

SELECT BOARD

Meeting Agenda

6:00 p.m. January 10, 2023

NEEDHAM TOWN HALL

Select Board Chambers & Zoom



Pursuant to Chapter 22 of the Acts of 2022, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the meeting or click the link below to join the webinar:

<https://us02web.zoom.us/j/83866600545?pwd=bWlZL1c4aUdzTjBUZ3l6aVpwQnFKZz09>

Passcode: 649728

One tap mobile: +13126266799,,83866600545#

Webinar ID: 838 6660 0545

	6:00	Public Comment Period Citizens are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board’s policy on public participation in meetings can be found here .
1.	6:00	Public Hearing Continued 12/06/22: Alteration of Premises – Needham Food and Beverage, LLC d/b/a The Heights • Brian Hughes, Applicant Counsel • Jennifer Hartley, Manager
2.	6:10	Proposed Dedication – Liberty Tree • Paul Deeley, Needham Exchange Club – Past President
3.	6:20	Election Law Update and Early Voting Schedule • Theodora Eaton, Town Clerk
4.	6:30	NCAC Mural in Needham Heights • Charly Nanda, Co-Chair Needham Council for Arts & Culture • Bala Venkat, Co-Chair, Needham Council for Arts & Culture • Amy Haelsen, Economic Development Manager
5.	6:45	Outdoor Dining Update • Katie King, Assistant Town Manager/Director of Operations • Amy Haelsen, Economic Development Manager

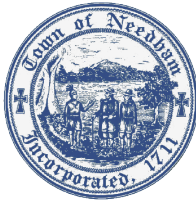
6.	7:00	Town Manager • Non-Criminal Disposition Update • Open Annual Town Meeting Warrant • Transportation Committee • Historical District Study Committee • Budget Preview • Town Manager's Report
7.	7:25	Board Discussion • Committee Reports
8.	7:30	Executive Session Exception 6

APPOINTMENTS

1.	No appointments.
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CONSENT AGENDA *=Backup attached

1.*	Approve minutes of December 6, 2022 (open session), December 20, 2022(open session), December 20, 2022 (executive session).
2.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$2550 from the Needham Flag Football League for the Dave DiCicco Bench.
3.	Accept the following donations made to the Needham Aging Services Division; \$400 from Carol De Lemos, \$500 worth of pastries from Servente Bakery & Café for their New Year's celebration, \$100 from Adele Kaplan, \$50 from Martin D. Spielmann and Suzanne McLaughlin.
4.	Accept the following donations made to the Needham Public Health's Gift of Warmth Program; \$100 from the First Baptist Church in Needham, \$40 from Alyssa Kence, \$50 from Janet Haines, \$500 from Nancy Frantz, \$100 from Josephine Li-McLeod, \$50 from Danielle Manning, \$700 from Mark Kelly, \$50 from Kate Moran Carter, \$50 from Cynthia Kelly, \$50 from Stephanie Fox, \$500 from Rachel Busby, \$100 from Avery Newton, \$100 from Claire Bloom, \$100 from Elaine Beilin, \$50 from Kurt Levitan, \$100 from John and Vance Fernandez, \$100 from Tejal Gandhi, \$100 from Anne Markowitz.
5.	Accept the following donations made to the Needham Youth & Family Services Department – The Crisis Support Donation Fund; \$50 from Amy McGregor-Radin, \$100 from Jamie Scranton Pomerantz, \$20 from Rosabel King, \$48.60 from Deborah LeClair, \$40 from Arthur Loradis.
6.*	Approve a One Day Special License for Teri Boardman of Volante Farms for Saturday, January 21, 2023 and Saturday, February 4, 2023. The Cooking Class events will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. Police Department approved the events.
7.*	Approve a One Day Special License for Mary Beth Cox with St. Joseph School for Thursday, January 19, 2023. The Mom's Night Out – Designer Pocket Book Bingo event will be held at St. Joseph School Hub, 90 Pickering Street, Needham. All documents are in order. Police Department approved the event.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	Public Hearing Continued 12/06/2022 – Alteration of Premises in an All-Alcoholic License in a Hotel – Needham Food and Beverage, LLC d/b/a The Heights – 200 First Street
Presenter(s)	Brian Hughes, Applicant Counsel Jennifer Harley, Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Needham Food and Beverage, LLC holds the hotel liquor license for The Heights located at 200 First Street, which currently includes as licensed premises approximately 1,568 sq. ft. on the first floor of the hotel consisting of bar and dining seating for approximately 86 patrons. Mr. Hughes has submitted a license amendment to increase the licensed premises to include the first-floor buffet and dining seating area, small market area, front desk, lobby, meeting space and 9 guest rooms, floors 2 through 6 each feature a total of 134 guest rooms. A legal notice was advertised in the Hometown Weekly on November 24, 2022 and abutters were notified, as required by the ABCC.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion: That the Board vote to (approve / deny) amendment for alteration of premises received from Needham Food and Beverage LLC, d/b/a The Heights. If approved, vote to forward the approved Alcohol License application to the ABCC for its review and final approval.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Amendment Application b. Floorplans c. Corporate Vote d. Legal Notice e. Abutter Listing	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME **NEEDHAM FOOD AND BEVERAGE, LLC**

ADDRESS **2 LAKESHORE CENTER**

CITY/TOWN **BRIDGEWATER**

STATE **MA**

ZIP CODE **02324**

For the following transactions (Check all that apply):

- | | | | |
|---|---|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of License Type (i.e. club / restaurant) | ☐ Change of Hours |
| ☐ Change of Manager | ☒ Alteration of Licensed Premises | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Officers/Directors | ☐ Change of Location | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Management/Operating Agreement |
| ☐ Change of Ownership Interest | ☐ Other | | |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



Transaction Processed Successfully.

INVOICE #: 5d8f07e1-c68f-45b4-ab3a-f4566c0b60e4

Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	03799-RS-0770	\$200.00
		\$200.00

Total Convenience Fee: \$4.70

Date Paid: 10/20/2022 2:52:10 PM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of

License Number or Business Name:
03799-RS-0770

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Edmund

Last Name:
Brennan

Address:
174 Dean St., Unit B

City:
Taunton

State:
MA

Zip Code:
02780

Email Address:
bhughes@brasm.com



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
NEEDHAM FOOD AND BEVERAGE, LLC	NEEDHAM	03799-RS-0770

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are applying for the ability to sell alcoholic beverage (liquor, beer & wine) to all areas within the hotel. We are not applying to make any physical alterations to the premises.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
BRIAN J. HUGHES	Attorney	[REDACTED]	508-822-0178

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

No physical alterations would take place. We would expand alcohol sales to all areas of the hotel.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The hotel has of 6 floors. The currently licensed premises are on the first floor. The proposed new area would include the first floor buffet and dining seating area, small market area, front desk, lobby, meeting space and 9 guest rooms. Floors 2 through 6 each feature a total of 134 guest rooms.

Total Sq. Footage	107,776	Seating Capacity	36	Occupancy Number	72 (plus guest room)
Number of Entrances	4	Number of Exits	4	Number of Floors	6

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

\$0.00 for renovations. Premises are as existing and no physical alterations are proposed.

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial Institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

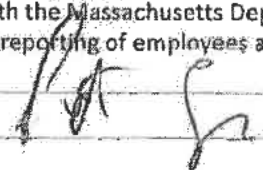
I, Patrick Carney, Jr. the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of Needham Food and Beverage, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 9/28/22

Title: Manager

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

We are asking that the currently licensed premises be expanded to include the whole hotel. If allowed, beer, wine and liquor would continue to be sold from the bar/lounge area, and, from the small retail market area located near the front desk. The market has no street facing windows. The proposed premises expansion is purely as an amenity for hotel guests. All staff members who would be authorized to sell alcohol would be TIPS certified.

ENTITY VOTE

The Board of Directors or LLC Managers of

Needham Food and Beverage, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Needham

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

9/28/2022

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Patrick Carney, Jr.

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,



Corporate Officer / LLC Manager Signature

Patrick Carney, Jr.

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR

Karyn E. Polito
LT. GOVERNOR



405140436

Rosalin Acosta
SECRETARY

Connie C. Carter
INTERIM DIRECTOR

CLAREMONT COMPANIES LLC
2 Lakeshore Ctr
Bridgewater, MA 02324-1060

EAN: 22130419
October 11, 2022

Certificate Id:63338

The Department of Unemployment Assistance certifies that as of 10/11/2022 ,CLAREMONT COMPANIES LLC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Connie C. Carter, Interim Director

Department of Unemployment Assistance



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0799669184
Notice Date: October 7, 2022
Case ID: 0-001-717-994



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



NEEDHAM FOOD AND BEVERAGE LLC
200 1ST AVE
NEEDHAM MA 02494-2805

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, NEEDHAM FOOD AND BEVERAGE LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001285931

1. The exact name of the limited liability company is: NEEDHAM FOOD AND BEVERAGE, LLC

2a. Location of its principal office:

No. and Street: 1 LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 1 LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

OWNING AND OPERATING A BAR AND RESTAURANT AND ALL OTHER LAWFUL BUSINESS.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: ELIAS PATOUCHEAS
 No. and Street: 1 LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

I, ELIAS PATOUCHEAS resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	ELIAS PATOUCHEAS	1 LAKESHORE CENTER BRIDGEWATER, MA 02324 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	ELIAS PATOUCHEAS	1 LAKESHORE CENTER BRIDGEWATER, MA 02324 USA

9. Additional matters:

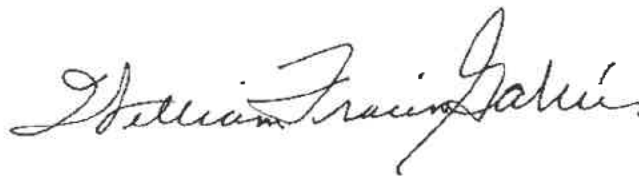
SIGNED UNDER THE PENALTIES OF PERJURY, this 9 Day of August, 2017,
ELIAS PATOUCHEAS

(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

August 09, 2017 02:14 PM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report

(General Laws, Chapter)

Identification Number: 001285931

Annual Report Filing Year: 2022

1.a. Exact name of the limited liability company: NEEDHAM FOOD AND BEVERAGE, LLC

1.b. The exact name of the limited liability company as amended, is: NEEDHAM FOOD AND BEVERAGE, LLC

2a. Location of its principal office:

No. and Street: TWO LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: TWO LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

OWNING AND OPERATING A BAR AND RESTAURANT AND ALL OTHER LAWFUL BUSINESS.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: PATRICK CARNEY, JR.
 No. and Street: TWO LAKESHORE CENTER
 City or Town: BRIDGEWATER State: MA Zip: 02324 Country: USA

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	PATRICK CARNEY JR	TWO LAKESHORE CENTER BRIDGEWATER, MA 02324 USA
MANAGER	FRANCIS XJ LYNCH	605 NORTH OLIVE AVENUE, 2ND FLOOR WEST PALM BEACH, FL 33401 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	PATRICK CARNEY JR	TWO LAKESHORE CENTER BRIDGEWATER, MA 02324 USA
REAL PROPERTY	FRANCIS XJ LYNCH	605 NORTH OLIVE AVENUE, 2ND FLOOR WEST PALM BEACH, FL 33401 USA

9. Additional matters:

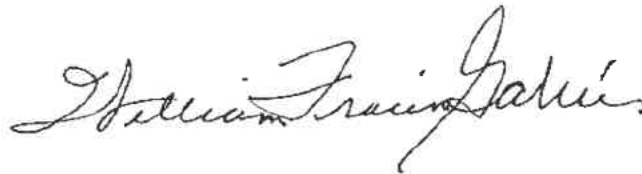
**SIGNED UNDER THE PENALTIES OF PERJURY, this 5 Day of October, 2022,
PATRICK CARNEY, JR. , Signature of Authorized Signatory.**

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

October 05, 2022 11:13 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive, flowing style with a large initial 'W' and 'G'.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



December 2, 2022

Needham Select Board
Needham Town Hall
1471 Highland St.
Needham, MA 02492

Re: Application for Liquor License Amendment for Needham Food and Beverage, LLC d/b/a
"The Heights" 200 First Avenue, Needham

Dear Select Board Members:

Please find enclosed herewith a copy of the Lease with regard to the above-referenced premises. This was approved by the Board in 2017, when the original application for licensure was filed. An executed copy cannot be found but one would be provided upon approval of the current application.

Feel free to call if you have any questions or concerns. Thank you.

Very truly yours,

/s/ Brian J. Hughes
Brian J. Hughes

COMMERCIAL LEASE

This LEASE entered into this _____ day of August 2016, by and between **CLAREMONT NEEDHAM SUITES, LLC**, a Delaware limited liability company with a principal place of business of 1 Lakeshore Center C/O The Claremont Company, Inc. Bridgewater, MA 02324 ("**Landlord**"), and **NEEDHAM FOOD AND BEVERAGE, LLC**, having a business address of 1 Lakeshore Center C/O The Claremont Company, Inc. Bridgewater, MA 02324 USA ("**Tenant**").

ARTICLE 1 - Grant and Description of Premises Landlord, for and in consideration of the covenants and agreements hereinafter set forth to be kept and performed by both parties hereto, demises and leases to Tenant, bar/restaurant space (the "**Premises**") in the building located at and known as 200 First Avenue, Needham, Massachusetts 02494 (hereinafter the "**Building**"), together with the right to use in common with others entitled thereto, the areas designated for the common use of all Tenants of the Building.

ARTICLE 2 - Commencement and Length of Term: The Lease shall be for a term commencing on the date that the Tenant takes possession of the Premises (the "**Commencement Date**") and terminating ten (10) years from said Commencement Date, unless sooner terminated or extended as hereinafter expressly provided (said period is referred to as "**Initial Term**" and said Initial Term together with any renewal periods is referred to as "**Term**"). Tenant and Landlord covenant and agree that the Commencement Date shall occur on January 1, 2018 and Terminating on December 31, 2027.

ARTICLE 3 - Renewal Options: Provided Tenant is not in default of any of its obligations hereunder which have not been cured prior to the renewal period, Tenant is hereby granted the right to renew this Lease for two (2) successive five (5) year renewal periods (the "**Renewal Period**"). To exercise such options, Tenant shall give to Landlord written notice at least six (6) months prior to the expiration of the Initial Term or any renewal period of the Term, which notice shall be delivered by first class mail.

ARTICLE 4 – Rent: Tenant shall pay a minimum rent ("**Basic Rent**") as follows: during the Initial Term, the Basic Rent shall be paid at a rate of Twelve-Thousand (\$12,000.00) annually, prepaid in monthly installments of One-Thousand (\$1,000.00) Dollars:

ARTICLE 5 - Taxes, Utilities and Other Charges: Landlord agrees to pay its pro rata share of all general and special taxes, including existing and future assessments of any kind or nature, lawfully imposed by any governmental authority upon the Building and all operating expenses assessed to the Building (the taxes and operating expenses are collectively referred to as "Taxes"). Tenant shall pay when due all general and special taxes imposed upon all fixtures, equipment and personal property of every type which Tenant maintains in the Premises directly to the taxing authority. Commencing on the Commencement Date, charges for all utility services to the Premises, including, but not limited to, gas, steam, electricity, water, sewer and telephone charges (collectively "Utilities") shall be included in the amount for Basic Rent.

ARTICLE 6 - Landlord's Right To Cure: If Tenant shall at any time fail to pay any amounts required in this Lease or to take out, pay for, maintain, or deliver any of the insurance policies provided for in this Lease, or shall fail to perform any other act on its part to be made or performed under this Lease, then Landlord, without waiving or releasing Tenant from any obligation of Tenant contained in this Lease, may (but shall be under no obligation to): (1) pay any tax or assessment so payable by Tenant, or (2) take out, pay for and maintain any of the insurance policies provided for in this Lease, or (3) after ten (10) days' written notice to Tenant (or immediately and without notice in situations involving potential danger to the health or safety of persons in, on or about the Premises or a threat of deterioration of, or damage to, the Premises), make any other payments or perform or cause to be performed any act on Tenant's part to be made or performed as in this Lease provided, and may enter upon the Premises for any such purpose and take all such action thereon as may be necessary therefor. All sums so paid by Landlord and costs and expenses incurred by Landlord in connection with the performance of any such act shall be paid by Tenant to Landlord on demand as if the same were additional rent hereunder (and nonpayment of which shall have the same consequences as nonpayment of rent).

ARTICLE 7 – INTENTIONALLY OMITTED

ARTICLE 8 - Use of Premises: Subject to the restrictions hereinbelow, Tenant shall have the right to use the Premises solely for the purpose of operating a bar/restaurant business (the foregoing use is hereinafter referred to as "Permitted Use"). Any expansion or alteration of the Permitted Use of the Premises shall be subject to Landlord's prior written consent and subject to all applicable laws, ordinances and regulations. Any knowing and willing use of the Premises by Tenant or Tenant's employees, or agents for any illegal activity, which results in a criminal conviction, shall be grounds for immediate termination of the Lease by the Landlord. Tenant shall adhere to all of the following in its Permitted Use of the Premises:

(a) Tenant agrees promptly to comply with all laws, ordinances, orders and regulations affecting the Premises and the cleanliness, safety, operation and use thereof. Tenant also agrees to comply with the requirements and reasonable recommendations of any insurance company, inspection bureau or similar agency providing services to Landlord with respect to the Premises. Tenant agrees not to permit any use that overloads the applicable utility lines servicing the Premises.

(b) Tenant agrees not to: (i) make any use of or allow the Premises to be used in any manner or for any purpose that might invalidate or increase the rate of the Landlord's insurance thereof; (ii) use the Premises for any purpose whatsoever which might create a public nuisance; (iii) cause structural damage; (iv) commit or suffer any waste; (v) discharge any hazardous waste, oil or toxic substances on the Premises; (vi) permit offensive odors; (vii) use the Premises or operate Tenant's business in violation of any law, ordinance, rule, by-law, code or regulation of any governmental authority; or (viii) permit any nude entertainment to be conducted on the Premises.

Failure of Tenant to strictly adhere to the provisions of this Article 8 shall be deemed a Default Event by Tenant under Article 18 hereof and Landlord shall be entitled to pursue all remedies provided in this Lease resulting from such Default Event.

ARTICLE 9 – Utilities: Landlord shall have no obligation to provide Utilities other than the Utilities and equipment within the Premises as of the Commencement Date. In the event Tenant requires additional Utilities or equipment, the installation and maintenance thereof shall be the Tenant's sole obligation, provided that such installation shall be subject to the prior written consent of the Landlord, which consent shall not be unreasonably withheld and/or delayed. No interruption or discontinuance of any Utility, or inability to obtain same, regardless of the nature of the cause shall be deemed an eviction or disturbance of Tenant, relieve Tenant from any obligation under this Lease, or create any liability on the part of Landlord. Tenant agrees to indemnify Landlord against any damage caused by overloading of any Utility system on the Premises or connected with same.

ARTICLE 10 - Condition, Improvements, Repairs and Maintenance:

10.1 **Walk-thru of the Premise.** Tenant shall conduct a walk-thru of the Premises within 3 – 5 business days of the Commencement Date of this Lease. Premises shall be in the same condition as of the date of this Agreement, reasonable wear and tear expected.

10.2 **Condition of Premises.** Tenant accepts the Premises "as is" in the condition in which it is on the date of the execution of this Lease. Except as otherwise provided in Section 10.6 below, Tenant acknowledges that Tenant shall be responsible, at its sole cost and expense, for making all necessary leasehold improvements required to make the Premises suitable for the Permitted Use and for bringing the Premises into full compliance with all applicable laws for Tenant's Permitted Use of the Premises ("**Tenant's Work**").

10.3 **Improvements to the Premises.** Provided that no emergency exists (such as bursting pipes and the like), Tenant shall not commence any Tenant's Work nor make any alterations, improvements and/or additions to the Premises (collectively "**Improvements**") without first providing Landlord with detailed plans for any Tenant's Work and obtaining, in each instance, the written consent of Landlord, such consent not to be unreasonably withheld or delayed. Any Tenant's Work and any such Improvements by Tenant shall be made in accordance with all applicable laws and shall be in a good and workmanlike manner and in accordance with the provisions of this Lease. Any Tenant's Work and any Improvements made by Tenant upon the Premises and which in any manner are attached to the floors, walls or ceilings (including, without limitation, any linoleum or other floor covering of similar character which may be cemented or otherwise adhesively affixed to the floor and any electrical, plumbing, heating, ventilating and/or air-conditioning systems and equipment) shall remain upon the Premises, and at the termination of this Lease shall be surrendered with the Premises as part thereof without disturbance, molestation or injury. However, the usual trade fixtures, furniture and equipment not currently located in the Premises, which may be installed in the Premises during the Term hereof at the cost of Tenant shall be removed by Tenant from the Premises upon termination of this Lease. Further, Tenant covenants and agrees, at its sole cost and expense, to repair any and all damage to the Premises resulting from or caused by such removal. In any event, any trade fixtures, equipment, furniture and other personal property which remain in the Premises following the expiration or earlier termination of the Term hereof, at Landlord's option, may thereafter be removed and stored at the cost of Tenant, or retained as the property of Landlord or sold or otherwise disposed of by Landlord, in any such case without any liability to or recourse by Tenant or anyone claiming by, through or under Tenant. All Tenant's Work and Improvements shall conform to all

applicable statutes, ordinances, regulations, codes and requirements of Landlord's and Tenant's underwriters. Landlord's approval of plans and specifications shall not constitute an acknowledgment that work done in conformity therewith will so conform, and Tenant shall be solely responsible for corrections in Tenant's Work and Improvements required by any governmental agency or insurance underwriters. Tenant shall obtain and convey to Landlord approvals from all agencies with jurisdiction over matters relative to electrical, gas, water, heating and cooling, and telephone work, and shall secure its own building and occupancy permits. Landlord reserves the right to require changes in Tenant's Work and Improvements when necessary by reason of code requirements or directives of governmental authorities having jurisdiction over the Premises.

10.3 Insurance Related to Improvements. Prior to commencement of any Tenant's Work and/or Improvements and until completion thereof, Tenant shall maintain, or cause to be maintained, casualty insurance in builder's risk form covering Landlord, Landlord's agents, servants or employees, Tenant and Tenant's contractors, as their interests may appear, against loss or damage by fire, vandalism and malicious mischief, and such other risks as are customarily covered by the so-called "extended coverage endorsement" upon all Tenant's Work and/or Improvements, and all materials stored at the site of Tenant's Work and/or Improvements. In addition, Tenant agrees to require all contractors and subcontractors engaged in the performance of Tenant's Work and/or Improvements to effect and maintain, and deliver to Tenant and Landlord, certificates evidencing the existence of, prior to commencement of any Tenant's Work and/or Improvements and until completion thereof, the following insurance coverages:

(a) Worker's Compensation Insurance - In accordance with the laws of The Commonwealth of Massachusetts, including Employer's Liability Insurance, with limits as required by law.

(b) Comprehensive public liability insurance in the same form and limits as Tenant is required under Article 13.1 of this Lease to carry or in such greater amounts as the Landlord may reasonably determine and hereafter from time to time advise Tenant in writing.

Prior to commencement of any Tenant's Work and/or Improvements, Tenant shall deliver to Landlord certificates of all required insurance, and evidence of the payment of premiums thereon (and certificates of renewal, and evidence of premium payments with reference thereto, where appropriate). All such certificates shall state that the same is non-cancellable and non-amendable without thirty (30) days' prior written notice to Landlord.

10.4 Mechanic's Liens. Tenant shall promptly pay all contractors and materialmen hired by Tenant to furnish any labor or materials for such Tenant Work and/or Improvements. Should any lien be made or filed, Tenant shall bond against or discharge same within ten (10) days after the lien is made or filed. If Tenant shall fail to cause such lien forthwith to be so discharged or bonded after being notified of the filing thereof, then, in addition to any other right or remedy of Landlord, Landlord may discharge the same by paying the amount claimed to be due, and the amount so paid by Landlord and all costs and expenses, including reasonable attorneys' fees, incurred by Landlord in procuring the discharge of such lien, shall be due and payable by Tenant to Landlord as additional rent on the first day of the next month following receipt of a bill from Landlord itemizing its costs. Tenant agrees to save and hold Landlord harmless from any loss, cost or suit brought by any person for injuries sustained, or property damage arising out of Tenant's Work and/or Improvements to the Premises.

10.5 Tenant Repairs and Maintenance. Tenant covenants throughout the Term, at its sole cost and expense, to keep the Premises, inside and outside, and all leasehold improvements, fixtures

and equipment therein, and all signs of Tenant erected thereon, in good repair and condition, making all repairs thereto in a timely fashion or as Landlord may reasonably request from time to time in furtherance of this Article. All repairs are to be in a good and workmanlike manner. Tenant's responsibility hereunder, at its sole cost and expense, shall include, without limitation, repair and replacement in a workmanlike manner all of the following property: all mechanical equipment required for operation of the Premises, all fixtures and equipment within the Premises. The provisions of this Article shall not require Tenant to make capital improvements to the structural parts of the Building, including the foundation, bearing walls and columns, roof or utility lines outside the Building, unless the condition necessitating such capital improvements to the structural parts have been caused by Tenant, its agents, servants or invitees. Tenant shall, at its sole cost and expense, arrange for rubbish removal and for janitorial services with respect to the Premises. If Tenant refuses or neglects to make such repairs or to maintain the Premises as provided herein in a manner reasonably satisfactory to Landlord, Landlord shall have the right, upon giving Tenant reasonable written notice, except in situations deemed to be emergency situations by Landlord, to make such repairs or perform such maintenance on behalf of and for the account of Tenant, and Tenant shall pay Landlord's costs and expenses of such work as additional rent on the first day of the month following receipt of a bill from Landlord therefore.

10.6 Landlord Maintenance and Repairs. Landlord shall, within a reasonable period after receipt of notice from Tenant, make or cause to be made necessary structural repairs to the exterior walls (but excluding plate glass and signs) and shall keep in good order, condition and repair the exterior foundations of the Premises and the plumbing located within the common areas and/or outside of the Building. Landlord shall not be required to make any such repairs or installations where the need for same are necessitated, caused or occasioned by (i) any act or omission or negligence of Tenant or its employees, agents, invitees, licensees, visitors or contractors, or (ii) fire or other casualty or condemnation, except as provided in Article 14. Landlord agrees to provide the following improvements to the premises:

- (a) None

10.7 Intentionally omitted.

10.8 Landlord's Access. Upon reasonable notice to Tenant and at reasonable times, Landlord may enter upon the Premises to inspect, maintain and repair the Premises if Landlord reasonably believes that Tenant has not adequately done so, and to charge to Tenant the cost thereof. Tenant agrees to pay said charges when and if such charges are presented for payment.

ARTICLE 11 - Additional Covenants of Tenant: Tenant also agrees and covenants with Landlord throughout the Term of the Lease:

- (a) To pay all Basic Rent and additional rent at the times and in the manner set forth herein.
- (b) To provide Landlord upon reasonable written request with evidence that it has paid all taxes and assessments required hereunder, including without limitation, all state and federal sales taxes.
- (c) To comply promptly with all applicable laws, rules, regulations, by-laws, ordinances, requirements and orders of governmental authorities, boards of fire underwriters, Massachusetts Department of Revenue, Massachusetts Alcohol Beverage Control Commission and similar organizations.

(d) To make all structural and non-structural repairs, alterations, additions or replacements to the Premises required under the terms of this Lease, or as shall become required during the Term, by the terms of this Lease or by any law, rule, order, regulation or requirement of any public authority (or the fire insurance rating association having jurisdiction).

ARTICLE 12 - Quiet Enjoyment: Provided Tenant is not in default, Tenant shall have the peaceable and quiet enjoyment and possession of the Premises during the Term hereof without any hindrance or molestation from Landlord, its agents, servants or employees.

ARTICLE 13 - Insurance and Indemnification:

13.1 Landlord's Insurance. At all times during the Term of this Lease, Landlord will maintain, in commercially reasonable amounts, (a) fire and extended coverage insurance on the Building, and (b) public liability and property damage insurance.

13.2 Tenant's Insurance. Tenant, at its own cost and expense, shall obtain and maintain in full force and effect during the Term of this Lease, policies of insurance covering the following risks:

(a) Fire and extended coverage insuring the Premises and all leasehold improvements and equipment (exclusive of the Tenant's own equipment) in the Premises in an amount equivalent to the "full replacement cost" of the thereof (excluding foundation and excavation costs) and all of Tenant's equipment, trade fixtures, appliances, furniture, and personal property from time to time, on or upon the Premises. Landlord may demand that the "full replacement cost" shall be determined from time to time during the Term hereof at the request of Landlord by an appraiser, engineer, architect or contractor designated by Landlord, paid for by Tenant and approved in writing by Landlord. No omission on the part of Landlord to request any such determination shall relieve Tenant of any of its obligations under this Article 13.

(b) Comprehensive public liability insurance including product liability insurance, property damage insurance and personal property insurance in amounts not less than \$1,000,000 with respect to injuries to one person and \$1,000,000 with respect to injuries suffered in any one accident, or such higher limits as may be reasonably required by Landlord from time to time.

(c) Business interruption insurance in amounts sufficient to prevent Tenant from becoming a co-insurer thereof, and to assure the continuance of the operating income and profit of Tenant's business at the Premises during any period in which Tenant is unable to conduct such business in the Premises, or any part thereof, by reason of loss or damage due to fire or other casualty, the elements, civil commotion or riot, or any other cause, whether insured or uninsured.

Such policies shall name Landlord, any other parties in interest designated by Landlord, and Tenant as the insured party, and shall contain a clause that the insurer shall not cancel such policies without thirty (30) days prior written notice to Landlord and shall be issued by insurers licensed to sell casualty and property insurance in The Commonwealth of Massachusetts. On or before the Commencement Date and at least thirty (30) days before any such policy shall expire, Tenant shall deliver a certificate of such insurance coverage to Landlord.

13.3 Compliance. Tenant shall not violate or permit violation of any of the conditions and provisions contained in the insurance policies provided for hereunder. Tenant shall perform and satisfy the requirements of the insurance company writing any such policy, so that at all times insurance companies of good standing shall be willing to write or to continue such insurance policies.

13.4 Waivers of Subrogation. Landlord and Tenant each hereby release the other, to the extent of their insurance coverage, from any and all liability for any loss or damage caused by fire or any of the extended coverage casualties or any other casualty insured against, even if such fire or other casualty shall be brought about by the fault or negligence of the other or its agents, provided however, this release shall be in force and effect only with respect to loss or damage occurring during such time as the policies covering such loss or damage shall contain a clause to the effect that this release shall not affect said policies or the right to recover thereunder. Landlord and Tenant agree that their fire and other casualty insurance policies will include such a clause so long as the same is includable without extra cost, or if an extra cost is chargeable therefor, so long as the other pays such extra cost. If an extra cost is chargeable therefor, the insured will advise the other party of the cost. The other party at its election may pay the same, but shall not be obligated to do so.

13.5 Indemnification. Notwithstanding its insurance obligations, Tenant shall indemnify and save harmless Landlord and its officers, directors, shareholders, managers, employees and agents against and from (a) all claims of any kind or nature by or on behalf of any person arising out of (i) any condition of the Premises, or (ii) the construction, reconstruction, improvement, use, occupancy, conduct or management of or from any work or anything done or omitted to be done in or about the Premises, or (iii) any accident, injury or damage to any person or property occurring in or about the Premises resulting from the operation of Tenant's business at the Premises or for any other reason whatsoever, or (iv) any breach or default by Tenant of any of its obligations hereunder, or (v) any act or omission of Tenant or any of its agents, contractors, servants, employees, or licensees, and (b) all costs, counsel fees, expenses or liability reasonably incurred in connection with any such claim or action or proceeding brought thereon. If any action or proceeding is brought against Landlord or any such member, manager, officer, employee or agent by reason of any indemnified claim, Landlord shall give Tenant notice of the action or proceeding and Tenant shall defend such action or proceeding. Subject to the foregoing, Landlord shall cooperate and join with Tenant as may be required in connection with any action taken or defended by Tenant.

ARTICLE 14 - Fire or Other Casualty:

14.1 Partial Damage. In the event that during the Term hereof the Premises shall be partially damaged (as distinguished from "substantially damaged", as that term is hereinafter defined) by fire or other casualty, Landlord shall forthwith proceed to repair such damage and restore the Premises to substantially their condition at the time of such damage. Notwithstanding anything in the prior sentence to the contrary, Landlord shall not be responsible for any delay which may result from any cause beyond Landlord's reasonable control and Landlord shall not be obligated to spend for such repairs and restoration an amount in excess of any insurance proceeds paid to Landlord for such damage or destruction.

14.2 Substantial Damage. In the event that during the Term hereof the Premises shall be substantially damaged or destroyed by fire or other casualty, the risk of which is covered by insurance payable to Landlord, this Lease shall remain in full force and effect so long as the net insurance proceeds payable to Landlord for such damage is sufficient in Landlord's determination to restore the Premises to substantially the same condition as prior to the fire or other casualty. The Landlord shall promptly, after the determination and receipt of the net amount of insurance proceeds available to Landlord, expend so much as may be necessary of such net amount of insurance to restore the Premises to substantially the same condition, but Landlord shall not be responsible for any delay which may result from any cause beyond the reasonable control of

Landlord. Should the net amount of insurance proceeds available to Landlord be insufficient to cover the cost of restoring the Premises in the sole and absolute estimate of Landlord, Landlord may, but shall have no obligation to, supply the amount of such insufficiency and restore the Premises with all reasonable diligence or Landlord may terminate this Lease by giving written notice to Tenant not later than thirty (30) days after Landlord has determined the estimated net amount of insurance proceeds available to Landlord and the estimated cost of such restoration. In case of substantial damage or destruction, as a result of a risk which is not covered by insurance available to Landlord, Landlord shall be entitled to rebuild the Premises, all as aforesaid, unless Landlord, within sixty (60) days after the occurrence of such event, gives written notice to Tenant of Landlord's election to terminate this Lease. If Landlord shall elect to terminate this Lease, as aforesaid, this Lease and the Term hereof shall cease and come to an end as of the date of said damage or destruction. Notwithstanding anything in this Article 14 to the contrary, if Landlord sends notice of termination to Tenant pursuant to the terms of this Paragraph and Tenant notifies Landlord within fourteen (14) days after receipt of Landlord's notice that Tenant desires to continue the Lease, the Lease shall not terminate but Tenant shall be responsible for paying to Landlord for all costs required to restore the Premises to the condition the Premises were in prior to the fire or casualty which are not covered by insurance available to Landlord ("Excess Uninsured Costs"). Landlord shall be entitled to require the Excess Uninsured Costs be paid in advance by Tenant as a condition to reinstating the Lease. Notwithstanding anything in this Article 14 to the contrary, if the Premises are substantially damaged Tenant shall have the option to terminate this Lease by written notice to Landlord if (i) Landlord fails to give notice within sixty (60) days of the casualty of its intention to restore the Premises; or (ii) Landlord fails to proceed to restore the Premises to a condition substantially suitable for their intended use within one hundred twenty (120) days of the date of such casualty.

14.3 Tenant's Obligations. Unless this Lease is terminated as provided in Article 14.2, if the Premises shall be damaged or destroyed by fire or other casualty, then Tenant shall: (i) repair and restore all portions of the Premises not required to be restored by Landlord pursuant to this Article 14 to substantially the condition which such portions of the Premises were in at the time of such casualty; (ii) equip the Premises with trade fixtures and all personal property necessary or proper for the operation of Tenant's business; and (iii) open for business in the Premises as soon thereafter as possible.

14.4 Basic Rent and additional rent Abated. In the event that the provisions of Article 14.1 or Article 14.2 of this Lease shall become applicable, the Basic Rent and additional rent shall be abated or reduced during any period in which, by reason of such damage or destruction, there is substantial interference with the operation of the business of Tenant in the Premises.

14.5 Damage Definition. The terms "substantially damaged" and "substantial damage", as used in this Article, shall have reference to damage of such a character as cannot be reasonably expected to be repaired or the Premises restored within sixty (60) days from the time that such repair or restoration work would be commenced.

14.6 Termination. Notwithstanding anything herein to the contrary, in the event that the entire Premises, or a substantial portion thereof such that the remainder is rendered unsuitable for the Permitted Uses, or access to the Premises shall be taken by any public authority or for any public use or shall be destroyed or damaged by fire or casualty or by the action of any public authority, then this Lease may be terminated at the election of either of the parties. Such election is to be made by either party by giving written notice to the other party within thirty (30) days after the date of such damage or taking first accrued.

ARTICLE 15 – Condemnation: If the whole of the Premises shall be acquired or condemned under eminent domain proceedings, then the Term of this Lease shall cease and terminate when the Premises are taken. All payment obligations of Tenant hereunder shall cease on said termination date. In the event of a taking of a portion of the Premises and as a result of said taking the total floor area remaining in the Premises shall be reduced to less than seventy-five percent (75%) of the total floor area in the Premises at the commencement of the Term hereof, then at the election of Tenant, this Lease may be terminated as of the date when Tenant is required to vacate the portion of the Premises so taken. In the event Tenant remains in operation, all rent shall be reduced pro rata and Landlord shall, within six (6) months after said condemnation, rebuild the Premises on the space available, unless delayed through causes beyond its control, including the attainment of taking or insurance proceeds for the same; in which case Landlord shall rebuild the Premises in as diligent a manner as possible. Notwithstanding anything in the prior sentence to the contrary, Landlord shall not be responsible for any delay which may result from any cause beyond Landlord's reasonable control and Landlord shall not be obligated to spend for such repairs and restoration an amount in excess of any insurance or taking proceeds paid to Landlord for such taking.

In any event, Tenant shall have no claim against Landlord by reason of such taking or termination and shall not have any claim or right to any portion of the amount that may be awarded or paid to Landlord as a result of any such taking; provided, however, nothing contained herein shall prevent Tenant from applying for reimbursement from the condemning authority (if permitted by law) for moving expenses, or removal of trade fixtures, or reimbursement for the undepreciated costs of the leasehold improvements made by the Tenant to the Premises or loss of business goodwill. Except as aforesaid, the entire compensation awarded in or by reason of said eminent domain proceedings shall belong to Landlord without any deduction therefrom for any present or future estate or interest of Tenant and Tenant hereby assigns to Landlord all of Tenant's right, title and interest in and to any and all such compensation together with any and all rights, estate and interest of Tenant now existing or hereafter arising in and to the same or any part thereof.

ARTICLE 16 - Assignment-Subletting: Tenant shall not assign, mortgage, pledge or encumber this Lease nor sublet all or any part of the Premises nor allow any other party to occupy all or any portion of the Premises without the prior written consent of Landlord, such consent not to be unreasonably withheld or delayed. No assignment of this Lease or sublet of the Premises shall release Tenant or any guarantor from their obligations hereunder or under any previously executed guaranty. Notwithstanding anything in this Lease to the contrary, Tenant shall have no right to assign or sublet all or any portion of the Premises if Tenant is in default of its obligations under the Lease at the time that Tenant desires to assign or sublet all or any portion of the Premises. Tenant shall reimburse Landlord on demand for all costs incurred by Landlord (including without limitation legal fees and expenses) in reviewing and/or approving Tenant's request for an assignment of this Lease or sublet of the Premises including the preparation and/or review of all documentation in connection therewith.

As used herein, the term "assign" or "assignment" shall be deemed to include, without limitation: (a) any transfer of Tenant's interest in the Lease by operation of law; (b) any transfer of Tenant's interest in the Lease by merger or consolidation of Tenant with or into any other firm, corporation or other entity; (c) the transfer or sale of a controlling interest in Tenant by sale or other transfer of its stock from the stockholders as of the date hereof to any outside party; (d) a sale of all or substantially all of the Tenant's assets, including this Lease; or (e) any such other similar transaction entered into by Tenant or its stockholders as Landlord shall determine in its sole discretion. Tenant's request for Landlord's consent to subletting or assignment shall be submitted in writing and Landlord's consent, which consent shall not be unreasonably withheld and/or

delayed, shall be granted at Landlord's sole discretion provided the prospective assignee or sublessee shall agree to pay Landlord the greater of all amounts reserved in this Lease or that agreed upon between Tenant and the prospective assignee or sublessee. Tenant shall have no right to collect such greater amount, if any, from the proposed assignee or sublessee, but rather the same shall belong to Landlord. If this Lease is assigned, or if the Premises or any part thereof are sublet or occupied by anybody other than Tenant, Landlord may collect all amounts due hereunder from the assignee, sublessee or occupant, and apply the net amount collected to all amounts due hereunder, but no such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of the assignee, sublessee or occupant as a tenant, or a release of Tenant from the further performance by Tenant of covenants on the part of Tenant herein contained. The consent by Landlord to an assignment or subletting shall not in any way be construed to relieve Tenant from obtaining the express consent in writing of Landlord to any further assignment or subletting.

ARTICLE 17 - Subordination and Estoppel: This Lease shall at all times be subject and subordinate to the lien of any mortgage, trust deed or any ground lease now or hereafter placed upon the Building or the Premises, and Tenant covenants and agrees to execute and deliver, upon reasonable notice, such further instruments subordinating this Lease to the lien of any such instruments as shall be desired by Landlord, or any mortgagee or trustees under trust deeds. The provisions of this paragraph shall be self-operative and no further instrument shall be required; provided, however, in confirmation thereof, Tenant shall execute such further assurance as may be requested. Tenant further, to the extent not prohibited by law, waives the provisions of any statute or rule of law, now or hereafter in effect, which may give or purport to give Tenant any right or election to terminate or otherwise adversely affect this Lease and the obligations of Tenant hereunder in the event any such foreclosure proceeding is brought, prosecuted or completed. Within ten (10) days after request by Landlord, Tenant agrees to deliver an estoppel certificate to any proposed mortgagee or purchaser, or to Landlord, certifying (if such be the case) that this Lease is in full force and effect and that there are not defenses or offsets thereto, or stating those claimed by Tenant.

ARTICLE 18 – Default: Tenant shall be in default under this Lease upon the happening of any of the following events ("**Default Event**"):

- (a) Tenant fails to pay Basic Rent, additional rent or any other amounts due from Tenant throughout this Lease within ten (10) days after notice from Landlord provided, that Landlord shall not be required to give notice more than two (2) times in any consecutive twelve (12) month period;
- (b) Tenant violates any of the other terms, conditions or covenants herein contained if Tenant fails to cure the same within thirty (30) days from the date of written notice of such default, or such longer period of time as is reasonably necessary to cure if such violation cannot be cured within thirty (30) days provided Tenant has expeditiously commenced curing such default within said thirty (30) day period and is diligently, in Landlord's judgment, pursuing said cure;
- (c) Tenant becomes insolvent or makes any assignment for the benefit of creditors;
- (d) Tenant files, or has filed against it/him, any petition under any bankruptcy or similar laws which is not discharged within sixty (60) days of said filing;
- (e) Tenant's assets are levied upon in anticipation of a sheriff's or constable's sale thereof, which levy is not satisfied prior to the proposed sale date;

- (f) a receiver is appointed for Tenant's business;
- (g) Tenant fails to pay any taxes due which shall become a lien on any of Tenant's assets, which lien is not discharged within sixty (60) days;
- (h) Tenant admits in writing its/his inability to pay its/his debts generally as they become due; or
- (i) Tenant fails to notify Landlord as specified in Article 11(c) hereinabove.

Upon the happening of a Default Event, Landlord may declare the Term of this Lease terminated, and pursue all legal and equitable remedies available to it under the laws of the Commonwealth of Massachusetts resulting from Tenant's breach, including, but not limited to, re-entering the Premises by summary proceedings or otherwise, expelling Tenant and removing all of Tenant's property therefrom or bringing an action to recover all rents and other charges due hereunder from Tenant for the remaining Term of the Lease. In addition, Landlord shall be entitled to all costs incurred as a result of Tenant's breach, including, but not limited to, all reasonable attorneys' fees incurred to correct such default and/or to pursue all remedies available to Landlord. Any assessment of legal fees will be extended to remedies available to the tenant also.

Upon and after entry into possession without terminating this Lease, Landlord may, but shall not be obligated to, relet all or any part of the Premises for the account of Tenant for such rent and upon such terms and to such person, firm or corporation and for such period or periods as Landlord in Landlord's sole discretion shall determine. Landlord shall not be required to accept any prospective lessee offered by Tenant, or to observe any instruction given by Tenant about such reletting. For the purpose of such reletting, Landlord may decorate or make repairs, changes, alterations or additions in or to the Premises to the extent deemed by Landlord desirable or convenient and charge Tenant for such costs. All consideration received by Landlord for reletting the Premises shall be the sole property of Landlord. If the consideration collected by Landlord upon any such reletting for Tenant's account is not sufficient to pay the rental and Tenant's other obligations reserved in this Lease and all of Landlord's other costs and expenses of any kind or nature related to the reletting of the Premises, Tenant agrees to pay to Landlord the deficiency upon demand.

The failure of Landlord to insist in any one or more instances upon the performance of any of the covenants or conditions of this Lease or to exercise any right or privilege herein conferred shall not be construed as thereafter waiving or relinquishing Landlord's right to the performance of any such covenants, conditions, rights or privileges, and the same shall continue and remain in full force and effect, and the waiver of any default or right shall not constitute waiver of any other default, and the receipt of any rent by Landlord from Tenant or any assignee of Tenant, or of any portion thereof, shall not operate as a waiver therein contained, of any of Landlord's rights hereunder unless evidenced by Landlord's written waiver thereof. Landlord shall in no event be in default in the performance of any of its obligations hereunder unless and until Landlord shall have failed to perform such obligations within thirty (30) days, or such additional time as may be reasonable under the circumstances to correct any such default, after written notice by Tenant to Landlord properly specifying wherein Landlord has failed to perform any such obligation.

ARTICLE 19 - Expiration of Term: Tenant, at the expiration of the Term hereof or any prior termination as herein provided, shall remove its goods and effects and peaceably yield up the Premises in the same condition and repair as the Premises were in at the commencement of the

Term hereof or as may have been put in thereafter, loss by or ordinary wear and tear and eminent domain excepted, but in any event clean and tenantable and free of occupants and subject, in any event, to Tenant's obligations under Articles 10.2, 10.4 and 11(e), provided that if any such removal of its goods and effects causes any damage to the Premises, Tenant shall promptly repair the same at its sole cost and expense. Any property, fixtures or equipment of Tenant remaining on the Premises after termination hereof shall be deemed to be abandoned and may be removed and disposed of by Landlord as Landlord shall determine, and Landlord shall charge the cost of such removal and any repairs or replacements to the Premises necessitated thereby to Tenant.

ARTICLE 20 – Notices: All notices required to be sent under the provisions of this Lease to Landlord and Tenant by one another shall be in writing and sent by U.S. mail, certified, return receipt requested, or by hand delivery or overnight mail to the parties at the address listed above.

Either party may, at any time, in the manner set forth for giving notices to the other, set forth a different address to which notice to it may be sent.

ARTICLE 21 – Recording: This Lease shall not be recorded, but a short form notice of this Lease shall be recorded upon the request of either party. The parties hereto agree that upon such request by the party, the other party will execute whatever instruments may be necessary for the recording of said short form.

ARTICLE 22 - Successors and Assigns: This Lease shall be binding upon and shall inure unto the benefit of the parties hereto and their respective legal representatives, heirs, successors and permitted assigns, including all permitted subtenants. Each subtenant or assignee shall, as a pre-condition to Landlord's approval of Tenant's sub-letting the Premises or assigning this Lease, execute such written instruments as Landlord shall reasonably require evidencing its agreement to be bound by every term of this Lease, provided that such an agreement shall not operate to release Tenant from its obligations hereunder.

ARTICLE 23 - No Personal Liability: No officers, directors, shareholders, trustees, employees, and agents of Landlord shall be personally liable for any obligation of Landlord hereunder and all parties hereto and all other persons shall look solely to the assets of Landlord for the satisfaction of any obligation of Landlord hereunder. Tenant specifically agrees to look solely to Landlord's interest in the Building for the recovery of any judgments from Landlord, it being agreed that Landlord (and its members, venturers, and partners, and all of their officers, directors, and employees) will never be personally liable for any such judgments.

ARTICLE 24 – Intentionally Omitted.

ARTICLE 25 - Governing Law, Jurisdiction and Interpretation: The laws of The Commonwealth of Massachusetts shall govern the validity, performance and enforcement of this Lease. The parties agree that any actions brought under this Lease shall be brought only in the State or Federal Courts located in Boston, Massachusetts. If any provision of this Lease is held to be invalid, such invalid provision shall be deemed to be severable from and shall not affect the validity of the remainder of this Lease.

ARTICLE 26 – Signs. The Landlord shall be responsible for supplying and installing all signage to tenant at its own cost and expense. Tenant shall submit to Landlord, for Landlord's prior written approval (such approval not to be unreasonably withheld or delayed), the design and specifications for any sign identifying the name and business of Tenant to be erected at the Premises during the Term. Such sign shall conform to the rules and regulations of the Town of Needham and any other applicable law, rule, ordinance or code as may be enacted and binding upon the Premises during the Term of the Lease.

ARTICLE 27 – Entire Agreement. This Lease and the exhibits attached hereto and forming a part hereof, set forth all of the covenants, promises, agreements, conditions, and understandings between Landlord and Tenant concerning the Premises and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth.

ARTICLE 28 – Amendments. No amendments, modifications of or supplements to this Lease shall be effective unless in writing, executed and delivered by Landlord and Tenant.

ARTICLE 29 – No Waiver. The waiver by Landlord of any agreement, condition, or provision contained in this Lease will not be deemed to be a waiver of any subsequent breach of the same or any other agreement, condition, or provision contained in this Lease, nor will any custom or practice that may grow up between the parties in the administration of the terms of this Lease be construed to waive or lessen the right of Landlord to insist upon the performance by Tenant in strict accordance with the terms of this Lease. The subsequent acceptance of rent by Landlord will not be deemed to be a waiver of any preceding breach by Tenant of any agreement, condition, or provision of this lease, other than the failure of Tenant to pay the particular rent so accepted, regardless of Landlord's knowledge of such preceding breach at the time of acceptance of such rent.

ARTICLE 30 – Landlord's Fees and Expenses. If the Landlord makes any expenditures or incurs any obligations for the payment of money in connection therewith, arising out of or resulting from any act or omission by the Tenant with respect to this Lease or the Premises, including but not limited to, reasonable attorney's fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred, with interest at the rate of fifteen (15%) per cent per annum and costs, shall be paid to the Landlord by the Tenant as additional rent.

ARTICLE 31 – Notice of Landlord's Default. In the event of any alleged default in the obligation of Landlord under this Lease, Tenant will deliver to Landlord written notice and Landlord will have thirty (30) days following receipt of such notice to cure such alleged default or, in the event the alleged default cannot reasonably be cured within a thirty (30) day period, to commence action to cure such alleged default within such thirty (30) day period.

ARTICLE 32 – Holding Over. Tenant will have no right to remain in possession of all or any part of the Premises after the expiration of the Term. If Tenant remains in possession of all or any part of the Premises after the expiration of the Term, with the express or implied consent of Landlord: (i) such tenancy will be deemed to be a periodic tenancy from month-to-month only; (ii) such tenancy will not constitute a renewal or extension of this Lease for any further term; and (iii) such tenancy may be terminated by Landlord upon the earlier of thirty (30) days prior written notice or the earliest date permitted by law. In such event, monthly Basic Rent will be increased to an amount equal to two hundred percent (200%) of the monthly Basic Rent payable during the last month of the Term, and any other sums due under this Lease will be payable in the amount

and at the times specified in this Lease. Such month-to-month tenancy will be subject to every other term, condition, and covenant contained in this Lease.

[SIGNATURE PAGES TO FOLLOW]

[THE REMAINDER OF THE PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this Lease on the date first above written.

LANDLORD:

CLAREMONT NEEDHAM SUITES, LLC

By: _____
Elias Patoucheas, Manager

TENANT:

NEEDHAM FOOD AND BEVERAGE, LLC

By: _____
Elias Patoucheas, Manager

ISSUED FOR SPECIAL PERMIT PROPOSED HOMEWOOD SUITES HOTEL 200 FIRST AVENUE NEEDHAM, MA

OWNER:
CLAREMONT NEEDHAM SUITES, LLC
ONE LAKESHORE CENTER
BRIDGEWATER, MA 02324

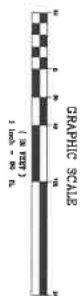
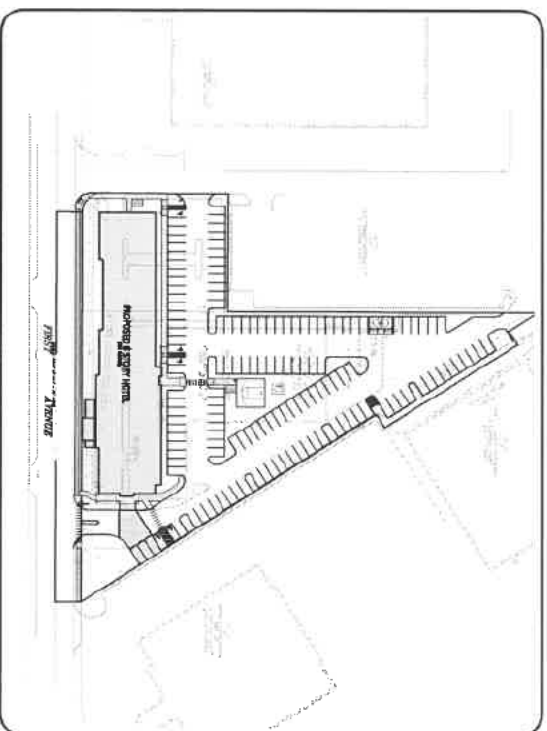
**DESIGN/BUILD FIRM / ARCHITECT /
AUTHORIZED AGENT**
OPECHEE CONSTRUCTION CORPORATION
11 CORPORATE DRIVE
BELMONT, NH 03220
(603)-527-9090

CIVIL ENGINEER
ALLEN & MAJOR ASSOCIATES, INC.
10 MAIN STREET
LAKEVILLE, MA 02347-1674
(508)-923-1010

GEOTECHNICAL ENGINEER
JOHN TURNER CONSULTING, INC.
66 SOUTHGATE STREET
WORCESTER, MA 01603

TRAFFIC ENGINEER
McMAHON ASSOCIATES
45 BROMFIELD STREET, 6TH FLOOR
BOSTON, MA 02108
(617)-556-0020

LANDSCAPE ARCHITECT
ELM GROVE PROPERTY SOLUTIONS, LLC
1910 ELM STREET
MANCHESTER, NH 03104



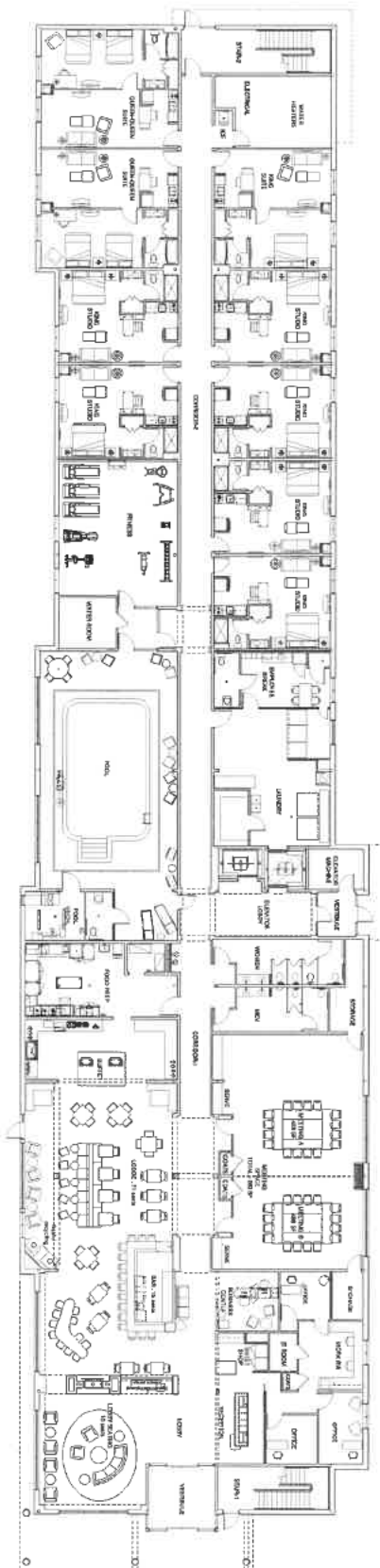
**ALLEN & MAJOR
ASSOCIATES, INC.**
10 MAIN STREET
LAKEVILLE, MA 02347-1674
(508)-923-1010
www.allen-major.com
LANDSCAPE ARCHITECT
EXHIBITION 000000

LIST OF DRAWINGS			
DRAWING TITLE	SHEET NO.	ISSUED	REVISED
ALTMACHSI LAND TITLE SURVEY	1	12-11-2015	
ABBREVIATIONS & NOTES	ABB-1 & ABB-2	5-9-2016	
EXISTING CONDITIONS PLAN	C-0	5-9-2016	
SITE PREPARATION PLAN	C-1	5-9-2016	
LAYOUT & MATERIALS PLAN	C-2	5-9-2016	
GRADING & DRAINAGE PLAN	C-3A - C-3B	5-9-2016	
UTILITIES PLAN	C-4	5-9-2016	
DETAILS	DET-1 TO DET-3	5-9-2016	
FIRST & SECOND FLOOR PLANS	A1.01	5-9-2016	
THIRD & FOURTH FLOOR PLANS	A1.02	5-9-2016	
FIFTH & SIXTH FLOOR PLANS	A1.03	5-9-2016	
SOUTH & WEST ELEV. BUILDING ELEV.	A2.01	5-9-2016	
NORTH & EAST ELEV. BUILDING ELEV.	A2.02	5-9-2016	
SITE LAYOUT LONGITUDINAL CROSS VIEWS	A3.01	5-9-2016	
LANDSCAPE PLANTING PLAN	L1.01	5-9-2016	
LANDSCAPE PLANTING & HARDSCAPE DETAILS	L1.02	5-9-2016	
LIGHTING PHOTO-METRIC PLAN & DETAILS	L1.03	5-9-2016	

ISSUED FOR SPECIAL PERMIT
MADE 9, 2016

PROFESSIONAL ENGINEER FOR
ALLEN & MAJOR ASSOCIATES, INC.
MADE 9, 2016

100

ROOM MATRIX

PLAN
NORTH
1
THIRD FLOOR PLAN
3/8" = 1' = 0"



2
FOURTH FLOOR PLAN
3/8" = 1' = 0"



PLAN NORTH
1 5TH FLOOR PLAN
1/8" = 1'-0"



2 6TH FLOOR PLAN
1/8" = 1'-0"



LEGAL NOTICE



Town of Needham
Application for Alteration of
Premises for an All-Alcohol License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Needham Food and Beverage, LLC d/b/a The Heights, Jennifer Hartley, Manager, has applied for an alteration of licensed premises of the following kind: to expand the liquor license to be expanded to the whole hotel; from the bar lounge area and to expand to the small retail market area near the front desk, located at 200 First Avenue, Needham, MA.

IT IS ORDERED that a public hearing be held for said application on December 6, 2022, at 6:00 p.m. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person, Select Board Chambers, Town Hall, and via Zoom.

2x3 Town of Needham - Alteration of Premises 11-24-22

(11-24-22 HTW)

**200 FIRST AVENUE
300 FEET**

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/300.0-0031-0000.0	NEEDHAM DEVELOPMENT CORP TR		116 HUNTINGTON AVE STE 6	BOSTON	MA	02116-
199/300.0-0032-0000.0	FORTY A LIMITED PARTNERSHIP		P.O. BOX 95	WESTWOOD	MA	02090-
199/300.0-0053-0000.0	JMDH REAL ESTATE OF NEEDHAM, LLC		15-24 132 ST	COLLEGE POINT	NY	11356-
199/300.0-0074-0002.0	NBCBOSTON REAL ESTATE LLC	ATTN: PROPERTY TAX	ONE COMCAST CENTER 32ND PHILADELPHIA		PA	19103-
199/300.0-0028-0002.0	NEEDHAM TRAVEL PROPERTY LLC	400 FIRST AVE	ATTN: NORMANDY REAL EST, NEEDHAM		MA	02494-
199/300.0-0028-0003.0	NORMANDY GAP-V DEVELOPMENT	NEEDHAM, LLC	53 MAPLE AVE	MORRISTOWN	NJ	07960-5219
199/300.0-0033-0001.0	DIGITAL 128 FIRST AVENUE, LLC		128 FIRST AVE	NEEDHAM	MA	02494-
199/300.0-0048-0000.0	NICOLAZZO, CHARLES G.& NICOLAZZO, GIA A.,	BIGELOW REALTY TRUST	50 TOWER RD	NEWTON	MA	02464-
199/300.0-0073-0000.0	DIGITAL CABOT LLC		128 FIRST AVE	NEEDHAM	MA	02494-
199/300.0-0030-0000.0	300 FIRST AVE REALTY LLC		180 WELLS AVE STE 100	NEWTON	MA	02459-
199/300.0-0033-0002.0	PARTNERS HEALTHCARE SYSTEM, INC	PRUDENTIAL TOWER 800 BOYLSTON ST.	SUITE 1150	BOSTON	MA	02119-
199/300.0-0047-0000.0	CLAREMONT NEEDHAM SUITES LLC		ONE LAKESHORE CT	BRIDGEWATER	MA	02324-
199/300.0-0033-0000.0	DIGITAL FIRST AVENUE, LLC		128 FIRST AVENUE	NEEDHAM	MA	02494-
199/300.0-0054-0000.0	MCMANUS, JAMES H. III, TRUSTEE	ONE FIRST AVENUE REALTY TRUST	86 WASHINGTON STREET UN HOLLISTON		MA	01746-
199/300.0-0074-0001.0	MCPF-NEEDHAM LLC		1 MET LIFE WAY ATTN: GENE WHIPPANY		NJ	07981-
199/300.0-0028-0004.0	NORMANDY GAP-V DEVELOPMENT	NEEDHAM, LLC	53 MAPLE AVE	MORRISTOWN	NJ	07960-5219
199/300.0-0074-0003.0	NEEDHAM NINE OWNER LLC		53 MAPLE AVE	MORRISTOWN	NJ	07960-

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
for the Needham Board of Assessors..... *W. W. W. W. W.*



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Proposed Dedication – Liberty Tree
Presenter(s)	Paul Deeley, Needham Exchange Club – Past President

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Needham Exchange Club has proposed to the Select Board the dedication of the American Elm planted in front of Fire Station 2 as a “Liberty Tree” in order to raise and maintain awareness of a key symbol in the creation of the United States of America.	
2.	VOTE REQUIRED BY SELECT BOARD
None – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
(a) Letter to the Select Board – Proposal for the Installation of a Liberty Tree in Needham	
(b) Proposed Commemorative Plaque	

Proposal for the Installation of a Liberty Tree in Needham

Background:

The Needham Exchange club celebrated its 75th anniversary in 2022. To recognize the event and in continuance of its history of donating to the citizens of Needham, the club elected to purchase and plant an American Elm tree, descendant of the famous Boston Liberty Tree, at the Needham Heights Fire Station.

Over 75 years, Exchange has been involved in community building in Needham. Our work has encompassed both physical projects, such as the shelters at Green's Field and Memorial Park, building tot lots, and service projects throughout the town, too numerous to mention. In addition to our sponsorship of freedom shrines at the schools and celebratory Independence Day events, we have regularly offered youth programs, senior programs, and recognition programs designed to honor and educate Needham residents. Exchange goals have not changed, "Unity for Service." All dedicated to enhancing the quality of life in Needham.

We chose the American Elm for several reasons.

American Elm:

An elm is a beautiful tree and a nice complement to the landscape of the new, very impressive fire station.

The elm tree was everywhere in towns and cities around New England. It was a very large, tall and beautifully shaped tree creating shade like settings all over the area. Until Dutch Elm disease hit. That started a slow death of all the elms we had in every city and town.

Researchers have been working on a new hybrid more resistant to the borer that caused Dutch Elm disease. The Elm Institute in New Hampshire is dedicated to raising disease resistant trees and this is a very beautiful specimen of that work. I am hopeful it will be here for the next 50 or 100 years, but there is no guarantee. Mother nature will determine its life. In the interim we will enjoy it for many years.

Historical:

At the time of the Revolution, a great American Elm stood in the center of colonial Boston. The large tree became a meeting place for patriots opposed to British laws and rules, and a demonstration against the detested "Stamp Act," was held under the tree. It became known as the Liberty Tree. Our founding fathers: Paul Revere, Joseph Warren,

John Hancock and Samuel Adams regularly held their meetings under the tree. The famous Boston Tea Party was planned under its branches.

British soldiers hated this tree and often punished men thought to be against British rule, right under its branches. The tree was the rallying point for independence in Boston. On the last day of August 1775, as the British Army evacuated the city for the last time, they cut down the tree before they left. The American Elm was our first symbol of freedom, because this wonderful tree bore the name "Liberty" on its trunk. It is currently memorialized in Boston's South End.

Benefits:

Having a Liberty Tree in our community will give our residents an educational opportunity to explore our founding as a country, and the events leading up to the Revolutionary War. It must not be forgotten that Needham farmers fired "shots heard round the world" on April 19, 1775. We need to preserve, protect and pass on this important part of our country's founding. The tree will help our town, and our neighbors be more aware of the history and significance of the struggle to create the United States of America.

The tree was planted last year at the Fire Station. Its placement was coordinated with the Director of Parks and Forestry and the Chief of the Fire Department. We marked its installation with an Arbor Day, 2022 ceremony on site. Many thanks to Ed Olsen and Dennis Condon, Tree Warden and Fire Chief respectively. I also want to thank and recognize Ed Olsen, and other town employees for their help in planning this project and carrying it out.

Request:

At his time Exchange Club specifically requests the following:

1. Permission to install a stone and bronze plaque on site in order to briefly explain the history of the Liberty Tree. The plaque will be about 8 x 10 inches. A first draft of the text and appearance is attached to this document. It will cost \$ 509.00 and will be funded by the Exchange Club
2. Erection of a street sign adjacent to the tree on the berm on Highland Avenue indicating the location of the Liberty Tree. There is currently a sign there that could be moved further west on Highland Ave. Funding is requested from Town of Needham resources.

Paul Deeley

Past President, Needham Exchange Club

December 13, 2022

LIBERTY ELM, where the Revolution began.

This Liberty Elm commemorates the 75th Anniversary of the Needham Exchange Club. The Elm is a descendant of the original Liberty Tree, which was located in Boston and became a rallying point for independence for the colonies. The Sons of Liberty, American Patriots met there and planned acts of defiance, including the Boston Tea Party

This symbol of freedom was hated by the British. On the last day during the final evacuation of Boston, the British Army cut down the tree, making it the first great symbol of freedom in the United States.

Planted by the Needham Exchange Club, April 2022





**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Election Law Update and Early Voting Schedule
Presenter(s)	Theodora Eaton, Town Clerk

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Clerk will discuss with the Select Board the impact of election-related legislation passed by the Massachusetts General Court in calendar year 2022. Following this discussion, the Town Clerk will ask the Select Board to vote to approve the in-person early voting schedule for the 2023 Annual Town Election.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> Move that the Select Board approve the in-person early voting schedule as proposed by the Town Clerk.	
3.	BACK UP INFORMATION ATTACHED
(a) Proposed Election Calendar and In-Person Early Voting Calendar for the 2023 Annual Town Election	



TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 ~ Fax (781) 449-1246

Teaton@needhamma.gov

2023 TOWN ELECTION/TOWN MEETING CALENDAR

Nomination Papers Available For Town Offices/Town Meeting Members:	-	Monday, January 3, 2023
Last Day to Submit Warrant Articles To the Board of Selectmen:	-	Monday, February 6, 2023
Last Day for Incumbent Town Meeting Members to File Written Acceptance [21 Days before Filing with Town Clerk]:	-	Tuesday, February 14, 2023
Last Day to File Nomination Papers with Board of Registrars [49 Days before Town Election (53:7):	-	Tuesday, February 21, 2023
Last Day for Board of Registrars to File Nomination Papers with Town Clerk [35 days before Annual Town Election] (53:11/13):	-	Tuesday, March 7, 2023
Last Day for Board of Selectmen to Submit Proposition 2 ½ Ballot Question to Town Clerk [35 days before Annual Town Election]:	-	Tuesday, March 7, 2023
Last Day to Object or Withdraw Before Annual Town Election [48 hours after filing deadline] (:	-	Thursday, March 9, 2023
Last Day to Register to Vote Before ANNUAL TOWN ELECTION (51:26/31): Special Voter Registration Session	-	Saturday, April 1, 2023 9:00 A.M. – 5:00 P.M.
Last Day to Post Warrant for Annual Town Election	-	Tuesday, April 4, 2023
Last Day to apply for an Absentee or Early Vote BALLOT <u>BY MAIL</u> (5 th Business Day prior To the election)	-	Tuesday, April 4, 2023
Last Day to apply for Absentee Ballots For the Annual Town Election	-	Monday, April 10, 2023 - Noon
ANNUAL TOWN ELECTION: (7:00 A.M. - 8:00 P.M.)	-	Tuesday, April 11, 2023
Last Day to Post Warrant for Annual Town Meeting	-	Friday, April 21, 2023 (10 Days) Monday, April 24, 2023 (7 Days)
ANNUAL TOWN MEETING:	-	Begins Monday, May 1, 2023 7:30 P.M. May 3, 8, 10, 15, 2023 (If needed)

Proposed In-Person Early Voting Prior to the 2023 Annual Town Election
Subject to Select Board Approval for Local Elections

Town Hall ~ Select Board Chambers ~ 1471 Highland Avenue ~ Needham, MA 02492

In-Person Early Voting prior to the Annual Town Election on Tuesday, April 11, 2023:

Saturday, April 1, 2023 - 10:00 AM – 4:00 PM
Monday, April 3, 2023 – Friday April 7, 2023 - 10:00 AM to 4:00 PM
Tuesday Evening, April 4, 2022 – 7:00 PM to 9 PM

Special Voter Registration

Saturday, April 1, 2023

9:00 AM to 5:00 PM

This is the last day to register to vote prior
To the Annual Town Election



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	NCAC Mural in Needham Heights
Presenter(s)	Charly Nanda, Co-Chair, Needham Council for Arts & Culture Bala Venkat, Co-Chair, Needham Council for Arts & Culture Amy Haelsen, Economic Development Manager

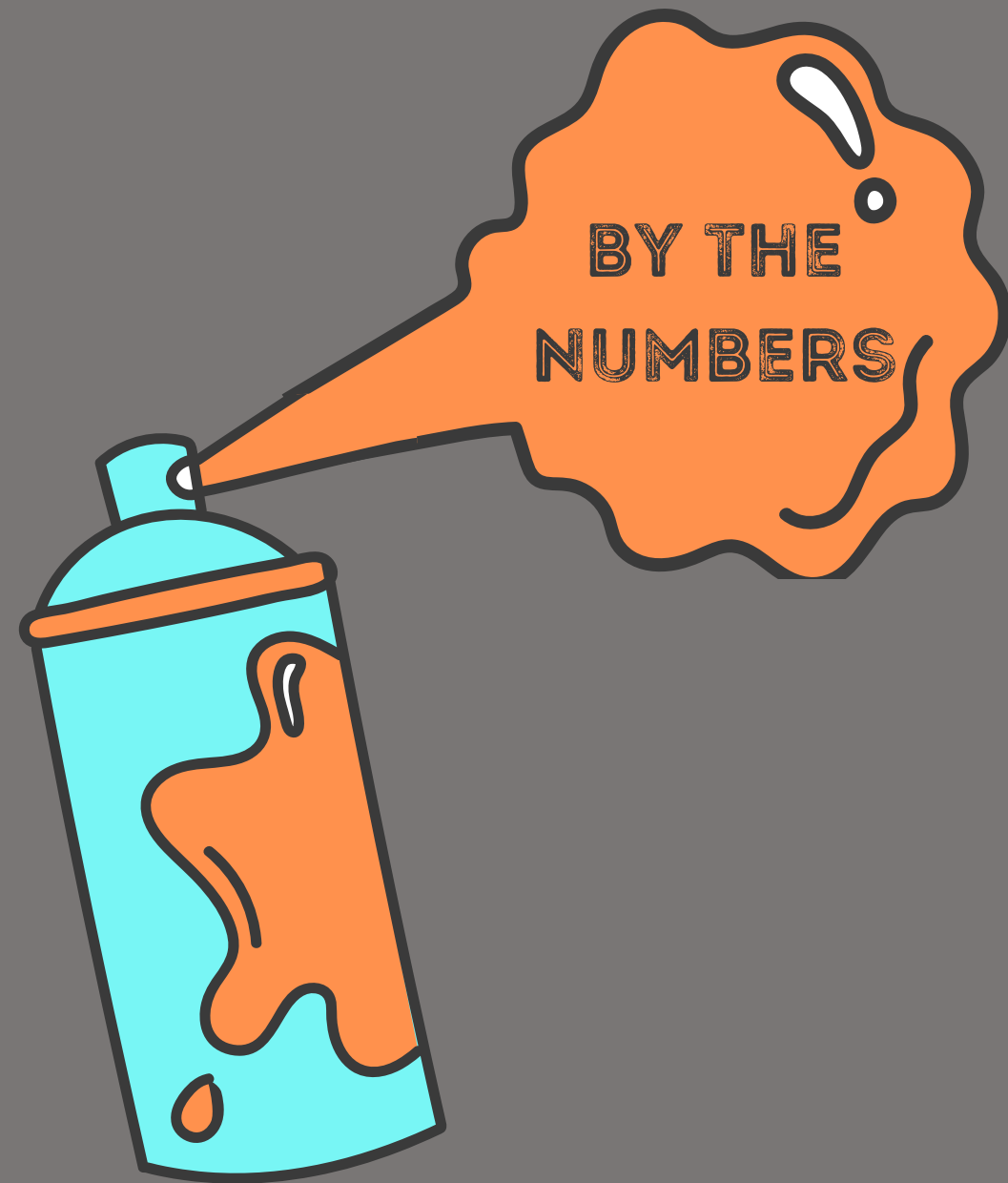
1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The co-chairs of the Needham Council for Arts & Culture and Economic Development Manager will present an update on NCAC's Needham Heights Mural Project. The mural's objective is to enliven and educate the town with public art that connects and inspires the community. The mural design should also reflect Needham as a welcoming and inclusive community. The mural will be located on the side of the retail building at West Street and Highland Avenue, which is home to many thriving businesses including CareWell Urgent Care, Vinodivino, CVS, Aronson Insurance, and Trader Joe's. The mural installation is anticipated for Spring 2023 and is made possible by American Rescue Plan Act (ARPA) funding.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Mural submissions	



Needham Council for Arts and Culture

NEEDHAM HEIGHTS MURAL PROJECT

The mural's objective is to, “enliven and educate the town with public art that connects and inspires the community.” (NCAC FY22 Public Art Objectives). The mural design should reflect Needham as a welcoming and inclusive community.



- 38% of survey respondents reported that Public Art and Murals are the most important priorities for the Needham Council for Arts and Culture funding for 2023 (NCAC Annual Survey, July 2022, 118 Respondents)
- 20 RFQ Submissions
- 3 Finalists selected to design site-specific mural
- Selection Committee of 9 including 6 Public Art Subcommittee Members, 1 Visual Artist, 1 Needham Heights Resident and 1 NHS Student
- 660 Mural Poll Respondents
- 1 Selected submission recommended to create final design- "Blossom" by Ryan "ARCY" Christensen.

The French word “Pansy”, translates into English as “to think.” To signify this, pansies are associated with free thinking and thoughtfulness or consideration.



before



after



It is with great pride that the Needham Council for Arts and Culture & Selection Committee along with the support of Micozzi Property Management and the building tenants of 922 Highland Ave recommend the installation of "Blossom" as the Needham Heights Mural Project.

"Blossom encompasses the courage to persevere, to grow, and to embrace change. Pansies are the symbol of Needham, not only did the town declare April to be Pansy Month but for the Pansy to be the official flower of Needham as well. My murals reflect the communities that I create them for, and I believe that's the beauty of public art." - Ryan "ARCY" Christensen

other finalists



"We're Here" by Amanda Beard-Garcia



"Daydreamer" by Lena McCarthy



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	Outdoor Dining Update
Presenter(s)	Katie King, Assistant Town Manager/Director of Operations Amy Haelsen, Economic Development Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Staff will provide an update on outdoor dining and preparation for the next season beginning in April 2023.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion only.</i>	
3.	BACK UP INFORMATION ATTACHED
(a) Memo dated 01/06/2023	



MEMORANDUM

TO: Select Board
CC: Kate Fitzpatrick, Town Manager; Dave Davison, Assistant Town Manager/Finance
FROM: Katie King, Assistant Town Manager/Operations
SUBJECT: Outdoor Dining 2023
DATE: January 6, 2023

Last month, the jersey barriers at our on-street parklets were removed, signaling the close of a successful 2022 outdoor dining season. In 2020 and 2021, outdoor dining in Needham and throughout Massachusetts operated under State Covid-19 emergency orders, which relaxed many state and local regulations. Those flexibilities are extended until April 1, 2023, under Chapter 42 of the Acts of 2022. Needham was ahead of the curve in codifying updates to our outdoor dining regulations with lessons learned from the pandemic, with the Select Board adopting an Outdoor Dining Licenses policy and Town Meeting adopting a related zoning amendment in October 2021.

In 2022, we operated under a dual system. Restaurants who had been approved under the Town's updated zoning and Select Board policy operated under those "formal" permits. Restaurants who had an approved "pandemic plan" continued with that seating and were encouraged to file formal applications as soon as possible. Both the Select Board and the Planning Board waived relevant filing fees for 2022. Town staff have been working diligently with business owners to transition all those who want to continue with outdoor dining in 2023 from pandemic plans to formal permits. As we look ahead to next April, Town staff are focused on the following priorities:

- 1. Getting restaurants fully permitted prior to April 1, 2023.** Applications are accepted on a rolling basis. Town staff have made direct outreach to each restaurant and continue to encourage applications as soon as possible to get all necessary approvals (Planning Board, Select Board, and/or ABCC). Ultimately, the decision of if and when to apply is up to each business owner. Current status:
 - Approved: Capella, Hearth, Latina Kitchen, Little Spoon, Spiga
 - In Process: Farmhouse, French Press, Masala Art, The James
 - Had pandemic plans in place for 2022 but have not applied under formal process: Bagels Best, Cook, Hungry Coyote, Pancho's, Sweet Basil
- 2. Ensuring accessible parklets.** Under Massachusetts Architectural Access Board (MAAB) regulations, access to outdoor dining in on-street parklets is required. Compliance can be achieved by:
 - a permanent curb cut (which DPW would not recommend for temporary parklets),
 - decking to make the floor of the parklet flush with the sidewalk, or
 - a MAAB variance to use a temporary ramp. The ramp must be 1-foot in length for every 1-inch drop from the curb to the street. It must also have a ramp landing with adequate turning radius for a wheelchair.

Amy Haelsen and I joined the Needham Commission on Disabilities' October 18 meeting to discuss these options. NCOD expressed support for outdoor dining generally and for the vibrancy that is has brought to Needham Center. They had a strong preference for decking as the best option for

accessibility. There was concern raised about routing sidewalk users, particularly children and individuals with a disability, out into the parklets via ramps. NCOD members also worried about the cost of decking to small businesses.

I am recommending that for the 2023 outdoor dining season (and beyond), restaurants with approved on-street parklets must purchase and install decking to comply with MAAB regulations.

A Building Department inspection would be required. Business owners would be responsible for storing the decking in the off-season and maintaining/replacing it over time. The Town will continue to own and install the jersey barriers for safety. DPW would set up the barriers, then the owner would install the decking, and DPW would return to make any final adjustments to the barriers. This approach has worked with the Town-owned parklets set up near Greene's Field. The Town will monitor if there is a need for any increased pest management and will coordinate proactively with business owners and Town-funded contracted services, as needed.

To support Needham's small businesses, the Town is preparing to launch a 3rd round of small business grants in late January/early February, to award up to \$13,000 to restaurants with Town-approved on-street dining facilities to purchase decking to meet ADA requirements. The Select Board has approved ARPA funds for this purpose, of which approximately \$57,500 remains available.

3. Fees

The Select Board waived outdoor dining fees in 2022, in recognition of the ongoing challenges the pandemic placed on Needham's small businesses and to encourage applications. We will be implementing the adopted fee structure (SB-LIC-016, Section 4) for 2023:

- Annual application fee of \$25, which will be credited toward the annual licensing fee.
- Annual licensing fee of \$250 per public parking space (max 3) and \$100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the \$100 sidewalk licensing fee will be waived.
- The total maximum fee is \$750.

When the Select Board adopted the outdoor dining policy, there was interest in learning what fee structures other municipalities put in place. As of this memo, most communities have continued to operate their outdoor dining under the extended State pandemic flexibilities. Staff will monitor comparable communities as they adopt formal policies to inform any recommendations for 2024.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Proposed Updates to Penalties for Violations of General By-Laws (Non-Criminal Dispositions)
Presenter(s)	Myles Tucker. Support Services Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
In support of Select Board Goal 6.11 – Review and Recodify the Non-Criminal Disposition By-Law – staff will present a proposal to amend sections of the Town General By-Laws relative to penalties incurred for violation(s) of the General By-Laws. Such penalties are referred to in the governing Massachusetts General Law (Part 1, Title 7, Chapter 40, Section 21D) as “non-criminal dispositions”. The General By-Laws feature inconsistencies and omissions relative to the penalties for and entities responsible to enforce violations. Such abnormalities are common in documents updated in serial, such as the General By-Laws. Given that Town Meeting must vote to amend the General By-Laws, staff have developed a penalty matrix for inclusion into a proposed Warrant Article that corrects existing inconsistencies and omissions. Town Counsel is currently drafting the proposed Warrant Article, which will also include an administrative reorganization of the General By-Laws to decrease the likelihood of a similar situation occurring in future.	
2.	VOTE REQUIRED BY SELECT BOARD
None – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
(a) Proposed Penalty Matrix (b) Proposed Penalty Matrix – Mark-Up from Current General By-Laws (c) Town of Needham General By-Laws – July 2022	

Disposition	Reference	Penalty	Frequency	Enforcement Entity
<u>Failure to Display Street Number or Obstructing a Street Number</u>	2.2.5.1.1	\$20	Per Day	Fire Chief or designee / Building Commissioner or Designee
<u>Occupying a Street Without Permit or Unsafely Occupying a Street</u>	2.2.5.1.4	\$300	Per Day	DPW Director or Designee
<u>Failure to Maintain a Clearance at an Intersection</u>	2.2.5.1.6	\$50	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals
<u>Violating Trench Safety By-Law</u>	2.2.5.4	\$100	Per Offence	DPW Director or Designee
<u>Violating Water Disposal By-Law</u>	2.2.5.5.	\$10, \$50, \$200, \$300 (Subsequent)	Per Offence	DPW Director or Designee
<u>Violating Private Way By-Law</u>	2.2.5.6	\$50	Per Offence	Fire Chief or Designee
<u>Improper Transport of Refuse</u>	2.5.1	\$50	Per Offence	Director of Health of Health and Human Services or Designee
<u>Disposal of Refuse or Garbage on Public Land without a Permit</u>	2.5.2	\$200	Per Offence	Director of Health of Health and Human Services or Designee
<u>Sale of Cigarettes by Machine</u>	2.5.3	\$200	Per Offence	Director of Health of Health and Human Services or Designee
<u>Demolition of a Historic Building without a Permit</u>	2.11.5.9	\$300	Per Day	Building Commissioner or Designee
<u>Allowing Livestock to Graze or Roam on Public Lands or Sidewalks</u>	3.1.1	\$50	Per Offence	Any Sworn Police Officer
<u>Use of Marijuana on Public Land, to include Roads</u>	3.1.10	\$50	Per Offence	Any Sworn Police Officer
<u>Hawking and Peddling without a License</u>	3.1.11	\$50	Per Offence	Any Sworn Police Officer

<u>Discharge of Water from Private Land in a Manner Endangering a Sidewalk or Public Way</u>	3.1.12	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
<u>Discharge of a Bow and Arrow on Public Lands without Select Board Consent</u>	3.1.13	\$50	Per Offence	Any Sworn Police Officer
<u>Obstructing a Sidewalk without Permit</u>	3.1.2	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
<u>Coasting (e.g. Use of a Motorized Scooter) in Public Streets</u>	3.1.3	\$50	Per Offence	Any Sworn Police Officer
<u>Using a Motor Vehicle, Wagon, or Sled on a Public Footpath or Sidewalk</u>	3.1.4	\$50	Per Offence	Any Sworn Police Officer
<u>Use of a Bicycle on a Sidewalk in Needham Square or Needham Heights Business District</u>	3.1.5	\$50	Per Offence	Any Sworn Police Officer
<u>Discharge of Firearms or Explosives on Public Property without a License</u>	3.1.6	\$50	Per Offence	Any Sworn Police Officer
<u>Dealing in Secondhand Merchandise without a License</u>	3.1.7	\$50	Per Offence	Any Sworn Police Officer
<u>Failure to Remove Snow from Sidewalk Abutting Commercial Property within Five Hours of Sunrise</u>	3.1.8.1	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
<u>Placement Snow or Ice into a Sidewalk or Public Way</u>	3.1.8.2	\$50	Per Offence	Any Sworn Police Officer / DPW Director or Designee
<u>Consumption of Alcoholic Beverages on Public Property without Permission of Governing Body</u>	3.1.9	\$50	Per Offence	Any Sworn Police Officer
<u>Sale of Food Between Midnight and 6 AM without a Special Permit</u>	3.2.4	\$200	Per Day and Per Sale	Any Sworn Police Officer
<u>False Actuation of a Burglar Alarm</u>	3.3.4	\$25, \$50, \$100 (Subsequent)	Per Offence	Any Sworn Police Officer

<u>Parking in Handicapped Space</u>	3.4.4	\$100	Per Offence	Any Sworn Police Officer
<u>Abandonment of Motor Vehicle</u>	3.5.7	\$50	Upon misdemeanor conviction	Any Sworn Police Officer
<u>Parking in Fire Lane</u>	3.6.1.1	\$50	Per Offence	Any Sworn Police Officer
<u>False Actuation of a Fire Alarm</u>	3.6.2.4	\$100	Per Offence (in excess of 3 per year)	Any Sworn Police Officer
<u>Allowing a Dog to be Off-Leash on an Unauthorized Public Space</u>	3.7.1	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Allowing a Dog to Barking Excessively or Engage in Other Behavior which Disturbs the Peace and Quiet of a Neighborhood</u>	3.7.2	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Failure to Restrain and Muzzle a Dog after Ordered by the Animal Control Officer</u>	3.7.4	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Allowing a Dog to be Found Uncontrollable by Select Board</u>	3.7.5	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Bringing a Dog (Leashed or Unleashed) to Memorial Park or DeFazio Fields</u>	3.7.6.	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Failure to Remove Pet Waste, Failure to Carry Pet Waste Bags while Accompanying a Pet on Public Areas, or Disposing of Pet Waste in any Receptacle Other Than a Trash Barrel</u>	3.7.7	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Use of an Off-Leash Area without Proper Permits or in Violation of Rules of Off-Leash Area</u>	3.7.8	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer
<u>Failure to Vaccinate a Dog, Cat, or Ferret Over Six-Months Old</u>	3.7.9.3	\$100	Per Offence	Any Sworn Police Officer
<u>Violation of the Noise Regulation By-Law</u>	3.8.1	\$50	Per Offence	Building Commissioner or Designee

<u>Violation of the Nuisance By-Law</u>	3.9.5	\$0, \$50, \$100 (Subsequent)	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee
<u>Failure to License a Dog</u>	4.1.4	\$50	Per Offence	Any Sworn Police Officer
<u>Allow an Unspayed and Unleashed Female Dog to Roam while in "Heat"</u>	4.1.4	\$50	Per Offence	Any Sworn Police Officer
<u>Operating a Taxi without a Permit</u>	4.2.2	\$50	Per Offence	Any Sworn Police Officer
<u>Parking in Taxi Stand</u>	4.2.4	\$20	Per Offence	Any Sworn Police Officer
<u>Removing Underground Fuel Tanks without a Permit</u>	4.3.2	\$200	Per Offence	Fire Chief or Designee
<u>Failure to Obtain a Required Fire Department License</u>	4.3.3	\$200	Per Offence	Fire Chief or Designee
<u>Violation of the Sign By-Law</u>	5.6.1	\$50	Per Offence	Building Commissioner or Designee
<u>Violation of the Wetlands By-Laws</u>	6.11	Up to \$300	Per Offence	Conservation Agent
<u>Violation of the Stormwater Regulation By-Law</u>	7	\$50, \$100 (Subsequent)	Per Day, after 15 days	DPW Director or Designee
<u>Violation of the Board of Health By-Laws</u>	8.2.2.7	\$50, \$100, \$200, \$300 (Subsequent)	Per Offence	Director of Health of Health and Human Services or Designee
NOTE: Enforcement entity may choose to issue a verbal or written warning to a violator before assessing a penalty.				

Color Code: Red = Change to by-law (either by fixing omission, resolving conflict, or making change to meet practice); Blue = Confirmation of penalty information listed in current summary section (absent in current by-law text); Black = no change

Universal Change: Change of enforcement entity official from specifically named officials to Department Director or Designee / Any Sworn Police Officer for Police Offenses

	Referen ce	Penalty	Frequency	Enforcement Entity	Changes Made	Rationale
Failure to Display Street Number or Obstructing a Street Number	2.2.5.1.1	\$20	Per Day	Fire Chief or designee / Building Commissioner or Designee	Resolves absence of enforcement entity	Address requirement is in fire code. Enforced on new builds by Building Commissioner and in field by Fire Department
Occupying a Street Without Permit or Unsafely Occupying a Street	2.2.5.1.4	\$300	Per Day	DPW Director or Designee	Resolves conflict in penalty and enforcement entity.	Higher penalty deemed appropriate (mostly enforced on large contractors/utilities). DPW is directly involved in the permitting process, and confirmed that they are the best enforcement entity
Failure to Maintain a Clearance at an Intersection	2.2.5.1.6	\$50	Per Day	Town Engineer or Building Inspector for initial penalty, Town Engineer for Appeals	Resolves ambiguity in frequency and confirms other details listed in summary	Building Commissioner confirmed that either they or Town Engineer may issue ticket, and that Engineer has final say on appeals. Confirmed that practice is each day is an offence.
Violating Trench Safety By-Law	2.2.5.4	\$100	Per Offence	DPW Director or designee	Confirms details listed in summary	Confirmation of Summary and enforcement by DPW director

Violating Water Disposal By-Law	2.2.5.5.	\$10, \$50, \$200, \$300 (Subsequent)	Per Offence	DPW Director or designee	Confirms details listed in summary	Confirmation of Summary and enforcement by DPW director
Violating Private Way By-Law	2.2.5.6	\$50	Per Offence	Fire Chief or designee	Confirms details listed in summary	Confirmation of Summary and enforcement by Fire Chief
Improper Transport of Refuse	2.5.1	\$50	Per Offence	Director of Health of Health and Human Services or Designee	Confirms details listed in summary	Confirmation of Summary and enforcement by HHS Director
Disposal of Refuse or Garbage on Public Land without a Permit	2.5.2	\$200	Per Offence	Director of Health of Health and Human Services or Designee	Resolves absence of enforcement entity	Confirmation of enforcement by HHS Director
Sale of Cigarettes by Machine	2.5.3	\$200	Per Offence	Director of Health of Health and Human Services or Designee	Resolves absence of enforcement entity	Confirmation of enforcement by HHS Director
Demolition of a Historic Building without a Permit	2.11.5.9	\$300	Per Day	Building Commissioner or Designee	Resolves conflict in frequency between "per offence" and "per day"	Building Commissioner confirmed. Per day is more appropriate for context of violation.
Allowing Livestock to Graze or Roam on Public Lands or Sidewalks	3.1.1	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of penalty	Confirmed standardization of Police penalties
Use of Marijuana on Public Land, to include Roads	3.1.10	\$50	Per Offence	Any Sworn Police Officer		

Hawking and Peddling without a License	3.1.11	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of penalty	Confirmed standardization of Police penalties
Discharge of Water from Private Land in a Manner Endangering a Sidewalk or Public Way	3.1.12	\$50	Per Offence	Any Sworn Police Officer / DPW Director or designee	Resolves conflict in by-law and summary of enforcement entity	Confirmed that DPW often tickets this offense, while allowing Police to ticket due to Police by-law section
Discharge of a Bow and Arrow on Public Lands without Select Board Consent	3.1.13	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of penalty	Confirmed standardization of Police penalties
Obstructing a Sidewalk without Permit	3.1.2	\$50	Per Offence	Any Sworn Police Officer / DPW Director or designee	Resolves conflict in by-law and summary of enforcement entity	Confirmed that DPW often tickets this offense, while allowing Police to ticket due to Police by-law section
Coasting (e.g. Use of a Motorized Scooter) in Public Streets	3.1.3	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of penalty	Confirmed standardization of Police penalties
Using a Motor Vehicle, Wagon, or Sled on a Public Footpath or Sidewalk	3.1.4	\$50	Per Offence	Any Sworn Police Officer		
Use of a Bicycle on a Sidewalk in Needham Square or Needham Heights	3.1.5	\$50	Per Offence	Any Sworn Police Officer	Resolves conflict in by-law and summary of penalty	Confirmed standardization of Police penalties

Business District						
Discharge of Firearms or Explosives on Public Property without a License	3.1.6	\$50	Per Offence	Any Sworn Police Officer	Resolves conflict in by-law and summary of penalty	Confirmed standardization of Police penalties. Note from Police is that any imaginable situation where this occurs would likely also involve a misdemeanor or felony offense that would be enforced simultaneously. Similar comment to any other police-series violations where direct danger would be present
Dealing in Secondhand Merchandise without a License	3.1.7	\$50	Per Offence	Any Sworn Police Officer	Confirms details listed in summary	Confirmation of Summary
Failure to Remove Snow from Sidewalk Abutting Commercial Property within Five Hours of Sunrise	3.1.8.1	\$50	Per Offence	Any Sworn Police Officer / DPW Director or designee	Resolves conflict in by-law and summary of enforcement entity	Confirmed that DPW often tickets this offense, while allowing Police to ticket due to Police by-law section
Placement Snow or Ice into a Sidewalk or Public Way	3.1.8.2	\$50	Per Offence	Any Sworn Police Officer / DPW Director or designee	Resolves conflict in by-law and summary of enforcement entity	Confirmed that DPW often tickets this offense, while allowing Police to ticket due to Police by-law section
Consumption of	3.1.9	\$50	Per Offence	Any Sworn Police Officer		

Alcoholic Beverages on Public Property without Permission of Governing Body						
Sale of Food Between Midnight and 6 AM without a Special Permit	3.2.4	\$200	Per Day and Per Sale	Any Sworn Police Officer	Resolves conflict in by-law and summary of frequency	Confirmed with Police
False Actuation of a Burglar Alarm	3.3.4	\$25, \$50, \$100 (Subsequent)	Per Offence	Any Sworn Police Officer		
Parking in Handicapped Space	3.4.4	\$100	Per Offence	Any Sworn Police Officer		
Abandonment of Motor Vehicle	3.5.7	\$50	Upon misdemeanor or conviction	Any Sworn Police Officer		
Parking in Fire Lane	3.6.1.1	\$50	Per Offence	Any Sworn Police Officer	Resolves ambiguity of penalty	Confirmed standardization of Police penalties
False Actuation of a Fire Alarm	3.6.2.4	\$100	Per Offence (in excess of 3 per year)	Any Sworn Police Officer		
Allowing a Dog to be Off-Leash on an Unauthorized Public Space	3.7.1	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		
Allowing a Dog to Barking Excessively or Engage in	3.7.2	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		

Other Behavior which Disturbs the Peace and Quiet of a Neighborhood						
Failure to Restrain and Muzzle a Dog after Ordered by the Animal Control Officer	3.7.4	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		
Allowing a Dog to be Found Uncontrollable by Select Board	3.7.5	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		
Bringing a Dog (Leashed or Unleashed) to Memorial Park or DeFazio Fields	3.7.6.	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		
Failure to Remove Pet Waste, Failure to Carry Pet Waste Bags while Accompanying a Pet on Public Areas, or Disposing of Pet Waste in any Receptacle Other Than a Trash Barrel	3.7.7	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		

Use of an Off-Leash Area without Proper Permits or in Violation of Rules of Off-Leash Area	3.7.8	\$25, \$50 (Subsequent)	Per Offence	Any Sworn Police Officer		
Failure to Vaccinate a Dog, Cat, or Ferret Over Six-Months Old	3.7.9.3	\$100	Per Offence	Any Sworn Police Officer	Resolves conflict in by-law and summary of penalty	Confirmed with Police
Violation of the Noise Regulation By-Law	3.8.1	\$50	Per Offence	Building Commissioner or Designee	Resolves absence of enforcement entity	Confirmed with Building Commissioner
Violation of the Nuisance By-Law	3.9.5	\$0, \$50, \$100 (Subsequent)	Every 30 days up to 60 days, then every 15 days	Director of Health of Health and Human Services or Designee	Specifies enforcement entity	Confirmation of enforcement by HHS Director
Failure to License a Dog	4.1.4	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of enforcement entity	Confirmed with Police
Allow an Unspayed and Unleashed Female Dog to Roam while in "Heat"	4.1.4	\$50	Per Offence	Any Sworn Police Officer	Resolves absence of enforcement entity	Confirmed with Police
Operating a Taxi without a Permit	4.2.2	\$50	Per Offence	Any Sworn Police Officer	Resolves conflict in by-law and summary of penalty and absence of enforcement entity	Confirmed with Police

Above "Note": Added to allow for warnings to be issued before penalties. This is common current practice - Town stakeholders have stated approximately 9/10 enforcement actions are a warning, at which time the violating behavior usually ceases

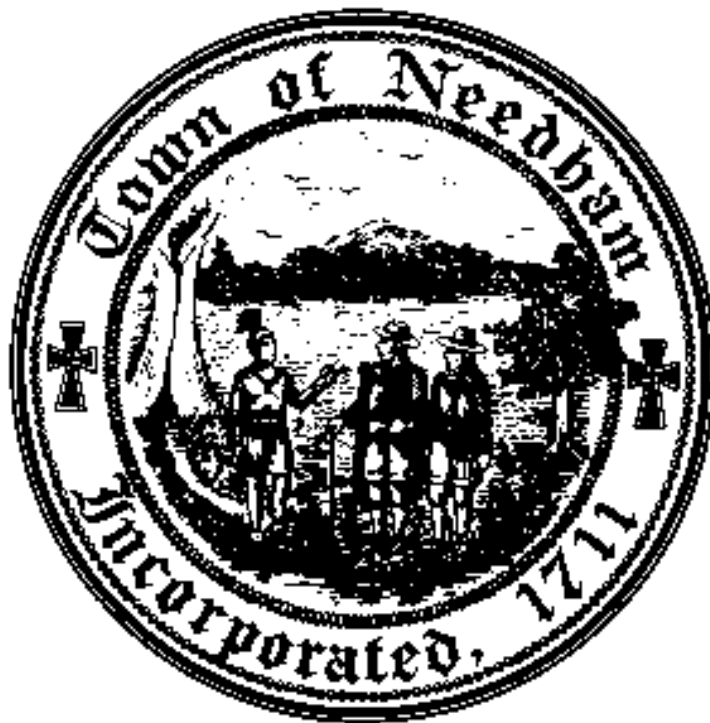
TOWN OF NEEDHAM

MASSACHUSETTS

GENERAL BY-LAWS

CHARTER

(Acts of 1971, C. 403 as amended by the
Act of the General Court.)



JULY 2022 COMPILATION

(Note: There were no amendments in 2020)

TOWN OF NEEDHAM

GENERAL BY-LAWS

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ARTICLE 1

TOWN MEETING

SECTION 1.1 DATES OF MEETING

1.1.1 Annual Town Meeting for the election of officers and such other matters as may be voted on the official ballot shall be held on the second Tuesday in April of each year; and the Annual Town Meeting for the transacting of business shall be held on the first Monday in May of each year. If the business is not completed that day, an adjournment shall be taken to the next following Wednesday. If any business shall then remain unfinished, adjournment shall be taken to the next following Monday, with successive adjournments to the next following Wednesdays and Mondays until all business is completed, unless otherwise voted at one of the scheduled meetings.

1.1.2 If for any reason a State Primary or State Election should occur within 30 days before or immediately following the date established for the Annual Town Meeting, the Select Board, after consultation with the Town Clerk, may by proclamation postpone and schedule another day in the month of April for the Annual Town Election.

SECTION 1.2 NOTIFICATION

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

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

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

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

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

SECTION 1.3 VOTES

1.3.1 If two-thirds vote of the Town Meeting is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator in the fulfillment of the duties of the office.

1.3.2 A vote of the Town Meeting shall be taken by a roll call of the yeas and nays: (a) whenever requested by twenty-five of the Town Meeting members present, immediately following a voice vote, standing vote or vote by show of hands; (b) whenever such a roll call on the pending question is ordered by affirmative vote of a majority of the Town Meeting Members present and voting; or (c) whenever such a roll call is deemed necessary by the Moderator in the fulfillment of the duties of his office.

1.3.3 A motion to reconsider a warrant article in the warrant of a Town Meeting convened under such warrant may be adopted by a simple affirmative majority vote of said Town Meeting. A warrant article aforesaid which has once been reconsidered may not again be reconsidered, unless such further reconsideration is moved on behalf of the Select Board or Finance Committee and is adopted by a simple majority of Town Meeting.

SECTION 1.4 SPECIFIC REQUESTS BY MODERATOR

The Moderator may direct to any person in the hall a specific request by a Town Meeting Member for information pertaining to the question under consideration.

SECTION 1.5 MOTIONS BY SPEAKERS

Any speaker who addresses the merits of a matter shall not be permitted to place on the floor, immediately following the speaker's remarks, a motion to move the previous question or a motion to limit debate.

SECTION 1.6 DIVISION OF MOTION

If a motion under an article of the Town Warrant is susceptible of division, it shall be divided upon the request of twenty voters; and the questions shall be put separately on each part.

SECTION 1.7 ATTORNEYS AS SPEAKERS

Any person employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking.

SECTION 1.8 APPROPRIATIONS - INFORMATION RELATIVE TO BALLOT QUESTIONS

The Town Meeting may appropriate and authorize the expenditure of town funds for the purpose of providing the voters of the town with factual information relative to measures to be voted upon at elections in the town. Measures, as used in this section, shall both mean measures submitted to the voters for acceptance or rejection under the Town Charter, as amended, or any other law, but shall not include a new or revised charter or charter amendment proposed by a Charter Commission, or a measure requiring discussion in the Information for Voters published by the Secretary of the Commonwealth, or any measure placed upon the ballot by a state general law not relating to the organization, powers, duties, obligations and finances of the Town.

SECTION 1.9 ELECTION OF OFFICERS

1.9.1 The Town, at its annual town election of officers, shall in every year when the term of office of any incumbent expires, and except as otherwise provided by law, choose by ballot from its registered voters the following town officers for the following terms of office:

- (a) Five Select Board Members for a term of three years.
- (b) Seven members of the School Committee for a term of three years.
- (c) A Moderator for a term of three years.
- (d) A Town Clerk for a term of three years.
- (e) Five members of the Park & Recreation Commission for a term of three years.
- (f) Two Constables for a term of three years.
- (g) Three Assessors for a term of three years.
- (h) Three Commissioners of Trust Funds for a term of three years.
- (i) Seven Trustees of the Needham Public Library for a term of three years.

- (j) Five Trustees of Memorial Park for a term of three years.
- (k) Five members of the Board of Health for a term of three years.
- (l) Five members of the Planning Board for five year terms, so arranged that the term of not more than one member shall expire each year.
- (m) Three members of the Needham Housing Authority for five-year terms, so arranged that the term of not more than one member shall expire each year.

1.9.2 In all cases, except for the Planning Board and Housing Authority, where three or more members of a board or commission are to be elected for terms of more than one year, as nearly 1/3 as possible, shall be elected annually.

SECTION 1.10 FINANCE COMMITTEE

1.10.1 There shall be a Finance Committee consisting of nine registered voters, none of whom shall be Town officers, agents or employees (other than Town Meeting Members). The Moderator shall annually appoint three members to serve for three years. Said committee shall choose its own chairman and secretary. Vacancies on said committee may be filled at any time by the Moderator.

1.10.2 The Committee shall have access to all facts, figures, records and other information relating to all Town departments, boards, committees or officers; and when requested by the Committee, such information shall be furnished immediately by whomever it is requested, including the Town Manager and/or any department, board, committee, officer or employee. If not directly requested of the Town Manager, the Committee shall inform the Town Manager or the School Superintendent and/or their designees of such requests. The Town Manager shall report to the Finance Committee whenever the expenditures of any department are exceeding or are likely to exceed its appropriations.

1.10.3 The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon its recommendations as to each article that it finds to have a financial implication. The Committee shall report in print or otherwise to all Town Meetings. For the information of voters, the report of the Finance Committee to the Annual Town Meeting shall be printed, together with the motion substantially in the form to be proposed in connection with each article, in the warrant of said meeting. The Finance Committee's recommendation on the operating budget shall be the Main Motion to be acted on by Town Meeting. In its motion, or motions, the Finance Committee shall divide the proposed appropriation for each department into a sufficient number of items to separate the major classifications of expenditures. The Finance Committee shall transmit to the Town Manager its initial draft proposed budget on or about the 22nd day of February, and its final proposed budget for publication in the Warrant by no later than the 15th day of March.

SECTION 1.11 PERSONNEL BOARD

1.11.1 The Town Moderator shall appoint the Personnel Board, consisting of five (5) persons for three (3) year overlapping terms. At least two members of the Personnel Board shall be qualified by reason of their experience as human resources executives. Any registered voter of the Town may be appointed to the Personnel Board, provided however, that no Town employee or Town elected official (other than a Town Meeting Member) shall be appointed.

1.11.2 The Personnel Board may retain such clerical and other assistance, and make such expenditures, as it deems necessary to the performance of its duties.

1.11.3 The Personnel Board shall advise the executive branch on strategic human resources and collective bargaining matters. The Personnel Board shall report to the Select Board and/or Town Meeting, as it deems appropriate as to the status of human resource administration in the Town. The Town Manager shall consult with the Personnel Board prior to appointing an assistant town manager/personnel director, or person performing said function regardless of title, in accordance with Section 20(d) of the Town Charter.

1.11.4 If an Article is inserted in the warrant for an Annual or Special Town Meeting with respect to the human resource system of the Town, a copy of such article shall be furnished to the Personnel Board by the Town Manager. The Personnel Board shall report its recommendation to Town Meeting with respect to such article.

1.11.5 The Personnel Board will consult with the Town Manager, the Select Board and the Finance Committee on a motion to propose appropriations to fund the cost items of collective bargaining agreements. The Personnel Board shall review such agreements and report its recommendations to Town Meeting. The Town Manager shall keep the Personnel Board informed as to the status of collective bargaining and the Personnel Board shall make recommendations to the Town Manager and Select Board, as it deems appropriate.

1.11.6 At the request of the Personnel Board, the Town Manager shall provide access to all facts, figures, records and other information pertaining to Town departments and positions to the extent that the release of such records is not inconsistent with privacy and confidentiality laws.

1.11.7 The Town Manager shall provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions.

SECTION 1.12 APPROVAL OF EMPLOYEE CONTRACTS

1.12.1 When a collective bargaining agreement has been signed by the Town Manager and approved by the Select Board with any organization of Town employees under said Chapter 150E, the Town Manager shall provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E), and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

1.12.2 The motion to be presented to the Town Meeting shall identify clearly the collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements and information as to the amount of the appropriation or appropriations being requested to fund the same.

1.12.3 A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the Select Board or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines to be in contravention of M.G.L. Chapter 150E.

SECTION 1.13 SPECIAL COMMITTEES

1.13.1 Special committees established or continued by vote at an annual or special town meeting, and instructed to report to a subsequent annual town meeting, shall file their reports in writing with the Select Board not later than the first Monday of February preceding the Annual Town Meeting which they report, and said reports shall be printed and included as appendices to the report of the Finance Committee to the Town at the Annual Town Meeting.

1.13.2 The chairman of each temporary study committee established by the town meeting shall, upon the termination of the existence and the work of his committee, deposit with the Town Librarian the working papers and other material gathered or compiled by the committee in the course of its work. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the Town Librarian may destroy that portion of the working papers and material having no substantial value, with the balance being deposited in the public administration collection.

SECTION 1.14 TOWN MEETING WARRANTS

The last date on which the Select Board shall receive articles, by petition or otherwise, for inclusion in the warrant for the next Annual Town Meeting shall be the first Monday in February. The Select Board are not prohibited from inserting in the warrant for said Annual Town Meeting, after that date, articles which, in the Board's opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable.

SECTION 1.15 NUMBERING/LETTERING ASSIGNMENT BY TOWN CLERK

The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity.

ARTICLE 2

TOWN ADMINISTRATION AND ORGANIZATION

SECTION 2.1 GENERAL

2.1.1 Salaries. No elected Town officer shall hold a salaried position under a board of which such officer is a member. No contract for materials or property of any kind shall be made on behalf of the Town by any such board with any of its members.

2.1.2 Payment Over of Fees. On and after January 1, 1946, all Town officers, except constables, shall pay all fees received by them by virtue of their office, into the Town treasury.

2.1.3 Contract Procedures. The Town and all of its departments excluding the Board of Health, shall comply with the procurement procedures of General Laws Chapter 30B, as it may from time to time be amended. The Board of Health shall follow the procurement procedures of General Laws Chapter 30B with respect to the purchase and disposal of supplies and interests in real estate. The term "supplies" as used herein has the same meaning as defined in Section 2 of said Chapter 30B. No contract for an amount over \$50,000 entered into by the Town shall be effective until it shall have been approved as to form by the Town Counsel. The Town Manager will notify the Select Board in writing when approving a contract in excess of \$1,000,000.

Unless otherwise prohibited by law, the Town is authorized to solicit, award and enter into contracts for periods up to three years, including any renewal, extension or option provision, subject to annual appropriation. The Town is authorized to solicit, award and enter into certain types of contracts for periods exceeding three years but not to exceed the time period specified as follows, including any renewal, extension or option provisions:

	YEARS
Appraisal Services for Revaluation	5
Environmental studies and consultants	10
Hospital Service Agreements	5
Incineration, composting garbage, recycling	20
Lease by the Town of private land or buildings	10
Lease of any equipment	10
Lease of land from a public agency or authority for recreational purposes	99
Lease of Public Lands and buildings	10
Lease of Public Lands and/or buildings for the installation of solar photovoltaic facilities for electric generation	30
Lease of Public Lands for historical and educational purposes to a non-profit or charitable organization	30
Lease of Public Lands for recreational purposes to a Non-profit or charitable organization	20

Lease purchase of any equipment	10
Lighting	10
Maintenance agreements for equipment, buildings or grounds	5
Online Subscription Services	10
Physicians Contracts	5
Purchase of oil and fuel	5
Purchase of power (or net metering credits) from solar photovoltaic facilities installed on land leased or licensed from the Town	20
School transportation	5
Sewer and disposal contracts	30
Software License and/or Maintenance Agreements	10
Telecommunication Services	5
Water studies	10
Water supply	20
Water supply construction	20.

2.1.4. Vacancies in Certain Appointive Offices.

2.1.4.1 Definitions

For the purposes of this Section 2.1.4 the following words shall have the following meanings:

a) appointive committee: A committee, commission or board of the town composed of members appointed by one or more appointing authorities and created by:

- i) town by-law
- ii) vote of Town Meeting
- iii) vote of a committee, commission or board of the town, or
- iv) interdepartmental agreement

b) Excessive absences: The failure to attend three or more consecutive meetings of the appointive committee.

c) Medical incapacity: The determination of a duly licensed medical doctor that the person is incapable of performing the duties of the office because of a lack of physical or mental capacity.

2.1.4.2 The appointing authority may remove and replace any person it has appointed to an appointive committee prior to the end of his or her term for excessive absences from committee meetings or because of medical incapacity, but only upon the written request of a majority of the remaining members of the appointive committee.

2.1.4.3 Before removing and replacing its appointee under Section 2.1.4 of these By-Laws, the appointing authority shall notify in writing the appointee of the appointing authority's intent to remove him or her and its reasons therefor. Upon the written request of the appointee, the appointing authority shall hold a hearing under the provisions of the Open Meeting Law, G.L. Chapter 39, Section 23B prior to taking final action on the removal.

SECTION 2.2 ADMINISTRATION

2.2.1 Operating Budget. The Town Manager shall issue budget guidelines and instructions for all Town departments to submit their spending requests for the ensuing fiscal year. The Town Manager shall consult with the Finance Committee prior to the issuance of said guidelines and instructions. The Town Manager and/or his/her designee and the Finance Committee shall consult with each other throughout the Budget process. The Town Manager and School Superintendent will provide the Finance Committee with copies of their respective departmental spending requests on or before the 2nd Wednesday of December. Following receipt of these spending requests, the Finance Committee may begin its consideration of same, including the commencement of budget hearings. The Town Manager, after consultation with the Select Board and School Committee, shall not later than the 31st day of January, present to the Finance Committee a balanced budget recommendation in the form of an executive budget, which shall include the spending priorities of all

Town departments for the ensuing fiscal year, including in addition thereto, the voted School Committee budget request if different than that contained in the proposed balanced budget. The Town Manager's executive budget recommendation shall not be binding on the Finance Committee. Said executive budget recommendation shall include the estimates of Town revenues and proposed expenditures of all Town departments, including debt service and other amounts required to be raised for the ensuing fiscal year. The Town Manager may amend or otherwise revise revenue estimates as may be warranted. All such revisions shall be provided in writing to the Select Board, School Committee and Finance Committee.

2.2.2 Capital Improvement Budget

2.2.2.1 All boards, departments, committees, commissions and officers of the town shall annually, at the request of the Town Manager, submit to him or her in writing a detailed estimate of the capital expenditures required for the efficient and proper conduct of their respective departments and offices for the ensuing fiscal year and the four year period following thereafter. The Town Manager, after consultation with the Select Board, shall submit in writing to the Select Board a careful, detailed estimate of the recommended capital expenditures for the aforesaid periods, showing specifically the amount necessary to be provided for each office, department and activity and a statement of the amounts required to meet the debt service requirements or other indebtedness of the Town. The Select Board shall transmit a copy of the capital budget to the Finance Committee along with the Select Board recommendations relative thereto. The Select Board shall transmit the capital budget to the Finance Committee no later than the first Tuesday after the first Monday in January.

2.2.2.2 A capital expenditure is defined as the acquisition, construction, renovation, betterment or improvement involving land, public buildings and facilities; water and sewer system laterals, mains, and appurtenances; and equipment or vehicles; provided the cost is \$25,000 or more and the improvement will have a useful life of five years or more; or any planning, feasibility, engineering or design study in preparation for such capital expenditures.

2.2.2.3 The Capital Improvement Plan shall include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year and the ensuing four years of the plan are included for planning purposes.

2.2.3 Town Counsel

The Select Board shall appoint a Town Counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof, to institute and prosecute suits in the name of the Town, to defend suits brought against the Town, and to compromise and settle suits and claims, unless otherwise ordered by special vote of the Town. Town Counsel shall have the authority to engage the services of attorneys to assist in carrying out the duties of the office.

2.2.4 Town Treasurer and Tax Collector

2.2.4.1 **Town Treasurer.** The Town Treasurer shall prosecute proceedings under the provisions of M.G.L. Chapter 60 for the foreclosure of the right to redeem lands purchased, taken or held by the Town for the nonpayment of taxes.

2.2.4.2 The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law, or under a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings. The Town Treasurer is authorized and empowered with the approval of the Select Board, in the name and on behalf of the Town, to sell such lands at public auction or pursuant to the procedures permitted by M.G.L. Chapter 30B, and to execute, acknowledge and deliver proper deeds for that purpose. Notice of any sale by auction shall be published in a newspaper published in the Town for three consecutive weeks, the first publication to be not less than twenty-one days before the sale.

2.2.4.3 The provisions of the Sub-section 2.2.42 shall not apply to land which the Town has authorized to be used for municipal purposes. Prior to sale of such land, any person legally entitled thereto shall be granted the right to redeem

property acquired by the Town as aforesaid, notwithstanding the foreclosure of the right of redemption, upon the payment of the amount due the Town, including the interest and costs. This right to redeem must be exercised within two years of the date when the title of the town has become absolute, either by the foreclosure of the right of redemption according to law, or by a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings.

2.2.4.4 Interest Charges - Past Due Bills. The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law or special act of the Commonwealth. Interest accrues at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. The Select Board shall have the authority to abate any such interest charges, in whole or in part.

2.2.4.5 Municipal/Changes Lien. The Town, acting through its Select Board, shall impose a lien on real property located within the Town for any solid waste disposal fee or charge which has not been paid by its due date, in accordance with the provisions of MGL Chapter 40 Section 58.

2.2.4.6 Tax Collector. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town.

2.2.5 Public Works Department

2.2.5.1 Highways

2.2.5.1.1 Assignment of Street Numbers. All buildings on or near the line of public or private ways shall be assigned a number or numbers by the Select Board, who shall assign odd numbers for one side of a way and even numbers for the opposite side of such way. Said assigned numbers, shall not be less than 4 inches high with ½ inch stroke, shall be placed in a conspicuous place on said building or buildings by the owner or occupant within thirty days from the time that notice is given by the Board to the owner or occupant of the number or numbers assigned to said building or buildings. On any building constructed or renovated after July 1, 2002 that is located so that it is more than 100 feet from the line of a public or private way to the building, a post or suitable marker bearing the assigned street number or numbers that conforms to this by-law shall be installed and maintained within ten feet of the line of the way near the entrance to the property thereof. Street numbers in existence as of the effective date of the By-law are not required to be replaced by the owner or occupant unless notified by said Board.

The owner and occupant of each building in the Town to which a number has been thus assigned shall maintain said number on said building at all times in such a manner that the number will be clear and conspicuous and the view of said number is not obstructed. Whoever violates the provisions of this subsection 2.2.5.2.1 shall be subject to a fine of not exceeding twenty dollars (\$20.00) for each offense under the non-criminal process authorized by MGL Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

2.2.5.1.2 Acceptance of New Streets. In connection with specifications for new streets and ways through private property:

- (a) A plan and profile of every such street or way shall be filed in the office of the Director of Public Works, who shall approve or establish the grade thereof.
- (b) Every street or way shall be at least forty feet in width and have a road bed not less than twenty feet in width.
- (c) All loam shall be removed from the road bed to a depth of twelve inches below finished grade and from the sidewalk to a depth of six inches, or such greater depth as may be required by the Director of Public Works.
- (d) The entire area of every new street shall be first cleared of all stumps, brush, roots, and like material and all trees not intended for preservation.
- (e) All excavation or embankment work shall be brought accurately to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk below finished grade, or such greater depth as the nature of the subsoil, in the opinion of the Director of Public Works, may require.
- (f) All corners of intersecting streets or ways shall be rounded as approved by the Director of Public Works.

- (g) The bottom of the excavation and the top of the fill when completed, hereinafter known as the subgrade, shall be true to the lines, grades and cross-sections given by the Director of Public Works. After all drains have been laid and the subgrade has been shaped correctly, it shall be brought to a firm, unyielding surface by rolling the entire area with an approved three (3) wheeled roller, weighing not less than ten (10) tons. Any portion of the subgrade which is not accessible to a roller shall be thoroughly tamped by hand. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or tamped shall be removed and replaced with suitable material. All rock or boulders found in the excavation shall be taken away or broken off to a depth of not less than six (6) inches below the surface of the subgrade. The bottom of the base course shall be spread with dry, clean 1 1/4-inch to 2 1/2-inch stone over the bottom course, in such a quantity that after being rolled there will be a depth of not less than 2 1/2 inches and not more than 3 inches, and then shall be rolled until the stone does not creep under action of the roller. One and three-fourth gallons of tar or asphalt binder shall then be applied to each square yard of road surface. Dry, clean 3/4-inch stone shall be spread evenly over the surface, rolled thoroughly; and there shall then be applied to this surface 1/2 gallon of asphalt binder per square yard, which shall be covered with dry, clean pea stone and rolled until a smooth, unyielding surface results.

2.2.5.1.3 Petition for Acceptance of New Streets. All streets to be accepted by the Town must be petitioned for not later than six months prior to the start of the Town Meeting at which such petition is to be acted upon. No streets shall be accepted by the Town unless constructed in compliance with the foregoing specifications.

2.2.5.1.4 Street Occupancy Permit. Except as herein provided, a Street Occupancy Permit, issued by the Director of Public Works, in such form and content as said Director may require, must be obtained before undertaking any work, including, without limitation, construction, repair, maintenance or reconstruction work, in, within or affecting a public way. The person responsible for such work or in charge of those performing such work shall review such work with the Director of Public Works and the Police Chief, or their designees, to determine whether or not such work will result in the disruption of the normal flow of traffic or cause a safety hazard to pedestrian or vehicular traffic. If the Director of Public Works and the Police Chief, or their designees, determine that such work will result in the disruption of a normal flow of traffic, or will create a safety hazard to pedestrian or vehicular traffic, the person responsible for such work, or in charge of those performing such work, shall follow the safety precautions ordered by the Director of Public Works and the Police Chief, or their designees, including but not limited to, the hiring of a Needham Police Officer, under the existing regulations governing privately paid police details, to direct traffic and minimize the vehicle safety hazards connected with such work.

No work shall be commenced in, within or affecting a public way until those persons responsible for such work comply with the requirements of Sub-section 2.2.5.1.4. The Town of Needham is exempt from the requirements of this sub-section. Whoever violates the provisions of Sub-section 2.2.5.1.4 shall be subject to a fine not exceeding one hundred dollars (\$100.00) each day being a separate offense.

The Chief of Police or Director of Public Works, or their respective designees, are hereby authorized to stop any work on any way conducted in violation of any provision of this sub-section.

2.2.5.1.5 Removal of Snow and Ice. The Director of Public works may, for the purpose of removing or plowing snow, or removing ice from any way, remove, or cause, to be removed to some convenient place, including a public garage, any vehicle interfering with such work, and impose liability for the cost of such removal and of resulting storage charges, if any, upon the owner of such vehicle.

2.2.5.1.6 Street Intersections. At each intersection of public or private streets or ways in the Town, there shall be a clearance area consisting of the triangular area formed by the side lines of the intersecting streets or ways and a line joining each side line at a point twenty-five (25) feet distant from the point of intersection or, in case of rounded corners, from the point at which the side lines would intersect if projected. In case of uncertainty as to the point of intersection of such projected side line, the Town Engineer shall certify the clearance area drawn in accordance with the foregoing provisions. No fence or other structure, shrubbery, foliage, hedge, tree or the like which interferes with sight lines across such clearance area and thereby limits or obstructs the view of vehicular traffic entering such intersection shall be erected, planted, maintained or allow to exist, provided, however, that Sub-section 2.2.5.12.6 shall not apply to buildings in violation of the Town Zoning By-Law.

2.2.5.1.7 Construction and Maintenance of Overhead Poles

Any person, firm, corporation or partnership, or their agents and employees, granted any license, permission or other authority to construct or maintain poles and overhead wires and associated overhead structures upon, along, under or across any public way or ways, is forbidden from installing or constructing, and shall remove immediately, any poles, overhead wires and associated overhead structures which are located on, along or across Chestnut street between its intersection with School Street and the railroad bridge at Needham Junction.

2.2.5.2 Sewers

2.2.5.2.1 The Department of Public Works may require house connections to sewer mains within five years after the laying of such mains. This provision shall apply only to mains laid after March 18, 1940.

2.2.5.2.2 Plans and descriptions of all common sewers belonging to the Town, with a true record of the charges of making and repairing said sewers and all assessments therefor, shall be kept in the Department of Public Works.

2.2.5.3 Miscellaneous

2.2.5.3.1 Wells, Cisterns and Cesspool Protection. The owner of any premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool to be protected at ground level by masonry and a metal cover, or by such other substantial protective materials as may be approved by the Town's Director of Public Works.

The owner of premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool, the use of which has been discontinued, to be filled in to ground level with material commonly used as fill, or, in the case of a well or cistern, with the approval of the Town's Director of Public Works, covered with masonry in a substantial and safe manner. Such filling or masonry work, as the case may be, shall be performed as to wells, cisterns, and cesspools, the use of which has been discontinued prior to the effective date of Sub-section 2.2.5.3.1, immediately following said effective date, and as to wells, cisterns, and cesspools, the use of which shall be discontinued subsequent to the effective date of Sub-section 2.2.5.3.1, immediately following such discontinuance of use.

2.2.5.4 Trench Safety

2.2.5.4.1 The Town Manager is authorized to designate a local permitting authority for issuing trench permits and/or licenses under the regulations promulgated by the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety in accordance with Chapter 82A of the General Laws relative to excavation and trench safety.

2.2.5.4.2 A trench is defined as a subsurface excavation greater than three feet in depth and is fifteen feet or less between the soil walls as measured from the bottom.

2.2.5.4.3 The Select Board may, from time to time enact fees to cover the costs of processing said permits and for enforcement thereof.

2.2.5.4.4 The Select Board may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.

2.2.5.4.5 The Town may perform temporary repairs to private property if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations issue by the Select Board in accordance with Section 2.2.5.4.4. Said repairs shall be considered necessary to abate an immediate hazard.

2.2.5.5 Municipal Water Supply

2.2.5.5.1 Applicability

This section pertains to residences and commercial property and industry served by the Town's water system.

2.2.5.5.2 Implementation of a Mandatory Non-essential Outdoor Water Use Restriction The Select Board or its designee shall have authority to implement a mandatory non-essential outdoor water use restriction in an effort to promote water conservation and to ensure compliance with the Water Management Act.

2.2.5.5.3 Backflow Prevention on Automatic Irrigation Systems All automatic irrigation systems connected to the municipal water system in the Town shall be protected from backflow events by the installation of a backflow prevention device approved by the Director of Public Works.

2.2.5.6 Private Ways

2.2.5.6.1 Snow and Ice Removal. The Town may remove snow and ice from such private ways within its limits for emergency vehicle access in accordance with Massachusetts General Laws and in accordance with regulations or policies issued by the Select Board. Such snow and ice removal may be limited to those private ways maintained in an acceptable condition and in accordance with standards determined by the Director of Public Works.

2.2.5.6.2 Barricades. Barricades installed on private ways that serve to deter prompt and appropriate emergency access shall be removed on order of the Fire Chief.

2.2.5.6.3 Temporary Repairs. The Town may perform temporary repairs to private ways if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations or policies issued by the Select Board.

Said repairs shall be considered necessary to abate the immediate hazard caused by the defect and shall not be considered as maintenance of the private way nor shall the way be considered a public way. Drainage shall not be included as part of any such repairs, and the private way need not have been open to public use prior to the repairs being made.

Abutters to the private way may petition the Town to perform temporary repairs. In such cases, fifty one percent of the abutters to the private way must petition the Director of Public Works for the repairs to be made by the Town. Upon receipt of a petition and a determination of the necessity of such repairs, the Town shall provide the petitioners with a statement of the cost of such repairs. Within seven (7) days of receipt of the statement of cost, the petitioners shall be entitled to withdraw the petition. Unless the petition is withdrawn, the Town shall promptly make the repairs and the petitioners shall thereafter reimburse the Town for the cost of the repairs, if the repairs exceed \$300. The reimbursement amount shall be equal to the petitioner's pro rata share of the cost of repairs based on the ratio that each petitioner's frontage bears to the total frontage of the petitioners on the private way. Betterment charges will not be assessed for such repairs.

If the cost of repairs does not exceed \$300, no reimbursement will be required.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law.

2.2.6 Information Technology

2.2.6.1 Purpose. It is hereby declared to be the policy of the Town of Needham that there shall be an Information Technology Center (within the Department of Finance) that shall be responsible for providing services and systems to all Town offices and departments. It is further declared that, subject to statutory provisions to the contrary, and insofar as practical, all data processing services and systems shall be centralized in the Information Technology Center.

2.2.6.2 Organization. There is hereby created a department of the Town government to be known as the Information Technology Center which shall be part of the Department of Finance of the Town. In addition, there shall be an advisory board as described below. The Center's operations shall be under the management and control of the Director of Finance. The Advisory Board shall serve in an advisory capacity for all long-range planning and capital acquisition functions.

2.2.6.3 Technology Advisory Board

- (a) There shall be a Technology Advisory Board (hereinafter called the Board) consisting of five (5) regular members and four (4) ex officio members. The ex officio members shall be non-voting members.
- (b) The regular members of the Board shall be appointed by the Select Board to staggered three-year terms. The regular members of the Board shall be residents of the Town who have knowledge and experience in telecommunications or information technology. No employee of the Town shall be a regular member of the Board. In the event that a vacancy occurs during a regular member's three-year term, the Select Board shall, within ninety (90) days, appoint a successor to fill the balance of the unexpired term.
- (c) The ex officio members of the Board shall be:
 - (i) the Town Manager or his or her designee,
 - (ii) the Town's Director of Management Information Services,
 - (iii) the School Department's Director of Financial Services, or a substitute designated by the Superintendent of Schools,
 - (iv) the School Department's Director of Technology, or a substitute designated by the Superintendent of Schools.
- (d) The role of the Board shall be (1) to provide technical assistance to all Town departments and the School Department in the formulation of technology plans and capital requests for voice, data and video systems; (2) to advise the Town Manager in the review of capital requests for voice, data and video systems, taking into consideration the goals of maximizing efficiency and cost effectiveness, minimizing unnecessary redundancy, and insuring, to the extent possible, the compatibility of each request with other existing or proposed systems; (3) to advise the Permanent Public Building Committee on the specifications to be considered for voice, data and video systems when constructing or renovating Town Facilities; (4) advise the Town Manager, Town Select Board, and Town Departments on matters relating to information technology policy, specifically with reference to issues of security, privacy, future technology and possible provision of government services through information technology; and (5) the advice will be delivered through a vote of the regular members and reported to the Town Manager, Town Select Board, and the Town Departments which requested the advice.
- (e) The Board shall, annually in June, elect from among its regular members a chairman and vice-chairman, each of whom shall serve until a successor is duly elected. The chairman shall annually appoint a member to serve as secretary.

2.2.6.4 Information Technology Center

- (a) The Town Manager may appoint a Director of Management Information Systems who shall supervise the daily operation of the Information Technology Center.
- (b) It shall be the responsibility of the Information Technology Center, through the Director of Finance and the Director of Management Information Systems, to provide data processing services for all Town offices and departments to the extent possible and practical. The Information Technology Center will attempt to accommodate all requests from all departments whenever economically feasible and within the limits of the equipment capability and capacity of the Town's resources.
- (c) Each office or department of the Town utilizing any service provided by the Information Technology Center covered by Sub-section 2.2.6.4 shall have such control over the data supplied to, and received from, such center as such office or department finds necessary to conduct its own affairs.
- (d) Security of data, issuance of reports, extracts from data files, form control, operations, commitments, costs of services (when appropriate or necessary), training and user approvals as they relate to the Information Technology Center shall be considered appropriate subjects covered by rules and regulations promulgated by the Director of Finance with the assistance of the Director of Management Information Systems and the Advisory Board.

2.2.6.5 Confidentiality

- (a) Although municipal records are generally of a public nature, it is recognized that certain data to be processed through the Center are of a classified or confidential nature. The Department head of any board, commission or other official tribunal having control of such classified or confidential data shall notify the Director of Finance in writing of the classified or confidential nature of the data; and the Director of Finance shall take the necessary steps to protect such classified or confidential data.
- (b) No person shall disclose or make known in any manner the contents or nature of any data while in the custody of the Center for processing, or any data originated by the Center, without the express consent of the Director of Finance or his duly authorized representatives, or without the express consent of the head of the department, board, commission or other official tribunal supplying the basic information; nor shall any person tamper with, change, alter or destroy any data while in the custody of the Center, except in accordance with approved programs for processing the data. Whoever violates any provision of Sub-section 2.2.6.5 shall be subject to appropriate disciplinary action.

Section 2.2.7 Departmental Revolving Funds

2.2.7.1 This By-Law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Law Chapter 44, Section 53E½.

2.2.7.2 A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this By-Law without appropriation subject to the following limitations:

- (a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- (b) No liability shall be incurred in excess of the available balance of the fund.
- (c) The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Finance Committee.

2.2.7.3 Interest earned on monies credited to a revolving fund established by this By-Law shall be credited to the general fund.

2.2.7.4 Except as provided in Massachusetts General Law Chapter 44, Section 53E½ and this By-Law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this By-Law. The Town shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

2.2.7.5 Authorized Revolving Funds

2.2.7.5.1 School Transportation Revolving Fund

Fund Name There shall be a separate fund called the School Transportation Revolving Fund authorized for use by the School Committee.

Revenues The town accountant shall establish the School Transportation Revolving Fund as a separate account and credit to the fund all of the fee-based transportation program receipts charged and received by the School Committee in connection with school transportation programs.

Purposes and Expenditures During each fiscal year, the School Committee may incur liabilities against and spend monies from the School Transportation Revolving Fund for pupil and other districtwide transportation activities in connection with school transportation programs. The costs associated for students bussed and not charged a fee will be funded through a regular budget appropriation or other funding source.

Fiscal Years The School Transportation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.2 Needham Transportation Revolving Fund

Fund Name There shall be a separate fund called the Needham Transportation Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Needham Transportation Revolving Fund as a separate account and credit to the fund all of the fees the transportation program charged and received by the Health and Human Services Department in connection with the services.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Needham Transportation Revolving Fund for transportation provided to seniors and other users of the service in connection with Health and Human Services transportation program

Fiscal Years The Needham Transportation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.3 Water Conservation Revolving Fund

Fund Name There shall be a separate fund called the Water Conservation Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Water Conservation Revolving Fund as a separate account and credit to the fund all of the receipts from sale of water conservation devices and program fees charged and received by the Department of Public Works in connection with water conservation programs.

Purposes and Expenditures During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Water Conservation Revolving Fund for the purchase, resale, and promotion of water conservation devices and outreach programs to encourage water conservation in connection with promotion of water conservation and sale of devices to conserve water.

Fiscal Years The Water Conservation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.4 Home Composting Revolving Fund

Fund Name There shall be a separate fund called the Home Composting Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Home Composting Revolving Fund as a separate account and credit to the fund all of the receipts from sale of composting bins charged and received by the Department of Public Works in connection with the promotion of home composting.

Purposes and Expenditures During each fiscal year, Department of Public Works may incur liabilities against and spend monies from the Home Composting Revolving Fund for the purchase, resale, and promotion of home composting bins and related outreach programs.

Fiscal Years The Home Composting Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.5 Youth Services Programs Revolving Fund

Fund Name There shall be a separate fund called the Youth Services Programs Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Youth Services Programs Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the related fee-based programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Youth Services Programs Revolving Fund for costs related to youth service and community program activities.

Fiscal Years The Youth Services Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.6 Traveling Meals Revolving Fund

Fund Name There shall be a separate fund called the Traveling Meals Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Traveling Meals Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with traveling meals program.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Traveling Meals Revolving Fund for the costs to provide traveling meals in connection with program.

Fiscal Years The Traveling Meals Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.7 Immunization Program Revolving Fund

Fund Name There shall be a separate fund called the Immunization Program Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Immunization Program Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the immunization and vaccination programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Immunization Program Revolving Fund for costs associated with immunization, vaccination, and medical countermeasure distribution programs, as well as educational programs and public information efforts in support of those services.

Fiscal Years The Immunization Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.8 Public Facility Use Revolving Fund

Fund Name There shall be a separate fund called the Public Facility Use Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Public Facility Use Revolving Fund as a separate account and credit to the fund all of the facility use receipts charged and received by the Department of Public Works in connection with the use of Town facilities by community groups and organizations.

Purposes and Expenditures During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Public Facility Use Revolving Fund for costs to operate and maintain the facility for use for conferences, programs, functions or other events in connection with the use of the facilities.

Fiscal Years The Public Facility Use Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.9 Memorial Park Activities Revolving Fund

Fund Name There shall be a separate fund called the Memorial Park Activities Revolving Fund authorized for use by the Memorial Park Trustees.

Revenues The town accountant shall establish the Memorial Park Activities Revolving Fund as a separate account and credit to the fund receipts from food sales and voluntary program activities received by the Memorial Park Trustees.

Purposes and Expenditures During each fiscal year, the Memorial Park Trustees may incur liabilities against and spend monies from the Memorial Park Activities Revolving Fund to provide a food concession and to maintain and improve Memorial Park.

Fiscal Years The Memorial Park Activities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.10 Tree Replacement Revolving Fund

Fund Name There shall be a separate fund called the Tree Replacement Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Tree Replacement Revolving Fund as a separate account and credit to the fund all of the receipts accepted by the Needham Select Board for the purpose of tree plantings charged and received by the Department of Public Works in connection with tree removal approvals.

Purposes and Expenditures During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Tree Replacement Revolving Fund for purchase, maintenance, distribution, and promotion of shade trees in the Town of Needham in connection with payments received by the Town and accepted by the Select Board for said purpose. Salary or wages of full-time staff shall be paid from the annual budget appropriation of the Department of Public Works and not from the Fund.

Fiscal Years The Tree Replacement Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.11 Aging Services Programs Revolving Fund

Fund Name There shall be a separate fund called the Aging Services Programs Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The Town Accountant shall establish the Aging Services Programs Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the related fee based programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Aging Services Programs Revolving Fund for costs related to educational, entertainment, and programmatic activities offered through the Department.

Fiscal Years The Aging Services Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

[Note: Article 10 of STM 5.14.18 labeled section 2.2.5.11 in error. The section should be labeled 2.2.7.5.11]

2.2.8 Independent Audit

The Select Board shall annually employ a certified public accountant to make audits of the accounts of the Town.

SECTION 2.3 PLANNING BOARD

2.3.1 Installation of Water Mains. Every person making or opening subdivision of land in the Town shall, at his own expense, make such provisions for the development of streets therein, including the construction and drainage thereof, and the installation of water mains therein, as may be required by the Planning Board. Such street development and construction shall be in accordance with specifications therefor which the Director of Public Works shall from time to time adopt and water mains shall be installed only in a manner approved by the Director of Public Works. The Planning

Board may require a proper bond with an adequate surety or sureties to secure performance of requirements of Sub-section 2.3.1.

2.3.2 Drainage. Every person constructing a street or way to public travel within the Town shall at his own expense make such provisions for the drainage of such street or way, and the territory contiguous thereto, as may be required by the Planning Board. The Planning Board may require a proper bond with an adequate surety or sureties to secure performance of its requirements of Sub-section 2.3.2.

SECTION 2.4 BOARD OF APPEALS

2.4.1 Appointment By Select Board. There shall be a Board of Appeals consisting of three regular members and two associate members appointed by the Select Board. The three regular members shall be appointed for three years and in such a manner that the term of one regular member shall expire each year.

2.4.2 Associate Members. The associate members shall be appointed by the Select Board for a term of one year. In case of a vacancy or the absence, inability to act, or interest on the part of a regular member of the Board of Appeals, that place may be taken by an associate member designated by the Chairman or acting Chairman.

2.4.3 Statutory Authority. Said Board of Appeals shall be the board of appeals, required under the provisions of M.G.L. Chapter 40A, Section 14, and Chapter 41, Section 81Z, and shall have all powers and duties and shall be governed by the procedure prescribed in all provisions of the general laws applicable to boards of appeals and to applications for special permits or for variances, arising under either the Building By-Laws or the Zoning By-Laws, and shall have jurisdiction of all appeals under the Subdivision Control Law.

2.4.4 Adoption of Rules. The Board of Appeals may adopt rules consistent with the provisions of M.G.L. Chapter 40A, Section 14 and Chapter 41, Section 81Z, and provisions of the Building or Zoning By-Laws, for conducting its business and otherwise carrying out the purposes of said by-laws, the Subdivision Control Law and all applicable statutes.

SECTION 2.5 BOARD OF HEALTH

2.5.1 Transportation of Refuse and Garbage. No person shall carry in or through any of the streets, squares, courts, lanes, avenues, roads, places or alleys within the Town of Needham, any house dirt, ashes or garbage, or other refuse or garbage, or any grease or bones or any refuse substances from any dwelling houses or other buildings or places in the Town, except upon such terms and conditions as the Board of Health may deem in the health and interest of the Town.

2.5.2 Disposal of Refuse and Garbage. No person shall litter or, without a license from the Board of Health, dispose of any refuse on or in any public land, way, sidewalk, pond, stream, brook or watercourse or on any private land except at the Recycling Transfer Station with an appropriate permit for entry to that facility and in compliance with the rules and regulations adopted by the Select Board.

Any person who violates any provision of Sub-section 2.5.2 in the presence of a police officer may be arrested by such officer without a warrant, if such person refuses to give his true name and address or to remove any substance unlawfully discarded by such person after having been requested by such officer. Any person who violates any provision of Sub-section 2.5.2 shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense.

2.5.3 Sale of Cigarettes by Machine. All sale of cigarettes by machine is prohibited.

Any person who violates sub-section 2.5.3 Sale of Cigarettes by Machine shall be punished by a fine not exceeding two hundred (\$200.00) dollars for each offense. Each sale in violation of sub-section 2.5.3 shall be considered a separate offense.

SECTION 2.6 PUBLIC FACILITIES

2.6.1 Building Design and Construction Department There is hereby established a Building Design and Construction Department under the authority of the Town Manager. The Department shall be responsible for managing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town. These projects will be under the jurisdiction of the Permanent Public Building Committee as provided below, for which the Building Design and Construction Department will provide support.

2.6.2 Permanent Public Building Committee There shall be a Permanent Public Building Committee (hereinafter "Committee") responsible for overseeing the design (including feasibility studies), construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased, licensed or operated by the Town.

2.6.2.1 The Committee shall consist of the Town Manager or his or her designee and six additional members appointed by majority vote of an appointing authority. The appointing authority shall consist of the Moderator, the Chairman of the School Committee, the chairman of the Select Board, the Chairman of the Board of Library Trustees, and the Chairman of the Park and Recreation Commission.

2.6.2.2 Each of the members appointed by the Appointing Authority shall be a registered voter of the Town of Needham. No member appointed by the Appointing Authority shall be a paid employee of the Town, or serve as an elected official, or elected member of another standing Town board, committee or commission, except Town Meeting, or serve as an appointed member of another standing Town board, committee, or commission directly involved in the design, permitting, and/or financing of public buildings.

2.6.2.3 Among the members appointed by the Appointing Authority, there shall be a commercial general contractor, an architect, an engineer, and an attorney, if qualified individuals with the necessary expertise are available for appointment, and two other residents. If a commercial general contractor, architect, engineer, or attorney, as the case may be, is not available for appointment, the Appointing Authority shall have the discretion to appoint instead any individual meeting the qualifications set forth in 2.6.2.2 with construction, engineering, or accounting experience to fill that vacancy

2.6.2.4 The Town Manager, if a member, shall serve ex officio. A member serving as the designee of the Town Manager shall serve at the discretion of the Town Manager. Members appointed by the Appointing Authority shall serve for terms of three years.

2.6.2.5 The Appointing Authority shall, following the effective date of this section, appoint members of the Committee as follows: Two members for one year, two members for two years and two members for three years. Upon the expiration of a term, future appointments shall be for terms of three years, except that if a member vacates his or her seat before the expiration of his or her term, the Appointing Authority shall appoint a replacement to complete the unexpired portion of that term. Expiring terms shall end on December 31 of each year. A member may hold his or her seat after his or her term expires until a successor is qualified.

2.6.2.6 Definitions

For the purpose of this Section 2.6.2 the following words shall have the following meanings:

- a. architect: a person with educational training and experience in the field of architecture, and a professional registration.
- b. building: a structure in a portable or fixed location, with an area of at least one hundred square feet, having a roof or providing shelter, including swimming pools.
- c. clerk-of-the-works: an individual responsible for day-to-day inspection of a project. He or she shall prepare and maintain detailed daily records of a project's progress and shall report to the project manager.
- d. commercial general contractor: a person with the educational training and experience in general construction of a commercial nature, and a commercial general contractor's license, or at least ten years of experience as a commercial general contractor.

- e. designer: an individual, corporation, partnership, sole proprietorship, joint venturer, joint stock company, limited liability partnership or other entity engaged in the practice of architecture, landscape architecture, or engineering. If the designer is an individual, he or she shall be registered as an architect, landscape architect or engineer in the Commonwealth of Massachusetts, and if the designer is one of the other categories listed above, the majority of the partners or owners shall be registered as an architect, landscape architect or engineer in the Commonwealth of Massachusetts.
- f. direct construction cost: the direct cost for material, labor and equipment to construct, reconstruct, enlarge or alter a building.
- g. engineer: a person with educational training and experience in his or her engineering discipline, and a professional registration.
- h. feasibility study: prepared by a designer, and identifies the needs of a building user as well as alternatives for meeting the user's functional requirements. It includes surveys and testing, including environmental impacts, access for the disabled and cost estimates.
- i. final design: prepared by a designer, the final design includes a schematic design, design development, final drawings and specifications, bidding documents and contract documents.
- j. indirect construction costs: architectural and engineering fees, furnishings and equipment, permit and license fees, project management costs, salaries for the project manager and clerk-of-the-works, financing costs, and project contingencies.
- k. project: a project is a proposed construction, reconstruction, alteration or enlargement of any building owned by the Town or constructed on land owned, leased or operated by the Town.
- l. Project Committee: a committee consisting of the Permanent Public Building Committee members and the representatives designated by a User Agency for a specific building project. A member of the Permanent Public Building Committee shall serve as chairperson for all Project Committee activities.
- m. project manager: an individual who acts on behalf of the Committee, and who is responsible for the day-to-day supervision of a project. He or she shall maintain project records, issue emergency directives, and oversee the clerk-of-the-works and other project participants.
- n. total project cost: the combination of the direct and indirect construction costs.
- o. User Agency: an elected or appointed board, committee or commission, including the Select Board, School Committee, Library Trustees, Park and Recreation Commission, Memorial Park Trustees, Conservation Commission, or other board, committee or commission having responsibility for a building.

2.6.2.7 The Committee is responsible for projects having a total project cost of \$500,000 or more. The Committee may defer its jurisdiction in the instance where the project includes little or no actual building construction.

2.6.2.8 The Committee shall develop and publish procedures describing its activities. The Committee shall submit a report of all its activities for publication in the Town's annual report.

2.6.2.9 The Committee shall invite to its meetings representatives from the Board of Health, the Commission on Disabilities, and any health and safety committee or other advisory committee for the project appointed by the relevant User Agency.

2.6.2.10 The Committee shall, subject to appropriation, conduct feasibility studies and final designs, oversee the construction of projects, procure designer and consultant services as it deems necessary or as required by law. The relevant User Agency shall determine the functional need and utility of a project.

2.6.2.11 Before the commencement of a feasibility study and before any hiring for a project, the relevant User Agency shall designate two people to serve on the Project Committee as its representatives. The User Agency may replace its representatives as it deems necessary. The User Agency representatives shall have full voting rights and shall have full participation in all the Project Committee's deliberations and actions.

2.6.2.12 Any User Agency seeking to construct, reconstruct, alter or enlarge a building under its jurisdiction shall file a project application with the Committee. The Committee shall meet with the User Agency. At the request of the User Agency or at the discretion of the Committee, a feasibility study shall be conducted. Prior to the commencement of a feasibility study, the feasibility study funding shall be submitted as part of the capital improvement planning process in accordance with Section 2.2.2 of this by-law and funded by Town Meeting. The Project Committee and the User Agency shall review the completed feasibility study. Upon review, the Project Committee and the User Agency shall each indicate on a separate, signed copy whether they will accept, amend or reject the feasibility study. These provisions do not preclude the User Agency from conducting independent studies relating to its functions.

2.6.2.13 If a feasibility study approved by the Project Committee and the User Agency shows that a proposed construction project is necessary, the Project Committee shall conduct a final design. Prior to the commencement of the final design, the final design scope of work and its funding shall be submitted as part of the capital improvement planning process in accordance with Section 2.2.2 of this by-law and funded by Town Meeting. Prior to approval of a final design and contract documents by the Project Committee, a draft version shall be reviewed by the Project Committee and the User Agency. The final design and contract documents shall not be considered approved until the Project Committee and the User Agency acknowledge their approval in writing.

2.6.2.14 A description of the estimated total project cost shall be prepared for all feasibility studies and final designs.

2.6.2.15 Whenever project funding approval is sought from the town meeting, the Project Committee and the User Agency shall provide a detailed report to the town meeting that includes an explanation of the project need, scope of work, schedule and costs.

2.6.2.16 The Committee shall employ project managers and clerk-of-the-works for each project as it deems necessary.

2.6.2.17 The Town Clerk shall maintain a register of Committee members, and of architects, engineers, contractors, accountants, and attorneys that are willing to serve on the Committee. The Town Clerk shall maintain said register in such form as the Town Clerk, in consultation with the Select Board, may determine and such register may be purged from time to time of such information as the Town Clerk determines to be obsolete and of no further value.

2.6.2.18 Except as the laws of the Commonwealth may otherwise require, the Chairperson of the Committee, or his or her designated representative, shall, upon the termination of the Project Committee: (1) provide the User Agency and the Department of Public Works – Building Maintenance Division (hereinafter "BMD") with a complete and final set of drawings and specifications of the finished structure, as-built drawings, Operations and Maintenance Manuals, all other contract documents, and attic stock materials used therein, and shall provide to the User Agency and BMD all papers guaranteeing the building or any feature thereof ("warranties") for work done thereon, and (2) post a digital copy of remaining records and reports on the town server for the purpose of maintaining detailed records, including any inventory indicating what papers, materials and records were deposited with the User Agency and BMD. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the user Agency and BMD may destroy that portion of the material relinquished to the User Agency and BMD determined to have no substantial value, the balance of such materials being deposited in the Public Administration Collection.

SECTION 2.7 SPECIAL COMMITTEES AND COMMISSIONS

2.7.1 Transportation Committee

2.7.1.1 There is hereby established a Transportation Committee, which shall serve under the supervision of the Select Board as Town Agents. The said Committee shall consist of five members appointed as hereinafter provided, a simple majority of whom shall constitute a quorum for the transaction of business, and of the members of the General Court, whose districts include all or part of Needham, serving ex officio as non-voting members. Of the five appointed members aforesaid, two shall be appointed by the Select Board, two shall be appointed by the Planning Board and one shall be appointed by the Moderator, each such appointee to serve for a term of three years; provided, however, that of the members

originally appointed, one shall serve for a term of one year, two for a term of two years and two for a term of three years, as the Select Board shall determine. If any appointed member shall resign or otherwise vacate his office, a successor shall be appointed by the appropriate authority to serve for the balance of the unexpired term.

The Committee shall, annually in April, elect from its membership a Chairman and such other officers it deems necessary and desirable.

2.7.1.2 Duties of the Committee. The Transportation Committee shall conduct continuing studies of the mass transportation needs of the Town, with particular emphasis upon commuter transportation. It shall make such special studies relative to transportation problems as the Select Board or Town Meeting may, from time to time, direct.

2.7.2 Future School Needs Committee

2.7.2.1 There shall be a Future School Needs Committee consisting of seven members: two members of the Finance Committee, two members of the School Committee, two members of the Select Board, and one member appointed by the Town Moderator. The chairman shall be designated from time to time by vote of the Committee. The Future School Needs Committee will assist in the identification of the criteria necessary to develop the estimates and projections. It shall be the responsibility of the School Committee to procure professionally-developed estimates of the Town's current and projected student population and to provide this information to the Future School Needs Committee for their review, guidance, and feedback.

SECTION 2.7.3 Community Preservation Committee

2.7.3.1 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by said Commission for a term of three years.

One member of the Historical Commission as designated by said Commission for a term of three years.

One member of the Housing Authority as designated by said Authority for a term of three years.

One member of the Park and Recreation Commission as designated by said Commission for an initial term of two years and thereafter for a term of three years.

One member of the Planning Board as designated by said Board for an initial term of one year and thereafter for a term of three years.

Two members to be appointed by the Select Board, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

Two members to be appointed by the Moderator, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

No person shall be appointed to the committee for more than two consecutive three year terms.

Should any of the Commissions, Boards, Committees, or individuals who have appointment authority under this by-law be no longer in existence for what ever reason, the appointing authority for that Commission, Board, Committee, or individual shall become the responsibility of the Select Board.

2.7.3.2 Duties

- 2.7.3.2.1** The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The committee shall consult with the Finance Committee, the Select Board and other existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park and Recreation Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- 2.7.3.2.2** The Community Preservation Committee, after consultation with the Finance Committee and the Select Board, shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- 2.7.3.2.3** The Community Preservation Committee may include, in its proposal to the Town Meeting, a recommendation to set aside for later spending funds for purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to Mass. Gen. Laws, Chapter 44B, Section 3, the proceeds of which shall be deposited in the Community Preservation Fund.
- 2.7.3.2.4** As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.
- 2.7.3.2.5** The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

2.7.3.3 Requirement for a Quorum and Cost Estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Proposals to the Town Meeting shall include their anticipated costs.

2.7.3.4 Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in G.L. c. 44B shall submit an application for the exemption on a form provided by the Board of Assessors within three months after the tax bill or notice is sent.

2.7.3.5 Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

2.7.3.6 Effective Date

This by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. c.40, S. 32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

The provisions of this Community Preservation by-law shall be of no force or effect until such time as the Town Meeting and the voters of the Town vote to accept the provisions of Section 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Community Preservation Act.

SECTION 2.8 PUBLIC LIBRARY

2.8.1 Public Administration Research Collection at the Public Library

There is hereby established, and there shall hereafter be maintained, a Public Administration Research Collection at the Town's Public Library, under the supervision of the Director of the Public Library, for the use of the town officers and committees, civil organizations and individual citizens of the Town engaged in research in matters pertaining to governmental and social problems, particularly relating to the Town of Needham. To the extent that the facilities permit, library employees shall assist the members of the Town Meeting and any committee thereof in all matters requiring statistical research or fact-finding, in connection with studies ordered by the Town Meeting.

2.8.2 The Town Clerk shall furnish the Director of the Public Library with at least two copies of every publication issued by the Town and distributed through the Town Clerk's office. Any town department, board, commission or committee publishing a report not so distributed shall file at least two copies of such report with the Director of the Public Library.

SECTION 2.9 COUNCIL ON AGING

2.9.1 There is hereby established a Council On Aging, consisting of a representative nominated by each of the following Town boards and committees: the Board of Health, the School Committee, the Trustees of the Needham Public Library, the Housing Authority, and the Park and Recreation Commission, and not fewer than seven additional members, all of whom shall be appointed by the Select Board and shall hold office for a term of three years.

2.9.2 It is the duty of the Council:

- (a) To identify the needs and concerns and strengths of Needham's elderly and retired persons and those approaching retirement age.
- (b) To design, promote, coordinate or implement services and programs to meet these needs and concerns.
- (c) To inform the community and enlist the support and participation of all citizens in this effort.
- (d) To work in coordination with programs of the Executive Office of Elder Affairs of the Commonwealth of Massachusetts.

2.9.3 A simple majority of the members shall constitute a quorum for the transaction of any business of the council. The council shall elect from its membership such officers it deems necessary and desirable.

2.9.4 If any appointed member shall resign, or otherwise vacate his office, his successor shall be appointed in the same manner as described above to serve for the balance of the unexpired term.

SECTION 2.10 YOUTH COMMISSION

2.10.1 There is hereby established a Youth Commission consisting of eight members. A simple majority of the members shall constitute a quorum for the transaction of any business of the Commission. The appointing authorities for said Commission shall be as follows: One by the Select Board, one by the Park and Recreation Commission, one by the Finance Committee, one by the Moderator, one by the Chief of Police, and one by the School Committee. Additionally, two student members to be appointed to the Commission by Superintendent of Schools as follows: In the first year a member of the Needham High School Junior Class shall be appointed for a two year term, and a member of the Senior Class for a one year term. Thereafter, one member of the Junior Class will be appointed for a two year term each year.

On or before the first day of June in each year, the appointing authorities shall appoint to the Commission sufficient members to fill expiring terms, each member so appointed to serve until the first day of June of the third year thereafter, with student members appointed to serve until the first day of June of the second year thereafter.

2.10.2 It shall be the duty of the Youth Commission to study, define, and ascertain the needs and problems of the Needham youth, and take such action necessary to promote the mental, physical and social growth of the youth of Needham through the implementation of appropriate procedures.

SECTION 2.11 HISTORICAL COMMISSION

2.11.1 Commission Members There shall be an Historical Commission of the Town of Needham, consisting of seven (7) members, each of whom shall be a resident of the Town of Needham, appointed by the Select Board. Initially, three (3) members shall be appointed for the term of three (3) years each, three (3) members shall be appointed for the term of two (2) years each, and one (1) member shall be appointed for a term of one (1) year. Thereafter, as the term for which the members were initially appointed expires, their successors shall be appointed for a term of three (3) years each. In the event of a vacancy occurring in the membership other than by the expiration of the term of a member, a successor shall be appointed to serve for the balance of the unexpired term.

2.11.2 Quorum. At all meetings of the Historical Commission, four (4) members shall constitute a quorum.

2.11.3 Officers. The members of the Historical Commission shall annually, within thirty (30) days after the annual appointments are made by the Select Board, elect from its membership a chairman, a vice-chairman and a secretary who shall serve during the ensuing year and until the election of their successor. All other meetings of the members shall be held at such designated times and places as the members shall designate.

2.11.4 Powers and Authority of the Historical Commission. The Historical Commission may exercise all the powers, authority and functions authorized by M.G.L. Chapter 40, Section 8D, and may make reasonable rules and regulations to aid in the orderly performance of its powers, authority and functions consistent with said Section 8D and Sub-section 2.11.4.

2.11.5 Demolition of Historical Buildings

2.11.5.1 Purpose. A demolition delay by-law provides a review procedure which results in a delay in the demolition of historically significant buildings. Such a by-law does not sanction or deny a proposed demolition but allows time for consideration of preservation alternatives to destruction. Property owners retain final decision-making authority.

2.11.5.2 Definitions.

Demolition - the act of pulling down, destroying, removing or razing a building or portion of a building or commencing such work with the intent of completing the same.

Historically Significant - property that is listed in the Needham Historical Inventory and is listed or awaiting listing in the National and/or State Registers, this property having been associated with historic person(s) or event(s) or having been designated by the Needham Historical Commission as architecturally significant or unusual.

Preferably preserved - worthy of a delay period to allow consideration of alternatives to demolition.

2.11.5.3 Initial Determination

2.11.5.3.1 When an application for a building demolition permit is filed with the Building Department, the Building Department shall determine if the building is contained in the Needham Historical Commission Inventory.

2.11.5.3.2 If the building is not contained in the inventory, the demolition permit will not be reviewed by the Needham Historical Commission.

2.11.5.3.3 If the building is contained in the inventory, the demolition permit application, if properly completed, will be referred to the Needham Historical Commission for its review. The application need not be accompanied by evidence of workmen's compensation coverage or letters from utility providers that the utilities have been disconnected in order for the application to be referred to the Historical Commission.

2.11.5.4 Procedure For Review

2.11.5.4.1 The Building Department must submit the application within 5 business days to the Historical Commission, and shall not issue the demolition permit until the Needham Historical Commission has returned the application to the Building Department, or upon the failure of the Needham Historical Commission to act in accordance with the time limits set within this Demolition Delay By-Law.

2.11.5.4.2 The Historical Commission must meet to determine whether the building is historically significant. This must be done within 21 days of receipt of the application from the Building Department. The Commission will notify the applicant of the meeting at least seven days in advance of the meeting.

2.11.5.4.3 At this meeting, the owner of the property may make a presentation to the Commission if (s)he chooses.

2.11.5.4.4 If the Commission finds that the building is not historically significant, there will not be a Demolition Plan Review, and the application will be immediately returned to the Building Department.

2.11.5.4.5 If the building is found to be historically significant, there will be a Demolition Plan Review conducted by the Needham Historical Commission.

2.11.5.5 Demolition Plan Review Process

2.11.5.5.1 The applicant must submit 7 copies of a Demolition Plan to the Historical Commission. The Demolition Plan shall contain:

- 1) A map or plan showing the location of the building or structure to be demolished.
- 2) A photograph of the street facade elevation.
- 3) A narrative description of the building or structure, or part thereof, to be demolished.
- 4) The reason for the proposed demolition and data supporting said reason, including (where applicable) data sufficient to establish any economic justification for the demolition.
- 5) A certified list of abutters to said property and other neighbors within 300 feet, whose names are ascertained from the Board of Assessor's most recent tax list.

2.11.5.5.2 Within forty-five days of the receipt of this demolition plan, the Commission shall review the application at a public hearing of the Commission to determine if the structure is preferably preserved. Public notice of such hearing shall be published by the Commission at the expense of the applicant in a local newspaper giving the time, place, and purpose of the hearing once in each of two successive weeks, the first publication not less than fourteen days before the day of said hearing. The Commission shall also mail a copy of said notice to the applicant, to abutters and to all owners of all property within 300 feet of the applicant's property as appearing on the most recent tax list, to the Needham Planning Board and such other persons as the Commission shall deem established to be notified.

2.11.5.5.3 If the building is not determined to be preferably preserved, the application for a permit to demolish will be returned to the Building Department immediately.

2.11.5.5.4 If the building is determined to be preferably preserved, the application for a permit to demolish need not be returned to the Building Department for a period of 6 months from the date on which the Historical Commission files its report with the Town Clerk to prevent demolition.

2.11.5.5.5 If the Commission is satisfied that the applicant/owner has sincerely tried to find alternatives to demolition with no success, the application may be returned to the Building Department before the expiration of the 6-month period.

2.11.5.5.6 In any event, at the expiration of the 6-month period the application shall be returned to the Building Department.

2.11.5.6 Failure to Act

If the Historical Commission fails to act within the specified time limits, the Building Inspector may issue a demolition permit without return of the application from the Commission.

2.11.5.7 Building Permits

No permit for the alteration of an existing structure or the erection of a new structure that involves demolition on the site of an existing historically significant building may be issued prior to the issuance of a demolition permit from the Building Department for such an existing building or any portion thereof.

2.11.5.8 Emergency Demolitions

The Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions in the historically significant building. The Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Historical Commission.

2.11.5.9 Enforcement and Remedies

In the event of a demolition of an historically significant building in violation of this by-law, the person or persons responsible for the demolition including, but not limited to, the owners, tenants, developers, or contractors, shall each be subject to a fine of up to \$300 per day for each violation. Each day that the building is not restored to its condition immediately prior to the said demolition, and the demolition permit is not issued, shall be a separate offense, up to a maximum of 183 days.

2.11.5.10 Severability

If any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

2.11.5.11 Rules And Regulations

Pursuant to M.G.L. Chapter 40, Section 8D and Section 2.11.5.4 above, the Historical Commission shall make rules and regulations to implement this section.

2.11.5.12 Appeals

Any person aggrieved by a determination of the Commission may appeal to Superior Court, per M.G.L. 249, Section 4.

ARTICLE 3

POLICE POWERS, AUTHORITY AND REGULATIONS

SECTION 3.1 GENERAL

3.1.1 Grazing of Animals. No owner or persons having the care of any horses, cows, or other grazing animals shall permit or allow them to roam at large or to graze on any street, lane, common square or other public place within this Town, nor permit any such animal to roam or stand upon any sidewalk within the Town.

3.1.2 Obstruction of Sidewalks. Except as permitted by the Select Board or the Director of Public Works, no person shall place, or cause to be placed, upon any public way or sidewalk, any lumber, wood, box, crate, barrel, can,

package or other thing, or allow the same to remain for more than one hour, or more than ten minutes after being notified to remove the same by a constable or police officer.

3.1.3 Coasting in Streets. No person shall coast in any street or public way except those publicly designated for that purpose by the Select Board.

3.1.4 Use of Sidewalks. No person shall ride, drive, draw or push any motorcycle, automobile, car, wagon or sled, except invalid's or children's hand carriages, over or upon any public footpath or sidewalk.

3.1.5 Bicycles on Sidewalks. No person shall ride a bicycle on any sidewalk within certain marked areas of Needham Square and Needham Heights Square business districts. The pushing or walking of a bicycle is not prohibited in such areas. For this purpose, the Police Chief, with the approval of the Select Board, shall establish the boundary limits of the sidewalks subject to Sub-section 3.15 by appropriate markings on the sidewalks or other signs.

3.1.6 Discharge of Firearms. No person shall fire or discharge any firearm, or other explosive articles, within the limits of any park, playground, public way, public building or other property except with the consent of the Select Board, or hunt, or fire or discharge any firearm or other explosive articles, on any private property except with the written consent of the property's owner or legal occupant. This Sub-section shall not apply to the lawful defense of life and property, or to any lawful enforcement officer acting in the discharge of his duties.

3.1.7 Dealing in Second-Hand Merchandise. No person shall collect, deal in or keep a shop for the purchase, sale or barter of junk, old metals or second hand articles, within the limits of the Town, unless licensed by the Select Board.

3.1.8 Snow and Ice on Sidewalks.

3.1.8.1 Any person who places any snow or ice on a sidewalk or a street, shall forfeit fifty dollars (\$50.00) for each offense.

3.1.8.2 Any owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, that allows snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset, shall forfeit fifty dollars (\$50.00) for each offense. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.

3.1.9 Consumption of Alcoholic Beverages. No person shall possess or consume an alcoholic beverage as defined by M.G.L. Chapter 138, Section 1, as amended, within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, except with written permission of the appropriate controlling Town tribunal, nor shall any person consume alcoholic beverage as defined in Section 1, on any public way or any way to which the public has a right of access as invitees or licenses, including any person in a motor vehicle in, on or upon any public way or any way to which the public has said right of access, within the limits of the Town of Needham; and no person shall consume an alcoholic beverage as previously defined, in, on or upon any private land or place without the consent of the owner or persons in control of such private land or place.

Any person who violates Sub-section 3.1.9 of the General By-Laws may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of Sub-section 3.1.9 may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

3.1.10. Use of Marijuana. No person shall consume marijuana (or tetrahydrocannabinol, as defined in G.L. c. 94C, 1, as amended) within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, nor shall any person consume marijuana, as previously defined, on any public way or any way to which the public has a right of access as invitees or licenses, including any person in a motor vehicle in, on or upon any public way or any way to which the public has said right of access, within the limits of the Town of Needham; and no

person shall consume marijuana, as previously defined, in, on or upon any private land or place without the consent of the owner or persons in control of such private land or place. Nothing in this bylaw shall authorize any possession, cultivation, transport, distribution, sale or use of marijuana otherwise prohibited by law.

3.1.11 Licensed Hawkers and Peddlers. Except as otherwise specified by regulations issued by the Select Board:

3.1.11.1 No person, under Massachusetts General Law Chapter 101, Section 22, shall sell or offer to sell items specified therein within 1,000 feet of any recreational area in organized use, or within 1,000 feet of any school (public or private) during the hours that school is in session, nor until one hour after the closing of said school or schools.

3.1.11.2 Such hawkers or peddlers shall not remain parked at any one location for a period of time exceeding ten (10) minutes, nor shall a bell, horn or other device to attract customers be used after the hour of 8:00 P.M. of any day.

3.1.12 Household Refuse. No person shall deposit any household refuse or garbage in any receptacle maintained by the Town of Needham on public property.

3.1.13 Discharge of Water. No person shall discharge or cause to be discharged ground or surface water collected by mechanical pump within a building or any surface water collected on private property in a manner that would create a hazardous condition or cause damage to a public way or sidewalk. No person shall allow a discharge to continue for more than ten minutes after being notified to cease by constable, police officer or Select Board.

3.1.14 Bow and Arrows. No person shall hunt with or discharge bow and arrow within the limits of any park, playground, public way, public building or other public property except with the consent of the Select Board, or hunt by bow and arrow on any private property except with the written consent of the property's owner or legal occupant.

3.1.15 Fines. Whoever violates the provisions of Sections 3.1 shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense, unless otherwise provided.

SECTION 3.2 SALE OF FOOD

3.2.1 Purpose. Section 3.2 is for the purpose of promoting public health, safety, convenience, welfare and peace, controlling noise and protecting nighttime tranquility.

3.2.2 Hours of Sale - Retail. No store, restaurant, or place of business engaged in the retail sale of food shall be open for the transaction of retail business between the hours of midnight and 6:00 A.M. except during other hours as the Select Board may fix by special permit.

3.2.3 Definition of Food. The term food as used in Section 3.2 shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law, permit or license granted to the seller of such beverages shall otherwise provide.

3.2.4 Fines. Violators of Section 3.2 shall be subject to a fine of two hundred dollars (\$200.00) for each violation. For the purposes of Section 3.2, every calendar day on which Section 3.2, or the terms of any special permit, is violated shall be a separate offense; and each separate sale of food shall be deemed a separate offense. In the event of a sale of several items at one time to one customer, only one sale shall be deemed to have taken place. This section may be enforced by the procedures of M.G.L. Chapter 40, Section 21D.

3.2.5 Special Permit. In cases where the purposes of Section 3.2 permit it, the Select Board may issue a special permit allowing a store, restaurant or place of business to open or remain open for the transaction of business at specified hours other than those required by Section 3.2 or to remain open 24 hours a day. Such special permits shall remain in effect for a period of one year, unless revoked sooner after notice to the licensee and an opportunity for a hearing, upon a finding by the Select Board that the special permit no longer furthers the purposes of Section 3.2. Application for such a permit shall be made on a form supplied by the Select Board and shall be accompanied by a non-refundable, reasonable fee determined by the Select Board.

SECTION 3.3 PENALTIES FOR IMPROPER USE OF BURGLAR ALARMS

3.3.1 Preamble - It is determined that the number of false alarms being made to the Needham Police Department hinders efficiency and lowers department morale. This situation constitutes a danger to the general public, homeowners, businesses and Needham police officers. The adoption of Section 3.3 will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Needham.

3.3.2 Definitions

- (a) The term Burglar Alarm System means any assembly of equipment and devices or a single device such as a solid-state unit connecting directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of Sub-section 3.3.4 shall apply to all users.
- (b) The term False Alarm means (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal or automatic dialing device transmitted to the Police Department requesting, requiring or resulting in a response on the part of the Police Department when there has been no unauthorized intrusion, robbery, burglary or attempted threat. For the purposes of this definition, activation of alarm systems for the purpose of testing with prior approval by the Police Department, or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.
- (c) The term Automatic Dialing Device refers to an alarm system which automatically sends via regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation which the alarm system is designated to detect.

3.3.3 Control and Curtailment of Signals Emitted by Alarm Systems

- (a) Every alarm user shall submit to the Police Chief his name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises in which the alarm system is installed. The owner of said premises shall immediately notify the Needham Police Department of any changes in the list of employees or other persons authorized to respond to alarms.
- (b) All alarm systems, installed after the effective date of Section 3.3, which use an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Needham must have such a shut-off device installed within six (6) months of passage of Section 3.3.
- (c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 P.M. and 6 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user, or those persons designated by him under paragraph (a) of Sub-section 3.3.3, and which disturbs the peace, comfort or repose of the community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under Sub-section 3.3.3, in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made.
- (d) No alarm system which is designated to transmit emergency messages or signals to the Police Department will be tested until the Police Dispatcher has been notified.
- (e) The provisions of Section 3.3 shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

3.3.4 Penalties

- (a) The user shall be assessed a false alarm service fine for each false alarm in excess of one (1) occurring within a calendar year according to the following schedule:

- 1) Second false alarm twenty-five dollars (\$25)
- 2) Third false alarm fifty dollars (\$50)
- 3) Fourth and subsequent false alarms, one-hundred dollars (\$100)

The Police Chief shall notify the alarm user by mail or by service in hand by a police officer of such violation and said user shall submit payment to the Town Treasurer for deposit to the General Fund within fifteen (15) days of the notice.

- (b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the fee after said notice, may be ordered, by the Select Board, after a public hearing, to disconnect and otherwise discontinue the use of such system.

SECTION 3.4 HANDICAPPED PARKING

3.4.1 Requirements for Handicapped Parking Spaces

No person shall park a motor vehicle, motorcycle or any other means of transportation in a designated parking space reserved for vehicles owned and operated by disabled veterans or by other handicapped persons, unless said vehicle bears the distinctive number plates or a handicap placard furnished by the Registry of Motor Vehicles, authorized by M.G.L. Chapter 90, Section 2, or bears an official handicap plate or placard issued by any other state. Any person or body that has lawful control of a public or private way, or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers or residential dwellings, or for any other place where the public has right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles owned and operated by disabled veterans or handicapped persons whose vehicles bear any of the aforementioned means of identification authorized by M.G.L. Chapter 90, Section 2, according the following formulas:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred four percent of such spaces, but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces, but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces, but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces, but not less than twenty; and more than five thousand, one-half of one percent of such spaces, but not less than thirty.

3.4.2 Sign Requirements for Handicapped Parking Spaces

Parking spaces designated as reserved under the provision of the sections of this article shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking : Special Plate Required. Unauthorized Vehicles may be Removed at Owner's Expense". These spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed means permitting sidewalk access to a handicapped person and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

3.4.3 Regulations of Unauthorized Vehicles in Handicapped Spaces

Unauthorized vehicles shall be prohibited within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Section 3.4, or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

3.4.4 Penalty

The penalty for violation of Section 3.4 shall be as follows:

\$100.00 each offense

SECTION 3.5 ABANDONED, WRECKED, DISMANTLED OR DISCARDED VEHICLES

3.5.1 Definitions. The following definitions shall apply to the interpretation and enforcement of Section 3.5.

- (a) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) Vehicle shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property or to pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.
- (c) Street or highway shall mean the entire width between the boundary lines of every way publicly maintained where any part is open to the use of the public for purposes of vehicular travel.
- (d) Property shall mean any real property within the Town which is not a street or highway.

3.5.2 Abandonment of Vehicles

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall abandon any vehicle within the Town, and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

3.5.3 Leaving of Wrecked, Non-operating Vehicle on Street

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

3.5.4 Disposition of Wrecked, Unregistered or Discarded Vehicles

No person in charge or control of any property within the Town, whether as owner, tenant, lessee or otherwise, shall allow any partially dismantled, non-operating, unregistered, wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days. No person shall leave any such vehicle on any property within the Town for a longer time than ten (10) days, except any such vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town. This section shall not apply to Class III licenses under M.G.L. Chapter 140, Section 58.

3.5.5 Towing. Any vehicle left unattended, inoperative or in any way impeding the flow of traffic or creating a safety hazard may be ordered removed by a police official, with rank of not less than Sergeant, to some convenient location at the expense of the registered owner of said vehicle.

3.5.6 Impounded. The Fire Chief, Chief of Police, Director of Public Works or any member of their Department designated by such official, is hereby authorized to remove, or have removed, any vehicle left at any place within the Town which reasonably appears to be in violation of Section 3.5, lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with M.G.L. Chapter 135 relative to unclaimed and abandoned property.

3.5.7 Penalties. Any person violating any of the provisions of Section 3.5 shall be deemed to have committed a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 3.6 FIRE PREVENTION

3.6.1 Fire Lanes, and Vehicles Obstructing the Passage of Fire Apparatus

3.6.1.1 Fire Lanes: The Fire Chief shall require public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus. Such fire lanes shall have a minimum width of 18 feet and shall be designated by pavement markings and/or signs as determined necessary by the Fire Chief. The signs shall say "No Parking - Fire Lane" and the signs and pavement markings shall be maintained in a clean and legible condition at all times by the owner of the property and replaced when necessary to insure adequate visibility. Any person who refuses to post such signs or mark the pavement as ordered by Fire Chief or violates any of the provisions of sub-section 3.6.1 shall be punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each and every noncompliance or violation.

3.6.1.2 It shall be unlawful to leave an unattended vehicle blocking a private way which furnishes access for fire apparatus to any building.

3.6.1.3 It shall be unlawful to obstruct or park a vehicle in any fire lane established by the Fire Chief under Sub-section 3.6.1. The Police Chief, Fire Chief or a member of their departments designated by them is hereby authorized to remove, or have removed, any vehicle within a fire lane established under this section which may block or obstruct the operations of fire apparatus by the Fire Department in the performance of its duties. Such vehicle may be towed and impounded until the costs of towing, impounding and other fines are paid.

3.6.2 Penalties for Improper Use of Fire Alarms

3.6.2.1 Preamble - It is determined that the number of false alarms being made to the Needham Fire Department hinders efficiency and lowers department morale. This situation constitutes a danger to the general public, homeowners, businesses and Needham firemen. The adoption of Sub-section 3.6.2 will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Needham.

3.6.2.2 Definitions

- (a) The term Fire Alarm System means any assembly of equipment and devices or a single device such as a solid-state unit connected directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which the Fire Department is expected to respond. The provisions of Sub-section 3.6.2.4 shall apply to all users.
- (b) The term False Alarm means (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal or automatic dialing device transmitted to the Fire Department requesting, requiring or resulting in a response on the part of the Fire Department when there is no fire. For the purposes of this definition, activation of alarm systems for purposes of testing with prior approval by the Fire Department, or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.
- (c) The term Automatic Dialing Device refers to an alarm system which automatically sends over regular telephone lines, by direct connection or other otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

3.6.2.3 Control and Curtailment of Signals Emittted by Alarm Systems

- (a) Every alarm user shall submit to the Fire Chief his name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Fire Department, to an emergency signal transmitted by an alarm system and who can open the premises in which the alarm system is installed. The owner of said premises shall immediately notify the Needham Fire Department of any changes in the list of employees or other persons authorized to respond to alarms.
- (b) All alarm systems installed after the effective date of this by-law, which use an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Needham must have a shut-off device installed within six (6) months of passage of Sub-section 3.6.2.
- (c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 P.M. and 6 A.M. which cannot be shut off or otherwise curtailed when the firemen arrive in response to the alarm, and which disturbs the peace, comfort or repose of the community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Fire Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of Sub-section 3.6.2.3, in an effort to abate the nuisance. The Fire Chief shall record the names and addresses of all complainants and the time each complaint was made.
- (d) No alarm system which is designated to transmit emergency messages or signals to the Fire Department will be tested until the Fire Dispatcher has been notified.
- (e) The provisions of Sub-section 3.6.2 shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

3.6.2.4 Penalties

- (a) The user shall be assessed one hundred dollars (\$100.00) as a false alarm service fine for each false alarm in excess of three (3) occurring within a calendar year. The Fire Chief shall notify the alarm user by mail or by service in hand by a fire department official of such violation and said user shall submit payment to the Town Treasurer for deposit to the General Fund within fifteen (15) days of the notice.
- (b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the fee after said notice, may be ordered by the Select Board, after a public hearing, to disconnect and otherwise discontinue the use of the system.

SECTION 3.7 DOG REGULATIONS

3.7.1 Use of Leashes. No person shall allow a dog owned or kept by her/him to go beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash.

3.7.2 Disturbing the Peace. No person shall own or keep within the Town any dog which bites, excessively barks or howls or in any other manner disturbs the peace and quiet of any neighborhood, or endangers the safety of any person, domesticated animal or farm animal.

3.7.3 Complaints. The animal control officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of sub-sections 3.7.1, 3.7.2, 3.7.4, 3.7.5, 3.7.6, 3.7.7, or 3.7.8 for which the following penalties shall be imposed:

1. First Offense – twenty-five dollars (\$25.00)
2. Each Subsequent Offense – fifty dollars (\$50.00)

3.7.4 Restraint of Dogs. In addition to the foregoing penalties, the animal control officer is also authorized and empowered to muzzle or restrain a dog, or to order the owner or keeper of a dog to muzzle or restrain a dog, pending a hearing before the Select Board as hereinafter provided, when the animal control officer finds that a dog has bitten or threatened any person or domesticated or farm animal, or has chased any vehicle upon any way open to public travel in the Town, or the owner had violated the provisions of section 3.7 more than three times in any calendar year. The owner or

keeper of any dog that has been ordered to be restrained or muzzled under the provisions of section 3.7 may request in writing to the Select Board that the animal control officer vacate such order.

3.7.5 Uncontrollable Dogs. In addition to any other statutory authority contained in M.G.L. Chapter 140, the animal control officer may, with the approval of the Select Board, enter a complaint before the Select Board to obtain an order to control or dispose of a dog found to be uncontrollable, or whose owner or keeper is unresponsive to any other penalties contained in Section 3.7.

3.7.6 Restricted Areas. No person shall allow a dog, other than a service dog, owned or kept by him or her, whether leashed or unleashed, to trespass on Memorial Park or DeFazio Park.

3.7.7 Removal of Pet Waste. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Needham, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in a trash receptacle.

3.7.8 Off-Leash Areas. The Town may authorize an area or areas to be used as off-leash areas for dogs licensed in the Town of Needham for which a separate fee will be assessed and for which the Select Board may, from time to time, establish regulations for use. No person owning or keeping a dog shall suffer, permit or allow such dog to use the off leash area without the proper license or in violation of such regulations.

3.7.9 Vaccination Requirement Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian's certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be granted by the Board of Health only upon presentation of a licensed Massachusetts veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons as provided in MGL Chapter 140 s.145B.

3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

3.7.9.2 Pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.

3.7.9.3 Whoever violates this section shall be punished by a fine of not more than one hundred dollars per offense."

SECTION 3.8 NOISE REGULATION

3.8.1 General

Except in an emergency, construction activity conducted pursuant to a building permit, which causes noise that extends beyond the property line, shall be limited to the hours of 7AM to 8PM unless authorized by rules or regulations adopted by the Select Board. The penalty for violation of this regulation shall be a \$50 fine.

SECTION 3.9 PUBLIC NUISANCE REGULATION

3.9.1 As defined below, no owner or tenant shall keep in the public view, on any lot, in any residential district, any substantial amount of junk or debris for more than a reasonable amount of time.

3.9.2 Definitions

3.9.2.1 Junk and Debris includes, but is not limited to, scrap metal, scrap construction materials, rags, plastics, batteries, paper trash, inoperable appliances, mattresses, tires, inoperable machinery, or other item not defined as a structure in accordance with the Massachusetts Building Code and the Town of Needham Zoning By-law, which is not in active use for any purpose authorized in a residential district.

3.9.2.2 A substantial Amount shall mean a quantity of material which occupies more than 375 cubic feet in the aggregate on any lot.

3.9.2.3 Reasonable Amount of Time shall mean thirty (30) days.

3.9.2.4 Public View shall refer to junk and debris viewed from either (i) any property line at six (6) feet or less above ground level, or (ii) by any immediately direct abutter from any place within that immediately direct abutter's residence.

3.9.3 Conditions existing as of the date of the enactment of this section which meet the definition of substantial amounts of junk or debris must be brought into compliance within ninety (90) of the date of the approval of this By-law.

3.9.4 Action under this Section shall not bar any separate action initiated by any other Town Department under other provisions of this By-law or by regulation.

3.9.5 Any Town employee(s) so designated for this work ("enforcement officer") by the Town Manager shall enforce this By-law. The first notice of violation issued by the enforcement officer shall be a written warning. The owner/occupant shall then have thirty (30) days within which to remedy and cure the violation. If within a reasonable period of time after this thirty (30) days have elapsed, the violation has yet to be remedied, the enforcement officer may issue a second written violation notice with a fine of fifty (\$50.00) dollars. If within a reasonable period of time after sixty (60) days have elapsed since the issuance of the first notice of violation, the violation has still not been remedied, the enforcement officer may issue a third written violation with a fine of one hundred (\$100.00) dollars, plus an additional ten (\$10.00) dollars per day beginning on the 76th day following issuance of the first notice of violation and continuing thereafter until the violation is fully remedied/cured.

In the event that the owner/occupier of the involved property is subsequently cited with a second or third offense within that calendar year, the deadlines for remediation and related fines are as stated in the amended Section 8.2.2.4 of the General By-law.

3.9.6 Any citizen against whom a notice of violation is issued under this By-law shall have the right for a hearing before the Town Manager and/or his/her designee, and following said hearing, the Town Manager and/or his/her designee shall within a reasonable period of time thereafter, issue a decision. From the date that such a hearing request is received by the Town Manager until the date that a decision is issued, all of the deadlines stated in sections 3.9.6 and 3.9.7 shall be temporarily stayed.

SECTION 3.10 MARIJUANA ESTABLISHMENTS

All types of "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Needham. Exempt from the provisions of this prohibition are medical marijuana treatment centers operated under a medical use marijuana license in accordance with the provisions of G.L. c. 94I.

Section 3.11 STRETCH ENERGY CODE

3.11.1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

3.11.2 Purpose The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3.11.3 Applicability This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

3.11.4 Stretch Energy Code The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this section.

3.11.5 Enforcement The Stretch Energy Code is enforceable by the Building Commissioner effective January 1, 2020.

[Note. ATM Article 49 passed on May 13, 2019 added Section 3.10 entitled “Stretch Energy Code”. Because there was a previous section 3.10 entitled Marijuana Establishments, the town Clerk renumbered the Stretchy Energy Code to Section 3.11.]

ARTICLE 4

LICENSES AND PERMITS

SECTION 4.1 DOG LICENSES

4.1.1 Licenses. Any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license from the Town Clerk for that dog commencing on January 1st of each year, as required by M.G.L. Chapter 140.

4.1.2 Application. When applying for a license, the applicant must show proof that the dog has received a veterinarian certificate for rabies vaccination within the last three years, if the dog is six months of age or over, as required by M.G.L. Chapter 140, Section 145B. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person, provided that the Division of the Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.

4.1.3 Refund. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Town of Needham or the Commonwealth or any other disposal of said dog.

4.1.4 Failure to License. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to a fine of fifty dollars (\$50.00), in addition to the license fee, upon the complaint of the dog officer. The owner of any unsprayed and unleashed female dog found by the dog officer roaming in season (heat) off the premises of the owner or keeper shall be subject to a fine of fifty dollars (\$50.00). Each such occasion shall constitute separate violations.

4.1.5 Fees. The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Select Board.

SECTION 4.2 PUBLIC CARRIAGES AND TAXIS

4.2.1 Licenses. The Select Board may license hackney carriages or motor vehicles for the conveyance of persons for hire from place to place within the Town and may revoke such licenses at their discretion. A record of all licenses so granted or revoked shall be kept by the Select Board.

4.2.2 Penalties. No person shall set up, use or drive in the Town any unlicensed hackney carriage or motor vehicle for the conveyance of passengers for hire from place to place within the Town. Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars (\$20) for each offense.

4.2.3 Expiration and Fees. Licenses shall expire on the thirtieth day of April following the date of issuance, and shall not be transferred without the written consent of the Select Board. For each license the sum of ten dollars (\$10.00) shall be paid to the Town Treasurer for use by the Town. A license so granted shall become void if the applicant neglects or refuses to take out and pay for his license within ten days after notice that it has been granted.

4.2.4 Taxi Stands. The Select Board may grant to the holder of a license under Section 4.2 a license to use a certain portion of a public way as a taxi stand for the solicitation of passengers for hire and no person shall use any portion of any public way for such purpose without such license. Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

SECTION 4.3 FEES, REGISTRATION APPLICABLE TO FLAMMABLES

4.3.1 Statutory Authority. Pursuant to the authority of M.G.L. Chapter 148, Sections 10A, 13, 38A and 39A, and the Needham Fire Code, there is hereby established a fee schedule for licenses granted by the Select Board, Annual Certificate of Registration filed with the Town Clerk and Permits granted by the Chief of the Fire Department as follows:

4.3.2 Licenses for the Storage of Flammables issued by the Select Board

Class A: (all types)

166	-	40,000 gallons .	.	.	\$50.00
40,001	-	80,000 gallons .	.	.	200.00
80,001	-	100,000 gallons .	.	.	300.00
100,001	-	500,000 gallons .	.	.	400.00
500,001	-	1,000,000 gallons.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	800.00

Class B Fuel: (all types)

501	-	20,000 gallons .	.	.	50.00
20,001	-	40,000 gallons .	.	.	100.00
40,001	-	80,000 gallons .	.	.	200.00
80,001	-	100,000 gallons .	.	.	300.00
100,001	-	500,000 gallons .	.	.	400.00
500,001	-	1,000,000 gallons.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	800.00

Class C Fluids (all types)

1,001	-	20,000 gallons .	.	.	50.00
20,001	-	40,000 gallons .	.	.	100.00
40,001	-	80,000 gallons .	.	.	200.00
80,001	-	100,000 gallons .	.	.	300.00
100,001	-	500,000 gallons .	.	.	400.00
500,001	-	1,000,000 gallons.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	800.00

Flammable Solids 101 lbs and up 50.00

Flammable Gases (within a building)					
3,001 cubic ft. and up	.	.	.	.	50.00
Flammable Gases (outside a building)					
10,001 cubic ft. and up	.	.	.	.	50.00
Liquid Petroleum Gases					
500	-	1,000 gallons	.	.	50.00
over	-	1,001 gallons	.	.	100.00

Automobiles

The parking of four or more vehicles in a structure - two dollars (\$2.00) per vehicle, and not less than fifty dollars (\$50.00).

Advertising costs for a hearing by the Select Board for the issuance of a license for the storage of flammables shall be paid by the applicant.

The annual fees shall include the cost of the initial registration with the Town Clerk. The fee for each annual renewal registration with the Town Clerk shall be the amount herein specified for the original license as set forth above.

4.3.3 Permit Fees

Underground Storage Tank Removal	.	.	.	.	\$100.00
Underground Storage Tank Installation	.	.	.	.	100.00
Underground Gasoline Tank Removal	.	.	.	.	100.00
Underground Gasoline Tank Installation	.	.	.	.	100.00

SECTION 4.4 GENERAL

4.4.1 Denial, Revocation or Suspension for Failure to Pay Municipal Taxes.

4.4.1.1 The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

4.4.1.2 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay local taxes, fees, assessments, betterments or any other municipal charges provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as the date of issuance of said certificate.

4.4.1.3 Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds

for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

4.4.1.4 The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officer, stockholders, if any, or members of his immediate family, as defined in M.G.L. Chapter 268A, Section 1 in the business or activity conducted in or on said property.

This section 4.4.1 shall not apply to the following licenses and permits authorized by the following Massachusetts General Laws: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work-permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

ARTICLE 5

SIGN BY-LAW

SECTION 5.1 AUTHORITY AND OBJECTIVES

This article shall be known as the Sign By-Law, and is adopted under the authority of M.G.L. Chapters 93 and 43B. It is intended that this article will serve the following objectives:

Facilitate efficient communications to ensure that people receive the messages they need or want; promote good relationships between signs and the buildings and environment to which they relate; maintain visual diversity by avoiding a requirement of uniformity; and support business vitality within business and industrial zones by avoiding burdensome procedures and restrictions.

It is hereby determined that if the number of signs in the Town of Needham is excessive and unduly distracting to motorists and pedestrians, it can create a traffic hazard, reduce the effectiveness of signs needed to direct the public and mar the appearance of the Town of Needham.

The regulations contained in this article are the minimum amount of regulation necessary to achieve its purposes.

SECTION 5.2 DEFINITIONS

Sign: Any device designated to inform or attract the attention of persons who are not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this article:

- a) flags and insignia of any government except when displayed in connection with commercial promotion;
- b) legal notices or informational devices erected or required by public agencies;
- c) standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline;
- d) integral decorative or architectural features of buildings, except letter, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights;

- e) on-premises signs guiding and directing traffic and parking, not exceeding two square feet in area and bearing no advertising matter;
- f) devices hand-carried or mounted on vehicles, unless regularly or recurrently located for fixed display;
- g) signs on newspaper vending machines or newspaper racks, which are limited in context to the name and logo of the newspaper sold via such machine or rack and to the means of purchasing a newspaper from such machine or rack.

Sign Area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, and together with any decorative framing or other element whose judged intent is to extend the effective sign area, exclusive of minimal supporting framework, but without deducting for open space or other irregularities. Only one side of flat, back-to-back signs need be included in calculating sign area. In the event of lettering on an awning, the sign area shall be the area of the smallest horizontally or vertically oriented rectangle which could enclose all the lettering and symbols thereon.

On-Premises Signs: Only signs pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises are on-premises signs.

Off-Premises Signs: Signs not pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises on which they are located.

Temporary Sign: Any sign constructed of paper, cloth, canvas, fabric, cardboard, wallboard, wood, metal, or plastic or other light material, with or without frames, intended to be displayed for a continuous period of not more than sixty days.

Permanent Attached Signs: Signs, other than temporary signs, which are attached to a building or visible through its window, whether wall or projecting, are permanent attached signs.

Permanent Freestanding Signs: Signs, other than temporary signs, which are not attached to a building, are permanent freestanding signs.

Compound Sign: One sign structure with two or more signs on it.

Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below.

SECTION 5.3 ADMINISTRATION

5.3.1 Design Review Board. Except for street banners governed, reviewed and approved by the Select Board pursuant to Subsection 5.3.1.5, the review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law. Three members shall constitute a quorum. All decisions shall require a positive vote of at least three members.

The Board shall meet at least monthly at such time and place to be determined by the members and at such additional times as it determines necessary to carry out the provisions of this article. In the event a member is unable or refuses to sit, the Chairman shall designate an alternate member to sit in the place of that absent member.

5.3.1.5 Select Board. Street Banners, which are placed within the Town right-of-way, spanning public streets and/or in locations authorized by the Select Board providing notice of a community-wide public event open to the general public and/or an activity of general community interest and which are hosted by the Town or its departments, boards, agencies, or commissions or by non-profit groups or organizations, may be specifically approved by the Select Board and displayed in locations authorized by the Select Board for a time period not to exceed fourteen (14) consecutive days before the announced event. Neither commercial advertising nor partisan

political content shall be allowed to appear on the street banner. All street banners will be removed within two business days after the announced event or entertainment. Street Banners shall not be subject to the sign requirements of Subsections 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, and 5.3.7, and Sections 5.4 and 5.5. The Select Board may promulgate such regulations regarding street banners as it deems appropriate.

5.3.2 Issuance of Permits. No sign shall be erected, enlarged, redesigned, structurally altered, or used without the review of the Board, at which the applicant shall appear, and a sign permit issued by the Building Inspector, except for signs described in Sub-sections 5.5.1 (a), 5.5.1 (c), and 5.5.3.4. Permits shall be authorized only for signs in conformance with this article.

Applicants shall file a permit application accompanied by a photograph of the facade to which the sign is to be attached, or the area of intended location if unattached, and two prints of scale drawings of the sign and supporting structure showing placement thereon; the applicant shall also file five copies of the permit application, including five copies of all application materials, with the Design Review Board. (See Section 7.7 Design Review, of the Zoning By-Law.) If an applicant requires guidance as to whether any special permits are required or knows that such permit or permits are required, the applicant may file his application with the Building Inspector. If the Building Inspector finds that the proposed sign is in all respects in conformance with this article, he shall within 35 days of filing instruct the applicant to file the application directly to the Design Review Board.

The Design Review Board shall review requests for sign permits submitted and shall, within thirty-five (35) days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the sign to the Building Inspector and the applicant. No sign permit shall be issued by the Building Inspector within this thirty-five (35) day period unless said recommendations are sooner received. If approved by the Design Review Board, the Building Inspector shall issue a sign permit within 45 days of the filing of the application.

If the Building Inspector, upon requested review, finds that the proposed sign is not in conformance with this Article as aforesaid, he shall, within 35 days of the filing of the application notify the applicant in writing of the reasons why a sign permit cannot be granted as of right and give the applicant the option of revising the signage or applying for a special permit. The Building Inspector shall forward a copy of such notice to the Board.

5.3.3 Appeal from Building Inspector's Action or Failure to Act

Any person aggrieved by the Building Inspector's action or failure to act may appeal by filing an appeal with the Board and the Town Clerk within 30 days of the Building Inspector's action or failure to act. The Board shall rule on the appeal within 75 days of the filing of the appeal with the Town Clerk. If the Board denies relief to the applicant, it shall notify him in writing of the reasons for such denial. Failure of the Board to act within said 75 days shall be deemed to be a grant of the relief sought, subject to applicable judicial appeal under state law. If, on appeal, the permit is approved, the Board shall direct the Building Inspector to issue the permit.

5.3.4 Special Permits. If an applicant wishes to obtain a permit for a sign that does not comply with this article, he shall apply to the Board for a Special Permit from the requirements of this article in accordance with the procedure established under Sub-section 5.3.3 of this article. The Board shall set a date for and hold a public hearing. It will be the responsibility of the applicant, at his own expense, to give notice of the public hearing at least seven days in advance by advertisement in a newspaper of general circulation in Needham and by posting such notice in a conspicuous place in the Town Hall for a period of not less than 7 days before the day of the hearing. The applicant for a Special Permit is further required to give notice of the public hearing, sent 10 days before the hearing by certified mail, return receipt requested, postage prepaid to all parties in interest.

Parties in Interest as used in Sub-section 5.3.4 shall mean the abutters, owners of land directly opposite the proposed site of the sign on any public or private street or way and abutters to the abutter within three hundred feet of the property line of the applicant as they appear on the most recent applicable tax list.

Publications and notices of the public hearing required by Sub-section 5.3.4 shall contain the name of the area or premises; street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition; the date, time and place of the public hearing; the subject matter of the hearing; and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in Needham.

The Board may in its discretion grant a Special Permit, but only if the proposed sign meets all of the Design Guidelines set forth in Sub-section 5.3.5 of this article and if the Board finds that, owing to physical peculiarities of the specific location, literal enforcement of the terms of this article would result in substantial hardship to the applicant or substantial detriment to the vicinity, and that such a Special Permit will be consistent with the stated objectives of this Article. If the Board denies the Special Permit sought, it shall notify the applicant in writing of the reasons for such denial. Failure of the Board to act within 75 days shall be deemed to be a grant of the permit sought by such applicant. If the permit is approved, the Board shall direct the Building Inspector to issue permit with such terms and conditions it deems appropriate.

Special Permits are not transferable.

5.3.5 Design Guidelines. The following guidelines shall be used by the Board in its review of all sign applications. A Special Permit may be permitted under Sub-section 5.3.4 above only if the Board finds that the proposed sign meets all of the following guidelines:

- a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed and sign sizes on nearby structures.
- b) Sign size, shape and placement serves to define or enhance such architectural elements of the buildings as columns, sill lines, cornices and roof edges, and not to interrupt, obscure or hide them.
- c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials or other important qualities.
- d) Sign materials, colors, lettering style and form are compatible with building design and use.
- e) Sign content does not overcrowd background.
- f) Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.

5.3.6 Fees - General. Application and hearing fees shall be established and revised from time to time by the Board at a level not exceeding that sufficient to defray the estimated cost of administering this article, and shall be based upon the number, area and illumination of the signs applied for.

5.3.7 Temporary Real Estate Signs. Temporary real estate signs require payment of a uniform fee to be determined by the Board whenever a sign is to be displayed on the premises of property being offered. Real estate brokers or agents shall obtain a one-year permit for displaying such signs and shall be subject to a uniform fee to be assessed annually in an amount to be determined by the Board.

SECTION 5.4 GENERAL REGULATIONS

5.4.1 Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector and in accordance with requirements of the State Building Code. Structural damage, missing letters or other deterioration obscuring content shall be remedied within sixty days or the sign shall be removed. Signs pertaining to a business that has closed, discontinued, or changed its name shall be removed within sixty days.

5.4.2 Prohibitions

5.4.2.1 Illumination

- a) Illuminated signs shall be lighted by a steady stationary light, shielded and directed solely at or internal to the sign.
- b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding 60-foot lamberts elsewhere.

- c) No sign shall be illuminated after 11 P.M. and before 7 A.M., unless related to a retail establishment during hours it is open to the public. In an emergency declared by the Selectmen, however, hours of permissible illumination may be expanded or curtailed to the extent and for such period as the Select Board may require.
- d) Flashing signs, strobe lights, and series or chasing lights, are prohibited from being visible outside a business.

5.4.2.2 Location

- a) No sign shall be erected at the intersection of any streets or of a street and driveway in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape or color, it may interfere with, or obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b) No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
- c) No sign shall be attached to a radio, television, or water tower, or microwave or satellite dish, or any other type of tower or smoke stack.
- d) No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign: except one perpendicular, blade, or projecting sign (hereinafter "projecting sign") is allowed by right, even if it is a second sign, provided it does not, in the opinion of the Board, materially obstruct neighboring signs or businesses. Projecting signs may not be internally illuminated. If the projecting sign is the only sign requested by an applicant seven (7) square feet are allowed by right. If the projecting sign is in addition to a sign on the façade, three (3) square feet is allowed by right. Projecting signs may have a maximum projection of four (4) feet from the wall and a minimum of eight (8) feet above the sidewalk.
- e) No portion of any sign shall be located above the roof line of a building. Roof line means the intersection of the exterior wall and the roof.
- f) No freestanding sign shall be located within a required side or rear yard or within fifteen feet of a streetline or extend more than twenty feet above adjoining ground level.

5.4.2.3 Type

- a) A V-shaped sign consisting of two single-faced signs shall not be permitted.
- b) Pennants, streamers, advertising flags, banners, spinners or similar devices shall not be permitted.
- c) No animated or revolving sign shall be permitted and only time and temperature indicators shall be allowed to flash.
- d) Sandwich boards are also permitted provided they meet the following requirements: one sign per business; 2 feet by 3 feet maximum sign panel in a black or white colored frame; they are comprised of permanent printed sign panels or handwritten sign panels; they are located on the site of the advertised business' street front on private property, or if on public property, do not block or interfere with the 48" width of the public sidewalk; they are on display during the business' operating hours only; they may advertise short term sales, daily menus, sign-up periods up to three weeks ahead of end date, and similar special events; they are not internally illuminated; and they do not contain any alcohol or cigarette advertisements.

SECTION 5.5 PERMITTED SIGNS

5.5.1 All Zoning Districts. The following signs are allowed in all zoning districts:

- a) One on-premise sign, either attached or free-standing, indicating only the name and/or profession of the owner or occupant, the street and/or number, not to exceed two square feet in area. No permit is required.

- b) One off-premise directional sign may be erected and maintained within the public right-of-way at any intersection if authorized by the Select Board, or on private property if authorized following an application and hearing by the Board in accordance with Sub-sections 5.3.2 and 5.3.3 of this article. Such signs shall be permitted only upon the Board's determination that the sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. At locations where directions to more than one establishment are to be provided, all such directional information shall be incorporated into a single structure. All such directional signs shall be unlighted and each shall be not over four square feet in area.
- c) Signs of not more than a total of twelve square feet in area, erected for charitable, educational, political or religious purposes. No permit is required.
- d)
 - (i) A temporary unlighted real estate sign not larger than twelve square feet in area, advertising the sale, rental or lease of the premises or subdivision on which it is erected.
 - (ii) A temporary unlighted sign not larger than twelve square feet indicating the name, address and telephone number of the parties involved in construction on the premises.
 - (iii) For a development of six or more lots or dwelling units, one sign not larger than twelve square feet at each visible street entrance to the development from a prior existing way indicating the name, address and telephone number of the parties involved in construction on the premises.
- e) One bulletin board not exceeding twelve square feet for and on the premises of a public, charitable, educational, political or religious institution. No permit is required to change the lettering on such a bulletin board.
- f) One memorial sign or tablet indicating the name of the building and/or date of erection, if not exceeding 2% of the area of the wall to which it is attached and if carved into or attached in such a way as to be an integral part of the building, and without separate illumination.

5.5.2 Single Residence, General Residence, Apartment and Institutional Zoning Districts

- (a) One on-premises sign, either attached or freestanding, oriented to each street on which the premises abut, each such sign not to exceed twelve square feet in area, indicating the nonresidential principal use or uses of the premises.
- (b) One on-premises sign, either attached or freestanding, stating the name of the apartment complex if it contains more than six units, such sign not to exceed twelve square feet.

5.5.3 Business, Industrial, and Industrial Park Zoning Districts

5.5.3.1 Number: In addition to signs allowed under Sub-section 5.5.1 and 5.4.2.2 d) the following are permitted:

- a) One permanent sign whether permanently attached or freestanding, as further described in Sub-sections 5.5.3.2 and 5.5.3.3 of this article, for each occupant of separate space per street that the premises abut. However, no permit may be granted for more than one freestanding sign per parcel;
- b) One additional sign for each business which has an entrance facing a side or rear parking lot available for use by the public; said sign to be located so as to designate the entrance and to be smaller than the primary sign.

5.5.3.2 Permanent Attached Signs. The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation to which they are attached. Each sign shall not exceed 2 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet. If a sign is oriented for visibility from Route 128 (I-95), and is to exceed 32 square feet, then the Board may approve it only after a finding that the sign complies with the Design Guidelines, and no such sign shall exceed one hundred square feet.

5.5.3.3 Permanent Freestanding Signs

- a) Area: If a single sign, the area shall not be more than 32 square feet, and not more than 60 square feet if oriented for visibility from Route 128 (I-95). If a compound sign, the total area of a freestanding sign structure shall not exceed 60 square feet
- b) Visibility: Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least seven feet from the ground to the base of the sign, except that monument signs may be no more than 3 feet above street grade.
- c) All freestanding signs on the same parcel of land shall be attached to the same support.

5.5.3.4 Temporary. Except as provided in Section 5.4.2.3 d), temporary signs, in addition to signs allowed under Sub-section 5.5.3.1, are permitted only if unlighted, inside of windows, occupying not more than 25% of the area of each window, and advertising sales, special events or changes in the nature of an operation, but shall not otherwise be used to advertise a continuing or regularly recurring business operation and shall be removed promptly when the information they display is out of date or no longer relevant. No permit is required.

5.5.4 Table of Sign Areas. The following table of maximum sign sizes is presented for ease of use. For clarification, refer to the appropriate section(s) of the By-law. In some instances the actual size may be less than the maximum area. Signs of less than 2 square feet require no permit.

Type	Maximum Area (square feet)
Sale, lease, rental subdivision [5.5.1.d (i)]	12
Construction [5.5.1.d.(ii)]	12
Development of 6 or more units or lots [5.5.1.d.(iii)]	12
Real estate signs [5.5.1.d.(i)]	12
Religious, educational, charitable or political institutions [5.5.1.c]	12
On premise signs, all zoning districts [5.5.1.a]	2
Nonresidential principal uses in residential districts [5.5.2.a]	12
Apartment complexes [5.5.2.b]	12
Business, Industrial, or Industrial Park	
Districts Attached [5.5.3.2] 2 sq. ft. for each linear ft. of building	32
Attached if visible from Rt. 128 [5.5.3.2]	100
Freestanding [5.5.3.2]	32
Freestanding if visible from Rt. 128 [5.5.3.3].	60
Off-premises directional signs [5.5.1.b]	4
Bulletin boards for institutions [5.5.1.e]	12

SECTION 5.6 VIOLATIONS

5.6.1 Fines. Any person violating any provisions of this Article shall be subject to a penalty up to the maximum amount allowed for each offense under the noncriminal processes authorized by M.G.L. Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

5.6.2 Notice and Removal. Existing signs which violate this article shall be removed or brought into conformity with this article within thirty days of notification of violation by the Building Inspector, unless he authorizes a longer period necessitated by unavailability of parts.

5.6.3 Pre-existing, Non-Conforming Signs. Signs erected prior to February 24, 1986, and not enlarged, redesigned, or structurally altered after that date other than pursuant to a permit issued by the Building Inspector shall not have to be removed or brought into conformity with this article until February 24, 1996.

ARTICLE 6

GENERAL WETLANDS PROTECTION

SECTION 6.1 PURPOSE

The purpose of this article is to protect the wetlands, related water resources and adjoining land areas in the Town of Needham by prior review and control of activities deemed by the Conservation Commission likely to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat, recreation, agriculture and aquaculture values (collectively, the "wetlands values protected by this article").

SECTION 6.2 JURISDICTION

Except as permitted by the Conservation Commission (hereinafter referred to as "the Commission") or as provided in this article, no person shall remove, fill, dredge, build upon or alter the following resource areas: (1) within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; (2) within 100 feet of any bank, beach, dune or flat; (3) any lake, river, pond or stream, whether or not intermittent; (4) within 100 feet of any lake, river, pond, stream or estuary; (5) any land under said waters; or (6) any land subject to flooding (collectively, the "resource areas").

SECTION 6.3 EXCEPTIONS

The permit and application required by this article shall not be required for maintaining or repairing, but not changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph or other telecommunications services, provided that written notice has been given to the Commission at least 14 days prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this article shall not be required for work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use, provided that written notice has been given to the Commission at least 14 days prior to the commencement of work.

The permit and application required by this article shall not apply to emergency projects necessary for the protection of the health or safety of the public, as determined by the Commission, in such circumstances and upon such conditions as it deems appropriate, after advance written notice has been received by the Commission prior to commencement of any work, except for emergency response to safeguard life, health and property damage.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this article.

SECTION 6.4 APPLICATION FOR PERMITS AND REQUESTS FOR DETERMINATION

Written application to perform activities regulated by this article, affecting resource areas protected by this article, shall be filed with the Commission. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this article.

The Commission shall accept as the application and plans under this article the Notice of Intent and plans filed under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, together with such other information as is required by this article and regulations issued hereunder.

Any person desiring to know whether or not a proposed activity or an area is subject to this article may in writing request determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

At the time of an application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, M.G.L. Chapter 131, Section 40. The Commission may waive or reduce the filing fee and costs and expenses for an application or request filed by a government agency or otherwise as the Commission may determine by its regulations.

SECTION 6.5 NOTICE OF HEARINGS

The Commission in an appropriate case may combine its hearing under this article with the hearing conducted under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

Any person filing an application or a request for determination with the Commission shall give written notice thereof, at the same time, to all abutters at their mailing addresses, shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality. The applicant shall notify abutters in writing by hand delivery or certified mail, return receipt requested, or by certificates of mailing. If written notification is made by hand-delivery, the applicant shall obtain signatures at the time of delivery acknowledging receipt of said notification. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant at least five working days prior to the hearing, in a newspaper of general circulation in the Town.

The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reason stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in Section 6.6. In the event the applicant objects to a continuance or postponement, the hearing shall be closed; and the Commission shall take action on such information as is available.

SECTION 6.6 COORDINATION WITH OTHER BOARDS

Any person filing a permit application or a request for determination with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Select Board, Planning Board, Board of Health and Building Inspector. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had 21 days from receipt of notice to file written comments and recommendations with the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

SECTION 6.7 PERMITS, DETERMINATION AND CONDITIONS

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this article, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this article; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this article; and where conditions are inadequate to protect those values. The Commission may require applicants to retain an independent consultant, acceptable in advance by the Commission, in order to provide the Commission with sufficient information on which to base a decision.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission, in its discretion, may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. The Commission may renew any permit for one period of up to three years, provided that such request is received in writing by the Commission at least 30 days prior to the expiration of the permit.

The Commission may revoke or modify a permit issued under this article for good cause after notice to the holder of the permit, to the public, to abutters and to town boards pursuant to Section 6.5 and a public hearing.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this article with the Order of Conditions issued under the Wetlands Protection Act.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Norfolk Registry of Deeds or, if the land affected thereby is registered land, in the registry section of the land court for the Norfolk district, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

SECTION 6.8 REGULATIONS

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this article. Failure by the Commission to promulgate such rules and regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this article.

SECTION 6.9 DEFINITIONS

Except as otherwise provided in regulations of the Commission, the definitions of terms in this article are those set forth in the Wetlands Protection Act, M.G.L. Chapter 131, Section 40 or regulations promulgated thereunder.

The following definitions shall apply in the interpretation and implementation of this article:

The term person shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town

by-laws, administrative agency, public or quasi-public corporation or body, this municipality and any other legal entity, its legal representatives, agents or assigns.

The term alter shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this article:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation;
- (f) Driving of piles, erection or expansion of buildings or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life, including cutting of trees;
- (i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- (j) Any activities, changes or work which may cause, or tend to contribute to, pollution of any body of water or groundwater, including but not limited to, application of pesticides or herbicides.

SECTION 6.10 SECURITY

As part of any permit issued under this article and in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of any conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- (a) By a proper bond, deposit of money, negotiable securities or other undertaking of financial responsibility sufficient, in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;
- (b) By a covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Upon written request of the applicant, the Commission shall release the covenant described in (b) above, or partially release said covenant with respect to particular lots, provided that:

- 1. No violation notice under this Article or enforcement order under M.G.L. Chapter 131, Section 40 has been recorded at the Norfolk County Registry of Deeds as of the date of the applicant's request; and
- 2. A proper bond or other undertaking of financial responsibility, as provided in (a) above, and sufficient in the opinion of the Commission, has been given to the Commission.

In the event that a bond or other undertaking has already been given, the Commission reserves the right to increase the amount of the bond or other undertaking of financial responsibility sufficient, in the opinion of the Commission, to secure completion of the work to be performed pursuant to the permit.

SECTION 6.11 ENFORCEMENT

The Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may make, or cause to be made, such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this article, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.

Upon request of the Commission, Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police or Town Counsel shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this article, regulations thereunder or permits issued thereunder may be punished by a fine of not more than the maximum amount allowed under Chapter 40 of the Massachusetts General Laws. Each day or portion thereof during which a violation continues shall constitute a separate offense; and each provision of the article, regulations or permit violated shall constitute a separate offense.

SECTION 6.12 BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this article. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 6.13 APPEALS

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days of the date of the decision in accordance with M.G.L. Chapter 249, Section 4.

SECTION 6.14 RELATION TO THE WETLANDS PROTECTION ACT

This article is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rules statutes, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder.

SECTION 6.15 EFFECTIVE DATE

The effective date of this article shall be September 1, 1988, and shall not be applicable to (a) work presently regulated by Orders of Condition issued by the Commission pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder, and (b) work that is the subject of Notices of Intent filed with the Commission prior to September 1, 1988, pursuant to the provisions of said Wetlands Protection Act.

ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4).

- (c) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections.
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards, regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996.
- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement.
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff.
- (g) To promote infiltration and the recharge of groundwater.
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff.
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs) Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Commercial The term commercial shall include municipal, industrial, and multi-family projects.

Construction Site Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Zoning Board of Appeals (ZBA), or Conservation Commission.

Erosion Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion control is typically achieved through the installation of straw bales, silt fence, silt socks, or by surface coverings such as jute mesh, erosion control blankets, or by the establishment of surface vegetation.

Dry Well A subsurface structure that infiltrates stormwater runoff.

Green Citizen Certificate A certificate issued by the Select Board conferring recognition to environmentally conscious citizens who install infiltration/recharge systems, rain gardens, or similar stormwater quality improvements that are not required by the Stormwater By-Law or these promulgated regulations.

Illicit Connection A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, rooftops and swimming pools.

Large Residential Project A residential project (new construction or reconstruction) of a residential building with larger than 4,000 square feet (s.f.) of ground coverage.

Low Impact Development (LID) Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

Massachusetts Stormwater Handbook (MSH) A document published in 1997 and revised and updated in 2008 by MassDEP as guidance on the 1996 Stormwater Policy.

MS4 (Municipal Separate Storm Sewer System) The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit
A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot, or construction of a subdivision roadway requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan The plan that accompanies an application for a Building Permit.

Point Source Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;

- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Permitting Authority The municipal board, committee or department with authority for issuing permits for construction. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

Recharge The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) Development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

Runoff The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater Water originating from rainfall and snow/ice melt.

Stormwater Management The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Vegetation Trees, shrubs, bushes and ground cover, including grass.

Watershed Management Plan The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L. ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

- 7.3.1 The Select Board shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this By-law, after conducting a public hearing to receive Public comment.
- 7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.

- 7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.
- 7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals

All persons required to obtain a Building Permit for new construction and/or additions greater than 25% of the existing building footprint shall be subject to the requirements of this By-Law.

All persons also required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction and/or additions greater than 25% of the existing building footprint) are subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control

Except as listed below, all applications for new construction or redevelopment subject to the provisions of this By-law, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions.

The relevant permitting authority (Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission) shall review and approve the Stormwater Management and Erosion Control Plan prior to the issuance of a permit.

The Director of Public Works/designee shall participate in the review process and make recommendations to the permitting authority as needed. Applications involving facade treatments, interior renovations, and/or changes in use are exempt from the requirement for a Stormwater Management and Erosion Control Plan.

The following applications do not require a Stormwater Management and Erosion Control Plan when proposed in an area not subject to jurisdiction of the Conservation Commission:

- Applications for addition to a commercial structure, parking lot, or roadway that is less than 1,500 square feet.

7.4.3 Modification of Building Permits

The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with an approved Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 **Illicit Discharges** No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 **Illicit Connections** No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 **Obstruction of Municipal Storm Drain System** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions

The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.
- (l)

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law.

7.7.2 Exempt Activities

The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 **Pre-Construction**

A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 **Construction**

The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 **Post-Construction**

For both commercial and residential projects, the Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices (BMPs) to remove pollutants from stormwater prior to recharge to the groundwater in accordance with the Massachusetts Stormwater Handbook. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 **Standard Infiltration Method**

As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development subject to this By-Law with 4,000 square feet of impervious surface or less on the property, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 **Poor Soils**

Properties located within an area of poor soils as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The

contribution shall be an amount as determined by the Select Board per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this By-Law. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious surface or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 As-Built Drawing

Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious surface constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All developments subject to this By-Law shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control measures must, in the opinion of the Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission, as the case may be, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act*, M.G.L. c. 131, § 40 and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

- 7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:
- (a) eliminate illicit connections or discharges to the MS4;
 - (b) perform monitoring, analyses, and reporting;
 - (c) cease and desist unlawful discharges, practices, or operations; and
 - (d) remediate contamination in connection therewith.
- 7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.
- 7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Select Board who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.
- 7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Select Board, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- 7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

SECTION 7.11 WAIVER

The permit granting authority may waive strict compliance with any requirement of this By-Law when (a) such action would serve a substantial public interest, (b) such action is required for compliance with the Massachusetts Contingency Plan (MCP), or (c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served.

ARTICLE 8

PENALTIES AND ENFORCEMENT OF TOWN BY-LAWS,

RULES AND REGULATIONS

SECTION 8.1 PENALTIES

8.1.1 Whoever performs an act, or carries on a business or an activity within the Town for which a license or permit is required by the provisions of these General By-Laws, the Building, Plumbing and Electrical Wiring Codes and the Zoning By-Laws, without having a valid outstanding license or permit to perform such an act, or to carry on such business or activity, shall, unless a specific penalty is provided elsewhere in said by-laws or codes, be punished by a fine of not exceeding twenty dollars (\$20.00) for each offense.

8.1.2 Except as may be otherwise provided by law, and as the district court may see fit to impose, for any violation of these General By-laws the minimum penalty for each violation shall be fifty dollars (\$50). The maximum penalty for each violation or offense brought in such manner shall be three hundred dollars (\$300).

SECTION 8.2 ENFORCEMENT

8.2.1 Criminal Complaint. Any person violating any provision of these General By-Laws may be penalized by indictment or on complaint brought in the district court.

8.2.2 Non-criminal Disposition. Any person violating any provision of these General By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following sub-sections are to be included within the scope of this sub-section, that the specific penalties as listed here shall apply in such cases and that in addition to the municipal personnel listed for each section, if any, police officers shall in all cases be considered enforcing persons for the purpose of this provision; and each day on which any violation exists shall be deemed to be a separate offense.

8.2.2.1 Zoning By-Law

Enforcement Agent: Building Inspector, Assistant Building Inspector
Fine Schedule:
Warning - First Offense;
\$50. - subsequent offenses

8.2.2.2 Sign By-Law (Section 5)

Enforcement Agent: Building Inspector, Assistant Building Inspector
Fine Schedule:
Warning - First offense;
\$50. - subsequent offenses

8.2.2.3 Demolition of Historical Buildings (2.11.5.9)

Enforcement Agent: Building Inspector
Fine Schedule: Up to \$300 per offense.

8.2.2.4 Police Regulations

A. Grazing Of Animals (Sub-section 3.1.1)

Fine Schedule:
\$20. per offense

B. Obstructing Public Ways Or Sidewalks (Sub-section 3.1.2)

Fine Schedule:
\$50. per offense

C. Carrying Refuse Substances Without Board Of Health Approval (Sub-section 2.5.1)

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
First Offense - \$50.
Second Offense - \$100.

Third Offense - \$200
Fourth and Subsequent Offenses - \$300

D. Coasting On A Public Way (Sub-section 3.1.3)

Fine Schedule:
\$20. per offense

E. Driving On A Public Sidewalk or Footpath (Sub-section 3.1.4)

Fine Schedule:
\$50. per offense

F. Riding Bicycles On Sidewalks In Needham Square and The Heights Square Business Districts (Sub-section 3.1.5)

Fine Schedule:
\$20. per offense

G. Discharging A Firearm (Sub-section 3.1.6)

Fine Schedule:
First Offense - \$50.
Second Offense - \$100.
Third Offense - \$200
Fourth and Subsequent Offenses - \$300

H. Corner Clearance (Sub-section 2.2.5.1.6)

Enforcement Agent: Town Engineer/Building Inspector
Fine Schedule:
\$50. per offense

I. Alcoholic Beverages On Public Property (Sub-sections 3.1.9)

Fine Schedule:
\$50. per offense

J. Public Consumption of Marijuana (Sub-section 3.1.10)

Fine Schedule: \$50 per offense

K. Licensed Hawkers And Peddlers (Sub-section 3.1.11)

Fine Schedule:
\$50. per offense

L. Household Refuse (Section 3.1.12)

Enforcement Agent: Director of Public Works or Designee
Fine Schedule:
Warning - First Offense
\$25 Second Offense
\$50 Third Offense
\$75 Fourth and Subsequent offenses

M. Nighttime Closing Hours (Sub-sections 3.2.1 through 3.2.5)

- Fine Schedule:
\$200. per offense
- N. **Obstructing Fire Lanes (Sub-sections 3.6.1.1 through 3.6.1.3)**
- Enforcement Agent: Fire Chief/Fire Inspectors
Fine Schedule:
\$50. per offense
- O. **Public Carriages (Taxis) (Sub-sections 4.2.1 through 4.2.4)**
- Fine Schedule:
\$50. per offense
- P. **Abandoned Cars (Sub-section 3.5.4 – 3.5.7)**
- Fine Schedule:
\$50.00
- Q. **Discharge of Water (Sub-section 3.1.12)**
- Fine Schedule:
\$50.00 per offense
- R. **Snow and Ice on Sidewalks (Sub-Section 3.1.8)**
- Enforcement Agent: Any DPW Supervisor
Fine Schedule: \$50.00 per offense
- S. **Discharge of Bow and Arrow (Section 3.1.13)**
- Fine Schedule:
First Offense - \$50.
Second Offense - \$100.
Third Offense - \$200
Fourth and Subsequent Offenses - \$300
- T. **Noise Regulation (Section 3.8.1)**
- Fine Schedule:
\$0 First offense
\$25. Second offense
\$50. For each additional offense
- U. **Public Nuisance Regulation (Section 3.9)**
- Fine Schedule:
- \$0 First offense – written warning
\$50. Failure to remedy/cure first offense within thirty (30) days following issuance of the first notice of violation
\$100. Failure to remedy/cure first offense within sixty (60) days following issuance of the first notice of violation
\$10 Additional per diem fine for failure to remedy/cure first offense within seventy-five (75) days following issuance of the first notice of violation, which additional daily fine shall continue until the first offense is fully remedied/cured
- \$50. Second offense within the calendar year

\$100. Failure to remedy/cure second offense within thirty (30) days following issuance of the first notice of violation

\$10. Additional per diem fine for failure to remedy/cure second offense within forty-five (45) days following issuance of the first notice of violation, which additional fine shall continue until the second offense is fully remedied/cured

\$100. Third offense within the calendar year

\$200. Failure to remedy/cure third offense within thirty (30) days following issuance of the first notice of violation

\$10. Additional per diem fine for failure to remedy/cure third offense within forty-five (45) days following issuance of the first notice of violation, which additional fine shall continue until the third offense is fully remedied/cured.

V. Vaccination Requirements (Section 3.7.9)

Enforcement Agent: Animal Control Officer

Fine Schedule: \$50 per offense

W. Street Occupancy Permit/Excavation in a Public Way (Sub-section 2.2.5.1.4)

Enforcement Agent: Director of Public Works or his or her designee

Fine Schedule:

\$300 per offense

8.2.2.5 Conservation Commission Regulations

A. Wetlands Protection By-Law (Sub-sections 6.1 through 6.15)

Enforcement Agent: Conservation Commission Chairman/Conservation Agent

Fine Schedule:

\$100. first offense

\$200. subsequent offenses

8.2.2.6 Fire Department Licenses And Permits (Sub-sections 4.3.1 through 4.3.3)

A. Removing Underground Tank Without A Permit

Enforcement Agent: Fire Chief/Fire Inspector

Fine Schedule:

\$200. per offense

B. Failure To Obtain Required Fire Department License Or Permit

Enforcement Agent: Fire Chief/ Deputy Chiefs/Fire Inspectors

Fine Schedule:

\$200. per offense

8.2.2.7 Board Of Health Regulations

Enforcement Agent: Health Director, Environmental Health Agent,
or Public Health Nurse

Fine Schedule:
First Offense - \$50
Second Offense - \$100
Third Offense - \$200
Fourth and Subsequent Offenses - \$300

8.2.2.8 Select Board Regulations

A. Regulations Regarding For-Profit Transient Vendors/Businesses; Hawkers and Peddlers; Door to Door Solicitations

\$25.00 First offense
\$50.00 Each subsequent offense within any twelve month period, each subsequent offense constituting a separate offense. (*Revised Article 70, 2001 A.T.M.*)

B. Regulations Regarding Trench Safety Authorized by Section 2.2.5.4.4

Enforcement Agent: Director of Public Works
Fine Schedule: \$100 per offense.

C. Water Emergencies; Violations (Sub-Section 2.2.5.5)

Enforcement Agent: Any DPW Supervisor
First violation: Written Warning
Second violation (issued within the same calendar year): \$50
Third violation (issued within the same calendar year): \$200
Fourth and subsequent violations (issued within the same calendar year): \$300
Each day of violation shall constitute a separate offense.

D. Private Ways (Sub-Section 2.2.5.6)

Enforcement Agent: Fire Chief
\$50 per offense.

8.2.2.9 Stormwater Regulation (Article 7)

Enforcement Agent: Director of Public Works, Town Engineer
Fine Schedule
First Offense – Written Warning
Second Offense – failure to cure offense within 15 days’ of notice of first offense
- \$50 - each day being a separate offense.
Subsequent Offenses – failure to cure offense within 15 days’ notice of second offense - \$100 - each day being a separate offense.

ARTICLE 9

LEGAL CONSTRUCTION OF GENERAL BY-LAW PROVISIONS

SECTION 9.1 DEFINITIONS

As used in these General By-Laws, the following words and phrases shall have the following meanings, unless the context clearly requires a different construction:

Home Rule Amendment - Amendment Article II of the Constitution of the Commonwealth, as revised by Amendment Article LXXXIX of said Constitution, all as the same from time to time be amended hereafter.

M.G.L. - the General Laws of the Commonwealth of Massachusetts, as most recently amended.

Town - the Town of Needham.

Town Charter - Acts of 1971, Chapter 403 (the Needham Special Home Rule Charter Act), as from time to time amended.

SECTION 9.2 EFFECT OF GENERAL LAW AMENDMENTS

If a provision of the General Laws, cited in a Town by-law, shall be renumbered and located elsewhere in the General Laws by the General Court or by an initiative law, the old citation appearing in by-law shall be construed as meaning the new provision, until such by-law is amended to correct the reference. The Town Counsel shall, as necessary, submit to the Town Meeting as soon as may be, proposals to correct any statutory references in the Town by-laws.

SECTION 9.3 CONSTRUCTION OF OTHER WORDS AND PHRASES

Words and phrases used in General By-Law provisions enacted under authority of, or in implementation of, general or special laws of the Commonwealth shall have the meaning such words and phrases have in said laws, unless the by-law context clearly requires a different construction.

SECTION 9.4 SEVERABILITY CLAUSE

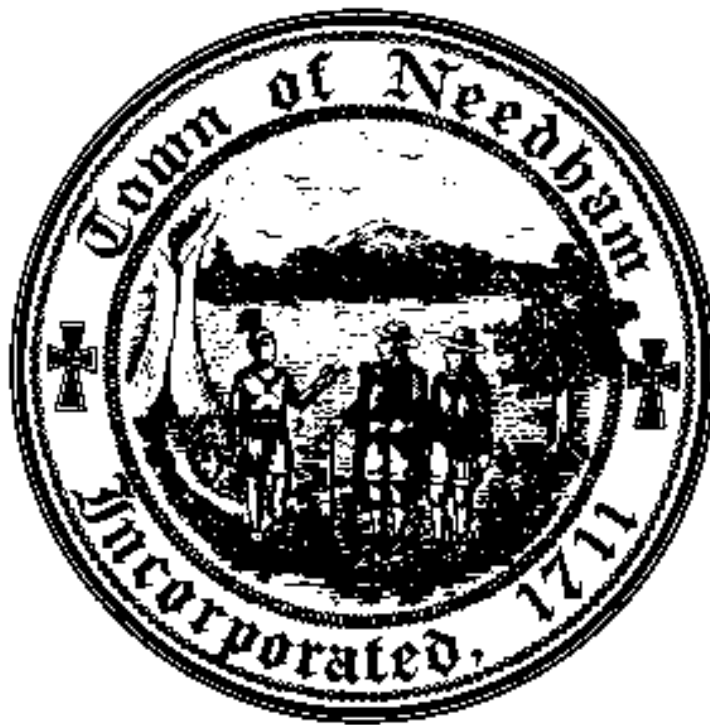
These Articles, and their various parts, sections and clauses thereof, are hereby declared to be severable. If any part, section or clause is adjudged invalid by the Attorney General or by a court of competent jurisdiction, the remainder shall remain in full force and effect.

TOWN OF NEEDHAM

MASSACHUSETTS

CHARTER

(Acts of 1971, C. 403 as amended by the
Act of the General Court.)



2022 Compilation

(Note: Amended by the Annual Town Meeting, Article 38, and signed by the Governor of the Commonwealth of Massachusetts on November 28, 2022)

TOWN OF NEEDHAM

CHARTER

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PART 1.

INCORPORATION, SHORT TITLE, DEFINITIONS

Section 1. Incorporation Continued. All the inhabitants dwelling within the territorial limits of the town of Needham, as presently and hereafter constituted, shall continue to be a body politic and corporate known as the town of Needham which shall be a political subdivision of the commonwealth and, as such, shall have perpetual succession and shall hold and exercise all powers and privileges heretofore exercised by the town and any additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the constitution and laws of the commonwealth.

Section 2. Short Title. This act shall be known and may be cited as the Needham special home rule charter.

Section 3. Definitions. As used in this act, the following words and phrases shall have the following meanings unless the context or the constitution of the commonwealth clearly requires otherwise.

"Charter", this act and any amendments to this act adopted pursuant to chapter 43B of the General Laws.

Civil defense laws", all General Laws, temporary laws and the provisions of this charter relative to: (i) the defense of the commonwealth in anticipation of, during and following enemy attack; (ii) the suppression of domestic disorders; (iii) the protection of order, life and property during and immediately following natural or man made disasters of great magnitude; and (iv) the continuity of government in the commonwealth and in the town during and immediately following any such attack, disorder or disaster.

"Town meeting", a regular or special meeting of the elected representative town meeting members; provided., however, that "town meeting" shall not include a meeting of the registered voters of the town unless the context clearly requires otherwise.

"Vote of the town", a town by law or a vote adopted by the town meeting including, where appropriate to the context, the results of a referendum.

PART 2.

REPRESENTATIVE TOWN MEETING

Section 4. Representative Town Meeting Continued. There shall continue to be in the town the form of representative town government by limited town meetings as set forth herein.

Section 5. Establishment of Town Meeting Precincts. The division of the town into 10 voting precincts shall continue until re-divided pursuant to this section. The select board, in exercising its authority to divide the territory of the town into voting precincts, shall make such division as will provide not more than 10 precincts, each of which shall contain approximately the same number of inhabitants.

The precincts shall be established so as to consist of compact and contiguous territory and bounded, so far as possible, by the center line of known streets and ways or by other well-defined limits. Their boundaries shall be reviewed and, if need be, revised by the select board based on the most recent federal census in the second January following the taking of the census, conformable to the requirements of sections 1 to 10, inclusive, of chapter 54 of the General Laws. In any year when so directed by a vote of a town meeting, the boundaries shall be reviewed and, if necessary, revised by the select board in conformity to said sections 1 to 10, inclusive, of said chapter 54.

Not later than 20 days after the establishment or revision of the precincts, but not later than January 31 of that year, the select board shall file a report of their doings with the town clerk, the registrars of voters and the assessors with maps or descriptions of the precincts and the names and residences of the registered voters therein. The select board shall also cause to be posted at the town hall such maps or descriptions of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least 1 public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein

The division of the town into precincts and any revision of such precincts shall take effect on the date that the select board files the report thereof with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts.

Meetings of the registered voters of the several precincts for elections, for primaries and for voting upon any question to be submitted to all of the registered voters of the town shall be held on the same day and at the same hour and at such places within the town as the select board shall direct in the warrant for such meeting.

Section 6. Representative Town Meeting Membership. Other than the officers designated in section 7 as town meeting members at large, the representative town meeting membership in each precinct shall consist of the largest number divisible by 3 which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town and which will cause the total elected membership to be as nearly but not more than 240 as may be.

In any year in which a revision of the precincts in the town may not be done because of the restrictions imposed by chapter 54 of the General Laws, the select board may reapportion the seats of the town meeting members elected from precincts in proportion to the number of inhabitants residing therein in order to reflect significant population changes as estimated by the town clerk using the annual street listings and the annual school census.

The registered voters in each precinct shall elect by ballot the number of registered voters in the precinct, other than the officers designated in section 7 as town meeting members at large, as provided for in the first paragraph to be town meeting members.

The incumbent town meeting members serving at the time this charter takes effect shall continue to serve the balance of the terms for which they were elected. Their successors shall be elected in the same manner for 3-year terms as may be necessary to provide for each precinct the total number to which it is then entitled. Upon the redivision of the town into a greater or lesser number of precincts in accordance with the procedures set forth in this charter and in the General Laws, the terms of all incumbent town meeting members shall terminate upon the election and qualification of their successors as provided in the following paragraph.

After any redivision of the town into precincts as provided in this charter, the registered voters in each precinct shall elect by ballot the number of registered voters in the precinct, other than the officers designated in section 7 as town meeting members at large, as provided for in the first paragraph to be town meeting members pursuant to the following paragraph.

The first third in order of votes received of members so elected shall serve 3 years, the second third in such order shall serve 2 years and the remaining third in such order shall serve 1 year, beginning on the day of such election. In case of a tie vote affecting the division into thirds, the members elected from the precinct shall determine the same by ballot. Thereafter, except as otherwise provided herein, at each annual town election, the registered voters of each precinct shall, in like manner, elect as town meeting members for terms of 3 years such number of elected town meeting members as are necessary to provide for such precinct the total number of elected town meeting members to which it is then entitled and the registered voters shall at such election fill any vacancies then existing in the number of town meeting members in such precinct and such persons elected shall serve for the remainder of the unexpired terms for which they were elected. The terms of office of all elected town meeting members from each precinct shall cease upon the election of their successors as herein provided. Town meeting members as such shall receive no compensation. After each election of town meeting members, the town clerk shall forthwith notify each member by mail of their election.

Section 7. Town Meeting Members at Large. Any representative town meeting held under this charter, except as otherwise provided herein, shall be limited to the voters elected pursuant to section 6, together with the following elected officers designated as town meeting members at large, each of whom shall have the right to vote in the town meeting: (a) any resident member of the general court from the town whose state legislative district is wholly within the town; (b) the moderator; (c) the town clerk; (d) the members of the select board; (e) the chairperson of each other elected board of the town, except the housing authority and the commissioners of trust funds.

If a voter elected to be a town meeting member under section 6 shall be elected to become 1 of the officers designated as a town meeting member at large in clauses (a) to (d), inclusive, of the first paragraph, such person shall, upon such election, cease to be a town meeting member elected under said section 6 and the resulting vacancy in the representation of that member's precinct shall be filled as provided in section 9. A voter may serve at the same time as a town meeting member upon election as such under said section 6 and as an officer designated as a town meeting member at large under clause (e)

of said first paragraph and such voter may vote in proceedings of the town meeting as a single member and shall not vote a second time by reason of such dual tenure of offices. The designation as a town meeting member at large under said clause (e) of said first paragraph shall apply to the chair of the elected board as of the tenth day following the annual town election.

Section 8. Nomination of Candidates for Town Meeting Members. Nomination of candidates for town meeting members to be elected under this charter shall be made by nomination papers, which shall bear no political designation, but to the name of an incumbent candidate elected by the people, the words "Candidate for Re-election" may be added. Nomination papers shall be signed by not less than 10 voters of the precinct in which the candidate resides and shall be filed with the town clerk not later than the date fixed by law as the last day for filing nomination papers by candidates for town office; provided, however, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk not later than the last date fixed by law for the giving of such notice. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Section 9. Resignations and Vacancies in Elected Town Meeting Membership. A town meeting member may resign by filing a written resignation with the town clerk and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from 1 precinct to another or becomes removed due to a revision of precincts shall not retain membership after the next annual election as an elected member from the precinct from which he is removed.

If a vacancy occurs in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect or from any other cause, the town clerk shall immediately select the person who received the next highest number of votes for the office of town meeting member in the preceding election in that precinct and shall notify such person of such person's appointment as a town meeting member. If that candidate does not accept such appointment, the town clerk shall select the person who received the next highest number of votes for the office of town meeting member in the preceding election in that precinct. If that candidate does not accept such appointment, the town clerk shall call together the town meeting members of the precinct wherein the vacancy occurred and they shall by majority vote of those present, elect any registered voter of that precinct to fill the vacancy. The town clerk shall count the ballots, make a certificate of the election and notify the person so chosen and, upon receipt by the town clerk of a written acceptance by the person so elected, the person shall be deemed elected and qualified as a town meeting member, subject to the right of all town meeting members to judge the election and qualification of its members, as provided in section 10.

A town meeting member appointed or elected to fill a vacancy pursuant to this section shall serve only until the next annual town election.

A tie vote between 2 or more persons for the last place to be filled by elected candidates or between 2 or more persons with the highest number of votes as defeated candidates or between 2 or more persons with the second highest number of votes as defeated candidates shall be resolved by a majority vote of the town meeting members from that precinct attending a meeting called by the town clerk for that purpose. Upon resolution of a tie vote by the town meeting members, any person not so chosen for the last place to be filled by elected candidates shall be deemed to be the person or receiving the highest number of votes as defeated candidates and any person so tied at the election with the highest number of votes as defeated candidates who are not so chosen by the town meeting members of the precinct shall be deemed to be the person or person receiving the second highest vote as defeated candidates.

Section 10. Town Meeting to be Judge of Own Members. The representative town meeting shall be the judge of the election and qualifications of its elected members.

Section 11. Time, Notice, Conduct and Adjournment of Town Meeting. The annual town meeting for the election of town officers and such other matters as may be voted on the official ballot and the annual town meeting for the transaction of business by the representative town meeting shall be held in February, March, April or May of each year as shall be determined by vote of the town.

The town clerk shall notify town meeting members of the time and place at which representative town meetings shall be held and such notices shall be sent by mail at least 7 days before the meeting.

A majority of the town meeting members shall constitute a quorum for the transaction of business but a lesser number may organize temporarily and may adjourn from time to time. Notice of each adjourned representative town meeting shall be posted by the town clerk in at least 5 public places in the town and the town clerk shall also notify the members by mail of

the adjournment at least 24 hours, if the period of adjournment shall permit, before the time of the adjourned representative town meeting. A notice shall state briefly the business to be acted upon at the town meeting and shall include notice of any proposed reconsideration. All town meetings shall be open to the public and the press and, subject to such conditions as may be determined from time to time by the representative town meeting, a voter of the town who is not a town meeting member may speak at any representative town meeting but shall not vote.

Section 12. Warrant Articles and Voting Thereon by Town Meeting. The articles in the warrant for every town meeting that relate to the election of the moderator, town offices, town meeting members, to referenda and to all other matters to be acted upon and determined by ballot shall be acted upon and determined by the registered voters of the town in their respective precincts.

All other articles in the warrant for a town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the select board in the warrant for the meeting, subject to the referendum procedure provided for in section 13.

Section 12A. Right of Initiative; Initiative Procedures. Registered voters of the town may, by initiative petition prepared and filed in accordance with this section, propose to an annual town meeting the passage of a measure. If the measure fails to pass at the annual town meeting, the registered voters may cause the measure to be submitted to the voters of the town for their approval or disapproval as hereinafter provided; provided, however, that no measure shall be proposed by initiative petition which: (i) makes a specific appropriation of money from the treasury of the town other than an appropriation to pay for the costs of a study or to pay for a capital acquisition or improvement; (ii) amends the zoning map or zoning by laws of the town; or (iii) proposes the submission to the voters of the town of an amendment to the charter.

An initiative petition shall set forth the full text of the measure proposed by the petitioners and shall first be signed by not less than 100 and not more than 250 registered voters of the town, each of whom shall sign their name and record their address on the petition as such person's name and address appear on the list of registered voters. The initiative petition shall be submitted to the town counsel not later than the fifteenth day of January prior to the annual town meeting into which that petition is to be introduced. If the town counsel shall certify that the measure proposed by the initiative petition does not conflict with the constitution or the laws of the commonwealth and that it includes only subjects not excluded from the initiative by this section, the initiative petition shall then be filed by the town counsel with the select board and the select board shall cause the proposed measure to be included in the warrant for the annual town meeting as an initiative article and shall be so designated; provided, however, that if the town counsel fails within 10 days following receipt of an initiative petition, to notify the select board in writing of the counsel's reasons for not certifying the petition, the petition shall be deemed to have been certified by the town counsel and, upon the request of any registered voter who had previously signed that petition, the select board shall cause the proposed measure to be included in the warrant as an initiative article and shall be so designated.

If an initiative article is included in the warrant for an annual town meeting, the moderator shall give to any registered voter of the town who signed the initiative petition the privilege of making the first substantive motion under the initiative article, which shall be in the words of the proposal in the article. The moderator shall allow opportunity for debate on the initiative article and on motions thereunder and shall not accept a motion to put the previous questions as to the first substantive motion or as to any motion in substitution therefor until the petitioners and their opponents have been afforded a reasonable time within which to present their arguments without repetition. The town meeting shall act on the first substantive motion in the form in which it was presented and, if such motion is not passed, the town meeting may take such other action under the initiative article which is within the scope thereof, including the adoption of any alternative measure. Action under an initiative article shall be taken by a majority vote, by a 2/3 vote or by such other vote as may be required by the nature of the action under any applicable state law.

If the annual town meeting shall dissolve without having adopted, enacted or voted on passage of the first substantive motion presented as aforesaid under an initiative article but at least 1/4 of the total number of town meeting members voting upon the first substantive motion have voted in the affirmative, the original petitioners of the initiative article may complete their petition by filing with the select board an additional number of signatures of registered voters of the town which, when combined with the signatures of the original petitioners, shall equal in number not less than 15 per cent of the total number of persons registered to vote in the town. Each additional signatory voter shall sign the voter's name, and set forth the voter's address on the petition as it appears on the list of registered voters and all additional signatures shall be gathered not earlier than the day following the day on which the aforesaid town meeting dissolved and shall be filed with the select board as set forth above not later than 20 days, not including Sundays and legal holidays, following the dissolution.

If the annual town meeting has adopted, enacted or voted passage of any motion as an alternative to or a substitute for the first substantive motion, the original petitioners of the initiative article may in like manner complete their initiative petition by filing with the select board an additional number of signatures as provided in the preceding paragraph.

Within 10 days after the filing of the completed initiative petition, the select board shall issue a call for a special meeting of the voters. The meeting shall be held within 14 days after the call was issued to present to the voters at large the measure proposed in the petition that was acted upon unfavorably by the town meeting and any alternative measures that may have been adopted by the town meeting; provided, however, that the 14-day period shall not include Sundays or legal holidays or any day between the first Wednesday in July and the first Wednesday in September immediately following as no such special meeting shall be held between the first Wednesday in July and the first Wednesday in September. Both of the measures shall appear on the ballot to be voted upon by the voters at large and shall be stated in the same language and form used in the motions acted upon by the town meeting as appearing in the records of the town meeting. The checklist shall be used in the same manner as it is used in the election of town officers.

If a majority of the registered voters of the town voting thereon and at least 20 per cent of all the registered voters, shall vote in the affirmative on either the first substantive motion or upon the alternative motion, the measure voted upon in the affirmative by the number of voters thus required and the measure receiving the largest number of votes if conflicting measures are approved shall take effect immediately or at such later time as may be specified in the measure or, if it be a by law subject to the approval of the attorney general, it shall take effect subject to section 32 of chapter 40 of the General Laws; provided, however, that any measure which, for passage, requires a 2/3 affirmative vote of the town meeting members voting thereon in a town meeting shall, if proposed by an initiative petition or if it is an alternate measure adopted by the town meeting, shall require the affirmative vote of 2/3 of the registered voters voting thereon at a special meeting called by the select board under this section. Any measure proposed by initiative petition or adopted by the town meeting, and approved by the registered voters of the town under this section shall thereafter be subject to amendment, revision or repeal by the town meeting, subject to the right of referendum by petition as provided in section 13.

Nothing in this section shall invalidate or limit the right of 10 or more registered voters to have an article inserted in the annual town meeting warrant at their written request or the right of 100 registered voters or 10 per cent of the total number of registered voters of the town, whichever is lesser, to have an article inserted in a special town meeting warrant at their written request or the right of 200 registered voters or 20 per cent of the total number of registered voters of the town, whichever is lesser, to request in writing the calling of a special town meeting as provided for in section 10 of chapter 39 of the General Laws.

Section 13. Referenda on Representative Town Meeting Action. No final vote of a town meeting passing a measure under any article in the warrant, except a vote to adjourn or dissolve or a vote appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the current fiscal year or a vote for the temporary borrowing of money in anticipation of revenue or a vote declared by preamble by a 2/3 vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety, or convenience of the town shall be operative until after the expiration of 20 days, not including Sundays and legal holidays, from the dissolution of the town meeting.

If within that 20-day period a referendum petition, signed by not less than 15 per cent of the registered voters of the town and containing their names and addresses as the same appear on the list of registered voters, is filed with the select board requesting that the measure passed by any such vote which has not become operative as aforesaid be submitted to the voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided and the select board, within 10 days after the filing of the referendum petition, shall call a special meeting which shall be held within 14 days after issuing the call to present to the voters at large the measure so involved; provided, however, that the 14-day period shall not include Sundays and legal holidays or any day between the first Wednesday in July and the first Wednesday in September immediately following as no such special meetings shall be held between the first Wednesday in July and the first Wednesday in September.

All votes on any measure so submitted shall be taken by ballot and the measure so submitted shall be stated upon the ballot in the same language and form as the motion was adopted by the town meeting, as appearing in the records of the town meeting. The checklist shall be used in the same manner as in the election of town officers. If a majority of the registered voters of the town voting thereon and at least 20 per cent of all the registered voters shall vote in the negative, the action of the town meeting in passing the measure that was the subject of the referendum petition shall be null and void, otherwise it shall take effect immediately upon the declaration by the select board of the vote upon the referendum or at such later date as may be specified by the vote of the town meeting.

If a referendum petition is not filed within the 20-day period, the vote of the town meeting passing the measure shall become effective on the expiration of that period or at such later date as may be specified in the vote passing the measure.

Section 14. Powers of Town and Town Meeting. The town shall continue to have the capacity to act through and be bound by its town meeting members who shall, when convened from time to time as provided by law, constitute a representative town meeting and the representative town meeting shall exercise exclusively, in conformance with this charter, all powers vested in the municipal corporation. Actions in conformance with laws that are now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by a town meeting in accordance with this charter, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

Section 15. Certain Rights of the People not Abridged. Nothing in this charter shall abridge the right of the inhabitants of the town to hold general meetings as that right is secured to them by the constitution of the commonwealth and nothing in this charter shall confer upon any representative town meeting of the town the power finally to commit the town to any measure affecting its municipal existence or changing its government without action taken thereon by the voters of the town at large, using the official ballot and check list therefor.

PART 3.

TOWN OFFICERS

Section 16. Select Board. There shall be a select board for the town which shall consist of 5 members elected at each annual town election for 3-year terms. The select board shall continue to have and exercise all the powers and duties vested in select boards or boards of selectmen by the General Laws or by vote of the town, except as otherwise provided herein. For the purposes of this charter and the by-laws of the town, “selectmen” or “board of selectmen” shall mean select board. Members of the select board may be addressed as select board member, board member, selectwoman or selectman.

The select board shall have general authority to execute the civil defense laws within the town and to make any declaration of emergency as required by law.

Section 17. School Committee. There shall continue to be a school committee for the town which shall consist of 3, 5, 6, 7 or 9 members elected at each annual town election for terms of 3 years as the town may vote. The school committee shall have the powers, duties, responsibilities and functions vested in school committees by the General Laws and as delegated to it by the town which are not inconsistent with the General Laws. The school committee shall execute all laws pertaining to educational responsibilities assigned to the town and such further responsibilities as may be delegated to them by vote of the town.

Section 18. Moderator. A moderator shall be elected by ballot at the annual town election for a term of 3 years and shall serve as moderator of all town meetings, except as otherwise provided by law, and shall serve until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Section 19. Other Elected Officers. The town, at its annual town meeting, shall in each year when the term of office of an incumbent expires and except when other provision is made by law, choose by ballot from its registered voters the following town officers for the following terms of office:

- (i) a town clerk for a term of at least 1 year;
- (ii) 3 or 5 park and recreation commissioners for 3-year terms as may be established by vote of the town;
- (iii) at least 1 constable for a 3-year term unless the town, by vote, provides that constables shall be appointed;
- (iv) 1, 3 or 5 assessors, but as nearly 1/3 of their number shall be elected or appointed annually, each to hold office for 3-years terms as provided by vote of the town;
- (v) 5 members of the board of health for 3-year terms;

- (vi) 5 to 9 planning board members elected pursuant to section 81A of chapter 41 of the General Laws as established by vote of the town;
- (vii) 7 trustees of the Needham Public Library, but as nearly one1/3 of their number shall be elected annually, each to hold office for 3-year terms as provided by vote of the town;
- (viii) 3 members of the Needham Housing Authority for 5year terms;
- (ix) 3 or 5 trustees of Memorial Park for 3-year terms as provided by vote of the town; and
- (x) any other officers as may be provided for by the General Laws or by vote of the town.

Section 20. Appointed Officials.

(a) The select board shall appoint and may remove a town manager or an acting town manager in accordance with section 20A.

(b) The select board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, except the town clerk, members of the historic commission, conservation commission, commission on disabilities, the tenant member of the housing authority and, except as provided in section 19, all other boards, committees, and commissions for whom no other method of selection is provided in this charter or by-law.

(c) The town manager shall appoint, subject to the approval of the select board, a chief of the police department, a chief of the fire department, a director of public works, an assistant town manager/director of finance or a person performing such functions regardless of title and an assistant town manager/personnel director or a person performing such functions regardless of title. Appointments made by the town manager shall become effective upon the approval of the select board. If the select board shall fail to act, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment was filed with the select board; provided, however, that notice of appointment shall be considered filed with the select board when the notice is filed at an open meeting of the select board.

(d) The town manager shall be the appointing authority for the following officials and employees of the town:

(i) the town accountant, a town treasurer/tax collector, a planning director, an administrative assessor, an inspector of buildings, a director of public health, a director of veterans' services, a director of park and recreation, a director of youth services, a director of management information systems, an executive director of the council on aging, a library director, a town engineer, a director of municipal building maintenance and a building construction and renovation manager or any persons performing such functions regardless of title; and

(ii) all other employees and officials of the town for whom no other method of selection is provided in this charter, except for employees of the school department and the executive secretary of the finance committee; provided, however, that the executive secretary of the finance committee shall be appointed by the finance committee.

(e) Any appointment by the town manager in accordance with clause (i) of subsection (d) shall be subject to the approval of the elected or appointed board or committee having jurisdiction over a department, if any. Appointments made by the town manager shall become effective upon the approval of the board or committee. If a board or committee fails to act, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment was filed with the board or committee; provided, however, that notice of appointment shall be considered filed with the board or committee when the notice is filed at an open meeting of the board or committee.

(f) A person appointed by the town manager under subsections (c) and (d) who is not subject to chapter 31 of the General Laws may be removed by the town manager; provided, however, that no removal shall be made of any officer in said subsection (c) without the approval of the select board; and provided further, that no removal shall be made of other employees or officers until the town manager consults with the elected or appointed boards or committees having jurisdiction over that employee's department, if any. Removal of officers pursuant to said subsection (c) shall become effective upon the approval of the select board. If the select board fails to act, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal was filed with the select

board; provided, however, that notice of removal shall be considered filed with the select board when the notice is filed at an open meeting of the select board.

Section 20A. Appointment and Removal of Town Manager.

(a) Appointment of Town Manager.

(1) The select board shall appoint a town manager for a term of not more than 3 years. The town manager shall be a professionally qualified person of proven ability who has had substantial involvement with municipal government. The town manager shall be appropriately fitted by education, training and experience to perform the duties of the office; provided, however, that such experience shall have been full-time, paid experience in a responsible administrative position.

(2) Upon the expiration of the term of the town manager or upon the resignation or removal of the town manager or if a vacancy occurs in the office of town manager, the select board shall appoint an acting manager within 7 days after such expiration, resignation, removal or vacancy to perform the duties of the office and the acting manager shall serve until a successor is appointed and qualified in accordance with paragraph (1).

(3) The town manager shall be appointed without regard to party or political designation. The town manager shall be a citizen of the United States of America. No person holding elective public office in the town, except for town meeting member, shall, within 3 years of holding such elective public office, be eligible for appointment as town manager.

(4) The town manager shall not hold an elective public office during the town manager's tenure and shall not engage in any other business or occupation during such tenure, except for part-time consultative or teaching duties, directly related to the profession of municipal management and with the expressed consent of the select board. The town manager may be appointed for successive terms of office.

(5) Before entering upon the duties of the town manager's office, the town manager shall be sworn, in the presence of a majority of the select board, to the faithful and impartial performance of the town manager's duties by the town clerk or a justice of the peace.

(b) Acting Town Manager. The town manager may designate, subject to the approval of the select board, by means of a letter filed with the town clerk, a suitable person to perform the duties of the office during the town manager's temporary absence or disability. If the town manager fails to make the appointment or if the person so appointed fails to serve, the select board may appoint a suitable person to perform such duties. Upon a vacancy in the office of town manager or upon a suspension of the town manager, the select board shall, within 7 days after such vacancy or suspension, appoint an acting town manager to perform the duties of the office.

(c) Removal of the Town Manager. The select board may suspend or remove the town manager by the affirmative vote of a majority of the full membership of the select board.

Section 20B. Powers and Duties of the Town Manager. The town manager shall be the chief executive officer of the town. In addition to other powers and duties provided for in this charter, the town manager:

(i) shall supervise, either directly or through persons appointed by the town manager in accordance with this charter, all department managers, except the school department managers, and shall be responsible for the efficient administration of all departments, except the school department; provided, however, that the town manager shall not exercise any control over the discretionary power vested by law in any board, committee, commission or officer;

(ii) may, consistent with this charter, the General Laws and the town by-laws and with the approval of elected boards having jurisdiction over affected departments, where applicable, and with the approval of the select board after a public hearing held by the select board for such purpose, reorganize, consolidate or abolish departments under the town manager's supervision and establish such new departments as the town manager considers necessary and transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of 1 department to another;

(iii) shall have jurisdiction over the rental and use of all town property, except school property, and shall be responsible for the maintenance and repair of all town buildings, including school buildings and grounds; provided, however, that the town manager shall be responsible for the preparation of plans and the supervision of all work on existing and new buildings,

including the planning and work on school buildings, unless otherwise assigned by the town meeting to a permanent building committee; and provided further that any plans for the construction or improvement of school buildings or property shall be subject to the approval of the school committee;

(iv) shall be the purchasing agent for the town and shall award all contracts for all departments and activities of the town, except for the school department;

(v) shall adopt rules and regulations establishing a personnel system, subject to the approval of the select board and with the oversight of the personnel board as provided herein; provided, however, that such personnel system shall make use of modern concepts of personnel management and shall include, but not be limited to: (a) a method of administration; (b) personnel policies indicating the rights, obligations and benefits of employees; (c) a classification plan; (d) a compensation plan; (e) a method of recruiting and selecting employees based on merit principles; (f) a centralized record keeping system; (g) disciplinary and grievance procedures; (h) a professional development and training program; and (i) such other elements as deemed necessary; provided further, that all town agencies and positions shall be subject to the rules and regulations adopted under this clause, excluding employees of the school department and as otherwise provided in chapter 150E of the General Laws; provided further, that personnel policies referenced in clause (b) or changes to such policies shall not be submitted to the select board without the prior review and approval of the personnel board; provided further, that classification or compensation plans referenced in clauses (c) and (d), or changes to such plans, shall not be submitted to the select board for approval until the town manager has submitted the plan or plan revision to the personnel board for review and comment and, if comments were made within 15 days after submission, the town manager has provided written response to any comments made by the personnel board; and provided further, that in all other aspects of the personnel system, the town manager shall confer with the personnel board.

(vi) shall fix the compensation of all town employees except, those under the jurisdiction of the school committee, within the limits established by appropriation and subject to chapter 150E of the General Laws.

(vii) shall negotiate and administer all collective bargaining agreements with employee organizations representing town employees, other than employees of the school department, pertaining to wages and other terms and conditions of employment in accordance with chapter 150E of the General Laws; provided, however, that such agreements, other than agreements with employee organizations representing school department employees, shall be subject to the approval of the select board; provided further, that subject to the approval of the select board, the town manager may employ special counsel to assist in the performance of the duties under this clause; and provided further, that the town manager or a designee shall participate in the deliberations of the school committee in collective bargaining with employee organizations representing school department employees as provided in said chapter 150E;

(viii) shall keep the records of the office of town manager and shall render, as often as may be required by the select board, a report of all operations during the period reported on;

(ix) shall keep the select board advised as to the needs of the town and shall recommend to the select board for adoption measures requiring action by the select board or by the town as considered necessary or expedient by the town manager;

(x) shall implement town meeting votes and shall report in writing annually to the town meeting on the status of prior town meeting votes on which implementation has not been completed, except matters related to the schools;

(xi) shall administer, either directly or through a person appointed by the town manager in accordance with this charter, all general and special laws applicable to the town, all by-laws and votes of the town and all rules and regulations made by the select board, except matters related to the schools;

(xii) shall report to the select board and the finance committee on the financial condition of the town;

(xiii) shall have access to all town books and papers for information necessary for the proper performance of the town manager's duties and may, without notice, cause the affairs of any department or activity under the town manager's control, or the conduct of any officer or employee thereof, to be examined;

(xiv) shall be accessible and available for consultation to the chairs of town boards, committees and commissions, whether appointed or elected, and shall make accessible and available to them such data and records of the town manager's office as may be requested in connection with their official duties; and

(xv) shall perform such other duties consistent with the town manager's office as may be required by the by-laws, by vote of the town or by vote of the select board.

The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws shall be submitted to the town manager. The approval of the warrant by the town manager or, in the town manager's absence, by the acting town manager shall be sufficient authority to authorize payment by the town treasurer but the select board shall approve all warrants in the event of the absence of the town manager or acting town manager or during a vacancy in the office of town manager.

When a payroll, bill or other claim against the town has been presented to the town manager, the town manager shall, if the matter appears to the town manager to be invalid, excessive in amount or otherwise contrary to the interests of the town, immediately investigate the facts and determine what, if any, payments shall be made. Pending the investigation and determination by the town manager, payment shall be withheld.

Section 20C. Estimate of Capital Expenditures. All boards, departments, committees, commissions and officers of the town shall annually, at the request of the town manager, submit to the town manager in writing a detailed estimate of the capital expenditures, as defined by by-law, required for the efficient and proper conduct of their respective departments and offices for the ensuing fiscal year and the ensuing 4-year period. The town manager, after consultation with the select board, shall submit to the select board in writing a careful, detailed estimate of the recommended capital expenditures for the aforesaid periods, showing specifically the amount necessary to be provided for each office, department and activity and a statement of the amounts required to meet the debt service requirements or other indebtedness of the town. The select board shall transmit a copy of the capital budget to the finance committee along with the select board's recommendations relative thereto. The calendar dates on or before which the capital budget is to be submitted and transmitted shall be specified by by-law.

Section 21. Other Boards, Committees and Commissions. The following boards and committee shall continue to perform the duties and responsibilities assigned to them by the General Laws or by vote of the town:

- (i) a finance committee which shall consist of such number as shall be established by vote of the town;
- (ii) a personnel board;
- (iii) commissioners of trust funds; and
- (iv) such other boards, committees and commissions as provided for by the General Laws or by vote of the town.

PART 4.

PUBLIC WORKS

Section 22. Select Board to be Board of Public Works. The select board shall continue to be and shall exercise the functions of a board of public works and, in that capacity, shall exercise under the designation of select board all of the powers and duties vested by law in the following boards and offices: (i) highway surveyors; (ii) water commissioners; (iii) sewer commissioners; and (iv) tree wardens; provided, however, that such boards and commission shall be abolished on the effective date of this act. The select board, acting as the board of public works, shall be the lawful successor of the boards and offices abolished by this section.

Section 23. Director of Public Works. The town manager shall appoint a director of public works who shall administer, under the supervision of the town manager, the departments of the town under the control of the select board as they may designate. The director shall be responsible for the efficient administration of all departments within the scope of the director's duties and shall hold office subject to the will of the town manager, consistent with subsection (c) of section 20. The director shall be especially fitted by education, training and experience to perform the duties of the office and shall not be required to be a resident of the town. During the director's tenure, the director shall not hold elective public office or another appointive public office and the director shall not be engaged in any other business or occupation. The director shall, subject to the approval of the town manager, appoint such assistants, agents and employees as the performance of the duties of the departments under the director's supervision may require and may, with like approval, remove any such

assistant, agent or employee. The director shall keep records of the doings of the office and shall have charge of and shall preserve, arrange and index so as to be readily accessible to the public all plans, surveys, field notes, records, documents and inventories connected with the engineering operations of the town. The director shall deliver to the town manager, as often as the town manager may require, a report of all operations under the director's control during the period reported upon and shall, annually and at such other times as the town manager may request, make a synopsis of all the reports for publication. The director shall keep the town manager fully advised of the needs of the town within the scope of the director's duties and shall furnish to the town manager a carefully prepared and detailed written estimate of the appropriations required during the ensuing fiscal year for the proper conduct of all departments of the town under the director's supervision.

Section 24. Laying Out, and Maintenance of Drains, etc. The town may lay out, construct, maintain and operate a system of main drains and common sewers for all or part of its territory, with such connections and other works as may be required for a system of sewage disposal. For such purpose, the town may construct such sewers or drains over and under land in the town as may be necessary to conduct the sewage to the south metropolitan sewerage system and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it seems best. The town may, within its limits, make and maintain subdrains and, with the approval of the commonwealth's department of public health, discharge the water into any brook, stream or watercourse within the town. The town may make and maintain within its limits in any way where main drains or common sewers are constructed such connecting drains, underdrains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon such way.

Section 25. Particular Sewers. The town, through its select board acting as the board of public works, may upon the application of the owner of any estate abutting on any way where a main drain or common sewer is constructed, lay in such sewered way and in the private land of such owner such particular sewer or connecting drain as may be necessary to connect any building on such estate with that main drain or sewer and the town manager may make all necessary contracts in the name and behalf of the town for such purpose. The expenses thereof shall be paid out of any appropriation that may be made by the town therefor.

Section 26. Exercise of Eminent Domain, etc., for Sewer and Drain Purposes. The select board, as the board of public works acting for and on behalf of the town, may take by eminent domain under chapter 79 of the General Laws or acquire by purchase or otherwise any lands, water rights, rights of way or easements, public or private, in the town, necessary for accomplishing any purposes referenced in sections 24 to 31, inclusive, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way or within the location of any railroad and may enter upon and dig up any private land or public way for the purpose of laying such drains and sewers and for maintaining and repairing the same and may do any other thing proper or necessary for the purposes of said sections 24 to 31, inclusive; provided, however, that the select board shall not take in fee any land of a railroad corporation and shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as the select board and the corporation may agree or, in case of a failure to agree, as may be approved by the department of public utilities. Any person injured in their property by an action of the select board under this section may recover damages from the town under said chapter 79.

Section 27. Apportionment of Costs of Sewage Disposal. The town shall, by vote of its town meeting, determine what proportion of the cost of any system of sewerage and sewage disposal the town shall pay; provided, however, that it shall pay not less than $\frac{1}{4}$ and not more than $\frac{2}{3}$ of the whole cost. In providing for the payment of the remaining portion of the cost of a system or for the use of a system, the town may avail itself of any of the methods authorized by the General Laws and any General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made hereunder. At the same meeting at which it determines the proportion of the cost to be borne by the town, the town meeting may by vote determine which methods the remaining portion of the cost shall be provided for. The collector of taxes of the town shall certify the payments of such assessments or apportionments thereof to the select board and the select board shall preserve a record thereof.

Section 28. Assessment of Sewer Betterment. The cost of constructing each particular sewer or connecting drain described in section 25 shall be assessed by the select board upon the estate benefited thereby. Such assessments shall be made by filing with the collector of taxes of the town a certificate, designating the way and the private land on which the particular sewer or connecting drain has been constructed and by giving the names of any owners of the estate for which such connection has been made and the amount of the assessment to be paid by each such owner. A copy or duplicate of the certificate shall, within 10 days after the filing of the same with the collector of taxes, be recorded in the Norfolk county registry of deeds or, in the case of registered land, in the office of the assistant recorder for the Norfolk county registry of

deeds. The collector of taxes shall, upon receipt of such certificate, make a written demand for the payment of such assessment or charge and each owner shall, within 3 months after such demand was served upon the owner or occupant of the estate or sent by mail to the last address of the owner known to the collector of taxes, pay to the collector of taxes the sum so assessed or charged. Except as provided in this paragraph, the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made under this section. In applying such provisions to assessments, the notice referred to in this section shall be deemed to be the demand of the tax collector required thereunder. The lien for any assessment made under this section shall attach upon the recording or filing for registration of the copy of duplicate of the certificate of assessment. In the apportionment of such assessments thereunder, no installment shall be less than \$10.

Section 29. Application of Sewer Receipts. The receipts from sewer assessments and from payments made in lieu thereof shall be applied to the payment of charges and expenses incident to the maintenance and operation of the system of sewerage, or to the extension thereof, to the payment of interest upon bonds and notes issued for sewer purposes or to the payment or redemption of such bonds or notes.

Section 30. Sewer Contracts. All contracts made for the purposes of sections 24 to 31, inclusive, shall be made in the name of the town and shall be signed by the town manager. No contract shall be made and no obligation shall be incurred hereunder for the purposes of said sections 24 to 31, inclusive, in excess of the amount appropriated by the town therefor.

Section 31. Sewer Regulations. The select board, as the board of public works, may prescribe rules and regulations for the connection of estates and building with main drains and sewers and for the inspection of materials, construction, alteration and use of all connections and drains entering into any such main drains and sewers. The select board may prescribe penalties, which shall not exceed \$50, for each violation of any such rule or regulation. The rules and regulations shall be published at least once a week for 3 consecutive weeks in a newspaper published in the town; provided, however, that if there is no such publication, then the rules and regulations shall be published at least once a week for 3 consecutive weeks in a newspaper published in the county of Norfolk. No rules and regulations shall take effect until such publication has been made.

PART 5.

PARK, RECREATION AND CONSERVATION

Section 32. Park and Recreation Commission. There shall continue to be a park and recreation commission in the town which shall consist of such number of commissioners, who shall be elected for such terms as authorized by vote of the town pursuant to section 19. The park and recreation commission shall have the powers, duties and functions vested: (i) by the General Laws in boards of park commissioners, playground or recreation commissions and town forest committees; and (ii) in the commission by this charter or by vote of the town. The commission shall continue to have the management and care of the town forest, formerly managed by the special town forest committee.

Section 33. Memorial Park. The land known as the Memorial Park in the town of Needham shall continue to be under the jurisdiction of the Trustees of Memorial Park. The trustees shall continue to: (i) receive, hold and manage, with the approval of the town meeting, any devise, bequest or gift for the establishment or equipment of memorials for properly commemorating the service of members of the armed forces of the commonwealth and the armed forces of the United States; and (ii) maintain and operate, upon such portion of Memorial Park as they determine, an athletic field with suitable equipment and, in their discretion, to regulate its use for athletic games and other entertainment of a public nature, to which an admission fee may be charged upon such terms and conditions as the trustees may impose.

Section 34. Conservation Commission. There shall continue to be in the town a conservation commission of not less than 3 and not more than 7 members as determined by vote of the town. The conservation commission members shall be appointed by the select board for 3-year terms and the terms of office of approximately 1/3 of the members shall expire each year. The commission shall have the powers, duties and functions specified by section 8C of chapter 40 of the General Laws and such additional duties as may be assigned to it by vote of the town.

The conservation commission may receive gifts of both real and personal property in the name of the town, subject to the approval of the select board. The conservation commission may acquire by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights or any lesser interest, development right, easement, covenant or other

contractual right, including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open space and other land and water areas within the town and shall manage and control the same. The conservation commission may adopt rules and regulations governing the use of land and waters under its control and may prescribe fines of not more than \$100 for any violation thereof.

PART 6.

MUNICIPAL PLANNING

Section 35. Planning Board. There shall continue to be in the town a planning board which shall consist of not less than 5 and not more than 9 members who shall be elected or appointed as may be determined by vote of the town. The planning board members shall be elected or appointed for 5-year terms, so arranged such that the term of at least 1 member shall expire each year and their successors shall be elected or appointed in like manner.

Section 36. Board of Appeals. There shall continue to be a board of appeals established under section 14 of chapter 40A of the General Laws, which shall be the existing board of appeals under the town building by law and shall perform the duties of the board of appeals under section 81AA of chapter 41 of the General Laws. The board of appeals shall consist of 3 members who shall be appointed by the select board for 3 year terms so arranged that the term of 1 appointee shall expire each year. The select board shall, in a like manner, appoint 2 associate members.

The board of appeals shall have and shall exercise all of the powers and duties of boards of appeal under the zoning enabling act, the subdivision control law and the building by laws and such further powers and duties as may be granted to the board by vote of the town.

PART 7.

GENERAL PROVISIONS

Section 37. Construction. The provisions of this charter act shall be construed as if said act had been adopted by the procedure set forth in sections three and four of Article LXXXIX of the Amendments to the Constitution of the Commonwealth. The powers granted to the town of this charter act shall be liberally construed in order to give full effect to the powers specifically granted herein. The provisions of this charter act as originally adopted shall be construed as a continuation of the provisions of the existing law in effect at the time of its adoption unless the contrary is clearly required by the context thereof.

Section 38. Severability. The provisions of this charter act are severable. If any of the provisions of this charter act are held to be unconstitutional, or invalid, the remaining provisions of said act shall not be affected thereby. If the application of this charter act or any of its provisions to any person or circumstances is held to be invalid, the application of said act and its provisions to other persons or circumstances shall not be affected thereby.

Section 39. Repeal of Certain Acts. Chapter seventy-three of the acts of nineteen hundred and twenty-three, chapter four hundred and fifty-four of the acts of nineteen hundred and twenty-four, chapter one hundred and eighty-nine of the acts of nineteen hundred and thirty-two, chapter twenty-nine of the acts of nineteen hundred and thirty-four, chapter sixty-eight of the acts of nineteen hundred and thirty-seven, chapter thirty of the acts of nineteen hundred and fifty, chapter twenty-one of the acts of nineteen hundred and fifty-five, chapter seventy-four of the acts of nineteen hundred and fifty-five, chapter three hundred and fifty-nine of the acts of nineteen hundred and fifty-six, chapter three hundred and sixty-eight of the acts of nineteen hundred and fifty-six, chapter eighty-four of the acts of nineteen hundred and fifty-nine and chapter one hundred and forty of the acts of nineteen hundred and sixty-five are hereby repealed.

Section 40. Existing Law. All general laws, and all special laws, town by-laws, rules and regulations of or pertaining to the town which are in force when this charter act takes full effect, and which are not specifically repealed hereby, shall continue in full force and effect until amended or rescinded by due course of law or expire by their own limitation. Nothing in this charter act shall affect or impair the rights or privileges of persons who are town officials or employees at the time it takes effect or derogate from the protection afforded to them by the civil service law, laws relating

to veterans' tenure, or chapter thirty-two of the General Laws. Nothing contained herein shall impair any existing contractual rights established prior to the adoption of this charter act or any amendment thereto.

Section 41. Effective Date. Sections forty-one and forty-two of this act shall take effect upon the passage of this act. Section one to forty, inclusive, of this act shall become effective on the first day of April immediately following the next town election specified in section forty-two if a majority of the voters of the town voting thereon at such election have voted in favor of its adoption. Any amendment or revision adopted subsequent to said date shall become effective upon the date specified in such amendment or revision.

Section 42. Submission of Act to Voters. This charter act shall be submitted for acceptance to the registered voters of the town of Needham at the town election next held following the passage of this charter act. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the official ballot to be used in said town at said election: -- "Shall an act passed by the General Court in the year nineteen hundred and seventy-one, entitled 'An Act recodifying the existing laws establishing the frame of government of the town of Needham into a special home rule charter act', be accepted?".

Upon its acceptance by a majority of the registered voters of said town voting thereon at said town election, as aforesaid, this charter act shall take effect in the town of Needham on the first day of April immediately following said election, as herein provided, but not otherwise.

Approved June 14, 1971.

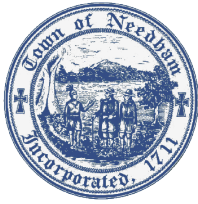
Amended 1973, 1974, 1975, 1976, 2000.

And further amended by Chapter 176 of the Acts of 2004

(Section 6 and 7 of Chapter 176 of the Acts of 2004 shall take effect upon its passage.

Section 1 to 5, inclusive, shall take effect 185 days following acceptance by a majority of the registered voters of the town which was so passed on November 2, 2004)

And further amended by Chapter 341 of the Acts of 2018 (signed by the Governor on 1/1/2019).



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Open Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board is scheduled to open the warrant for the 2023 Annual Town Meeting. The Warrant is scheduled to be closed on February 14th.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to open the warrant for the 2023 Annual Town Meeting.	
3.	BACK UP INFORMATION ATTACHED
a. Preliminary List of Warrant Articles, January 10, 2023	

**Preliminary List of Warrant Articles
2023 Annual Town Meeting
1.10.2023**

Annual Town Election	
Committee and Officer Reports	Select Board

HUMAN RESOURCES ARTICLES

Establish Elected Officials' Salaries	Personnel Board
Fund Collective Bargaining Agreement – Fire Union	Select Board

FINANCE ARTICLES

Appropriate for Needham Property Tax Assistance Program	Select Board
Appropriate for Compensated Absences	Select Board
Appropriate for Facilities Maintenance Program	Select Board
Appropriate for Small Repair Grant Program	Affordable Housing Trust
Appropriate for Fleet Refurbishment	Select Board
Appropriate for Fellowship Program	Select Board
Appropriate for Temporary Staffing Services	Select Board
Appropriate for Recruitment Services	Select Board
Appropriate for Town-owned Land Surveys	Select Board
Appropriate for Opioid Recovery & Mitigation Fund	Select Board
Appropriate the FY2024 Operating Budget	Finance Committee
Appropriate the FY2024 Sewer Enterprise Fund Budget	Select Board/Finance Committee
Appropriate the FY2024 Water Enterprise Fund Budget	Select Board/Finance Committee
Continue Departmental Revolving Funds	Select Board
Amend Departmental Revolving Fund Limits	Select Board
Authorization to Expend State Funds for Public Ways	Select Board

ZONING/LAND USE ARTICLES

Amend Zoning By-law	Planning Board
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COMMUNITY PRESERVATION ACT ARTICLES

Appropriate for CPA Project	CPC
Appropriate for Linden Chambers Redevelopment	CPC
Appropriate for Seabeds/Cook Redevelopment	CPC
Appropriate for DeFazio Playground Design	CPC
Appropriate for Claxton Field Renovations	CPC
Appropriate FY2024 CPA Reserves	CPC
Appropriate for CPA Reserves Supplementary	CPC

CAPITAL ARTICLES

Appropriate for General Fund Cash Capital	Select Board
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Appropriate for Athletic Facility Improvements	Select Board
Appropriate for Fire Ladder Truck	Select Board
Appropriate for Rooftop Unit Replacement	Select Board
Appropriate for Quiet Zone Improvements Design	Select Board
Appropriate for Public Works Infrastructure	Select Board
Appropriate for Sewer Enterprise Fund Cash Capital	Select Board
Appropriate for Water Enterprise Fund Cash Capital	Select Board
Appropriate for Water Distribution System Improvements	Select Board
Rescind Debt Authorizations	Select Board

GENERAL ARTICLES/ CITIZENS' PETITIONS/COMMITTEE ARTICLES

Establish a Stormwater Stabilization Fund	Select Board
Amend General By-Law – PPBC Thresholds	Select Board
Amend General By-Law – Capital Thresholds	Select Board
Amend General By-Law – Non-Criminal Disposition Schedule	Select Board
Amend General By-Law – Transportation Committee	Select Board
Amend General By-law – Board & Committee Appointments	Select Board
Home Rule Petition – Board & Committee Appointments	Select Board

TOWN RESERVE ARTICLES

Appropriate to Athletic Facility Improvement Fund	Select Board
Appropriate to Injury Leave Indemnity Fund	Select Board
Appropriate to Workers Compensation Fund	Select Board
Appropriate to Capital Improvement Fund	Select Board
Appropriate to Capital Facility Fund	Select Board
Appropriate to & Amend Debt Service Stabilization Fund	Select Board
Appropriate to Stabilization Fund	Select Board/Finance Committee

Omnibus



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Transportation Planning Proposal
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
At its meeting on December 20, 2022, the Select Board discussed the proposals of the Transportation Planning Review Committee. The Town Manger will recommend that the Board vote to approve changes to the Rail Trail Advisory Committee charge, and name and charge changes for the existing Traffic Management Advisory Committee to the Transportation Safety Committee. Changes to the Transportation Committee to become the Mobility Planning Coordinating Committee are dependent on Town Meeting Action.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to adopt the composition and charge for the Rail Trail Advisory Committee and the Transportation Safety Committee.	
3.	BACK UP INFORMATION ATTACHED
a. Committee Composition & Charge Transportation Safety Committee b. Committee Composition & Charge Rail Trail Advisory Committee	

Town of Needham

Transportation Safety Committee

Committee Charge

Type:	Permanent
Legal Reference:	Select Board Goals
Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Term of Appointment	Three Years
Special Municipal Employee	Yes
Staff Support	Director of Public Works/Designee

Members	Year Appointed	Term Expiration

Composition: The Transportation Safety Committee shall be composed of:

- Four (4) at-large community members
- The Town Engineer/Designee
- The Highway Superintendent
- The Chief of Police/Designee

* Full-time employees serving on the Committee are regular municipal employees, even though the MPCC members are designated as special municipal employees.

Purpose: The purpose of the Transportation Safety Committee is to evaluate and make recommendations to the Director of Public Works and the Select Board to promote and improve the safety of the multimodal public ways in Needham.

Charge: The Transportation Safety Committee will:

- Provide a forum to hear petitions from residents that improve the safety of roads, sidewalks, signals and marks within the Town's multimodal public ways.
- Serve as a resource for residents about Needham's multimodal transportation programs, plans and procedures and assist in the communication of such information.
- Recommend to the Mobility Planning & Coordination Committee proposals for implementing changes to existing multimodal transportation programs, policies and procedures to ensure safety, effective communication, coordination, and continuation of sound traffic and transportation programs.
- Participate in the semi-annual meetings of the Transportation committees (Mobility Planning & Coordination Committee, Transportation Safety Committee, and Rail Trail Advisory Committee). The purpose of the joint meetings is to align activities, projects, and planning initiatives to facilitate public awareness of current and planned Public Works projects. These meetings shall constitute a regular committee meeting for each committee. The semi-annual meetings will occur in September and February of each year.
- The Committee will assist departmental staff in monitoring the effectiveness of infrastructural changes and share evaluations with Public Works and the Select Board.
- The Committee will elect a chair who shall rotate at least biannually.

Organizational Framework: There shall be two types of relief response to resident petitions. Public Works will review each petition to determine the response. The Director of Public Works/Designee shall provide administrative and technical staff support to the Committee.

Existing Infrastructure

- The Director of Public Works/Designee will acknowledge receipt of the petition directly to the petitioner within one (1) week and shall provide the petitioner with an action plan on whether and how relief will be acted upon within three (3) weeks of receipt of the petition.
- Any approved improvements of existing infrastructural elements such as sidewalks, signals, signs and marks shall be completed by the Department of Public Works.
- If the Department of Public Works is unable to resolve the issue satisfactorily to the applicant, the applicant shall file an appeal within four (4) weeks from the date of Public Works' action plan response and that will be forwarded to the Committee for consideration.

New Infrastructure

- Any petition requiring new infrastructural elements ranging from installation of sidewalks, signals, signs, markings or geometric improvements shall be heard by the Committee within two (2) months of receipt. The Director of Public Works/Designee will acknowledge receipt of such petition to the petitioner within one (1) week.
- Upon hearing the petition, the Committee shall recommend action to the Director of Public Works on any project costing up to \$24,999 and shall recommend action to the Select Board on any project costing \$25,000 or more.
- There is no time guarantees on work as they will be workload and budget dependent.
- Appeals on petitions heard for new infrastructural elements shall be filed with the Town Manager's office.

Charge Adopted: Traffic Management Advisory Committee July 17, 2001

Charge Revised: January 10, 2023 **SME Status Voted:** January 10, 2023

Town of Needham Rail Trail Advisory Committee Committee Charge

Type:	Permanent
Legal Reference:	Select Board Goals
Appointing Authority:	Select Board
Number of Voting Members:	Five (5)
Term of Appointment	Three Years
Special Municipal Employee	Yes
Staff Support	Director of Park & Recreation; Director of Public Works/Designee

Members	Year Appointed	Term Expiration

Composition: When possible, one member of the RTAC should be an abutter to the trail.
When practicable, the committee should include:

- One (1) member of the Park and Recreation Commission;
- Two (2) residents who are members of the Bay Colony Rail Trail Association;
- Two (2) residents at large;
- The Director of Park and Recreation (ex officio and non-voting); and
- The Director of Public Works or designee (ex officio and non-voting).

* Full-time employees serving on the Committee are regular municipal employees, even though the RTAC members are designated as special municipal employees.

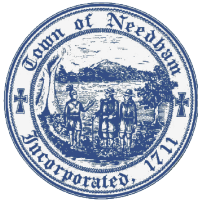
Purpose: The Rail Trail Advisory Committee provides advice and assistance to the Select Board and other boards, committees and commissions about the design, construction, operation and maintenance of all portions of the Bay Colony Rail Trail in the Town of Needham.

Charge: The Rail Trail Advisory Committee will:

- Monitor the design, construction, operation, and maintenance of the portion of the Bay Colony Rail Trail in Needham;
- Provide a forum for abutters, residents and trail users to provide feedback and concerns regarding the operation of the trail;
- Make recommendations to the Select Board with respect to trail policy, maintenance, and future trail improvements, as appropriate;
- Liaise with the Mobility Planning & Coordination Committee as required to ensure that the rail trail maximizes opportunities for multi-modal transportation in Needham.
- Participate in the semi-annual meetings of the Transportation committees (Mobility Planning & Coordination Committee, Transportation Safety Committee, and Rail Trail Advisory Committee). The purpose of the joint meetings is to align activities, projects, and planning initiatives to facilitate public awareness of current and planned Public Works projects. These meetings shall constitute a regular committee meeting for each committee. The semi-annual meetings will occur in September and February of each year.
- The Committee will meet twice annually to participate in the joint meetings and as needed.
- The Committee will elect a chair who shall rotate at least biannually.

Charge Adopted: October 28, 2014 **Charge Revised:** January 10, 2023

SME Status Voted: January 10, 2023



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	Historic District Study Committee
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
At its meeting on December 20, 2022, the Select Board discussed a proposal to create a single parcel historic district in Needham with members of the Historical Commission. This proposal supports Select Board goal 1.13: “Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Steet, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and 11th oldest in Needham.” The Town Manager recommends that the Board vote to approve the proposed charge and composition for the Single Parcel Historic District Study Committee.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> that the Board voted to approve the proposed charge and composition for the Single Parcel Historic District Study Committee.	
3.	BACK UP INFORMATION ATTACHED
a. Proposed charge and composition of the Single Parcel Historic District Study Committee	

Town of Needham

Single Parcel Historic District Study Committee

Committee Charge

Type:	Ad Hoc
Legal Reference:	M.G.L. c. 40C
Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Term of Appointment	Until decision of Town Meeting on Historic District Designation
Special Municipal Employee	Yes
Staff Support	Town Manager/Designee

Members	Year Appointed	Term Expiration

Composition: Seven (7) voting members:

- One (1) member recommended by the Planning Board
- One (1) member nominated by the American Institute of Architects*
- One (1) Member nominated by the Board of Realtors*
- One (1) Member of the Needham History Center*
- One (1) Member of the Historic Commission
- One (1) Resident of the Proposed Historic District

- One (1) community member at large

* If no nominations are received, the Board will consider an architect, a realtor, and a member of the History Center

Purpose: The historic district study committee will be responsible for conducting an investigation of the desirability of establishing a local historic district, developing a report to present its findings and recommendations, and conducting a public hearing on the proposal prior to its consideration by town meeting.

Charge: The Historic District Study Committee will:

- Investigate historic resources in the proposed district
- Evaluate maps of the proposed district
- Determine the appropriate boundaries of the proposed district, including review of Historic District boundaries, intrusions, and open space and vacant lots
- Determine property addresses for inclusion in the proposed district
- Gauge public opinion and build support for the proposed district
- Prepare an initial report
- Submit initial report to the Massachusetts Historical Commission
- Hold a public hearing
- Prepare a final report
- Prepare a warrant article for Town Meeting

Charge Adopted: January 10, 2023

Charge Revised:

SME Status Voted: January 10, 2023



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/10/2023

Agenda Item	FY2024 Budget Preview
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will discuss the FY2024 budget with the Select Board.	
2.	VOTE REQUIRED BY SELECT BOARD
Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. FY2024 Operating Budget Request Summary Table b. FY2024 DSR4 Requests c. FY2024 DSR5 Requests	

FY2024 Budget Request Summary

Line #	Description	FY2023 Current	FY2024 Base	% Change	FY2024 DSR4	Total Request	Change from FY2023
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Townwide Expenses

1	Casualty, Liability, Property & Self-insurance Program	834,262	922,490	10.6%		922,490	88,228 10.6%
2	Debt Service	20,366,317	17,543,250	-13.9%		17,543,250	(2,823,067) -13.9%
3	Group Health Insurance, Employee Benefits & Administrative Costs	17,255,396	17,325,136	0.4%	\$424,637	17,749,773	494,377 2.9%
4	Needham Electric, Light & Gas Program	4,121,023	5,655,057	37.2%		5,655,057	1,534,034 37.2%
5	Retiree Insurance & Insurance Liability Fund	8,844,474	8,141,306	-8.0%	\$78,679	8,219,985	(624,489) -7.1%
6	Retirement Assessments	11,407,096	12,319,665	8.0%		12,319,665	912,569 8.0%
7	Workers Compensation	732,070	772,332	5.5%	\$14,325	786,657	54,587 7.5%
8	Injury on Duty & 111F	151,105	159,415	5.5%		159,415	8,310 5.5%
9	Classification Performance & Settlements	111,260	998,000	797.0%		998,000	886,740 ###
10	Reserve Fund	2,052,091	2,346,825	14.4%		2,346,825	294,734 14.4%
Group Total		65,875,094	66,183,476	0.5%	517,641	66,701,117	826,023 1.3%

Select Board and the Office of the Town Manager

11A	Salary & Wages	1,085,382	1,124,354		101,439	1,225,793	140,411
11B	Expenses	255,076	268,347		4,508	272,855	17,779
	Total	1,340,458	1,392,701	3.9%	105,947	1,498,648	158,190 11.8%

Office of the Town Clerk

12A	Salary & Wages	411,017	415,274			415,274	4,257
12B	Expenses	81,720	86,480			86,480	4,760
	Total	492,737	501,754	1.8%		501,754	9,017 1.8%

Legal Services

13A	Salary & Wages						
13B	Expenses	329,140	329,140			329,140	
	Total	329,140	329,140			329,140	

Finance Department

14A	Salary & Wages	2,339,188	2,398,879			2,398,879	59,691
14B	Expenses	1,331,273	1,355,040			1,355,040	23,767
14C	Capital	95,000	100,000			100,000	5,000
	Total	3,765,461	3,853,919	2.3%		3,853,919	88,458 2.3%

FY2024 Budget Request Summary

Line #	Description	FY2023 Current	FY2024 Base	% Change	FY2024 DSR4	Total Request	Change from FY2023
Finance Committee							
15A	Salary & Wages	41,904	43,381			43,381	1,477
15B	Expenses	1,460	1,590			1,590	130
	Total	43,364	44,971	3.7%		44,971	1,607 3.7%
Planning and Community Development							
16A	Salary & Wages	522,888	546,757		28,500	575,257	52,369
16B	Expenses	36,850	38,450			38,450	1,600
	Total	559,738	585,207	4.6%	28,500	613,707	53,969 9.6%
Police Department							
17A	Salary & Wages	7,559,784	8,003,770			8,003,770	443,986
17B	Expenses	507,827	565,498			565,498	57,671
17C	Capital	257,884	134,894			134,894	(122,990)
	Total	8,325,495	8,704,162	4.5%		8,704,162	378,667 4.5%
Fire Department							
18A	Salary & Wages	9,805,101	10,145,850			10,145,850	340,749
18B	Expenses	445,467	509,681			509,681	64,214
18C	Capital	35,334	40,027			40,027	4,693
	Total	10,285,902	10,695,558	4.0%		10,695,558	409,656 4.0%
Building Department							
19A	Salary & Wages	803,103	843,272			843,272	40,169
19B	Expenses	51,040	51,040			51,040	
	Total	854,143	894,312	4.7%		894,312	40,169 4.7%
Minuteman Regional High School Assessment (Updated 12/23/2022)							
20	Assessment	1,367,739	1,641,773			1,641,773	274,034
	Total	1,367,739	1,641,773	20.0%		1,641,773	274,034 20.0%
Needham Public Schools							
21	Budget	87,277,798	92,155,973			92,155,973	4,878,175
	Total	87,277,798	92,155,973	5.6%		92,155,973	4,878,175 5.6%
Building Design and Construction Department							
22A	Salary & Wages	342,389	336,301		106,487	442,788	100,399
22B	Expenses	15,175	15,175		5,120	20,295	5,120
	Total	357,564	351,476	-1.7%	111,607	463,083	105,519 29.5%
Department of Public Works							
23A	Salary & Wages	10,480,457	10,915,518		333,192	11,248,710	768,253
23B	Expenses	8,167,639	8,704,620		101,900	8,806,520	638,881
23C	Capital	115,499	193,731			193,731	78,232
23D	Snow and Ice	433,139	437,470			437,470	4,331
	Total	19,196,734	20,251,339	5.5%	435,092	20,686,431	1,489,697 7.8%
Municipal Parking Program							
24	Program	151,818	159,654			159,654	7,836
	Total	151,818	159,654	5.2%		159,654	7,836 5.2%

FY2024 Budget Request Summary

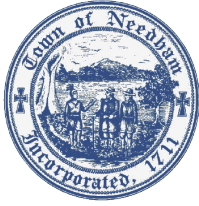
Line #	Description	FY2023 Current	FY2024 Base	% Change	FY2024 DSR4	Total Request	Change from FY2023
Health and Human Services Department							
25A	Salary & Wages	2,023,343	2,070,327		74,507	2,144,834	121,491
25B	Expenses	434,735	437,925		52,400	490,325	55,590
	Total	2,458,078	2,508,252	2.0%	126,907	2,635,159	177,081 7.2%
Commission on Disabilities							
26A	Salary & Wages	1,500	1,500			1,500	
26B	Expenses	550	550			550	
	Total	2,050	2,050			2,050	
Historical Commission							
27	Program	1,050	1,050			1,050	
	Total	1,050	1,050			1,050	
Public Library							
28A	Salary & Wages	1,766,194	1,814,034			1,814,034	47,840
28B	Expenses	390,863	417,100			417,100	26,237
	Total	2,157,057	2,231,134	3.4%		2,231,134	74,077 3.4%
Park and Recreation Department							
29A	Salary & Wages	1,074,354	1,149,013			1,149,013	74,659
29B	Expenses	263,336	325,440			325,440	62,104
	Total	1,337,690	1,474,453	10.2%		1,474,453	136,763 10.2%
Memorial Park Trustees							
30	Program	750	750			750	
	Total	750	750			750	
Needham Council for Arts and Culture							
31	Program	8,300	8,300			8,300	
	Total	8,300	8,300			8,300	
Department Budget Total		140,313,066	147,787,928	5.3%	808,053	148,595,981	8,282,915 5.9%
Total Operating Budget		206,188,160	213,971,404	3.8%	1,325,694	215,297,098	9,108,938 4.4%

FY2024 DSR4 Requests

Department	Request	FTE	Wage	Recurring Expense	One Time Expense	Base	Benefits	Total
Town Manager	Public Information Officer	1.00	\$101,439	\$4,508		\$105,947		\$105,947
Planning & Community Development	Community Housing Specialist 10.5 Hours Per Week	0.28	\$28,500			\$28,500		\$28,500
Building Design & Construction Department	Project Manager	1.00	\$106,487	\$2,170	\$2,950	\$111,607	\$37,505	\$149,112
Department of Public Works	Custodian	1.00	\$65,506	\$800		\$66,306	\$31,908	\$98,214
Department of Public Works	Heavy Motor Equipment Operator (Highway)	1.00	\$77,697	\$800		\$78,497	\$33,377	\$111,874
Department of Public Works	Assistant Fleet Supervisor	1.00	\$91,416	\$650	\$5,000	\$97,066	\$35,241	\$132,307
Department of Public Works	RTS Employee Trailer Rental			\$65,000	\$24,000	\$89,000		\$89,000
Department of Public Works	Sustainability & Resiliency Coordinator	1.00	\$98,573	\$650	\$5,000	\$104,223	\$34,185	\$138,408
Health and Human Services	Part-Time Clinician 19.5 Hours Per Week	0.50	\$34,122	\$1,250	\$2,500	\$37,872	\$3,214	\$41,086
Health and Human Services	Traveling Meals Cost Support			\$40,000		\$40,000		\$40,000
Health and Human Services	Environmental Health Inspector 10 Hours Per Week	0.27	\$18,270	\$3,150	\$1,750	\$23,170	\$1,714	\$24,884
Health and Human Services	Front Desk Administrative Assistant 19.5 Hours Per Week	0.52	\$22,115	\$2,500	\$1,250	\$25,865	\$1,714	\$27,579
Municipal Department Totals		7.57	\$644,125	\$121,478	\$42,450	\$808,053	\$178,858	\$986,911
School Department additional positions in submitted buc		14.30				\$0	\$338,783	\$338,783
Grand Total		21.87	\$644,125	\$121,478	\$42,450	\$808,053	\$517,641	\$1,325,694

FY2024 DSR5 Requests

Department	Request	Request
Town Manager	ICMA Local Government Management Fellow	\$221,000
Town Manager	Outside Recruiting Services	\$60,000
Town Manager	Temporary Staffing	\$40,000
Town Manager	Property Tax Assistance	\$50,000
Town Manager	Compensated Absence	\$250,000
Planning & Community Development	Small Grant Repair Program	\$50,000
Department of Public Works	Facility Maintenance Article	\$1,000,000
Department of Public Works	Fleet Refurbishment	\$150,000
Department of Public Works	Transportation Improvements	\$9,507
Department of Public Works	Town Owned Land Surveys	\$100,000
Health and Human Services	Opioid Recovery & Mitigation Fund	\$217,288
General Fund Total		\$2,147,795
Sewer Enterprise	Fleet Refurbishment	\$150,000
Grand Total		\$2,297,795

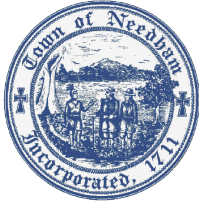


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on issues not covered on the agenda.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	

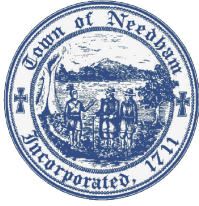


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members may report on the progress and / or activities of their Committee assignments.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
None	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 01/10/2023

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	1.) Exception 6: Purchase, Exchange, Lease or Value of Real Property
2.	VOTE REQUIRED BY SELECT BOARD
	<u>Exception 6:</u> To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to Open Session prior to adjournment
3.	BACK UP INFORMATION ATTACHED
	none

**Town of Needham
Select Board
Minutes for Tuesday, December 6, 2022
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/83097722481>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Kate Fitzpatrick, Town Manager. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, Kristin Scoble, Administrative Specialist, and Mary Hunt, Recording Secretary were also in attendance.
- 6:00 p.m. Public Comment Period: No public comments were heard.
- Ms. Cooley updated residents on the status of the Foster property on Charles Rivers Street. She said the purchase and sale agreement has been fully executed as of December 1, 2022. She noted the 60-day due diligence period through the end of January 2023. Ms. Cooley said a meeting with neighbors will be set within the next week. She asked that neighbors interested in the project provide their email address to receive updates.
- 6:01 p.m. Public Hearing: Alteration of Premises s for an All-Alcohol License in a Hotel – Needham Food and Beverage, LLC d/b/a The Heights
Ms. Cooley said the applicant has asked that the public hearing be continued to January 10, 2023.
- Motion by Mr. Nelson that the Select Board vote to continue Public Hearing: Alteration of Premises for an All-Alcohol License in a Hotel – Needham Food and Beverage, LLC d/b/a The Heights to January 10, 2023.**
Second: Mr. Borrelli. Unanimously approved 5-0.
- 6:02 p.m. Public Hearing: Application for a Transfer of an All-Alcohol License – Needham Center Fine Wines
Allen Levin, Applicant Counsel and Viralkumar Patel, Proposed Manager spoke with the Board regarding Lianos Liquors Inc., d/b/a Needham Center Fine Wines application for the transfer of an All Alcoholic Beverages Liquor License, section 15 package store operated at 1013 Great Plain Avenue, Needham, MA. The applicant is requesting the appointment of Viralkumar Patel as Manager of Record.
- Mr. Levin indicated Mr. Patel is T.I.P.S certified and holds six other liquor licenses in Massachusetts. He said he is aware and capable of following the rules and

regulations for the service of alcohol for the Commonwealth, the ABCC, and the Town of Needham.

Mr. Patel said he has over 10 years' experience in the liquor business with no violations.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Borrelli reminded Mr. Patel of the history of liquor licenses in Needham. He said Needham Center Fine Wines is in a prominent downtown location and hopes Mr. Patel will run a similar type of business established by Mr. Lianos. Mr. Borrelli wished Mr. Patel continued success in his business at the location.

Discussion ensued on the day-to-day operations and having a T.I.P.S. certified Assistant Manager.

Ms. Cooley commented on Needham's history of the service of alcohol and said she hopes Mr. Patel will ask everyone for identification.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Borrelli to approve the Section 15 All Alcohol License transfer application submitted by Lianos Liquors Inc, d/b/a Needham Center Fine Wines including the appointment of Viralkumar Patel as Manager of Record, and so approved forward the application to the ABCC for review and final approval.

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

6:12 p.m.

Appointments and Consent Agenda:

Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- | | |
|----------------------|---|
| 1. Tophar Cox | Needham Council on Arts and Culture Term Exp: 6/30/2025 |
| 2. Kavita Deodhar | Needham Council on Arts and Culture Term Exp: 6/30/2025 |
| 3. Stephen Dornbusch | Needham Council on Arts and Culture Term Exp: 6/30/2024 |
| 4. Heidi Frail | Council of Economic Advisors Term Exp: 6/30/2025 |
| 5. Polina Safran | Conservation Commission Term Exp: 6/30/2023 |
| 6. Susan Welby | Active Recreation Areas Working Group Term Exp: 6/30/2023 |

CONSENT AGENDA *=Backup attached

- 1.* **Approve a request from Emma Bagnell, Race Coordinator for the Great Bear Run to hold the race in Needham. The event is scheduled for Sunday, May 21, 2023. The route of the race has been approved by the following Town departments; DPW, Police, Fire and Park & Recreation.**
2. **Approve for calendar year 2023 requests for license renewals of Restaurant – All Alcoholic Licenses for each of the following establishments (subject to receipt of required completed paperwork):**

- Bertucci's Restaurants, LLC d/b/a Bertucci's
 - Blue Restaurant Needham LLC d/b/a Blue on Highland
 - Capella LLC d/b/a Cappella
 - Ceed Corp d/b/a Cook Needham
 - Fu Yuan, Inc. d/b/a Fuji Steak House
 - Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria
 - Poet King Restaurant Group LLC. d/b/a Hungry Coyote
 - Latin-A Group LLC d/b/a Latina Kitchen and Bar
 - SAI Restaurants, Inc. d/b/a Masala Art
 - New Garden, Inc. d/b/a New Garden Restaurant
 - Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria
 - Spiga, LLC d/b/a Spiga
 - Eat Farmhouse LLC d/b/a The Farmhouse
 - Henry Hospitality Inc. d/b/a The James
 - Fusion Cuisine, Inc. d/b/a Gari
 - Low and Zhang Co. d/b/a Mandarin Cuisine Locus
 - Needham Food and Beverage LLC d/b/a The Heights
3. Approve for calendar year 2023 request for license renewal of Restaurant – Wine and Malt Beverage License for the following establishment (subject to receipt of required completed paperwork):
 - French Press LLC d/b/a French Press Bakery & Café
 - PM Story Corporation d/b/a Little Spoon
 4. Approve for calendar year 2023 requests for license renewals of Package StoresAll Alcoholic Beverages for the following establishments (subject to receipt of required completed paperwork):
 - Innovative Distributing Concepts, LLC d/b/a Bin Ends
 - Gordon's Fine Wines of Needham Inc. d/b/s Gordon's Fine Wine
 - Lianos Liquors, LLC d/b/a Needham Center Wine & Spirits
 - Needham Wine & Spirits, LLC d/b/a Needham Wine & Spirits
 - Reveler Beverage Company, LLC d/b/a Reveler Beverage
 - Vinodivino 3, LLC d/b/a Vinodivino
 5. Approve for calendar year 2023 requests for license renewals of Package StoresWine and Malt Beverages for the following establishments (subject to receipt of required completed paperwork):
 - The Needham General Store, LLC • Volante Farms Inc
 6. Approve for calendar year 2023 request for Innholder – All Alcoholic License Renewal for the following establishments (subject to receipt of required completed paperwork):
 - Needham 365 Bev, LLC. d/b/a Residence Inn
 - Needham Lending Company d/b/a Sheraton Needham Hotel
 7. Approve for calendar year 2023 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork):
 - The Needham Golf Club Inc.
 - Village Club Building Assoc. Inc. d/b/a The Village Club
 - Lt. Manson Carter Post #2498 V.F.W. of U.S.

8. Approve for calendar year 2023 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):
 - Bagels' Best, Inc. d/b/a Bagels' Best Café
 - Bertucci's Restaurants, LLC d/b/a Bertucci's
 - Blue on Highland, LLC d/b/a Blue on Highland
 - C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
 - Coffee and Fresh Bagels Inc. d/b/a Café Fresh Bagel
 - Capella LLC d/b/a Cappella
 - 1095, LLC d/b/a Comella's Restaurant
 - Ceed Corp. d/b/a Cook Needham
 - K & K Pie Company, Inc. d/b/a Domino's Pizza
 - Lin and Xie Corp. d/b/a Dragon Chef Restaurant
 - ND Donuts d/b/a Dunkin'
 - ND Donuts d/b/a Dunkin'
 - ND Donuts d/b/a Dunkin'
 - French Press LLC d/b/a French Press Bakery & Café
 - Select Group, Inc. d/b/a Fresco Restaurant
 - Fu Yuan, Inc. d/b/a Fuji Steak House • Fusion Cuisine d/b/a Gari
 - Needham Food and Beverage LLC d/b/a The Heights
 - Henry Hospitality Inc. d/b/a The James
 - Latin-A Group LLC d/b/a Latina Kitchen and Bar
 - Low and Zhang Co. d/b/a Mandarin Cuisine Locus
 - SAI Restaurants, Inc. d/b/a Masala Art
 - McDonald's Restaurant – Needham
 - D & L Enterprises, Inc. d/b/a Mighty Subs
 - A New Leaf • New Garden Inc. d/b/a New Garden Restaurant
 - Boston Bread LLC d/b/a Panera
 - Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria
 - PM Story Corp. d/b/a Little Spoon
 - Needham 365 Bev. LLC d/b/a Residence Inn
 - Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel
 - Spiga, LLC • Starbucks Coffee Company
 - Sol Soul Family Foods LLC d/b/a Hearth Pizzeria
 - Yeat Inc. d/b/a Sweet Basil
 - H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
 - Treat LLC d/b/a Treat Cupcake Bar
 - Village Club Building Assoc. Inc.
 - Volante Farms
 - The Cookie Monstah, Co
9. Approve for calendar year 2023 the following requests for Class I & Class II Used Car Dealer Licenses (subject to receipt of required completed paperwork):
 - Auto International Ltd.- Class II
 - Center Automotive – Class II
 - Chestnut Motors - Class II

- Copley Motorcars – Class II
 - Needham Service Center – Class II
10. Approve for calendar year 2023 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):
- Needham 365 Bev., LLC d/b/a Residence Inn - Innkeeper
 - Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel – Innkeeper
 - Needham Food and Beverage, LLC d/b/a The Heights - Innkeeper
 - Olin College – Lodging License
 - Babson College – Lodging License
 - Yeat Inc. d/b/a Sweet Basil – Special Permit (Carry In Beer/Wine)

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

6:13 p.m. Public Hearing: Tax Classification
 The Board of Assessors including members Walter McDonough, Arthur Tzouros, and Barry Pollack, along with Melissa Motta, Director of Assessing (via Zoom), and David Davison, Assistant Town Manager/Director of Finance spoke with the Select Board regarding the allocation of the fiscal year 2023 tax levy among the various classes of property in Town.

Mr. Tzouros presented information contained in the “Classification Hearing, FY2023” dated December 6, 2022, along with the Assessor’s Report FY2023. He read a statement summarizing changes in the Assessor’s office over the last year including the hiring of Melissa Motta as Director of Assessing. Mr. Tzouros commented on teardown land sales activity, a detailed study, and valuation adjustments done for each of the 23 designated land neighborhoods to bring them into compliance with the statistical standards acceptable to the Massachusetts Department of Revenue. He commented on adjustments to the valuation tables that determine the “cost” attributed to the building portion of the equation. Mr. Tzouros addressed construction labor and materials costs, which he said rose considerably in the last few years. Mr. Tzouros noted commercial property owners reported fairly even income and expenses this year, hence relatively modest commercial property increases. He commented residential “new growth” has remained relatively stable for FY2023, with a slight drop, due in part to fewer new condo starts, but commercial and industrial growth ticked up slightly. He noted new growth in the area of Business Personal Property was back to its normal range after a significant jump in FY2022 due to an Eversource one-time utility infrastructure project. He also commented on the use of 2 growth collection vendors who proved beneficial in gathering data necessary to calculate this component of the tax levy. Mr. Tzouros reiterated residential sales thus far in CY 2022 have been very solid, noting these sales will be used to calculate property values for FY2024.

Discussion ensued on the shift in rates resulting in higher commercial rates vs. residential rates, as well as the current residential factor of 0.8928.

Ms. Motta commented on residents who might see an increase in their residential tax bill from last year, averaging 6.93%. She noted the increase in value from last year averages 9.63%. Ms. Motta said all properties are recalculated each year.

Ms. Cooley invited public comment. No comments were heard.

**Motion by Mr. Borrelli that the Select Board establish a residential factor of 0.8928 for the purposes of setting the Fiscal Year 2023 tax rates.
Second: Mr. Nelson. Unanimously approved 5-0.**

The Board of Assessors recognized Chip Davis, who recently retired as Director of Assessing, thanking him for his work. They noted he was a tremendous asset for many years to the Town of Needham.

6:30 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 5 items.

1. Appointment Protocol

Myles Tucker, Support Services Manager discussed proposed revisions to the Select Board protocol governing committee appointments. Mr. Tucker discussed proposed revisions which seek to improve clarity; simplify required processes; increased definition between “standard” and “joint” appointments; and establish protocol for appointment of Select Board members to other committees.

Mr. Tucker summarized the policy Protocol for Appointments Made by the Select Board (policy number SB-ADMIN-003).

The Board thanked Mr. Tucker for his work to update the appointment protocol.

2. Capital Policies Update

Kate Fitzpatrick, Town Manager, David Davison, Assistant Town Manager/Finance, and Katie King, Assistant Town Manager/Operations discussed with the Board proposed revisions to the Capital Improvement Policies and Debt Management Policies.

Ms. Fitzpatrick commented on several items, recommending that the Select Board consider amending at its meeting on December 20, 2022, for inclusion in the Capital Improvement Plan Policies.

Ms. Cooley commented she appreciates the update to make the policies more current and useful.

The Board thanked Ms. Fitzpatrick and Mr. Davison for the update.

3. Preliminary FY2024 – FY2028 Capital Improvement Plan

Ms. Fitzpatrick discussed with the Board the Capital Project Requests Preliminary Tier One Recommendations FY 2024 – 2028 in the Capital Improvement Plan. She said a vote on the final plan is scheduled for December 20, 2022.

Discussion ensued on Quiet Zone Safety Upgrades, School Technology, DeFazio Playground Renovation, and Traffic Improvements. Also discussed was funding for replacement of public safety fire apparatus and the possibility of establishing a fund to pay for future purchases.

The Board thanked Ms. Fitzpatrick, Mr. Davison, and Ms. King for the discussion.

4. Review Budget Priorities

Kate Fitzpatrick, Town Manager David Davison, Assistant Town Manager/Director of Finance Katie King, Assistant Town Manager/Director of Operations reviewed proposed budget priorities for the FY2024 Operating and Capital Budgets.

Mr. Borrelli commented on funding multi modal transportation and suggested funding the Public Information Officer position through the operating budget, rather than through a warrant article.

5. Town Manager Report

Ms. Fitzpatrick thanked Town staff for the amazing Blue Tree lighting event held on Sunday, December 1, 2022, on Greene's Field. She noted many people came out for the event.

7:15 p.m. Board Discussion:

1. Report on Goal Progress

Ms. Cooley reported that she and Mr. Nelson met with members of the Historic Commission to discuss the possibility of establishing a historic district. She noted the process is significant and that a committee must be established to determine the process and policies. Ms. Fitzpatrick said the Historic Commission has been invited to the Select Board meeting on December 20, 2022 to discuss a draft charge.

2. Committee Reports

No Committee Reports were made.

7:17 p.m. Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of December 6, 2022.

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

A list of all documents used at this Select Board meeting is available at:

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

The next Select Board meeting is scheduled for Tuesday, December 20, 2022.

**Town of Needham
Select Board
Minutes for Tuesday, December 20, 2022
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/84818276739>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, and Matthew Borrelli. Kate Fitzpatrick, Town Manager, joined the meeting at 6:34 p.m. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.
- 6:00 p.m. Public Comment Period: No public comments were made.
- 6:03 p.m. Ms. Cooley asked for a moment of silence for Nancy White, former Director of Parks and Recreation who recently passed away. It was noted Ms. White worked for the Town of Needham for many years.
- 6:05 p.m. Historical District Designation:
Laura Dorfman, Chair, Historical Commission, Don Lankiewicz, Vice Chair, Historical Commission, and Rose Doherty, Historical Commission (via Zoom) discussed with the Board a proposal to create a single parcel historic district in Needham. Maurice Handel and Jeff Heller also joined the discussion.
- It was noted this proposal supports Select Board goal 1.13: Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and 11th oldest in Needham.
- Ms. Dorfman outlined the goal and charge of the historical commission. She explained the historic designation is a way, in addition to demolition by laws, to preserve and protect historic properties in Needham. A draft composition and charge for the proposed study committee was presented for discussion purposes.
- Discussion ensued on composition of the study committee, the time the committee will have to gather information for a report to be presented to the Select Board, a plan to engage the Massachusetts Historical Commission, and ways to educate the community about historic districts.
- Ms. Cooley asked any resident architects and realtors interested in historic preservation to reach out to the local AIA (American Institute of Architecture) and the Town indicating their willingness to serve on the committee. She also commented a resident (Mr. Handel, in this case) of the proposed historic district is

required to serve on the committee, as well as a community member at large. Ms. Cooley acknowledged a significant amount of work is necessary in order to bring a warrant article to Town Meeting, possibly in the fall 2023.

The Select Board thanked the presenters for the information.

6:23 p.m.

Appointment and Consent Agenda:

Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

1. Hugh L Eichelberger	Technology Advisory Board	Term Exp: 6/30/2025
2. Sara Nechasek	Active Recreation Assets Working Group	Term Exp: 6/30/2023
3. Maureen Callahan	Needham Commission on Disabilities	Term Exp: 6/30/2024

CONSENT AGENDA *=Backup attached

- 1.* **Approve minutes of November 22,2022 (open session)**
2. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$250 from Maryruth Perras.**
3. **Accept the following donations made to the Needham Public Health Division, Gift of Warmth Program: \$500 from John & Nancy Frantz and \$100 from Elin Soderholm Trust.**
4. **Accept the following donations made to the Needham Free Public Library: Sixty Korean language books, estimated value \$500, given anonymously; from Ann MacFate, \$50 in honor of John Milligan and \$5,000 in honor of Irene MacFate; Where Do They Bury the Dead, by Joseph Policape, given by the author (estimated value \$17); and Stories from Across the Globe, by Catarina Chen, and Bouquet of Stars, by Chelan Harkin, given by Lise Perskie Rodriguez (estimated value \$30).**
- 5.* **In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt the updated classification and compensation plan/Schedule C for part-time, temporary and seasonal employees effective January 1, 2022.**
6. **Approve for calendar year 2023 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork): • North Hill Needham, Inc. d/b/a Central Avenue Café • LPM Holding Co., Inc. d/b/a Epicurean Feast - Cutler Lake • Eat Farmhouse, LLC d/b/a The Farmhouse • 1056 Gyro and Kebab House Corp d/b/a Gyro and Kebab House • Three Sons, Inc. d/b/a Kosta's Pizza & Seafood • International Needham House of Pizza d/b/a Needham House of Pizza • Select Pizza d/b/a Nicholas' Pizza • PAN LLC. d/b/a Panella's Market & Deli • Subway of Needham LLC d/b/a Subway • Niki Corp. d/b/a Town House of Pizza • Lt. Manson Carter Post 2498 V.F.W. of U.S.**
- 7.* **Approve for calendar year 2023 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork): • 7-Eleven – Special Permit (24 hr. retail sale of food) • Blue on Highland, LLC d/b/a Blue on Highland – Weekday Entertainment • Henry Hospitality Inc. d/b/a The James- Seven Day Entertainment License •**

Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria – Seven Day Entertainment License • SAI Restaurants, Inc. d/b/a Masala Art- Seven Day Entertainment License • Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel – Seven Day Entertainment License • Ceed Corp. d/b/a Cook Needham – Seven Day Entertainment License • The Needham Golf Club Inc. – Weekday Entertainment License • Latin-A Group LLC d/b/a Latina Kitchen and Bar – Weekday Entertainment License

- 8.* Approve and Sign Water Sewer Abatement #1321**
- 9. Approve a request from the James to extend its liquor license on December 31, 2022, until 1:00 a.m. The Police Department has approved this request.**
- 10. Accept the following donations made to the Needham Public Health Division: \$75 from Shahin Sagafi for Needham’s Gift of Warmth Program; \$75 from an anonymous donor for Needham’s Domestic Violence Action Committee.**
- 11. Accept the following donation made to Needham Youth & Family Services; \$200 Target Gift Card from the Needham Children’s Center for a family in need this holiday season.**

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

6:24 p.m.

Transportation Planning Proposal:

Ms. Cooley outlined the proposals developed by the Transportation Planning Review Committee. The TPRC was created under Select Board Goal 3.2: “Evaluate the role and composition of the TMAC, Transportation Committee, Rail Trail Advisory Committee, and Complete Streets Committee.” Ms Cooley referred to a memo dated December 16, 2022 from the Transportation Planning Review Committee .

She said the TPRC began after independent discussions with members of both the current transportation committee and with the TMAC regarding different issues each committee was having. She noted work necessary on transportation by the Select Board was not part of any committee charge or agenda; hence the committee with representatives from each group was formed. She said the group met on seven occasions in 2022. It discussed some of the challenges and ways to put a system in place that made good use of volunteer’s time, and to create the plans actually needed by the Town, in addition to safer streets. Ms. Cooley commented on the current Transportation Committee and when it was included into the by-laws. She noted the way the Town currently works with the MBTA is very different to when the committee originally was set up.

Discussion ensued on the proposed Committee Composition & Charge: Mobility Planning & Coordination Committee (successor to Transportation Committee), proposed Committee Composition & Charge: Transportation Safety Committee (formerly Transportation Management Advisory Committee), and proposed Committee Composition & Charge: Rail Trail Advisory Committee, and proposed General By-law amendment.

The Board thanked the committees for their work and for moving this Select Board goal forward.

6:35 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding seven items:

1. Appointment Protocol

Myles Tucker, Support Services Manager reminded the Board of its discussion on December 4, 2022 regarding standard operating procedures for appointment protocol. He reviewed the changes made since the last meeting and asked the Board to adopt the Protocol for Appoints Made by the Select Board (SB-ADMIN-003).

Motion by Mr. Borrelli that the Board vote to adopt the revised Protocol for Appointments Made by the Select Board dated December 20, 2022, as further revised by changing II. Joint Appointments to III., and Appointment of Select Board Members to Committees from III. to IV.

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

Ms. Cooley thanked Mr. Tucker for his work, and said she is grateful for a new process.

2. Retirement COLA Recommendation

Kate Fitzpatrick, Town Manager, recommended that the Select Board adopt the recommendation of the Needham Contributory Retirement Board to provide a one-time cost of living adjustment (COLA) to eligible retirees for FY2023. She reminded the Select Board that The Retirement Board previously voted to approve a 3% COLA for FY2024. By action taken at the 2022 Annual Town Meeting, the base on which the COLA is calculated is the first \$16,000 of the retiree's pension. Ms. Fitzpatrick noted that on November 16, 2022, Governor Baker signed Chapter 269 of the Acts of 2022. This Act provides local retirement systems with a local option to increase the COLA for FY2023 to up to 5% of the base amount. The local approval mechanism is different from traditional COLA increases. The local retirement board must vote and then receive approval from the city or town. In a Town, such approval is by the CEO – in Needham's case the Town Manager.

Motion by Mr. Nelson that the Select Board endorse the Town Manager's recommendation to approve the recommendation of the Needham Contributory Retirement Board to provide a total 5% increase for retirees for FY2023.

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

3. ARPA Update

Ms. Fitzpatrick provided the Board with an update on ARPA spending, commitments, grants, and projects, and recommended that the Board approve certain transfers within spending categories. The proposed amendment is to advance the Library Chiller Project Replacement Project (\$369,000) from the FY2024 Capital Plan to a new category of Ventilation Upgrades in the ARPA

Budget. Use of ARPA funding will allow the Public Works Building Maintenance Division to start the work prior to the summer of 2023 when any failure of the chiller is most problematic.

She said the chiller is a component of the HVAC system that cools an area by transferring heat away from a space using a refrigerant, releasing it outside. The current chiller is past the end of its useful life, functions poorly, and its obsolete parts need constant repair. It utilizes a refrigerant called R22, which the Environmental Protection Agency (EPA) has banned the production and import of as of January 1, 2020, due to the harm it causes to the ozone layer. This means it is increasingly more difficult and expensive to find a replacement R22. This project would remove the existing chiller and replace it with a new chiller that is easier to maintain and does not utilize R22. The new chiller would also have an energy recovery system to reduce energy consumption, which the existing chiller does not have. She asked the Board to approve the updated ARPA Proposal Budget dated December 16, 2022.

Motion by Mr. Keane that the Board approve the updated ARPA Proposal Budget dated December 16, 2022.

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

4. FY2024 Budget Priorities

Ms. Fitzpatrick reviewed with the Board the proposed budget priorities for FY2024 Operating and Capital Budgets. It was noted the proposed budget priorities were discussed at the Select Board meeting on December 6, 2022.

Motion by Mr. Borrelli that the Board vote to adopt the budget priorities for FY2024.

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

5. FY2024 -FY2028 Capital Improvement Plan

Ms. Fitzpatrick recommended that the Board approve the FY 2024 - 2028 Capital Improvement Plan for transmission to the Finance Committee. She noted the draft Capital Improvement Plan Executive Summary and changes made at the Board's last two meetings on updating the Debt Management and Capital Improvement Policies. She asked for the Board's approval.

Motion by Mr. Keane that the Board approve the updated Capital Improvement Policies and Debt Management Policies and approve the FY 2024 – 2028 Capital Improvement Plan for transmittal to the Finance Committee.

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

6. Facility Financing Plan Update

Dave Davison, ATM/Director of Finance reviewed with the Board the recently updated Facility Financing Plan. He said the purpose of the document is to provide

a sense of what the Town's debt position and annual debt service budget requirements may be to fund the identified projects. Mr. Davison said the Outlook includes current projects previously approved, and amounts yet to be borrowed, totaling approximately \$26,000,000.

Discussion ensued on 13 projects recommended for financing, in whole or in part by debt, including the two projects approved at the October 24, 2022 Special Town Meeting (the Emery Grover supplemental appropriation and the purchase of a portion of the Foster property). The report includes all the capital proposed to be funded by debt in the preliminary FY2024 - FY2028 Capital Improvement Plan, as well as two major school projects under consideration, the Mitchell and Pollard Schools, and a significant investment in the Public Works facilities. Project cost, timing assumptions, and interest rates among other items, were discussed. Mr. Davison commented all information contained in the report is available on the Town's website.

Ms. Cooley said the budgets provide information that can help the Board understand the different choices that can be made in order to be responsible to the taxpayers of Needham and to managing the budget.

The Board thanked Mr. Davison for the information.

7. Town Manager Report

Ms. Fitzpatrick reported that last week the Massachusetts Public Health Council approved Children's Hospital to move forward. She said permitting for building the garage and hospital surgical facility is expected in the near future.

7:25 p.m. Board Discussion:

1. Committee Reports

Mr. Keane reported the Code of Conduct Committee met yesterday. He also reported the Climate Action Committee met to discuss the CEA (Community Electricity Aggregation). He noted the name of the CEA will change to MuniAgg (Municipal Aggregation).

Mr. Nelson reported the Affordable Housing Working Group will hold its last meeting of the year on Thursday, December 22, 2022.

Ms. Cooley reported she and Mr. Nelson met with the Needham Channel to discuss NUARI, its history, and status of current projects. She said the full interview will be available for viewing in January 2023.

Ms. Frail reported she and Mr. Keane attended the Chabad menorah lighting December 19, 2022. She wished happy Hanukkah to those who celebrate.

Ms. Cooley commented the Executive Session Exception 6 tonight is to discuss the Foster property and it is expected a meeting with neighbors to discuss the development agreement will be held in January 2023.

The Select Board wished residents a nice holiday.

7:30 p.m. Executive Session: Exceptions 3 (Litigation) and 6 (Interest in Real Property)

Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.

Exception 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

and

Exception 6 – To consider the purchase, exchange, lease or value of real estate if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Not to return to open session prior to adjournment.

Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

Note: The Executive Session ended at 8:40p.m.

A list of all documents used at this Select Board meeting is available at:

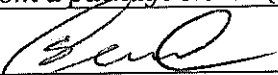
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

The Next Select Board meeting is scheduled for Tuesday, January 10, 2023, at 6 p.m.

CH# 2493
PD 12/19/22

**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM SELECT BOARD
EVENT INFORMATION SHEET**

(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Teri Boardman		
Event Manager Address	292 Forest St		
Event Manager Phone Number	781 964 6347		
Organization Representing (if applicable)	Volante Farms		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☐ Non-profit	☒ For profit	
	☐ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	Cooking Class		
Date of Event	1/21/23, 2/4/23 (2 separate events)		
License is for Sale of:			
☒ Wines & Malt Beverages Only			
☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	TO:	
	1 PM	4 PM	
Are tickets being sold in advance for this event?	☒ YES	\$ 40 /per ticket	☐ NO
Is there an admission fee for this event?	☐ YES	\$ /per ticket	☒ NO
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	30		
Name & address of event location. Please attach proof of permission to use this facility.			
292 Forest St. Needham Volante Farms			
Who will be serving the alcohol to your guests?			
Joe Ferrara ; Dave Menyo. (Wine/Beer Managers)			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
See attached			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
Customers will receive a small (3oz) serving of wine with each of the three courses at the cooking class, over the course of 2-3 hours.			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date:
			12/15/22

Certificate of Completion

This Certificate of Completion of
eTIPS Off Premise 3.1
For coursework completed on April 26, 2022
provided by Health Communications, Inc.
is hereby granted to:

Joseph Ferraro

Certification to be sent to:

**Volante Farms
292 Forest St
Needham MA, 02492-1329 USA**



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



On Premise

CERTIFIED

Issued: 6/20/2022

Expires: 6/13/2025

ID# 5747230

JOSEPH G FERRARO

35 Mason St

Somerville, MA 02144-1607

For service visit us online at www.gettips.com

Carol Read, 67065



eTIPS Off Premise 3.1

CERTIFIED

Issued: 04/26/2022

Expires: 04/26/2025

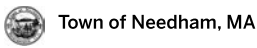
ID#: 5701083

Joseph Ferraro

Volante Farms

292 Forest St

Needham, MA 02492-1329 USA



01/06/2023

SLL-10009

One Day Special Liquor License

Status: Active

Date Created: Jan 3, 2023

Applicant Mary Beth Cox mcox@saintjoes.com 90 Pickering Street 02492 [REDACTED]	Primary Location 90 PICKERING ST Needham, MA 02492 Owner: St. Joseph School 90 Pickering Street Pickering Street Needham, MA 02492
---	---

Internal Use Section (for use by Town Manager's Office)

Status (in process, approved, denied)

--

Conditions/Restrictions (If no restrictions, please enter "None".)

--

Comments

--

Date of Needham Select Board Approval

--

Event Manager Information

Event Manager's Name Mary Beth Cox	Event Manager's Email mcox@saintjoes.com
--	--

Event Manager's Mailing Address (street, town, state, zip)
90 Pickering Street

Event Manager's Phone Number [REDACTED]	Contact Number During the Event [REDACTED]
---	--

Organization Information

Organization Name
St. Joseph School

Is the organization for non-profit or for profit?
Non-Profit

Tax ID #
45-3478272

Event Information

Name of Event Mom's Night Out - Designer Pocket Book Bingo	Date of Event 01/19/2023
--	------------------------------------

Details of Event
This is a small fundraiser designed to bring the moms of our school community together socially while playing games of Bingo to win designer packetbooks

1/6/23, 10:44 AM

OpenGov

Requested Start Time: Liquor License

6:00 pm

Requested End Time: Liquor License

10:00 pm

Hours of Event

4 (may end sooner depending on how quickly we get through the games)

Name of Event Location (i.e. example, Powers Hall, VFW)

St. Joseph School Hub

Event Location Address (street, town, state, zip)

90 Pickering Street

Maximum Number of Expected People

125

Is Event Open to the Public

No

Are tickets being sold in advance for this event?

Yes

Advance ticket price

30

Is there an Admission fee?

No

Are you using dues collected to purchase alcohol for this event?

No

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees?

Yes

Alcohol

Non-Profit: License is for the Sale of:

Wines & Malt Beverages Only

Service of Alcohol plan

Guests will purchase at bar

Please attached floorplan (can be hand drawn) of the event facility with liquor delivery plan.

Bartenders/Servers

Bartender Name	Certificate Expiration Date
Kenneth Cox	07/11/2025

Please Read

I agree

☒

Acknowledgement

I agree

☒

Digital Signature of Permit Applicant

Mary Beth Cox

01/03/2023

Attachments

pdf

Identification.pdf

Uploaded by Mary Beth Cox on Jan 3, 2023 at 12:30 pm

pdf

Letter from Head of School.pdf

Uploaded by Mary Beth Cox on Jan 3, 2023 at 12:30 pm

docx

Flyer.docx

Uploaded by Mary Beth Cox on Jan 3, 2023 at 12:44 pm

pdf

TIPS Certificate.pdf

Uploaded by Mary Beth Cox on Jan 3, 2023 at 12:30 pm

pdf

Floor Plan.pdf

Uploaded by Mary Beth Cox on Jan 3, 2023 at 12:50 pm

https://needhamma.viewpointcloud.io/#/explore/records/25752/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1012498%2...

2/3

History

Date	Activity
Jan 3, 2023 at 8:39 am	Mary Beth Cox started a draft of Record SLL-10009
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerCity from "" to "Needham"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerEmail from "" to "mcox@saintjoes.com"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerName from "" to "St. Joseph School"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerPhoneNo from "" to "781-444-4459"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerPostalCode from "" to "02492"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerState from "" to "MA"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerStreetName from "" to "Pickering Street"
Jan 3, 2023 at 8:40 am	Mary Beth Cox altered Record SLL-10009, changed ownerStreetNo from "" to "90 Pickering Street"
Jan 3, 2023 at 12:51 pm	Mary Beth Cox submitted Record SLL-10009
Jan 3, 2023 at 12:51 pm	approval step Application Completion Reviewwas assigned to Kristin Scoble on Record SLL-10009
Jan 4, 2023 at 10:04 am	Kristin Scoble approved approval step Application Completion Review on Record SLL-10009
Jan 4, 2023 at 10:04 am	approval step Police Department Reviewwas assigned to John McGrath on Record SLL-10009
Jan 4, 2023 at 12:05 pm	John McGrath approved approval step Police Department Review on Record SLL-10009
Jan 4, 2023 at 12:05 pm	approval step Application Added to Select Board Consent Agendawas assigned to Kristin Scoble on Record SLL-10009
Jan 4, 2023 at 12:06 pm	Kristin Scoble approved approval step Application Added to Select Board Consent Agenda on Record SLL-10009
Jan 4, 2023 at 12:06 pm	approval step Outcome of Select Board meetingwas assigned to Kristin Scoble on Record SLL-10009

Timeline

Label	Status	Activated	Completed	Assignee
 Application Completion Review	Complete	Jan 3, 2023 at 12:51 pm	Jan 4, 2023 at 10:04 am	Kristin Sc
 Police Department Review	Complete	Jan 4, 2023 at 10:04 am	Jan 4, 2023 at 12:05 pm	John McC
 Application Added to Select Board Consent Agenda	Complete	Jan 4, 2023 at 12:05 pm	Jan 4, 2023 at 12:06 pm	Kristin Sc
 Outcome of Select Board meeting	Active	Jan 4, 2023 at 12:06 pm	-	Kristin Sc
 Fee Review	Inactive	-	-	-
 Print Review	Inactive	-	-	-
 Issue One Day Special Liquor License	Inactive	-	-	-
 Transmittal of Notice of Approval of Special License to Needham Police and ABCC	Inactive	-	-	-
 Close Permit	Inactive	-	-	-