an underground fuel storage tank (UST) at the garage; complete removal of all building elements, foundations, portions of the exterior paved areas and utilities associated with the subject structures and stabilization; and restoration of the site following demolition.

ARTICLE 7: APPROPRIATE FOR EMERY GROVER BUILDING DESIGN

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$1,475,000 for engineering and design of renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space and the creation of off-site parking at the Stephen Palmer Building, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of

the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: This article provides funds for the detailed design of a project to fully renovate the Emery Grover School Administration Building at its present location on Highland Avenue. The design also plans for the temporary use of the Hillside Elementary School as swing space for school administration personnel during construction, as well as potential creation of additional, off-site parking at the Stephen Palmer Building. This 21,108 GSF renovation project includes the following scope elements: historic renovation of the Emery Grover exterior (façade); renovation and modernization of the interior spaces; and minor modifications to the Hillside School. The proposed project modifies that originally described by BH+A Architects in the June 2020 Emery Grover Feasibility Study, which is available for review on the School Department's website. The revised concept reduces the original building scope by approximately one third from 34,717 GSF to generally fit within the building's existing envelope. It eliminates the 50 foot by 100 foot, three-story 18,415 GSF addition that was originally proposed for the rear of the building, reflects a more efficient use of interior spaces (such as the use of shared spaces and common work areas), and relocates the educational technology/head end room function to other school buildings.

The total cost of the revised project is estimated at \$20-21 million, which includes approximately \$3 million to make the Hillside School ready for temporary occupancy by school administration staff while the Emery Grover is under construction. Although BH+A estimated that approximately 85% of the project could be eligible for Community Preservation Act (CPA) funding, the anticipated contribution from CPA funds will be based upon guidance from the Community Preservation Committee. If approved by Town Meeting, the remainder of the project cost is anticipated to come from debt repaid by the General Fund within the levy limit (no debt exclusion.) The anticipated Town Meeting funding schedule is for an October 2021 Special Town Meeting request for detailed design, followed by a May 2022 Annual Town Meeting request for construction funds for both the Hillside improvements and the Emery Grover renovation. The Hillside updates are expected to take six months and the Emery Grover construction is anticipated to take between 18-20 months.

ARTICLE 8: AUTHORIZE SOLAR INSTALLATION AT JACK COGSWELL BUILDING

To see if the Town will vote to:

1. Authorize the Select Board to lease all or a portion of the rooftop of the Public Works Storage Facility/Jack Cogswell Building located at 1407 Central Avenue and shown on Assessors Map 308 as Lot 002, and any necessary space on or in said building and the associated real property, to a solar energy provider for the purposes of constructing, maintaining, and operating a roof-mounted solar facility, upon such terms and conditions as are acceptable to the Select Board, for a term of up to thirty (30) years; and further to authorize the Board to enter into a power purchase agreement with the solar energy provider and any other agreements as may be necessary in the Board's judgment to develop this solar facility.
2. Authorize the Select Board to grant any easements necessary to allow the electric utility to install, maintain, operate, repair, reinstall, or replace any utilities required for interconnection to the solar facility.

Or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: The Jack Cogswell Building (JCB) at the Needham RTS was constructed in 2019-20 for the seasonal storage of DPW vehicles and equipment. The rooftop was designed to be “solar ready” in compliance with current building codes so that the structure could support the addition of a rooftop solar array. The design firm has provided a preliminary design for a 203.8 kW DC array with approximately 425 solar panels projected to provide between 210,000 kWh and 216,500 kWh per year of electrical power production. While this solar array would generate more energy than is consumed by the building, the estimated solar energy production is about equal to the total electrical demand of all the buildings at the RTS. If the Town “net meters” this excess energy to these other Town accounts, then the full benefit of this installation can be realized.

The Permanent Public Building Committee (PPBC) has evaluated several options for procurement of this solar installation. The PPBC and Building Design and Construction Department have secured an approval from the Solar Massachusetts Renewable Target (SMART) incentive program and gained approval from the Planning Board for a de minimus change to allow for this installation. Other regulatory approvals are currently being sought from the DPU. While the original project authorization (Article 35 of the 2018 Annual Town Meeting) has sufficient contingency to procure this solar array, the Select Board is recommending that the Town instead pursue a Power Purchase Agreement (PPA) with a private solar energy provider to construct, maintain and operate this roof-mounted solar facility. The funds remaining under the Warrant Article will be rescinded at a future Town Meeting. This PPA would lease the use of the rooftop to a private developer and the Town would agree to purchase the power at a low fixed or escalating rate. This approach would limit the Town’s capital investment and limit future maintenance costs of the solar asset, while providing long term financial benefit and a hedge against future energy price escalation. This installation is consistent with the Town’s goals as a Green Community and will fit within any future Climate Action Plan adopted by the Town by helping lower Greenhouse Gas (GHG) emissions by the Town.

RESERVE ARTICLES

ARTICLE 9: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$674,900 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Article 38 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Article 38 of the 2019 Annual Town Meeting funded the replacement of the synthetic turf fields and associated improvements at Memorial Field and DeFazio Complex, and the project was completed under-budget. Town Meeting action is required to return the unspent funds to the Athletic Facility Improvement Fund. Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal

purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting, by majority vote, may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of June 30, 2021 was \$270,203.

GENERAL ARTICLES

ARTICLE 10 HOME RULE PETITION TO ADJUST THE NUMBER OF OFF- PREMISES ALCOHOL LICENSES

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing said Board, as the local licensing authority, to issue licenses for the sale of all alcoholic beverages not to be drunk on the premises and the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws up to the maximum number of such licenses authorized by section 17 of said chapter 138, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO GRANT LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES AND WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES AS PROVIDED IN SECTION 17 OF CHAPTER 138 OF THE GENERAL LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Select Board of the Town of Needham shall cause to be placed on the ballot at a regular or special election the following question:

“Shall the licensing authority in the Town of Needham be authorized to grant licenses for both the sale of all alcoholic beverages in packages not to be drunk on the premises and the sale of wine and malt beverages in packages not to be drunk on the premises in amounts up to the maximum number of such licenses authorized by section 17 of chapter 138 of the General Laws?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the Select Board.

If a majority of the votes cast in answer to that question is in the affirmative, the licensing authority of the Town of Needham shall, notwithstanding anything contained in chapter 207 of the Acts of 2012 to the contrary, or in section 11 of chapter 138 of the General Laws, be authorized to issue licenses for both the sale of all alcoholic beverages not to be drunk on the premises and for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws in amounts up to the maximum number of such licenses authorized by section 17 of said chapter 138.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Article 10 is a Home Rule Petition to increase the total number of allowed package alcohol licenses in Needham, from the reduced quota set under the Town's current special legislation (Chapter 207 of the Acts of 2012) to the number allowed by general state law (G.L. Ch. 138 section 17). This change requires Town Meeting and State Legislative approval, followed by referendum approval by the Town's voters.

The current quota allows the Select Board to issue up to eight (8) package licenses, not more than six (6) for all alcoholic beverages, and the remainder for wine and/or malt only. That quota is currently issued and outstanding (as six all alcohol and two wine and malt). If approved, the Town's quota would change to the population-based (one per five thousand or fraction) numbers of package licenses authorized under G.L. Ch. 138 sec. 17. Based on Needham's estimated 2020 census population of 32,091, that would be seven (7) all alcohol and seven (7) wine and malt.

The Section 17 quota is the baseline applicable to most Massachusetts cities and towns (some of which have additional authorized licenses under special legislation). The Select Board expects that, at least over time, there will be qualified applicants for some or all of the additional licenses allowed by this change. This change affects "package" licenses only, not restaurant or other "on-premises consumption" licenses.

ARTICLE 11: A RESOLUTION CONCERNING DECLARATION OF CLIMATE AND ECOLOGICAL EMERGENCY

Whereas, Needham Town Meeting recognizes that we are in a Climate and Ecological Emergency that threatens our town, state, nation and all of humanity;

And Whereas, Needham Town Meeting believes that a mobilization to meet this challenge is imperative to stabilize the climate, remedy environmental harms which disproportionately hurt environmental justice communities, create clean-energy jobs, and improve human lives;

And Whereas, in recent years, the Town of Needham has demonstrated a commitment to reducing greenhouse gas emissions and protecting our environment by: constructing LEED Certified buildings such as the Sunita Williams Elementary School and the Needham Free Library, including EV charging stations at Sunita Williams and at Needham Public Works, implementing large solar installations at the Town Recycling and Transfer Station, passing the Stretch Building Code and becoming a Green Community, committing to pesticide and herbicide-free maintenance of town trees and parks, and currently preparing a town-wide Climate Action Plan to further lower the town's carbon footprint.

And Whereas, Town Meeting recommends that Needham join over 2,000 governments globally that have declared a climate emergency, an emergency primarily driven by human activities, most significantly the burning of fossil fuels and the destruction of forests and other carbon sinks, resulting in rising global temperatures and loss of biodiversity.

And Whereas, a warming planet poses serious risks to human health, and safety and economic security, as evidenced by recent extreme weather events including droughts, forest fires, and floods, rising sea levels, ocean acidification, soil erosion, and mass species extinctions around the globe. Massachusetts is already experiencing flooding from storms and rising sea levels, droughts, increased transmission of tick-borne illnesses, record-breaking heat waves, and loss of biodiversity, such as bird and pollinator populations.

Be It Resolved, that this day, in recognition of the urgent need to mobilize, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare a Climate and Ecological Emergency. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to achieve net-zero greenhouse gas emissions as soon as is fiscally and technologically possible;
- Developing policies that protect Needham's trees, forests, and open spaces because they draw carbon from the atmosphere, and provide life-sustaining food and shelter to other species;
- Prioritizing projects that reduce the town's greenhouse gas emissions and biodiversity loss;
- Ensuring that the town pursues an equitable and just transition to a zero-greenhouse gas future.

Town Meeting calls on state and federal elected officials to initiate a Climate Emergency mobilization and provide appropriate legislative, regulatory, and financial support to municipalities to implement local climate emergency initiatives. Town Meeting requests that the Town Clerk send notice of this resolution to the Office of the Governor of the Commonwealth of Massachusetts and Needham's state and federal legislators.

INSERTED BY: Rebecca Phillips, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: Article 11, filed by Citizens Petition, is a non-binding resolution that the Town, acting through the Select Board, declare a Climate and Ecological Emergency, and act to address that emergency, including policies and projects to reduce the Town's greenhouse gas emissions and protect natural resources.

The Select Board's current goals include commitments to addressing climate change, efforts to meet the Commonwealth's climate mitigation and resilience goals, development of a climate action plan, and formation of a Climate Action Plan Committee to aid in that work. Efforts by the Town in recent years include achieving LEED Silver rating and constructing a 155 kW-DC solar array at the Sunita Williams School, installing eight (8) Electric Vehicle (EV) charging stations in public parking lots, becoming a Green Community, and approving a solar array on the capped landfill at the RTS.

**ARTICLE 12: A NON-BINDING RESOLUTION CONCERNING THE AMENDMENT OF
THE CURRENT ACCESSORY DWELLING UNITS (ADUS) BY-LAW**

Whereas Needham Town Meeting recognizes that the town is experiencing increasing challenges in providing potential or existing residents a range of affordable options to purchase or rent a home in Needham;

And Whereas, one of the biggest challenges to home-buying and renting in Needham is an increasingly narrow range of housing choices due to the trend to replace older, smaller homes with ever-growing new homes, the average size of which has doubled between 1980 to 2020 from 2,200 SF to 4,400 SF;

And Whereas, this economic trend continues to make Needham increasingly less affordable, creating economic challenges for potential new residents and residents who wish to stay;

And Whereas, the increasing lack of affordability and housing choice creates more challenges for a more diverse Needham community;

And Whereas, as a result of recent trends in Needham and across the region, there is not enough of a range in housing choices at the affordable end that offer smaller unit sizes with more affordable purchase or rental costs for young adults or families or existing, mostly senior, residents;

And Whereas, in 2019, Needham introduced ADUs to the town by-laws but instituted them with residency restrictions that allow use only for a “caregiver”, “family,” or “owner” which has resulted in approximately eight approved ADUs in the past 18 months;

And Whereas, a 2018 white paper written by Amy Dain for the Pioneer Institute, presenting a survey of all of the towns offering ADUs, (approximately half with residency restrictions and the rest without), indicated that the total annual number of ADUs built was uniformly very modest (mostly single-digit), and that towns without restrictions saw only about a 50% increase in the number of ADUs built annually, which means Needham would have about three (3) more ADU applications a year.

Be It Resolved, that this day, in recognition of the urgent need to create more affordable housing choices, Needham’s Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare making more Affordable Housing Choices a Priority. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to address the lack of affordable housing choices currently in our town.
- Recommend that the Planning Board address possible remedies to the housing challenges through both the newly formed Affordable Housing Study Committee and revisions to the zoning by-laws to allow more affordable housing choices including multi-family and other smaller-sized options, like ADUs, that would expand the opportunities for potential and existing residents.
- Prioritize that the Planning Board, for Annual Town Meeting 2022, address an amendment to the current by-law (Section 3.15 – Accessory Dwelling Units [ADUs])
- Acknowledge that the Needham Health Department and the Council on Aging were critical endorsers of the concept of an ADU by-law that would provide to seniors the opportunity to have live-in assistance at their homes or, alternatively, the economic benefit of potential rental income. The current by-law, established in 2019, accomplished only half of that goal; it restricts use of ADUs to live-in assistance, and does not allow use of an ADU as a rental property.
- Encourage the Planning Board to remove the residency restriction in the above by-law, for just “caregiver”, “family” and “owner”, and allow the ADUs to be available to anyone as a more affordable housing choice in the marketplace, given that they would provide a very modest, but important, smaller housing option (850 SF maximum) across our predominantly single-family zoned town.
- Acknowledge that the economic benefit provided by ADUs expands the housing opportunities for seniors and other residents to remain in their homes, and for potential newcomers to join the Needham community.

INSERTED BY: Oscar Mertz, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Article Not be Adopted

Article Information: Article 12, filed by Citizens Petition, is a non-binding resolution recommending that the Town, acting through the Select Board, declare increasing affordable housing options a priority and take additional actions described in the article text, including amendment of Section 3.15 of the Zoning By-Law regarding Accessory Dwelling Units (ADUs). An accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit. ADUs are allowed by special permit, with occupancy limited to family members and caregivers. Article 12 recommends removal of that family/caregiver limitation.

Housing cost and availability issues are challenging throughout the metropolitan area. Efforts by the Town in recent years have included permitting and construction of over 500 apartment units pursuant to MGL Chapter 40B, the State affordable housing statute, support for the Needham Housing Authority's efforts to renovate and add to its affordable housing inventory, increasing the Town's Community Preservation Act affordable housing contribution, and specific housing-related amendments to the zoning by-law.

Zoning By-Law recommendations are primarily under the jurisdiction of the Planning Board. The Planning Board, following on a commitment at the May 2021 Town Meetings, is establishing a Housing Plan Working Group to review and make recommendations addressing housing issues in Needham. The Select Board is participating in that study and understands review of the ADU by-law to be within its scope.

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 14th day of September 2021.

Matthew D. Borrelli, Chair
Marianne B. Cooley, Vice Chair
Lakshmi Balachandra, Clerk
Marcus A. Nelson, Member
Daniel P. Matthews, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable: