

SELECT BOARD

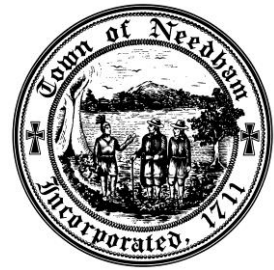
Meeting Agenda

6:00 p.m. February 14, 2023

NEEDHAM TOWN HALL

Select Board Chambers & Zoom

2nd REVISION



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/82637253545?pwd=YXhheDZndDE5a2FCTDNqMEtoT2d4QTo9>

Passcode: 557200

One tap mobile: +13052241968,,82637253545#

Webinar ID: 826 3725 3545

	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	Introduce Veronica Harvey David Davison, Assistant Town Manager/Director of Finance
2.	6:00	Recognition of Edward Olsen Receipt of 2023 Sports Turf Manager of the Year for the New England Sports Turf Managers Association - Carys Lustig, Director of Public Works - Edward Olsen, Parks & Forestry Superintendent
3.	6:00	Human Resources Recruitment Video Presentation Cyndi Roy Gonzalez, Public Information Officer
4.	6:00	Public Hearing: Grant of Location; 311 Charles River Street Joanne Callendar, Eversource Representative
5.	6:00	Public Hearing: Grant of Location; 94 Brookside Road Joanne Callendar, Eversource Representative

6.	6:00	Public Hearing: Grant of Location; 78 Brookside Road • Joanne Callendar, Eversource Representative • Mark Harding, Hoffer Construction • Joey Hoffer, Hoffer Construction
7.	6:00	Public Hearing – Alteration of Premises for an All-Alcohol License in a Restaurant – Henry Hospitality Inc d/b/a The James • Stuart Henry, Manager
8.	6:00	Public Hearing: Outdoor Dining License – Henry Hospitality Inc d/b/a The James • Stuart Henry, Manager
9.	6:00	Public Hearing Relative to Suspended Alcohol License – Poet King, LLC d/b/a Hungry Coyote • Michael Magerer, Applicant Counsel • Nezahualcoyotl Leon, LLC Manager • Leona Leon, Manager of Record
10.	6:00	Public Hearing: ABCC Amendment Application for Change of Officers and Change of Stock Interest – Poet King, LLC d/b/a Hungry Coyote • Michael Magerer, Applicant Counsel • Nezahualcoyotl Leon, LLC Manager
11.	7:15	Town Manager • Accept & Refer Zoning • Close Annual Town Meeting Warrant • Town Manager Report
12.	7:45	Board Discussion • Removal of the Police Department from Civil Service Ballot Question • Sale of Alcohol Ballot Question • Committee Reports
13.	8:15	Executive Session Exception 3 – to discuss potential litigation to be filed on behalf of multiple Massachusetts cities and towns concerning changes to Massachusetts Water Resources Management Program regulations.

APPOINTMENTS

1.	Matthew Zollner	Water and Sewer Rate Structure Committee Term Exp: 6/30/2024
2.	Moe Handel	Single Parcel Historic District Study Committee Term Exp: 6/30/2026
3.	Gloria Greis	Single Parcel Historic District Study Committee Term Exp: 6/30/2026
4.	Don Lankiewicz	Single Parcel Historic District Study Committee Term Exp: 6/30/2026

CONSENT AGENDA *=Backup attached

1.*	Approve minutes of January 10, 2023 (open session), January 24, 2023 (open session).
2.	Approve a Mobile Food Vendor License for Cousins Maine Lobster to vend year-round, once weekly on Tuesdays during permitted hours in permitted Mobile Food Vendor spaces on First Street between A and B Streets.
3.	Accept the Needham Commission on Disabilities approved grant request of \$480 for the Needham Community Council to purchase (3) three lightweight wheelchairs.
4.*	Approve a request from Jill Barber, Membership Director from the Charles River YMCA to hold the annual Independence Day 5K race in Needham. The event is scheduled for Tuesday, July 4, 2023. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.
5.*	RATIFY a One Day Special License for Robert Timmerman of Needham Knights of Columbus for Sunday, February 12, 2023, 4:00-10:30PM for a Super Bowl Party for Seminarian Support. The event will be held at Needham Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order. Police Department approved the events.
6.*	Approve the proposed schedule of penalties for alcohol compliance check failures for the following license holders: Bertucci's Restaurants, LLC d/b/a Bertucci's, Ceed Corp d/b/a Cook Needham, Capella LLC d/b/a Cappella, Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria, French Press LLC d/b/a French Press Bakery Café, PM Story Corp d/b/a Little Spoon, Needham Lending Company, LLC d/b/a Sheraton Needham Hotel, Lianos Liquors LLC, d/b/a Needham Center Fine Wines and Spirits, and Reveler Beverage Company LLC, d/b/a Reveler Beverage.
7.	Accept the following donation made to the Needham Public Health Division - Domestic Violence Action Committee; \$200 from Jonathan and Jane Migdol.
8.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$50 from Kate Carter.
9.	Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks and festivities on Monday, July 3, 2023, and a road race, flag raising, and parade on Tuesday, July 4, 2023. Coordination of all activities will be made with appropriate Town Departments.
10.	Accept the following donation made to Youth & Family Services Department; \$250 from the Forde Family.
11.	Grant permission for the following residents to hold block parties:



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

MEETING DATE: 2/14/2023

Agenda Item	Introduce Veronica Harvey
Presenter(s)	David Davison, Assistant Town Manager/Director of Finance

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. Davison will introduce Veronica Harvey, the newly appointed Treasurer/Collector	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Introduction only.</i>	
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
a. Resume for Veronica Harvey	

Veronica Harvey

Summary and objective:

I am an experienced municipal professional seeking an opportunity that will utilize my broad background in finance, project management and information management systems, and will also provide the opportunity to expand upon my professional skill set.

Education

- Graduate Certificate in Local Government Leadership and Management – with Honors
Suffolk University- Sawyer Business School : [REDACTED]
- Professional Degree in Accounting - with Distinction
Institute of Account Technicians, Dublin, Ireland : [REDACTED]
Accounting, Business Law, Taxation, Business Management and Business I.T.
- Advanced Diploma in Business Information Technology - with Distinction
Omagh College of Higher Education, Northern Ireland: [REDACTED]
- Diploma in Business and Finance - with Distinction
Armagh College of Higher Education, Northern Ireland: [REDACTED]
- 8 General Certificates of Secondary Education - (High School Diploma Equivalent)
St. Patrick's High School, Keady, Co Armagh, Northern Ireland: [REDACTED]

Key Skills

- Ability to create and manage critical task lists
- Perform effectively with sudden deadlines and changing priorities
- Proven ability to identify, analyze, and solve a wide range of tasks
- Ability to collaborate and work pleasantly and effectively with others
- Strong organizational and communication skills
- Excel proficient

Experience

Town of Foxborough - Assistant Treasurer / Collector

- Financial, administrative and analytic duties relative to the receipt, disbursement and investment of multi-million dollar budget
- Manage RE and PP quarterly billing and demands process
- Ensure Town obligations / debt payment are paid timely
- Staff supervision
- Serve as Treasurer/Collector during their absence
- Maintain integrity and accuracy of in-house payroll database (Munis)
- Project management and ensuing staff training
- Responsible for annual Tax Title takings and maintaining accurate tax title records
- Cash management and reconciliation
- Establish and maintain effective and harmonious working relationships with town officials, town departments, federal / state agencies, residents and the general public
- Prepare financial reports / federal and state filings and maintain detailed records

Town of Foxborough - Fire Department Administrator

- Bi-weekly department and detail payroll for all Fire personnel
- Ensure timely creation and mailing of invoices for associated Details
- Process and turn over detail invoice payments and other revenue to Finance weekly
- Accounts Payable – coordinate and prepare invoices for payment
- Assist with Grant applications and ensure compliance with all associated reporting
- Issue commercial and residential fire permits using Red Alert software

Town of Foxborough - (combined role)

Payroll Administrator

- Key team member that successfully implemented in-house payroll in 2014 (Munis)
- Town wide staff training using Munis payroll software
- Responsible for accurate, compliant and timely bi-weekly payroll processing
- Employee onboarding - manage new hire benefit enrollment and open enrollment process
- Ensure compliance with Federal and State statutory reporting and filing requirements

Revenue Collections Coordinator

- All aspects of collections and cash management for Collector/Treasurer office
- Reconcile / post daily cash and check payments and create bank deposits
- Reconcile and import daily payment files
- Weekly turnover of revenue to Treasurer
- Assist with annual Tax Title preparation
- Accept MV commitments and send to Deputy to ensure bills are issued timely

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Payroll Northeast, Danvers, MA - Account Manager / Payroll Specialist

- Processing payroll (weekly, bi-weekly, monthly) for multiple clients
- Monthly / Quarterly / Annual deposits & filings per Federal & State regulations
- All associated payroll year end filing
- Bookkeeping / bank reconciliation and bank deposits / GL journal entries (Quickbooks)
- Accounts Payable and Account Receivables
- Tax preparation and filing (Corporate and Personal tax returns / sales tax returns)

████████████████████

Cambridge Police Department, Cambridge, MA - Payroll Coordinator

- Payroll processing for all sworn and civilian personnel, review time sheets, calculate overtime/court time & distribute weekly/monthly checks
- Adhere to various union contracts for sworn and civilian personnel. Process step progressions / step increases via Personnel Transaction Form to City Hall.
- Process paperwork for new hires at various stages – from vacancy posting/job description through the recruitment process.
- Maintenance of personnel records, benefits information, benefit time balances, On Duty software record keeping (internal to PD)
- Miscellaneous HR and budget related projects
- Extensive use of MS Office & PeopleSoft HR & financial software
- Process Workers Comp related paperwork and billing
- Assist employees with all payroll related queries
- Complete employment verification paperwork for employees

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Aidan Burke Inc, Stoneham, MA - Book-keeper / Payroll Coordinator

- Weekly / Bi-weekly and Monthly payroll processing for multiple clients
- Calculate overtime and reimbursements
- Monthly / Quarterly / Annual deposits & filings per Federal & State regulations
- All associated payroll year end filing
- Bookkeeping / bank reconciliation and bank deposits / GL journal entries (Quickbooks)
- Extensive use of a wide range of software to include MS Office, Creative Solutions Suite and Quickbooks
- Tax preparation and filing (Forms 1040 / 1120 / W2 / 941 / 1099 Misc and miscellaneous monthly filings)

Camp Takajo, Naples, ME - Summer Camp Office Manager

- Executive Assistant to Associate Director
- Supervise and train office team
- Co-ordinate staff and camper travel and prospective family tours
- Accounts Payable and Receivables using Quickbooks and assist with payroll (approx. 200 staff)

Armagh College of Higher Education, Northern Ireland

Finance Executive Officer (Cfacs & Agresso Financial Software Packages)

- Project Leader for the implementation of a new computerized accounts system throughout the college – training staff members once successfully implemented
- Prepare accounts to trial balance & assist with Management accounts
- Coordinate with HR on payroll verification and approval – (approx 500 employees)
- Coordinate Accounts Payable and Accounts Receivable functions & supervise staff therein
- Budget control, reconciliation and analysis

The Quays Shopping and Leisure Center, Newry, Northern Ireland

Customer Service & Office Manager– Administrative and financial duties with additional managerial duties in the absence of Center Manager.

- Supervisory management of Customer Service Desk & staff
- Financial Duties - Budget preparation, control and analysis
- Assist in the organization of Center events and coordinate travel arrangements
- Represent the Quays at various meetings / launches & PR opportunities
- Duty Manager - oversee the running of the Center in the absence of the Center Manager

St. Patrick's Grammar School, Armagh, Northern Ireland

Senior Executive Assistant (with financial duties)

- Database management using SIMS (School Information Management System)
- Financial duties- computerized payroll & Assistant to the Bursar using Pegasus software – bank reconciliation and deposits, assisting with monthly accounts and budget preparation
- Provide administrative/organizational assistance to the Senior Management Team
- Daily use of all computerized packages in MS Office
- Delivery of staff training and staff supervision

References are available on request



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

MEETING DATE: 02/14/2023

Agenda Item	Recognition of Edward Olsen Receipt of 2023 Sports Turf Manager of the Year for the New England Sports Turf Managers Association.
Presenter(s)	Carys Lustig, Director of Public Works Edward Olsen, Parks & Forestry Superintendent

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Edward Olsen has received the 2023 Sports Turf Manager of the Year for the New England Sports Turf Managers Association. This award recognizes a Sports Turf Manager currently working in New England who has made a significant contribution (local, regional and/or national) to the sports turf industry. Criteria for contribution is multi-faceted and might include successful management or maintenance practices, creative staffing or budgeting strategies, successful partnerships, technical improvements, improvements in safety and/or environmental stewardship.	
2.	VOTE REQUIRED BY SELECT BOARD
Discussion only.	
3.	BACK UP INFORMATION ATTACHED
1. NETSMA Awards Questionnaire	



AWARDS QUESTIONNAIRE

Congratulations and thank you for helping us prepare for your NESTMA Award presentation. Some of the information you share will help inform your NESTMA Award presenter, as well as provide content for a news release, meeting promotion and Blade magazine article. We would also appreciate receiving a few digital photographs of you (i.e., headshot and/or you working in the field).

Please provide as many applicable answers as possible and don't worry about how it sounds ... we'll make edits. On the day of the presentation, you will want to be prepared with a few brief comments. If you have any questions, just let us know. Thank you!

Name Edward Olsen

Title Parks & Forestry Superintendent

Professional Designations ISA certified arborist,

Organization Department of Public Works

Location Town of Needham, MA

Where did you go to school? What was your major? UMASS Amherst 2 degrees BA History, 93 BS Plant & Soil Science, 98 concentration in turfgrass management

How did you get your start in sports field management? Upon graduation from UMASS with my BA, I enrolled into my Master of Education degree at Bridgewater State College. I taught a Behavior Modification classroom, Spec. Ed., at Hancock Elementary School in Brockton until I was bitten by one of my students, which gave me some pause to reflect on what I really enjoyed doing. I was very passionate about my job and my kids however it was very emotionally draining. My students were from mostly terrible home lives and family situations. My heart was drained every day dealing with them and trying to make a positive difference in all of their lives. I realized that I loved my students, but I did not like working indoors.

My passion had always been to be outside. It had always been this way since I was young. I was fortunate to meet many UMASS Stockies while attending UMASS for my first degree in History. I stayed in touch with many of these friends who had become very successful Golf Course Supers. I was impressed at how they were doing and was intrigued by their choices of career. I upon visited them at their respective jobs and each time I left intrigued a little more. I decided to go back for another Bachelor's degree at UMASS Amherst in Turfgrass Management. I did a summer internship at Thorny Lea Golf Club, Brockton MA prior to returning to school. Joe Rypka begrudgingly gave me a chance one summer. This was only because my dad's best friend was his Greens'

Comm. Chairman. He called it an internship years later after I got my first Superintendent position but it was really just a grind. He purposefully gave me all the worst jobs to break my spirit but what he didn't realize until the end of the summer was that I loved every second, especially the grind work.

Where did you go from there? Took a couple of different assistant Super. Positions while attending school and landed a job down in NY which led to my first head job. I loved working in the MET. So many historic tracks everywhere with some of the most talented turf people in the country. With huge budgets turf geeks like myself were in heaven. After 4 years I returned home to MA, to take a Superintendent's position at a Club that I had been a former Assistant Super at for a short while upon graduating UMASS, Spring Valley CC. in Sharon. From there I did one more stint as a Golf Course Super in Quincy MA before changing careers. In 2010 I applied and was hired, in the Town I lived in with my family, as the Parks & Forestry Superintendent. Nat Binns my Toro rep. at the time was the one that told me to apply and that I would be great there. I had never considered leaving Golf but I now had a young family and was interested in a more normal career with a good Work/Life balance and thought this more would provide that. 12 years later I feel very fortunate to be where I am. Over the past few years I have had some really incredible job offers however I stay because my Why is huge. I work in the Town I live in and love. I give back through my work and this is very satisfying. I love working with my Team. I have incredible people supporting me. All of them. Lastly I have work still to do. My 5 year plan is aggressive and feel like this is what keeps me going.

What do you like best about your current position? Seeing the Pride our staff exhibit in the work. Team building. Spending time with my staff working. Helping build visions for the Future. Having a vision for a big project and then getting the ideas of my Team built in for consideration. We have finished over 12 major capital field projects here in Needham over the last 12 years. Seeing a project from vision through completion and all that comes with it. Nothing more rewarding than building a mutually accepted vision (design) and seeing it through to final product. Our most recent example is our Town of Needham Common renovation that is nearly completion. This vision started almost 10 years ago.

Since the beginning of your career, what is the biggest change you've seen in the sports field industry? Turf quality improvements. This has been accomplished through innovations in machinery and equipment. This has been accomplished through technology, like Pogo. This has been accomplished by seed. Now we have so many improved seed blends that are genetically bred to accomplish so many of the traits we have long desired. The newer blends of Bluegrass, Ryegrass and Fescues have come so far in the last dozen years. As a result all of us are producing much higher level playing surfaces than ever before.

Who is/are your mentor(s) in the sports field management profession? Golf - Joe Ripka-Thorny Lea GCS, Joe taught me professionalism & John Adamonis Spring Valley Country Club, John taught me about work ethic and drive Sports Turf Jack Schmidgal, Jack

taught me everything else, especially attention to details, and specification writing.

What's the best business advice you've ever received? Theodore Roosevelt:

"It is not the critic who counts; not the man who points how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

What is the next game-changer you see on the horizon for the sports field industry? Staff. Now more than ever we need to recruit, retain, train, and develop our people and staff. Also help mentor our staff and show them passion, respect, and appreciation of managing, and promoting Green Space. A leader needs to build a Team. A good team needs a leader, one that can help guide the ship. A good leader needs a Team that gets it done and that want and know how to! Both need support, patience, and guidance. Once both know and fully understand their respective roles then the magic happens naturally. Passion grows progress and respect. Respect and progress ingrain gratitude and ownership.

Any industry-related volunteer service you'd like to share?

Serving on the NESTMA board. Hosting NESTMA events in Town. This was done to get involved and make a difference in this industry. To meet new people and help share ideas and practices so that we all can grow together. I wish more folks would get involved in their respective associations. Hosting Field days in the past has been a lot of work as well as a lot of fun. Our staff love to show off our talents and put on a good show for folks that are attending or visiting Town for their first time.

What's your favorite/most useful:

Equipment? New Toro 4500. I love to mow. My staff allows me to put final mows on selective fields for special events like our annual Memorial Soccer tourney, our 4th of July hosting at Memorial Park, Opening day for LL, etc....

Product? Cup cutter, allows me to touch, smell and see my turf and soil in its environment

Technology? Agronomic Planner. Helps me stay organized. Also serves as a great resource and archive of information. If it is not recorded or written down then who is to know that it ever happened.

What advice would you share with people starting out in sports field management today? Network. Don't be afraid to ask questions. Get to know your colleagues. Back when I worked in NY, I would network all the time. I would call other Supers. I would stop by other courses and introduce myself. This built my network. Over time I would

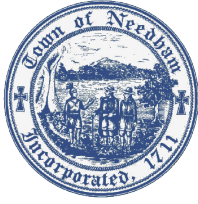
introduce people that I had met to each other and built larger networks. Eventually I kind of built my own little Golf Course Association in Rockland and Westchester Counties. We would meet off properties together as a group often. Prior to this some of these guys never had even talked to each other, minus an association meeting. I feel like I was a catalyst for this and I am proud that I played a driving force. These friendships and bonds last even now.

Can you share a bit about your family life and/or what you enjoy doing in your free time? Married to my wife Tami for 16 years. We met at Spring Valley. I was the Golf Course Super. and she was the As. Golf Pro.. it was love at first site. 2 children, Savannah & Shane. Love taking walks with my family at the Arnold Arboretum or anywhere there are trees to see and nature to take in. Playing golf against my wife. She gives me 2 strokes a hole to make it fair. She is a former MA State Golf Amateur Champion, so this is what we had considered fair! Riding bikes with my daughter. Playing Basketball, Soccer, & Hockey with my son. When I get some alone time, I enjoy doing yard work. Really. This is where I am happiest. I am always changing things in my yard. Planting trees and shrubs, building stone walls, fire pits, etc...I am always changing things up. Lastly nothing gives me more pleasure than burning in a good mowing pattern anywhere.

What have you found most beneficial about being a NESTMA member? Number one is networking. By doing so I stay in touch with what's happening in the industry. Also, this industry is great and special because of its people. Seeing and staying in touch with folks at meetings and dinners helps keep me grounded and focused. It also reassures me that I have people that I can lean on for advice or help. Take time to get to know each other and this will pay dividends. I have had a tough time over the last couple years personally and so many of you have helped me in so many ways and I so greatly appreciate this. Get involved!

Please include a couple of good quality photos of yourself: headshot, working in the field, at industry event and/or you with your family,

Return to:
Virginia Wood
NESTMA Executive Director
NESTMAbod@gmail.com
(508) 653-1241



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

MEETING DATE: 02/14/2023

Agenda Item	Human Resources Recruitment Video Presentation
Presenter(s)	Cyndi Roy Gonzalez

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
As part of the Town's efforts to find new ways to recruit and retain employees, the PIO, working with HR, created a video that can be used to attract new talent to Needham. The video can be shared on multiple platforms and venues and will be posted to the Town's website, LinkedIn and YouTube pages.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion only.</i>	
3.	BACK UP INFORMATION ATTACHED
N/A	



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: Eversource Grant of Location: 311 Charles River Street
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 13 feet of conduit in Charles River Street. This work is necessary to provide underground service to 311 Charles River Street, Needham. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 13 feet of conduit in Charles River Street.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office
FROM: DPW Office
DATE:
RE:

For Select Board Meeting of
Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 1-11-23

REVIEWER:

RWW.

SITE LOCATION: 311 CHARLES RIVER ST.

UTILITY REQUESTING:

EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

Peer Review tar 2/3/23

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 4"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☐ New Riser on Pole No

☒ Utility Conflicts

☐ Visible Trench Patch across Road/Sidewalk No

☒ Crossing Perpendicular to Road

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

THIS LOCATION LOOKS GOOD. THERE IS NO VISIBLE TRENCH OR
RISER ON POLE AS OF YET.

Application is in order pending a public hearing tar 2/3/23



180 Calvary Street
Waltham, Ma 02453

January 9, 2023

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Charles River Street
Needham, MA
W.O.#10842917

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 13 feet of conduit in Charles River Street.

The reason for this work is to provide electric service to #311 Charles River Street.

If you have any further questions, contact Joanne Callender at (781) 314-5054.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Charles River Street - Northerly from pole 10/33, approximately 583 feet east of Pine Street, install approximately 13 feet of conduit.

W.O.# 10842917

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by T. Thibault, dated December 17, 2022 on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____, 2023 at _____ in said Town.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Masssachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated December 17, 2022,** and filed herewith, under the following public way or ways of said Town:

Charles River Street - Northerly from pole 10/33, approximately 583 feet east of Pine Street, install approximately 13 feet of conduit.

W.O.#10842917

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

By: *Richard M. Schifone*

Richard M. Schifone, Supervisor
Rights & Permits

Dated this 9 day of January

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2023

APPROX. P

#311

INSTALL 1 - 4" PVC PIPE
SECTION 1 FIG. 1

#299

APPROX. PT.
OF PICKUP

13'±

APPROX. RIGHT OF WAY

APPROX. RIGHT OF WAY

GRASS

10/33

GRASS

EDGE OF PAVEMENT

EDGE OF PAVEMENT

APPROX. 583'±
TO PINE ST.

CHARLES RIVER ST

EDGE OF PAVEMENT

EDGE OF PAVEMENT

GRASS

APPROX. RIGHT OF WAY

#310

#300

APPROX. P

SECTION - 1



SECTION OF PROPOSED LINE
1-IRON PIPE OR
1-PVC CONDUIT (SCH.40)
OR 1-FIBRE DUCT

FIGURE - 1

NSTAR EVERSOURCE
ELECTRIC
d/b/a
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

C# -

Ward # -

Work Order # 10842917

Surveyed by: N/A

Research by: JC

Plotted by: JC

Proposed Structures: JC

Approved: T THIBAUT

P#

0 20 40



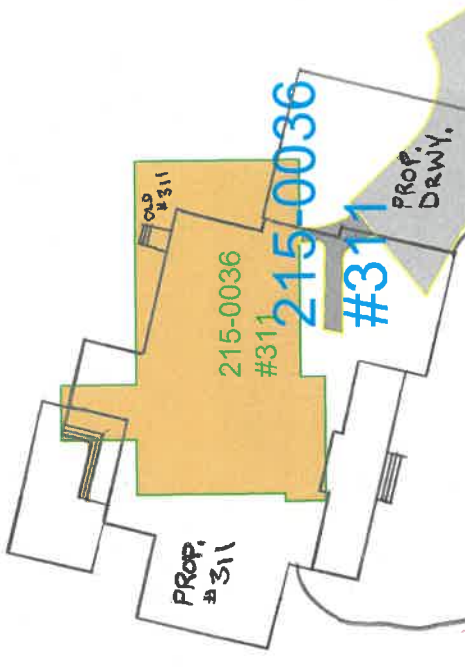
SCALE IN FEET

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233



215-0037
#215-0037
#130



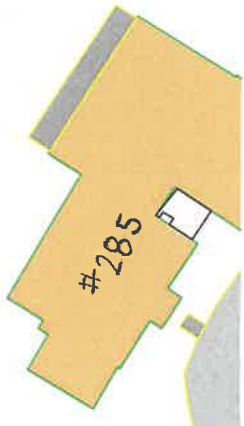
215-0035
#299
215-0035
#299



CHARLES RIVER ST.

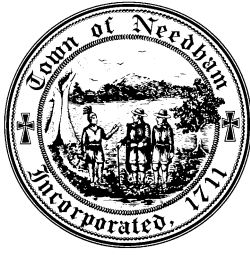
PROP. 4" CONDUIT LOCATION

POLE # 10/33



215-0034
#285
215-0034
#285





NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on February 14 , 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated **January 9, 2023** to install approximately 13 feet of conduit in Charles River Street. This work is necessary to provide electric service to 311 Charles River Street, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

<https://us02web.zoom.us/j/82637253545?pwd=YXhheDZndDE5a2FCTDNqMEt0T2d4QT09>

Passcode: 557200

Webinar ID: 826 3725 3545

Dated: February 6, 2023

311 CHARLES RIVER ST

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/214.0-0013-0000.0	MAK, SUNNY &	WANG, LIRONG	310 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/215.0-0015-0000.0	ALPERT, PAUL S. &	SCHNITTI, ELAINE	116 PINE ST	NEEDHAM	MA	02492-
199/214.0-0012-0000.0	SABOKROOH, BEHROUZ M. &	BIVOL, TATIANA	300 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/215.0-0037-0000.0	SHAKER, JOSEPH R. & SUSAN R., TRS	130 PINE STREET REALTY TRUST	130 PINE ST	NEEDHAM	MA	02492-
199/214.0-0014-0000.0	BYRD, CATHY J. +	BYRD, LEVERETT S	320 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/215.0-0016-0000.0	KADAR, ARAN Y. &	KADAR, JESSICA R	102 PINE ST	NEEDHAM	MA	02492-
199/215.0-0035-0000.0	JEAS, ANDREW G &	KAZIANIS, GIA J	299 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/215.0-0036-0000.0	SILVERMAN, LISA KATZ		311 CHARLES RIVER ST	NEEDHAM	MA	02494-
199/304.0-0001-0000.0	STAVROPOULOS, PETER &	STAVROPOULOS, LISA	338 CHARLES RIVER ST	NEEDHAM	MA	02492-

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. *MAK*



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: Eversource Grant of Location: 94 Brookside Road
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 15 feet of conduit in Brookside Road. This work is necessary to provide underground service to 94 Brookside Road, Needham. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 15 feet of conduit in Brookside Road.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

**TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT**

NEEDHAM, MA 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office
FROM: DPW Office
DATE:
RE:

For Select Board Meeting of
Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 1-31-23

REVIEWER: R.W.W.

SITE LOCATION: #94 BROOKSIDE ROAD

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

Peer Review 2/3/23

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☒ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☒ New Riser on Pole

☒ Utility Conflicts

☒ Visible Trench Patch across Road/Sidewalk

☒ Crossing Perpendicular to Road

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☒ Double Pole No

Department Head _____

COMMENTS:

THIS ONE LOOKS GOOD. NO VISIBLE TRENCHING, NO RISER ON POLE.

IT SHOULD ALSO BE NOTED NO SIDEWALK IN THIS LOCATION.

Applicationn is in order pending a public hearing tar 2/3/23



180 Calvary Street
Waltham, Ma 02453

January 20, 2023

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Brookside Road
Needham, MA
W.O.#11134187

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 15 feet of conduit in Brookside Road.

The reason for this work is to provide electric service to #94 Brookside Road.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS AND MANHOLES

To the Select Board of the Town of NEEDHAM Massachusetts:

Respectfully represents NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by T. Thibault, dated January 12, 2023, and filed herewith, under the following public way or ways of said Town:

Brookside Road - Northerly from pole 6/24, approximately 1950
feet northwest of Rolling Lane, install approximately
15 feet of conduit.

W.O.# 11134187

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

By: Richard M. Schifone

Richard M. Schifone, Supervisor
Rights & Permits

Dated this 20 day of January

Town of NEEDHAM Massachusetts

Received and filed _____ 2023

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Brookside Road - Northerly from pole 6/24, approximately 1950
feet northwest of Rolling Lane, install approximately
13 feet of conduit.

W.O.# 11134187

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by T. Thibault, dated January 12, 2023 on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said Town.

1	_____	
2	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Select Board of the Town of NEEDHAM, Massachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of NEEDHAM, Massachusetts



STREET SURFACE

1-IRON PIPE OR
1-PVC CONDUIT (SCH.40)
OR 1-FIBRE DUCT

FIGURE - 1

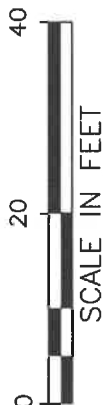
ANY BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NISTAR ELECTRIC COMPANY, INCORPORATED, NISTAR GAS COMPANY NOR ITS PARTNERS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, AGENTS OR ADVISORS (COLLECTIVELY THE "NISTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, DEFEND, INDEMNIFY AND HOLD THE NISTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

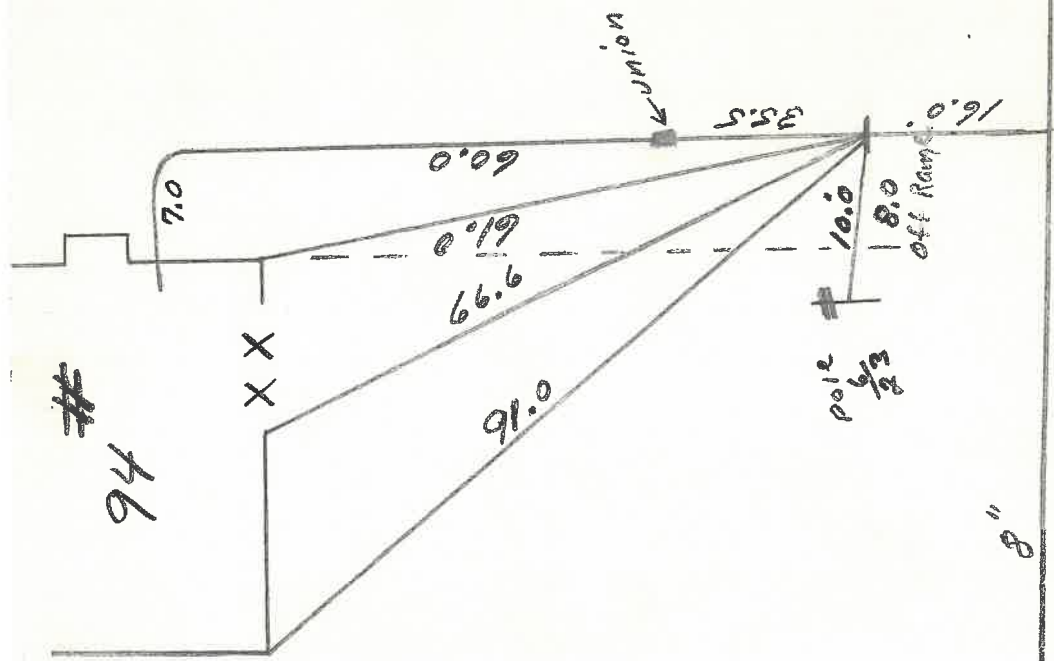
THIS INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION. NEITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES

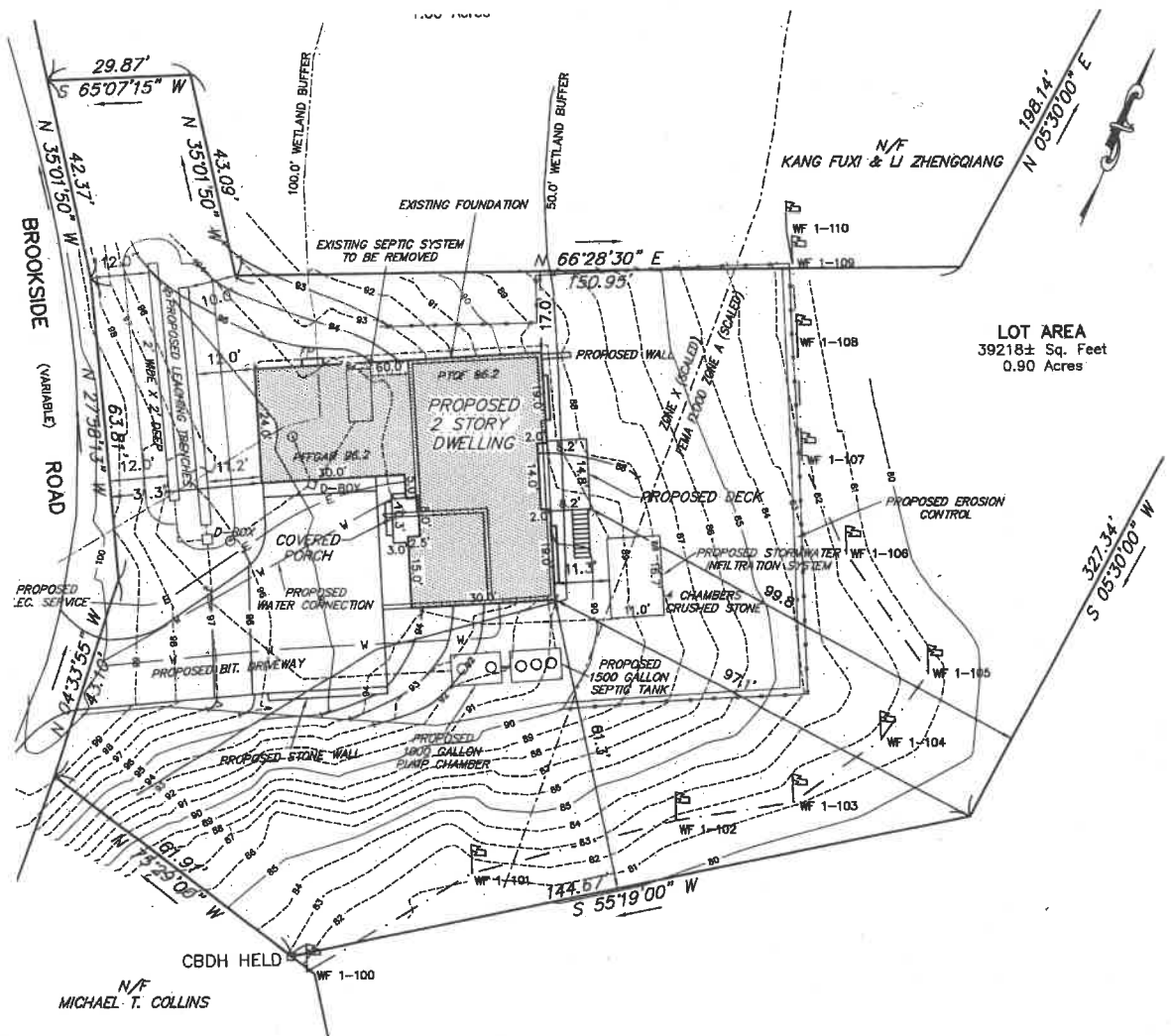
C#		 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	11134187	
Surveyed by:	N/A	
Research by:	JC	
Plotted by:	SJ	Plan of BROOKSIDE ROAD NEEDHAM
Proposed Structures:	SJ	Showing PROPOSED CUSTOMER TO INSTALL CONDUIT LOCATION
Approved:	T THIBAUT	Scale 1" = 20' Date JANUARY 12, 2023





8"

Brookside RD.

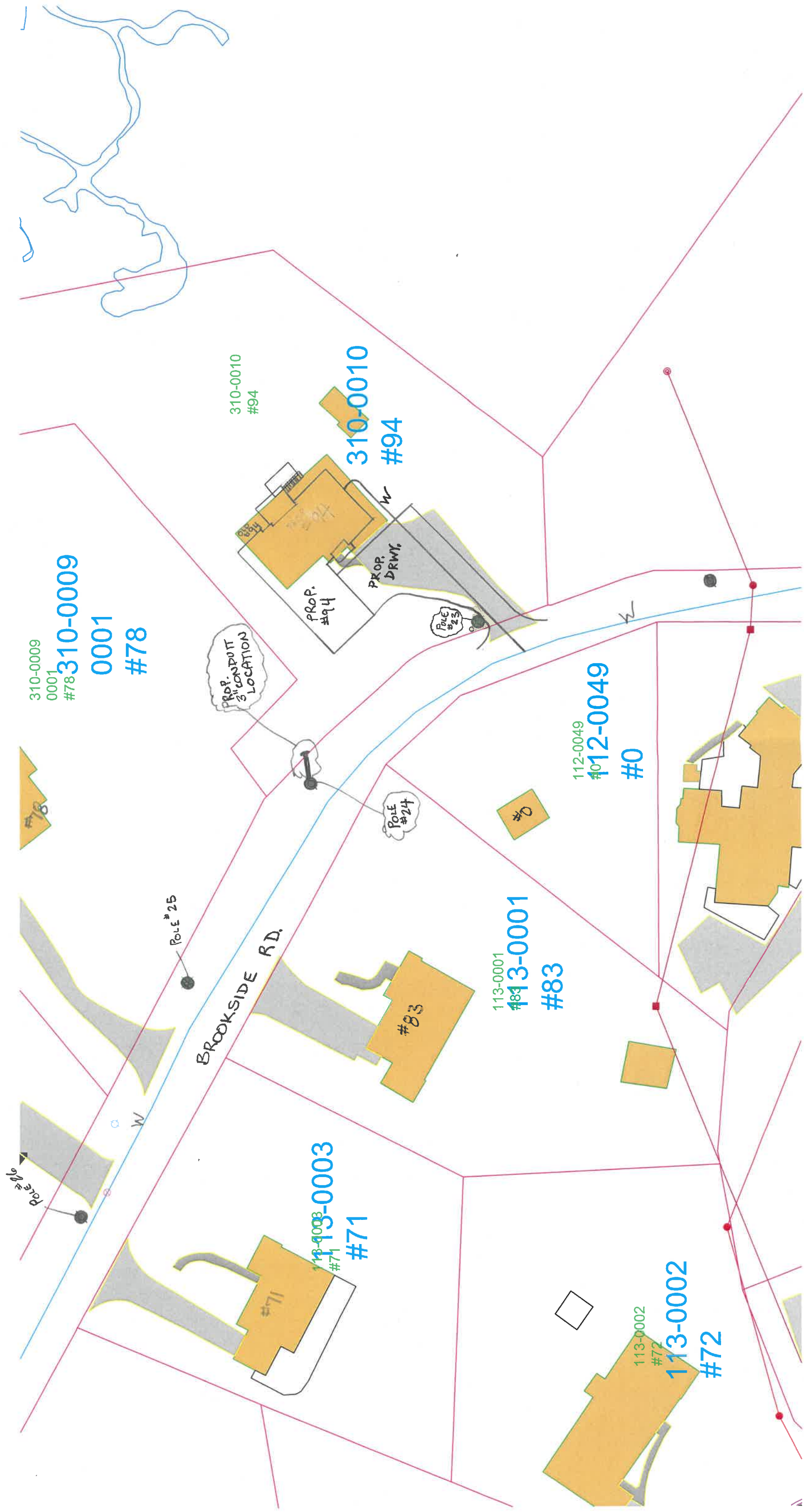


78%

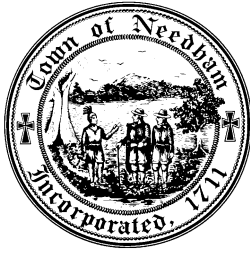
94 BROOKSIDE ROAD
SCALE:
1" = 30'
LOT COVERAGE 5.7%



1"=40'
N







NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on February 14 , 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated **January 20, 2023** to install approximately 15 feet of conduit in Brookside Road. This work is necessary to provide electric service to 94 Brookside Road, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

<https://us02web.zoom.us/j/82637253545?pwd=YXhheDZndDE5a2FCTDNqMEt0T2d4QT09>

Passcode: 557200

Webinar ID: 826 3725 3545

Dated: February 6, 2023

94 BROOKSIDE ROAD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/112.0-0049-0000.0	BUDD, ALAN S. &	STERNLICHT, MELISSA L.	103 BROOKSIDE RD	NEEDHAM	MA	02492-
199/310.0-0001-0000.0	TOWN OF WELLESLEY	PUBLIC WORKS DEPT	P. O. BOX 217	WELLESLEY	MA	02482-
199/310.0-0009-0001.0	KANG, FUXI &	LI, ZHENQIANG	78 BROOKSIDE RD	NEEDHAM	MA	02492-
199/113.0-0001-0000.0	MIKULINSKY, RITA TR	RITA MIKULINSKY IRREVOCABLE TRUST	83 BROOKSIDE RD	NEEDHAM	MA	02492-
199/310.0-0010-0000.0	HARDING, MARK		526 HUNNEWELL ST	NEEDHAM	MA	02494-
199/310.0-0011-0009.0	COLLINS, MICHAEL T. &	COLLINS, MEGHAN C	144 BROOKSIDE RD	NEEDHAM	MA	02492-
199/310.0-0007-0000.0	PONGOR, PAUL J. &	PONGOR, FAITH A	60 BROOKSIDE RD	NEEDHAM	MA	02492-
199/112.0-0005-0000.0	BUDD, ALAN S. &	STERNLICHT, MELISSA L.	103 BROOKSIDE RD	NEEDHAM	MA	02492-

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. *Melissa L. Sternlicht*



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: Eversource Grant of Location: 78 Brookside Road
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 11 feet of conduit in Brookside Road. This work is necessary to provide underground service to 78 Brookside Road, Needham. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 11 feet of conduit in Brookside Road.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

**TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT**

NEEDHAM, MA 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 1-31-23

REVIEWER:

R.W.W.

SITE LOCATION: #78 BROOKSIDE RD.

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

Peer Review 2/3/23

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☒ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☒ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☒ New Riser on Pole No

☒ Utility Conflicts

☒ Visible Trench Patch across Road/Sidewalk No

☒ Crossing Perpendicular to Road

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☒ Double Pole No

Department Head _____

COMMENTS:

TRENCHING IS VISIBLE, RISER MOUNTED TO POLE. NO GH. CONNECTION. IT SHOULD
ALSO BE NOTED NO SIDEWALK IN THIS LOCATION.

Project manager will attend meeting. Application is in order pending a public hearing- tar 2/3/23



180 Calvary Street
Waltham, Ma 02453

January 20, 2023

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Brookside Road
Needham, MA
W.O.#11174801

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 11 feet of conduit in Brookside Road.

The reason for this work is to provide electric service to #78 Brookside Road. If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS AND MANHOLES

To the Select Board of the Town of NEEDHAM Massachusetts:

Respectfully represents NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by T. Thibault, dated January 12, 2023, and filed herewith, under the following public way or ways of said Town:

Brookside Road - Northerly from pole 6/25, approximately 2055
feet northwest of Rolling Lane, install approximately
11 feet of conduit.

W.O.# 11174801

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

By: Richard M. Schifone

Richard M. Schifone, Supervisor
Rights & Permits

Dated this 20 day of January

Town of NEEDHAM Massachusetts

Received and filed _____ 2023

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Brookside Road - Northerly from pole 6/25, approximately 2055
feet northwest of Rolling Lane, install approximately
11 feet of conduit.

W.O.# 11174801

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by T. Thibault, dated January 12, 2023 on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Select Board of the Town of NEEDHAM, Masssachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of NEEDHAM, Massachusetts

APPROX. R.L.

#74 BROOKSIDE RD

APPROX. R.O.W.

6/26

CUSTOMER TO INSTALL
1-3" PVC PIPE
SCHEDULE 40, NO CONCRETE
SECTION 1 FIG. 1 11'±

APPROX. PT.
OF PICKUP

#78 BROOKSIDE RD

R.O.W.

6/25

APPROX. 2055'± TO
ROLLING LANE

BROOKSIDE RD

APPROX. EDGE OF PAVEMENT (EOP)

R.O.W.

EOP
R.O.W.

#71 BROOKSIDE RD

#83 BROOKSIDE RD

SECTION - 1

STREET
SURFACE

APPROX. DEPTH
2'-6"

SECTION OF PROPOSED LINE
1-IRON PIPE OR
1-PVC CONDUIT (SCH 40)
OR 1-FIBRE DUCT

FIGURE - 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PATENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE THEREON, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL 800-345-3333 FOR MORE INFORMATION.

C#

Ward #

Work Order # 11174801

Surveyed by: N/A

Research by: JC

Plotted by: SJ

Proposed Structures:

Approved: T THIBAUT

Scale 1"=20'

Date JANUARY 12, 2023

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of BROOKSIDE ROAD

NEEDHAM

Showing PROPOSED CUSTOMER TO INSTALL CONDUIT LOCATION

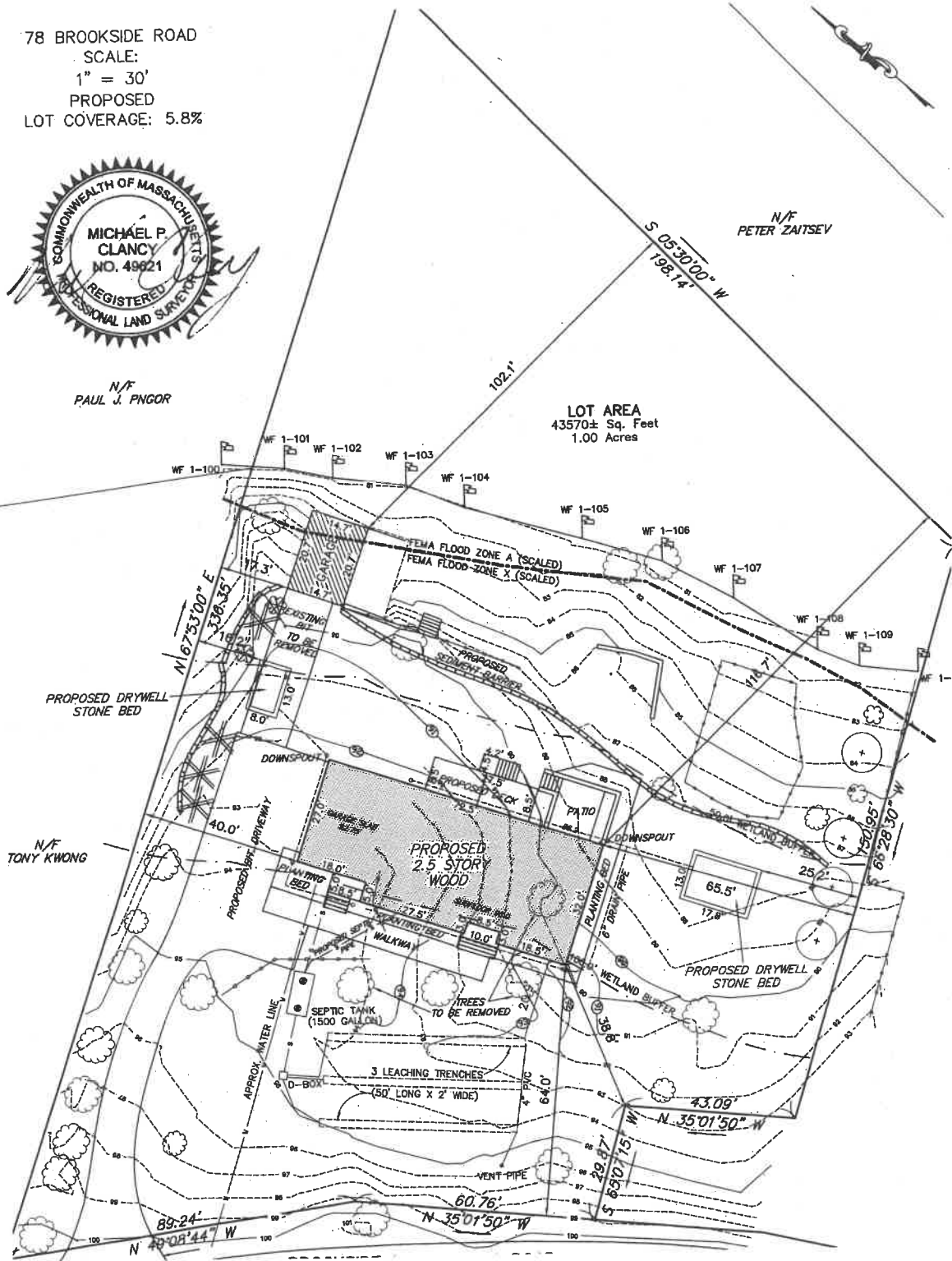
78 BROOKSIDE ROAD
SCALE:
1" = 30'
PROPOSED
LOT COVERAGE: 5.8%

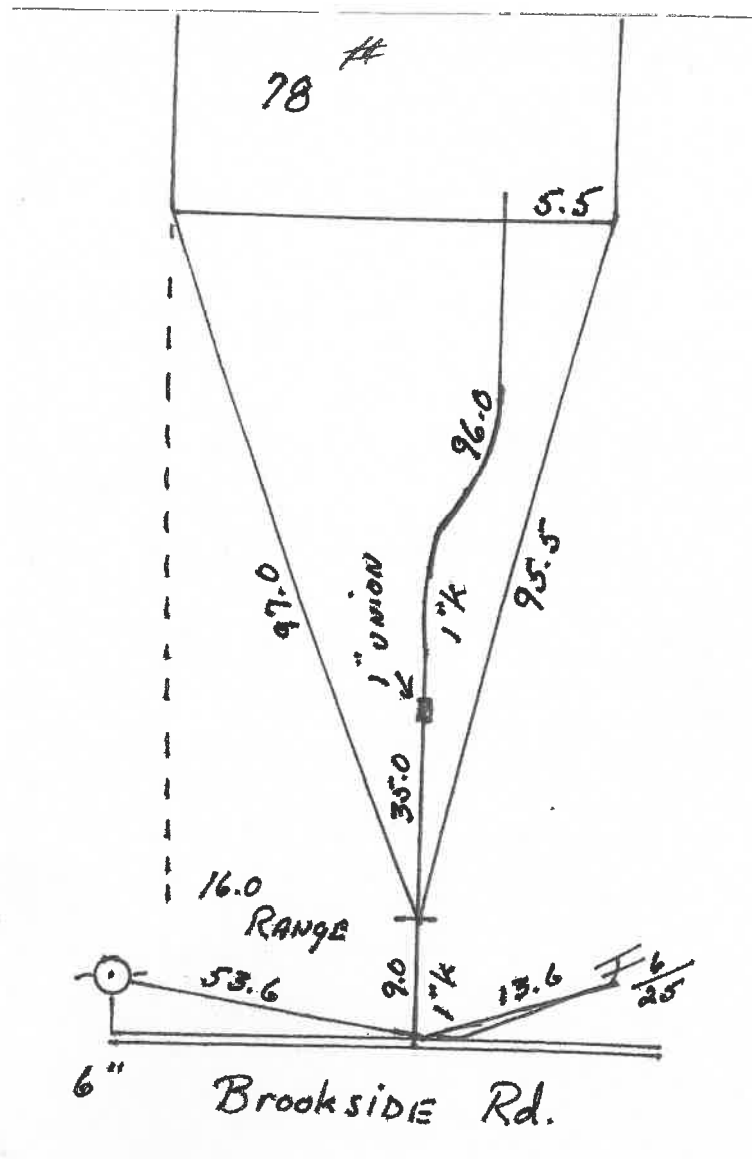


N/F
PAUL J. PNGOR

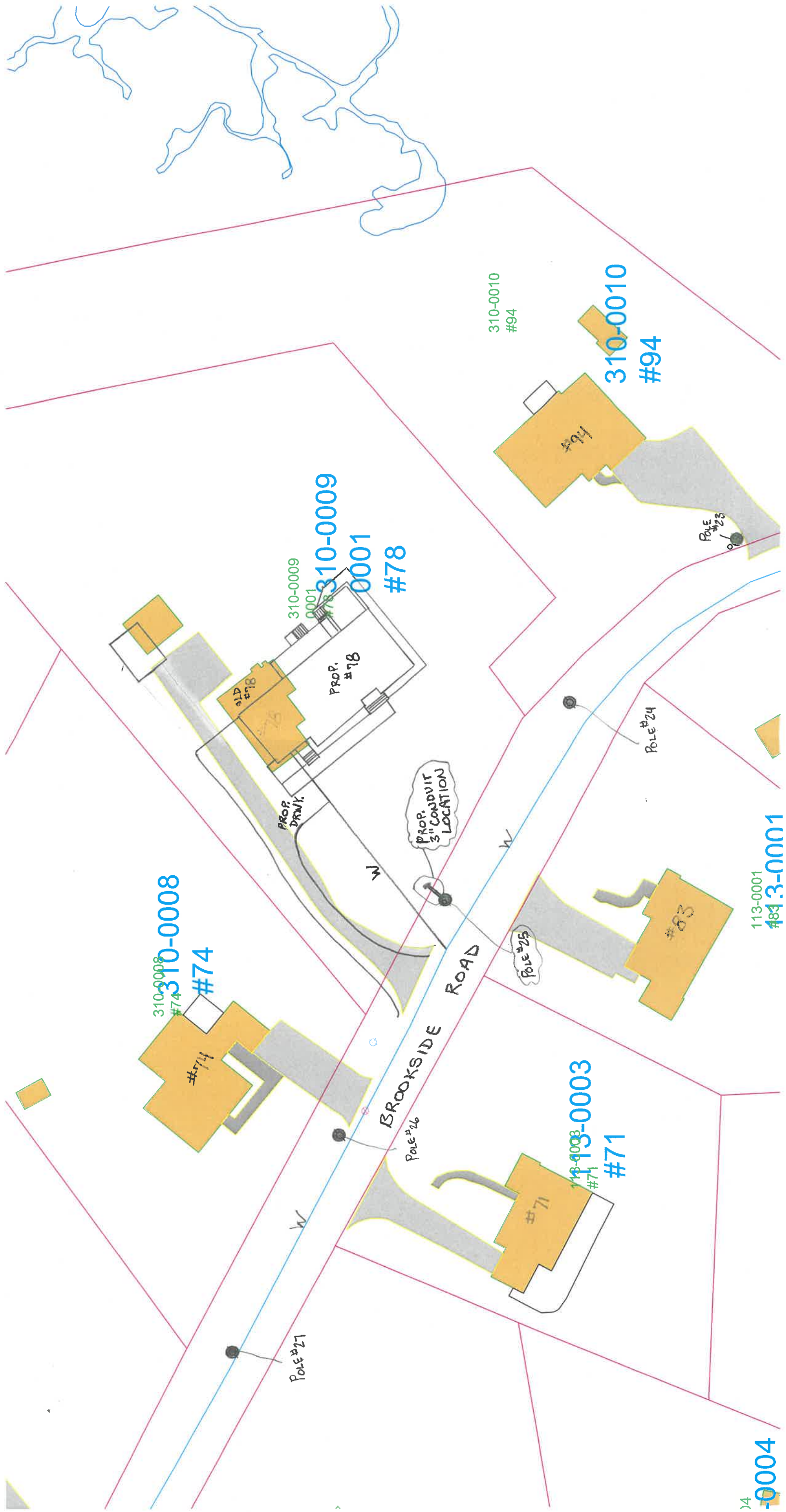
N/F
PETER ZAITSEV

LOT AREA
43570± Sq. Feet
1.00 Acres

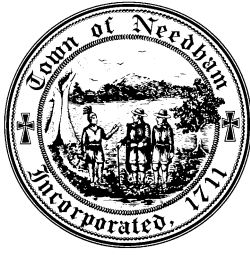




N
1"=40'







NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on February 14, 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated **January 20, 2023** to install approximately 11 feet of conduit in Brookside Road. This work is necessary to provide electric service to 78 Brookside Road, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

<https://us02web.zoom.us/j/82637253545?pwd=YXhheDZndDE5a2FCTDNqMEt0T2d4QT09>

Passcode: 557200

Webinar ID: 826 3725 3545

Dated: February 6, 2023

78 BROOKSIDE ROAD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/112.0-0049-0000.0	BUDD, ALAN S. &	STERNLICHT, MELISSA L.	103 BROOKSIDE RD	NEEDHAM	MA	02492.
199/310.0-0009-0001.0	KANG, FUJI &	LI, ZHENGLIANG	78 BROOKSIDE RD	NEEDHAM	MA	02492.
199/113.0-0001-0000.0	MIKULINSKY, RITA TR	RITA MIKULINSKY IRREVOCABLE TRUST	83 BROOKSIDE RD	NEEDHAM	MA	02492.
199/113.0-0003-0000.0	ARVIN, ROBIN P.		71 BROOKSIDE ROAD	NEEDHAM	MA	02492.
199/310.0-0010-0000.0	HARDING, MARK		526 HUNNEWELL ST	NEEDHAM	MA	02494.
199/310.0-0007-0000.0	PONGOR, PAUL J. &	PONGOR, FAITH A	60 BROOKSIDE RD	NEEDHAM	MA	02492.
199/310.0-0008-0000.0	KWONG, TONY	KWONG, PRISCILLA	74 BROOKSIDE RD	NEEDHAM	MA	02492.

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.....*Michael A. ...*



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

MEETING DATE: 02/14/2023

Agenda Item	Public Hearing – Alteration of Premises for an All-Alcohol License in a Restaurant – Henry Hospitality Inc d/b/a The James
Presenter(s)	Stuart Henry, Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Henry Hospitality Inc d/b/a The James, located at 1027 Great Plain Avenue, currently holds an All-Alcohol liquor license. The current licensed premises is: 1500 square feet with two means of egress in the front and rear of a single story building, with seating for 56 patrons, kitchen, food prep, bar, service, & two restroom. The applicant has submitted an amendment to expand the licensed premises to include: a 650 square foot patio area with one means of egress and seating for 33 patrons and staff with a server station. The applicant has used the patio area since 2020 in an arrangement similar to the proposed set-up in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The applicant has also applied to the Select Board for an Outdoor Dining License since the proposed area is located on parking spaces for which the Town has rights to a right to use for municipal parking. A legal notice was advertised in the Hometown Weekly on February 2, 2023 and abutters were notified. All supporting documentation appears to be in order.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion: That the Board vote to approve the Amendment for Alteration of Premises application received from Henry Hospitality Inc d/b/a The James and vote to forward the Amendment application to the ABCC for review and final approval.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Amendment Application and Corporate Vote b. Floorplans c. Legal Notice d. Abutter Listing	

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 and via text message.

 **Transaction Processed Successfully.**
INVOICE #: c0e870ee-d00a-44e8-84a5-db632786fc23

Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	Henry Hospitality Inc dba The James	\$200.00
		\$200.00

Total Convenience Fee: **\$4.70**

Date Paid: **1/16/2023 6:49:22 PM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of
License Number or Business Name:
Henry Hospitality Inc dba The James

Fee Type:
FILING FEES-RETAIL

Billing Information
First Name:
Stuart
Last Name:
Henry
Address:
1027 Great Plain Avenue
City:
Needham
State:
MA
Zip Code:
02492
Email Address:
stuart@thejamespub.com



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)

03624-RS-0770

ENTITY/ LICENSEE NAME

Henry Hospitality Inc dba The James

ADDRESS

1027 Great Plain Ave

CITY/TOWN

Needham

STATE

MA

ZIP CODE

02492

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**



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
Henry Hospitality Inc dba The James	Needham	03624-RS-0770

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

We are applying for a capacity alteration with the extension our patio.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Stuart Henry	Owner	[REDACTED]	[REDACTED]

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.

We have added a 1,150 sf patio with 69 seats in the parking lot out the back of our building.

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 James is a one story building with 4 rooms/6 areas- Kitchen, dish area, 2 bathrooms, dining room(36 seats) and bar(20 seats). Adjacent to the building is 1150 sf patio with 9 built in booths, a raised platform and back area consisting of 69 seats.

Total Sq. Footage	2650	Seating Capacity	125	Occupancy Number	125
Number of Entrances	1	Number of Exits	3	Number of Floors	1

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

Lease

Landlord Name

Triantos Thomas

Landlord Phone

[REDACTED]

Landlord Email

Landlord Address

[REDACTED]

Lease Beginning Date

Sept 2017

Rent per Month

3,650

Lease Ending Date

sept 2031

Rent per Year

43,800

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):

All proposed alterations accomplished during the time of the governors pandemic emergency order.
No associated costs required.

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, Stuart Henry the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory
of Henry Hospitality Inc dba The James
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: Stuart Henry

 Digitally signed by Stuart Henry
Date: 2023.01.21 21:21:50 -05'00'

Date: 01-23-23

Title: Owner

ADDITIONAL INFORMATION

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

ENTITY VOTE

The Board of Directors or LLC Managers of Henry Hospitality inc dba The James
Entity Name
duly voted to apply to the Licensing Authority of Needham and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 01-15-23
Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Stuart Henry

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,

Stuart Henry

Corporate Officer /LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

STUART HENRY

(Print Name)

(Print Name)

ASSUMPTION AND EXTENSION OF LEASE AGREEMENT

An Extension of Lease Agreement made by and between Triantos Thomas, Trustee of the Great Plain Avenue Realty Trust (hereinafter referred to as "Landlord") and Henry Hospitality, Inc., of 18 Cliftdale Street, Roslindale, Mass. (hereinafter referred to as "Tenant") relative to a certain lease agreement between Landlord and Gibbous Moon, Inc. for the premises known as 1027 Great Plain Avenue, Needham, Massachusetts, consisting of 1,500 sq. ft. of building and basement, more or less, dated November, 2009, as extended in November, 2014 through November 30, 2019;

For good and valuable consideration, Landlord and Tenant each agree to an extension of the term of said Lease for a period of five years, commencing December 1, 2019 and terminating on November 30, 2024, with one further right of renewal and extension beyond the termination date for a period of five years.

During the initial extension, Tenant shall pay Landlord monthly rent of \$3,000.00.

During any subsequent extension, rent shall be paid at the then fair market value.

It is further provided, however, that all other terms and conditions of the Lease shall continue during the current and any extended term as if set forth herein.

This Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns.

LANDLORD: The Great Plain Avenue Realty Trust

By: Triantos Thomas
Triantos Thomas, Trustee

TENANT: Henry Hospitality, Inc.

By: Stuart Henry
Stuart Henry
President and Treasurer

TOTAL SEAT COUNT	
EXTERIOR SEATS =	69 SEATS
INTERIOR SEATS =	36 SEATS
TOTAL	= 105 SEATS

PER IBC 1004.4 FIXED SEATING
 BOOTH SEATING DETERMINED BY 24" OF BACKREST
 FIXED SEATING WITHOUT DIVIDING ARMS DETERMINED
 BY 18" OF SEATING LENGTH (21.6" / 18" = 14.33)

ACCESSIBLE SEATING
PER IBC 1108.2.9.1 DINING SURFACES
5% OF SEATING IS REQUIRED TO BE ACCESSIBLE
69 EXT. SEATS * 5% = 3.5 ACCESSIBLE SEATS REQ'D
5 ACCESSIBLE SEATS ARE PROVIDED.

6 > 3.5 COMPLIANT

PLUMBING FIXTURE REQUIREMENT

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES	
A-2 RESTAURANTS	
- WATER CLOSETS	- 1 PER 75 (MEN & WOMEN)
- LAVATORY	- 1 PER 200
- DRINKING FOUNTAIN	- 1 PER 500
- SERVICE SINK	- 1 REQUIRED

125 OCCUPANTS = 2 WATER CLOSETS & 1 LAVATORY

THE JAMES CURRENTLY HAS
- 2 UNISEX RESTROOMS EACH WITH ONE WATER
CLOSET & ONE SINK FOR A TOTAL OF 2 WATER
CLOSETS & 2 LAVATORIES.

- ONE TOILET ROOMS IS FULLY ACCESSIBLE.

2 = 2 REQUIRED WATER CLOSETS
2 > 1 REQUIRED LAVATORIES

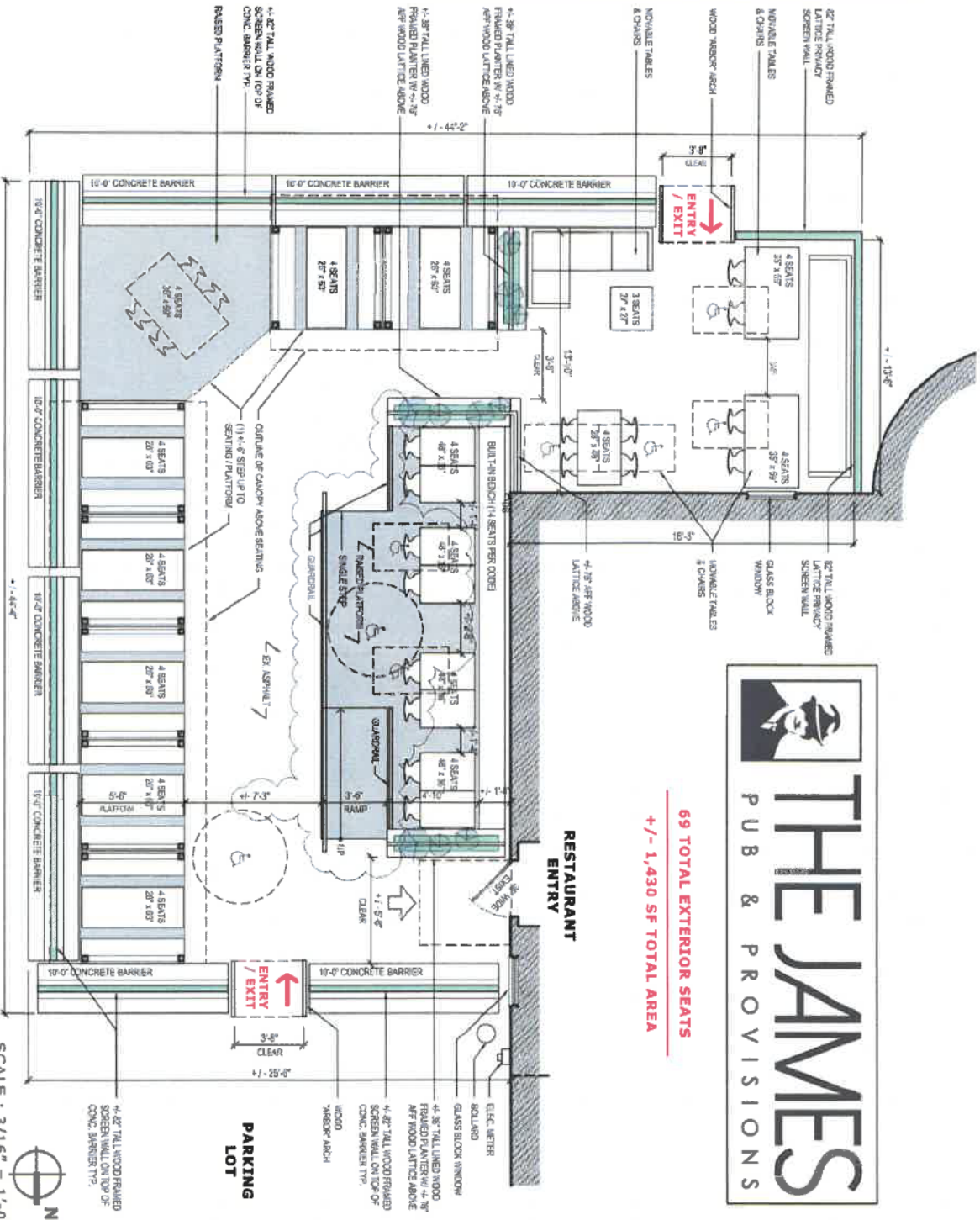
LEGEND

**RAISED PLATFORM
COMPOSITE DECKING**

3 | EXTERIOR SEATING PLAN - REV 01

THE JAMES - PUB & PROVISIONS | NEEDHAM MA

SCOTT MELCHING ARCHITECT
AIA . LEED . GRP





**1027 GREAT PLAIN AVE
300 FEET**

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0064-0000.0	KAPOOR, SORABH TR	GREAT REALTY TRUST	990 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0067-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES	AJ REALTY TRUST	1004 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0069-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/047.0-0070-0000.0	THE KINGSBURY BUILDING MASTER DEED	C/O GREENE, RUBIN, MILLER & PACINO	1340 SOLDIERS FIELD ROAD	BOSTON	MA	02135-
199/047.0-0071-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/051.0-0017-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/132.0-0002-0000.0	DENMARK LANE CONDOMINIUM	ATT: RACHEL C. CHAFFEY #16 MASTER DEE	0 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0002.0	FRONGILLO, ANTHONY		2 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0006.0	MERKLE, CHRISTINE L. TR	MERKLE REALTY TRUST OF 2000	6 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0008.0	COTELL, RICHARD &	COTELL, JENNIFER	8 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0016.0	ZIDE, SUZAN TR	SUSAN K ZIDE 2017 REVOCABLE TRUST	16 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0020.0	KEANE, NORA M		28 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0028.0	ALIBER, JOANNE		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0012.0	PERRON, STEPHEN D		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0030.0	MAURER, ALFRED L. & SFORZA, JOHN TRS		253 GARDEN ST	NEEDHAM	MA	02492-
199/051.0-0034-0253.0	ISON, PHILLIP W. &	STALNAKER, SARAH E.	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0083-0000.0	TOWN OF NEEDHAM	ATTN: ACCOUNTING DEPARTMENT	1063 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/051.0-0086-0000.0	NEEDHAM BANK		68 DONNA RD	NEEDHAM	MA	02494-
199/132.0-0002-0032.0	DUFFY, HENRY &	DUFFY, EMILY	34 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0034.0	ANTONELLIS, MARY R		P.O. BOX 85	EAST WALP	MA	02032-
199/047.0-0065-0000.0	FIRST OF MANY, LLC		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0028.0	GRAHAM, MARCIA A		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0032.0	MAURER, ALFRED L. & SFORZA, JOHN, TRS		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0042.0	MAURER, ALFRED L. & SFORZA, JOHN, TRS		PO BOX 850551	BRAINTREE	MA	02185-
199/051.0-0009-0000.0	PESIRIDIS, NICHOLAS, TRS	ROMA REALTY TRUST	1063 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/051.0-0020-0000.0	EATON SQUARE REALTY LLC		251 GARDEN ST	NEEDHAM	MA	02492-
199/051.0-0034-0251.0	DODDS, DEBORAH L.		1004 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0066-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES,	AJ REALTY TRUST	19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0034.0	MAURER, ALFRED L. & SFORZA, JOHN, TRS		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0008-0000.0	TOWN OF NEEDHAM	PARKING LOT	198 CURVE ST	DEDHAM	MA	02026-
199/051.0-0011-0000.0	THOMAS, DINA &	THOMAS, TRIANTOS	16 CURVE ST	NEEDHAM	MA	02492-
199/051.0-0087-0000.0	FAN, CHING TA & MEI LING		15 MANOR AVE	WELLESLEY	MA	02482-
199/132.0-0001-0000.0	KATSIKAKIS, GEORGE, TR	G & K REALTY TRUST	12 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0012.0	COFIELD, JULIE F. &	COFIELD, JOSEPH E	14 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0002-0014.0	HEFFERNAN, LAWRENCE P. &	HEFFERNAN, SUZANNE M	10 PARK PLAZA	BOSTON	MA	02116-
199/001.0-9999-9998.0	MASS BAY TRANSPORTATION AUTHORITY		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0022.0	GRAHAM, MARCIA A		261 GARDEN ST	NEEDHAM	MA	02492-
199/051.0-0035-0000.0	LUCEY, JOHN P. & JANET M. TRS	LUCEY FAMILY TRUST				

1027 GREAT PLAIN AVE 300 FEET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/051.0-0-0084-0000.0	MBTA		10 PARK PLAZA	BOSTON	MA	02116-
199/132.0-0-0002-0018.0	OBERMAN, DAVID A		18 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0-0002-0022.0	FORRESTER, EDITH B.		22 DENMARK LN UNIT 22	NEEDHAM	MA	02492-
199/047.0-0-0070-0010.0	NEEDHAM ENTERPRISES LLC		105 CHESTNUT ST STE 28	NEEDHAM	MA	02492-
199/047.0-0-0070-0024.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0-0070-0026.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0-0070-0044.0	MAURER, ALFRED L. & SFORZA, JOHN TR		19 TECH CIR	NATICK	MA	01760-
199/051.0-0-0007-0000.0	THE GATTO FAMILY LIMITED PARTNERSHIP		85 CHAPEL ST	NEEDHAM	MA	02492-
199/051.0-0-0033-0000.0	MINNICH, HERBERT DAREL &	MINNICH, JUNE LOUISE	235 GARDEN ST	NEEDHAM	MA	02492-
199/132.0-0-0002-0030.0	SIMCOKE, JAMES W. & SIMCOKE, EMILY N	SIMCOKE FAMILY TRUST	30 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0-0003-0000.0	KATSIKARIS, PETER & PAUL, TRUSTEES	P & P REALTY TRUST	15 MANOR AVE	WELLESLEY	MA	02482-
199/047.0-0-0063-0000.0	SIMON II ASSOCIATES LLC		10 NEWBURY ST	BOSTON	MA	02116-
199/047.0-0-0068-0000.0	SULLIVAN, JAMES M, TRUSTEE		78 HANCOCK ST	BRAINTREE	MA	02184-
199/051.0-0-0002-0000.0	1451 HIGHLAND AVE LLC		800 BOYLSTON ST STE 1390	BOSTON	MA	02199-
199/051.0-0-0010-0000.0	HEFFERNAN, MICHAEL A. &	HEFFERNAN, ELIZABETH A., TRS	18 GANNETT RD	NATICK	MA	01760-
199/051.0-0-0034-0000.0	GARDEN STREET CONDOMINIUMS LLC		945 GREAT PLAIN AVE STE 18	NEEDHAM	MA	02492-
199/132.0-0-0002-0004.0	PHILLIPS, ARTHUR P. & FRANCES G. TRS	DENMARK 4 REALTY TRUST	4 DENMARK LN	NEEDHAM	MA	02492-
199/047.0-0-0058-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0-0059-0000.0	GREYMONT, ALFRED W. TR	ALFRED W. GREYMONT REVOCABLE TRUST	11 DEER PATH LN	MIRROR LAKE NH	03853-	
199/047.0-0-0070-0020.0	BERGER, BRUCE & BORNSTEIN, GLENN	SMOKEY RE TRUST	1034 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0-0070-0040.0	MAURER, ALFRED L. & SFORZA, JOHN TRS		19 TECH CIR	NATICK	MA	01760-
199/051.0-0-0001-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0-0037-0000.0	PHILNORSTAN REALTY LLC		10 NEWBURY ST	BOSTON	MA	02116-
199/132.0-0-0002-0010.0	HERER, CARY &	HERER, JILL	10 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0-0002-0024.0	KLUGMAN, JEAN A.		24 DENMARK LN	NEEDHAM	MA	02492-
199/132.0-0-0002-0026.0	POOLEY, CHRISTOPHER		26 DENMARK LN	NEEDHAM	MA	02492-

LEGAL NOTICE



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

Notice is hereby given pursuant to Town of Needham Zoning By-Law, Section 6.9, that Henry Hospitality, LLC d/b/a The James, Stuart Henry Manager, has applied for an alteration of licensed premises of the following kind: to expand licensed premises to include a rear seating area for Outdoor Seating as allowed by Town of Needham Zoning By-Law, Section 6.9. Exterior will be a patio with nine built-in booths, a raised platform, and a back area with a total of 69 seats located on four municipal parking lot spaces behind 1027 Great Plain Ave.

IT IS ORDERED that a public hearing be held for said application on February 14, 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.

Select Board
Licensing Board for the Town of Needham

2x4 Town of Needham - All-Alcohol License 2-2-23

2-2-23 HTWJ



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: Outdoor Dining License – Henry Hospitality Inc d/b/a The James
Presenter(s)	Stuart Henry, Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Henry Hospitality Inc d/b/a The James, located at 1027 Great Plain Avenue, is seeking to establish an outdoor dining space on four spaces in the municipal parking lot to the rear of the establishment. The applicant has used the requested area since 2020 in a similar arrangement to the proposal in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The applicant is requesting year-round use of the space. The Select Board is authorized to grant outdoor seating earlier than April 1st and later than November 30th after consideration is given to snow removal, construction, or other needs of the Town. The applicant has also applied to the Select Board for an Alteration of Premises for their liquor license. A legal notice was advertised in the Hometown Weekly on February 2, 2023 and abutters were notified. All supporting documentation appears to be in order.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> <i>That the Board vote to approve an Outdoor Dining license for Henry Hospitality Inc d/b/a The James, modified to allow for outdoor dining from 1 January to 31 December 2023.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Outdoor Dining Application b. Floorplan c. Legal Notice d. Select Board Policy e. Zoning By-law	

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2022 DEC 16 AM 8:21

TOWN OF NEEDHAM
MASSACHUSETTS



500 Dedham Avenue
Needham, MA 02492
781-455-7550

2022 DEC 17 PM 4:50

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project ^{Amendment} Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 1027 Great Plain Ave Needham MA 02492
Name of Applicant Stuart Henry (The James)
Applicant's Address 18 Cliftondale ST, Roslindale MA 02131
Phone Number 8578917928

Applicant is: Owner _____ Tenant X
Agent/Attorney _____ Purchaser _____

Property Owner's Name Triantos Thomas
Property Owner's Address 198 Curve St, Dedham MA 02026
Telephone Number 7813295894

Characteristics of Property: Lot Area 14800 Present Use RESTAURANT
Map # 51 Parcel # 11 Zoning District CENTER BUSINESS

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

REQUESTING AN AMENDMENT TO ADD 69 OUTDOOR SEATS. WE WOULD BE USING PUBLIC PARKING SPACES

Signature of Applicant (or representative)

Address if not applicant

Telephone #

Owner's permission if other than applicant

Stuart Henry OWNER - THE JAMES HENRY HOSPITALITY INC

Triantos Thomas



3 > 2.8 COMPLIANT

NOTE: (2) ARE LOCATED INSIDE THE RESTAURANT WHILE (2) ARE LOCATED IN THE ADJACENT BUILDING WITHIN 300 FEET OF THE EXTERIOR SEATING AREA.
* ALL (4) ARE AVAILABLE TO PATRONS DURING OPERATING HOURS

+/- 1,430 SF

1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



SCALE: _____
DATE: 2022 07 - 21
ISSUE: ISSUED FOR PERMIT

LEGAL NOTICE



Town of Needham Application for Outdoor Dining

Notice is hereby given pursuant to Town of Needham Zoning By-Law, Section 6.9, that Henry Hospitality, LLC d/b/a The James, Stuart Henry Manager, has applied for Outdoor Seating on public property. Exterior will be a patio with nine built-in booths, a raised platform, and a back area with a total of 69 seats located on four municipal parking lot spaces behind 1027 Great Plain Ave.

IT IS ORDERED that a public hearing be held for said application on February 14, 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.

**Select Board
Licensing Board for the Town of Needham**

2x4 Town of Needham - Outdoor Dining 2-2-23

2-2-23 HTWJ

TOTAL SEAT COUNT

TOTAL = 125 SEATS

FIXED SEATING WITHOUT DIVIDING ARMS DETERMINED
BY 18" OF SEATING LENGTH ($21'-6'' / 18'' = 14.33$)

ACCESSIBLE SEATING

69 EXT. SEATS * 5% = 3.5 ACCESSIBLE SEATS REQ'D

6 ACCESSIBLE SEATS ARE PROVIDED.

6 > 3.5 COMPLIANT

PLUMBING FIXTURE REQUIREMENT - CMR 248

A-3 RESTAURANTS

- WATER CLOSETS - 1 PER 30 (WOMEN)
- 1 PER 60 (MEN)
- LAVATORY - 1 PER 200

125 OCCUPANTS = 4 WATER CLOSETS & 1 LAVATORY

THE JAMES CURRENTLY HAS
- 4 UNISEX RESTROOMS EACH WITH ONE WATER
CLOSET & ONE SINK FOR A TOTAL OF 4 WATER
CLOSETS & 4 LAVATORIES.

- ONE TOILET ROOMS IS FULLY ACCESSIBLE.

4 = 4 REQUIRED WATER CLOSETS

4 > 1 REQUIRED LAVATORIES

LEGEND

 RAISED PLATFORM
COMPOSITE DECKING



69 TOTAL EXTERIOR SEATS

+/- 1,430 SF TOTAL AREA

RESTAURANT ENTRY

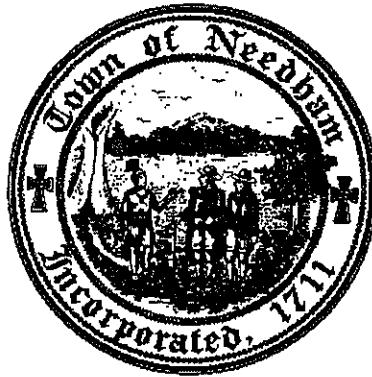


HANDICAP
PARKING SPOT -

SCALE : 3/16" = 1'-0"
REV 02 - 17 MAY 2022

TOWN OF NEEDHAM

Office of the Town Clerk

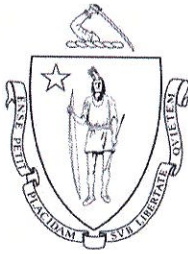


BY-LAWS

Approved By the Attorney General

**Special Town Meeting
October 25, 2021**

February 15, 2022



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 15, 2022

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

**Re: Needham Special Town Meeting of October 25, 2021 -- Case # 10411
Warrant Articles # 4 and 5 (Zoning)**

Dear Ms. Eaton:

Articles 4 and 5 - We approve Articles 4 and 5 from the October 25, 2021 Needham Special Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

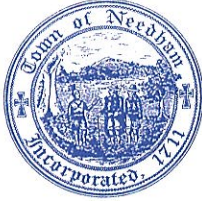
cc: Town Counsel Christopher H. Heep

Received
2022

TOWN CLERK
February 15, 2022

NEEDHAM
5:06 PM

2022 FEB 15 PM 5:06
RECEIVED
TOWN CLERK
NEEDHAM



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 4

It was

VOTED: That the Town will vote to amend the Needham Zoning By-Law, as follows:

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

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

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

“Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with

waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:"

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

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

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

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

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

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

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

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

- g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iv) by (i) adding the words "shall not be authorized" after the words "Outdoor seating"; (ii) deleting the words "is prohibited" before the words

“in designated or required landscape areas”; and (iii) by adding the words “, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;” at the end of the subparagraph so that it reads as follows:

“(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;”

- h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by adding the following sentence at the end of the section:

“The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year.”

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

“Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board.”

- j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:

“Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine.”

- k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1

Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.

- l) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.
- m) Amend the second sentence of Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 Permitted Uses, paragraph (k) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

- n) Amend the second sentence of Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 Permitted Uses, paragraph (i) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

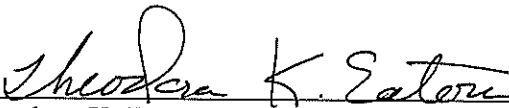
- o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 5

It was

VOTED: That the Town will vote to amend the Needham Zoning By-Law as follows:

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

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

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

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

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk

Town of Needham Select Board

Policy Number:	SB-LIC-016
Policy:	Outdoor Dining Licenses
Date Approved:	10/12/2021
Date Revised:	
Approved:	 _____ Chair, Select Board

Section 1. Purpose

The purpose of this policy is to establish a process and application criteria for licensing local businesses to use public rights-of-way, public parking lots, on-street parking spaces, sidewalks and/or other Town-owned property for outdoor dining. The Select Board will consider these guiding principles for outdoor dining:

- Create quality public spaces that contribute to people's health, happiness, and sense of connection to Needham and with each other.
- Support small businesses through added vibrancy and engagement in our business districts.
- Maintain safe and accessible sidewalk access for all users.
- Balance the needs of other street activities, including adequate parking infrastructure.

Section 2. Policy

- 2.1 No outdoor restaurant seating shall be permitted within the public right-of-way, public sidewalks and/or on public property unless the Select Board authorizes the placement of temporary outdoor seating.
- 2.2 Under Zoning Bylaw Section 6.9, the Select Board may authorize the placement of seasonal, temporary outdoor seating including but not limited to tables, chairs, serving equipment, planters, and umbrellas, within the public way and on public property, for eat-in restaurants during normal hours of operation, provided that:
 - 2.2.1 The Select Board holds a public hearing and deems that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons

of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, is adequately provided for;

- 2.2.2 The seating is within the public sidewalk abutting the front, rear, or side of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side of the restaurant's owned or leased property;
- 2.2.3 Such use is clearly related to the restaurant conducted inside the principal building;
- 2.2.4 Unless otherwise permitted by law, a minimum sidewalk width of forty-eight inches (48") and a minimum width of thirty-six inches (36") of unobstructed pedestrian paths , shall be continuously maintained, as shown on the plan provided to the Select Board;
- 2.2.5 Such use does not obstruct or otherwise interfere with visibility at intersections;
- 2.2.6 During all operating hours and thereafter, the area of outdoor seating must be kept clean, including clearing of all tables and removal of all trash; and
- 2.2.7 The application and proposed plans adhere to all health, safety, access, and operational requirements established by the Town, as outlined in Appendix A: Outdoor Dining Requirements. The Town Manager is authorized to update these requirements, as needed, and will ensure the application form reflects any changes.
- 2.3 Items 2.2.1, 2.2.2 and 2.2.3 shall not apply during special town-wide festivals or events during the year as designated by the Select Board.
- 2.4 A restaurant applying for outdoor seating must possess a Common Victuallers License.
- 2.5 Operation of outdoor restaurant seating areas is only permitted when the main place of business is open.
- 2.6 Two or more restaurants may apply jointly for a shared outdoor seating area, subject to all requirements that apply to individual applicants.
- 2.7 The Board may not approve more than 3 public parking spaces for any single applicant. The three spaces include any area taken by concrete safety barriers.

- 2.8 If an applicant is requesting the use of a designated handicap parking space for outdoor dining, the Board may not approve unless a suitable alternative location for handicap parking is identified.
- 2.9 The outdoor dining season shall be April 1 - November 30. The Select Board may authorize seasonal temporary outdoor seating under Zoning Bylaw Section 6.9.2 (b) earlier than April 1 and later than November 30 of each year. Applicants should specify the requested start and end date for their outdoor seating area. Board consideration shall be given to snow removal operations, roadway and sidewalk construction schedules, and other needs of the Town.
- 2.10 Outdoor dining licenses must be renewed annually. For those applications seeking a renewal from the prior year, the Town Manager will determine whether a public hearing is required, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.
- 2.11 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.
- 2.12 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the Outdoor Seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.
- 2.13 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of \$500,000/\$1 million.
- 2.14 Permission to use Town land does not modify or amend any applicable state or local rules, requirements, permits, licenses, or approvals. To the extent that modifications of any existing permits, licenses or approvals may be necessary, they should be separately applied for by the applicant.
- 2.15 Permission to use Town land may be modified or terminated by the Town, in its sole discretion, at any time. Upon termination, the restaurant shall be responsible for removing all its property from the designated area.

Section 3. Procedures

- 3.1 The applicant shall file an application for outdoor dining on the form prescribed by the Town of Needham and submit requisite plans, photographs, and information.
- 3.2 The application and related plans that are submitted must adhere to all health, safety, and access requirements established by the Town, as outlined in this policy and in Appendix A: Outdoor Dining Requirements.
- 3.3 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of \$500,000/\$1 million.
- 3.4 Upon receipt of an application, the Town Manager or their designee, will review the application for completeness, request any missing documentation, and circulate the completed application to relevant Town departments for review and comments.
 - 3.4.1 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.
 - 3.4.2 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the outdoor seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.
 - 3.4.3 Applicants are encouraged to apply in late fall/early winter prior to the next outdoor dining season. Applicants may need approval from multiple local boards including the Select Board, Planning Board, and/or Zoning Board of Appeals depending on the specifics of the application. Applicants with liquor licenses will also require approval from the Alcoholic Beverages Control Commission, after local approval is received. While the Town will work diligently to process applications, applicants are not guaranteed a decision by April 1.
- 3.5 The Office of the Town Manager will notify the applicant and all owners of property within a 300-foot radius of the premises to be licensed of any public hearing via certified mail, at least seven (7) days prior to the scheduled hearing date.
- 3.6 Applicants that are approved by the Board will be required to sign a license agreement with the Town of Needham for the use of the public right of way.
- 3.7 Approved applicants may be required to obtain additional permits, subject to the specific furniture and accessories proposed for outdoor dining. Tents and outdoor structures with roofs require a permit from the Building Department. Outdoor

electrical wiring and lighting require an electrical permit from the Building Department. Outdoor heaters require a permit from the Fire Department.

- 3.8 Applicants with outdoor seating approved in on-street parking spaces or in a parking lot must coordinate with the Department of Public Works for the placement of concrete jersey barriers, before outdoor dining furniture can be installed or used.
- 3.9 Outdoor dining licenses must be renewed annually. The Select Board will determine whether a public hearing is required for renewal, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.

Section 4. Fees

- 4.1 There shall be an annual application fee of \$25, which will be credited toward the annual licensing fee, as defined in Section 4.2, when the application is approved.
- 4.2 For all approved applications, there shall be an additional annual licensing fee for the sole use of public space for outdoor dining at the rate of \$250 per public parking space 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.

Section 5. Exceptions

The Select Board reserves the right to make exceptions to this policy if it determines that it is in the best interest of the Town to do so.

Appendix A. Outdoor Dining Requirements

All outdoor dining applications will be reviewed by the relevant Town Department(s) to ensure compliance with the following requirements:

Public Safety & Accessibility

1. The plan submitted must show a minimum sidewalk width of 48” and a minimum width of 36” (or as otherwise prescribed by law) is maintained and unobstructed from the sidewalk or entrances into the building or any other designated walkways or pedestrian paths. The table and chairs must be placed within the outdoor seating area in such a manner as to allow free and safe passage of pedestrian traffic.
2. The outdoor seating arrangement may not obstruct or interfere with visibility at any street intersection and must not impede Police or Fire access.
3. The outdoor seating arrangement may not obstruct any fire exit, fire escape or other required ingress or egress.
4. The outdoor seating area must be accessible to people with disabilities and the applicant must at all times comply with all applicable laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
5. Outdoor seating placed on sidewalks or in outdoor areas should maintain a 36” clear path between and around all tables and chairs.
6. Seating placed near or adjacent to public ways or parking lots that vehicles can pull up to or travel by must have crash protection, such as concrete barriers.

Public Health

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings through the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health Department approval.)
8. All food must be prepared inside the facility’s kitchen and kept inside until served. No food may be prepared outside.
9. A system for washing down the outside seating area must be provided.
10. Food service personnel may not serve patrons beyond the outdoor seating area as shown on the plan approved by the licensing authority.
11. Food service personnel must constantly police the outdoor seating area for wastepaper, garbage, and other trash. Covered trash receptacles should be provided and must be emptied as needed to prevent overflowing. They must also be emptied at the end of each evening’s service.
12. If dumpsters are located near these proposed seating areas, need to ensure that areas around dumpsters are clean and sanitary, and no public health nuisance issues with odors or attraction of pests exist.
13. During the operating hours and thereafter, strict clean-up practices must be adhered to. Food service personnel must clear up after each patron and remove all trash and dirty dishes.

14. Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.
15. Outdoor seating areas shall be considered as part of the restaurant and shall comply with Board of Health regulations, including a prohibition of smoking in seasonal outdoor dining areas and only service animals being allowed in those same areas.
16. Pets not allowed in outdoor seating areas. Only service animals are permitted.

Furniture, Fixtures, Lighting & Heating

17. Tents and outdoor structures with roofs will require a permit from the Building Department.
18. Electrical wiring and lighting for outdoor seating will require an electrical permit from the Building Department.
19. Outdoor heaters require a permit from the Fire Department.
20. The applicant shall be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor seating area and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be permanently attached by any means to the public sidewalk or any other public property.
21. Planters may be used to provide added visual interest and create a more attractive and welcoming atmosphere. Planters may not be used to define the area of outdoor seating where the service of alcohol is involved.
22. If a patio is constructed, the patio or other ground surface must be constructed of material readily cleanable and not susceptible to dust, mud, or debris. (Brick, bluestone, tile, and concrete are examples of acceptable materials.)
23. Outdoor dining furniture and fixtures must be maintained in good visual appearance and in clean condition. Tabletops must be easily cleanable and durable and maintained in a clean and sanitary condition.
24. Umbrellas may be used but must be, when extended, at least 7 feet above the sidewalk or patio level and contained within the outdoor seating area. Umbrellas should be closed when the restaurant is not open for business.
25. Furniture and fixtures must be removed or safely secured when inclement weather is forecasted.
26. At the end of each outdoor dining season, all furniture, umbrellas, and trash receptacles must be removed.
27. All outdoor seating, furnishings and obstructions must be removed from December 1 through and including March 31, unless you have received written approval from the Town of Needham extending your outdoor dining license beyond April 1 - November 30.
28. Electrical or lighting used in or around outdoor seating needs to be UL listed for outdoor continuous use, such as power outlets, lighting and cords or cables. Exterior feeds for lighting or power should not be laid on the ground and installed overhead without code compliant cable and supporting hardware. Electrical wiring for lighting and power shall require a permit and inspection, this work shall be installed by a licensed electrician.
29. Tents, membrane structures and their accessories such as sidewalls, drops, tarpaulins, floor coverings, bunting and combustible decorations shall be certified by an approved testing laboratory meeting the design criteria of NFPA 701. Each Membrane structure or tent shall have a permanently affixed label bearing the size, fabric, and material type, testing agency and standard that fabric was tested under.

30. Portable fire extinguishers are required for each tent or membrane structure.
31. Open or exposed flame or other devices emitting flame, fire or heat or any other flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structure while open to the public unless approved by the Fire Code Official.
32. LP Gas containers shall be located on the outside. Containers of 500 gallons or less shall have a minimum separation distance of 10 feet between the container and the structure. Storage of over 500 gallons shall have a minimum distance of 25 feet between the container and the structure.
33. Portable LP Gas containers, piping, valves, and fittings located outside and are being used to fuel equipment inside the tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be in an approved location. Portable LP Gas containers shall be securely fastened in place to prevent unauthorized movement.

Licensing Authority

34. A restaurant requesting outdoor seating must possess a Common Victuallers License.
35. The outdoor seating area must be clearly related to the restaurant conducted in the principal building.
36. Operation of outdoor restaurant seating areas is permitted only when the main place of business is open.
37. If an applicant currently has an alcoholic license and intends to extend that service to the Outdoor Seating area, it must file an Alteration of Premises ABCC form with the Select Board.



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: Relative to Suspended Alcohol License – Poet King, LLC d/b/a Hungry Coyote
Presenter(s)	Michael Magerer, Applicant Counsel Nezahualcoyotl Leon, LLC Manager Leona Leon, Manager of Record

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Poet King, LLC d/b/a Hungry Coyote, 1185 Highland Ave, wishes to discuss with the Select Board proposed action to seek relief from the indefinite suspension of its Section 12 All Alcohol liquor license, as order by the Board in its Suspension Decision dated January 14, 2022. Specifically, the licensee wishes for the Board to consider whether it has submitted sufficient documentation supporting Leona Leon’s ability to hold the position of Manager of Record for the aforementioned license, in accordance with Board’s suspension order, and for the Board to consider lifting the suspension.	
2.	VOTE REQUIRED BY THE SELECT BOARD
<i>Suggested Motion: Move to find that Poet King Restaurant Group, LLC d/b/a Hungry Coyote, 1185 Highland Avenue, Needham, MA has submitted documentation sufficient to support Leona Leon’s ability to hold the position of License Manager.</i>	
3.	BACK UP INFORMATION ATTACHED
1. Hearing Notice 2. Suspension Decision, dated January 14, 2022	



TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669

**Office of the
Town Manager**

Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov

February 7, 2023

Via email and USPS Registered Mail

7021 0950 0000 5162 2266

Poet King Restaurant Group, LLC
c/o Nezahualcoyotl Leon, Owner
1185 Highland Avenue
Needham, MA 02492

Poet King Restaurant Group, LLC
c/o Leona Leon, Manager
1185 Highland Avenue
Needham, MA 02492

Re: Notice of Hearing

Dear Nezahualcoyotl Leon,

Pursuant to G.L. c. 138, §§23 and 64, on February 14 at 6 pm, at the Select Board Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, the Select Board will hold a public hearing to consider whether Poet King Restaurant Group, LLC, d/b/a Hungry Coyote, has submitted sufficient documentation supporting Leona Leon's ability to hold the position of License Manager for the Section 12 all alcohol liquor license located at 1185 Highland Avenue, Needham, MA, in accordance with the Select Board's decision (attached) to indefinitely suspend Hungry Coyote's liquor license dated January 14, 2022, and to consider lifting said indefinite suspension.

You are permitted to attend the hearing and you, or your attorney, may speak on your behalf. It is highly recommended that Ms. Leona attend this hearing as well. If you have any questions, please do not hesitate to contact the Town Manager's office.

Sincerely,

Myles Tucker
Support Services Manager



TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669

**Office of the
Select Board**

Telephone: (781) 455-7500
Email: SelectBoard@NeedhamMA.gov

January 14, 2022

Leona Leon, Manager
Poet King Restaurant Group, LLC d/b/a Hungry Coyote
1185 Highland Avenue
Needham, MA 02492

Matthew A. Saiia, Owner
Leona Leon, Manager
Poet King Restaurant Group, LLC d/b/a Hungry Coyote
838 Great Plain Avenue
Needham, MA 02492

Re: Notice of Decision - Poet King Restaurant Group, LLC d/b/a
Hungry Coyote
1185 Highland Avenue, Needham MA

Dear Ms. Leon and Mr. Saiia,

On January 11, 2022, after providing you with written notice, the Town of Needham Select Board held a hearing pursuant to M.G.L. c.138, §§23 and 64 on whether to modify, suspend or revoke the All Alcohol License issued to Poet King Restaurant Group, LLC d/b/a Hungry Coyote, 1185 Highland Avenue. The Select Board held this hearing for the purpose of considering whether the Licensee had violated:

- 205 CMR 2.05(2): Permitting an illegality to occur on the premises, to wit, failure to comply with the Summary Suspension Order of the Town of Needham Public Health Division dated December 31, 2021;
- 205 CMR 2.05(8): Maintaining the premises in an unsanitary manner, as detailed in the Summary Suspension Order of the Town of Needham Public Health Division dated December 31, 2021; and
- M.G.L. c.138, §12: Operating without a licensed manager or appointing a new licensed manager without the approval of the Select Board.

At the conclusion of the hearing, the Select Board voted to **SUSPEND** the license. The Findings and the Decision of the Select Board are set forth below.

FINDINGS

Based upon the evidence presented at the hearing held on January 11, 2022, the Select Board makes the following findings of fact:

1. On April 10, 2019, the Select Board voted to approve the application for a new liquor license for the sale of all alcoholic beverages in restaurants pursuant to M.G.L. c.138, §12 to Poet King Restaurant Group, LLC d/b/a Hungry Coyote, 1185 Highland Avenue, Needham. The application listed Leona Leon as the Licensed Manager. See 2019 Application, attached as **Exhibit A**. The Board's vote approving the application expressly stated that Ms. Leon would serve as the Licensed Manager. See April 10, 2019 Select Board Minutes, attached as **Exhibit B**.
2. On April 10, 2019, the Select Board issued a Common Victualler's license to the Licensee.
3. The Licensee renewed its liquor license for calendar years 2020, 2021, and 2022. At no point did the Licensee file a change of manager application with the Select Board.
4. On August 8, 2019, the Needham Public Health Division issued Hungry Coyote its Food Establishment Permit. See 2019 Food Establishment Permit, attached as **Exhibit C**.
5. The Board of Health renewed Hungry Coyote's Food Establishment Permit for calendar years 2020 and 2021.

Unsanitary Condition

6. Timothy McDonald, the Director of Public Health, testified that between January 16, 2021 and November 24, 2021, the Public Health Division's Health Agents conducted numerous inspections of the establishment, discovering multiple violations of applicable sanitary requirements. The record of the Select Board hearing also included a complete copy of the inspection timeline, the Public Health Division's inspection reports, and correspondence between the Public Health Division and the establishment, which are incorporated herein by reference.
7. On December 3, 2021, the Licensee agreed pursuant to a Memorandum of Understanding (the "MOU") with the Public Health Division to take certain actions to bring the establishment into compliance with applicable sanitary requirements. See Memorandum of Understanding, attached as **Exhibit D**.
8. The MOU required a deep cleaning of the restaurant. The Licensee also agreed to implement weekly cleaning logs and hire a pest control company to provide services every other week, with copies of the pest reports to be submitted to the Board of Health for review.

9. On December 9, 2021, the Health Agent reinspected the establishment. Despite the prior agreement, the Licensee was still in violation of numerous code provisions.
10. On December 27, 2021, the Health Agent conducted yet another inspection of the establishment, again discovering multiple violations. In addition, the Health Agent observed that the Licensee had failed to take the actions agreed to in the MOU.
11. Pursuant to M.G.L. c.111, §30 and 105 CMR 590.014(A), Tara E. Gurge, R.S., C.E.H.T., M.S., the Town's Assistant Public Health Director, determined that an imminent health hazard existed at Hungry Coyote and issued a Summary Suspension Order, to take effect on January 1, 2022 (the "Summary Suspension Order"). See Summary Suspension Order, attached as **Exhibit E**.
12. The Summary Suspension Order suspended the Licensee's Food Establishment Permit and ordered the Licensee to "immediately cease and desist" all operations. **Exhibit E**.
13. The Summary Suspension Order identified the following violations of the 2013 Federal Food Code and 105 CMR 590 - State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments:
 - FC 2-103.11(I) Duties of Person in Charge: The person in charge failed to ensure that employee as properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures.
 - FC 2-103.11(N) Duties of Person in Charge: The person in charge failed to ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.
 - FC 3-302.11(A)(1) Raw Animal Food Separate from RTE: Food failed to be protected from cross contamination by (1) separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables; and (b) cooked RTE food.
 - FC 3-305.11 Food Storage: Food failed to be protected from contamination by storing: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.
 - FC 3-501.16(A)(2)(B) Proper Cold Holding Temps.: Failing to maintain TCS foods at 41 degrees Fahrenheit or less, when required. Failing to store eggs that have not been treated to destroy all viable Salmonellae in a refrigerated equipment that maintains an ambient air temperature of 45 degrees Fahrenheit or less.

- FC 4-501.11 Good Repair and Proper Adjustment: Failing to maintain equipment in a state of repair and condition that meets FDA requirements. Failing to keep equipment components such as doors, seals, hinges, fasteners, and kick plates intact, tight, and adjusted in accordance with manufacturers specifications. Failing to keep cutting or piercing parts of can openers sharp to minimize the creation of metal fragments that can contaminate food when the container is open.
- 105 CMR 590.011(A) Anti-chocking procedures in food service establishments: Failing to comply with M.G.L. c.94, §305D, which requires restaurants with a certain seating capacity to have one or more employees trained in a manual choke-saving procedure in accordance with 105 CMR 605.000.

14. The Summary Suspension Order provided that the Licensee must remain closed until such time as the Board of Health's authorized agent confirmed that all violations noted in the Order have been corrected.

15. The Summary Suspension Order also required the Licensee to take the following actions:

- Meet all requirements contained in the MOU, including but not limited to, the items noted below:
 - The establishment must be deep-cleaned and cleaning logs must be implemented and submitted weekly.
 - Temperature logs must be implemented and submitted weekly.
 - Pest control must be contracted for services to be conducted every other week. Copies of these pest control reports must be submitted for review. (Copy of signed contract must be submitted.)
- Must start taking sanitizer concentration/pH testing paper logs to ensure proper sanitizer concentration is set up at 3-bay sink. Logs will need to be submitted weekly.
- Choke Saver training must be conducted, and a valid training certificate must be submitted.
- Complete various staff training requirements.
- Ensure all food is stored properly, protected, and in the correct order.
- A new plan review of the establishment must be submitted Any new equipment spec sheets will need to be submitted for approval, OR if insufficient cold-holding equipment observed or if additional equipment cannot be accommodated on site, Menu items will need to be cut back in order to ensure that sufficient refrigeration is provided on site to accommodate all Menu items listed. Newly revised Menu will need to be submitted for our review/approval.
- All previously observed violations need to be corrected as soon as possible, i.e. all refrigeration gaskets replaced, sanitizer set up correctly, proper thawing practices need to be conducted, proper datemarking, proper calibration of thermometers, proper storage of

raw food items (not mixing with ready-to-eat food items or storing raw above ready-to-eat foods), demonstrate food safety knowledge, need to ensure dumpsters on an increased pick-up schedule and areas around dumpsters are put on a more frequent cleaning schedule (need to be added to cleaning log), Bar area needs to be put on a more frequent cleaning schedule and noted on cleaning log, floor drains must be added to cleaning log and must be put on a routine cleaning schedule, need to verify proper cooling ice wands on site, etc.

**Failure to Comply with Summary Suspension Order /
Illegal Operation of Licensed Premises**

16. On December 30, 2021, Ms. Gurge emailed the Summary Suspension Order to Francisco Mendez, the holder of the Food Establishment Permit. The email stated that Hungry Coyote would “not be allowed to open up for business **on Saturday, January 1, 2022**, due to these on-going food safety concerns.” See Email from Ms. Gurge to Mr. Mendez re: Emergency Order Suspension Letter For Hungry Coyote – Starts Jan. 1, 2022 (Dec. 30, 2021), attached as **Exhibit F** (emphasis original).
17. Mr. Mendez confirmed receipt of the Summary Suspension Order on December 31, 2021. See Email from Mr. Mendez to Ms. Gurge re: Emergency Order Suspension Letter For Hungry Coyote – Starts Jan. 1, 2022 (Dec. 31, 2021), attached as **Exhibit G**.
18. Ms. Gurge posted the Summary Suspension Order on the door of the Hungry Coyote restaurant shortly before 9:00 a.m. on January 1, 2022.
19. Pursuant to 105 CMR 590.014(A)(3), the Summary Suspension Order was immediately effective once posted at the public entrance of the restaurant.
20. Notwithstanding the clear terms of the Summary Suspension Order, Hungry Coyote did not close and remained open to the public. The Licensee continued to operate without a Food Establishment Permit and in direct violation of the Summary Suspension Order.
21. On January 5, 2022, after a hearing requested by Francisco Mendez (holder of the Food Permit), the Board of Health sustained the Summary Suspension Order and, in particular, its command that the Licensee close to the public until all issues had been resolved and confirmed by the Public Health Division.
22. Ms. Leon was present during the Board of Health hearing, and admitted that the Licensee had remained open since January 1, 2022 despite the Summary Suspension Order and the Licensee’s lack of a Food Establishment Permit.
23. Ms. Leon stated during the Select Board’s hearing on January 11, 2022, that the Licensee remained open until the close of business on January 8,

2022, in direct violation of the Summary Suspension Order and the Board of Health's decision.

24. At all times between January 1 and close of business on January 8, 2022, Hungry Coyote served food in violation of the Summary Suspension Order, the State Sanitary Code and without a valid Food Permit.

Licensed Manager

25. Ms. Leon is listed as the licensed manager of record for the Section 12 All Alcohol license.
26. On January 5, 2022, Ms. Leon emailed Ms. Gurge, in which she stated: "You called me and I told you that I was out of work for a while but that I gave you my word that I would help [Hungry Coyote] with my service..." See Email from Leon to Gurge, (Jan. 5, 2022), attached as **Exhibit H**.
27. During the Board of Health hearing on January 5, 2022, Ms. Leon stated that she had been absent from the establishment for a period of time. In particular, Ms. Leon stated that she had started January 1st and was "back now."
28. Ms. Leon stated during the Select Board's January 11, 2022 hearing that she had not been compensated by the Licensee since March of 2020.
29. As the Licensed Manager, Ms. Leon admitted that she permitted the restaurant to remain open after the posting of the Summary Suspension Order, despite having knowledge of that Order on January 1, 2022.
30. The Licensee never informed the Select Board that it intended to change its licensed manager or that Ms. Leon would be taking a leave of absence. Nor has it submitted a Change of Manager application with the Select Board.

Corporate Documents

31. According to the Corporations Division of the Secretary of the Commonwealth's Office, Matthew Saiia is the sole listed officer of Poet King Restaurant Group, LLC.
32. Mr. Saiia was notified of the Select Board's January 11, 2022 hearing on the modification, suspension or revocation of the All Alcohol License.
33. Mr. Saiia did not attend the Select Board hearing on January 11, 2022.
34. According to the Corporations Division of the Secretary of the Commonwealth's Office, the Licensee has failed to file annual reports for 2020 and 2021. See Corporations Division information, attached as **Exhibit I**.

DECISION

After the hearing on January 11, 2022, the Needham Select Board, acting as the licensing authority, found Poet King Restaurant Group, LLC d/b/a Hungry Coyote, 1185 Highland Avenue, Needham, MA ("Hungry Coyote" or Licensee), and its licensed manager, Leona Leon, violated:

1. 205 CMR 2.05(2): Permitting an illegality to occur on the premises, to wit, failure to comply with the Summary Suspension Order of the Town of Needham Public Health Division dated December 31, 2021. This violation was continuous and ongoing beginning upon the opening of the licensed premises on Saturday January 1, 2022 and the closing of the licensed premises on Saturday January 8, 2022.
2. 205 CMR 2.05(8): Maintaining the premises in an unsanitary manner, as detailed in the Summary Suspension Order.
3. M.G.L. c.138, s.12: Operating without a licensed manager.

Pursuant to M.G.L. c.138, §§23 and 64, the Board voted to suspend the refenced license as follows:

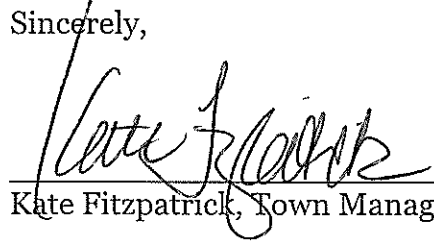
1. Suspend the license forthwith, with the term of the suspension to run for thirty (30) days commencing when the Needham Board of Health reinstates the Licensee's Food Establishment Permit, for violating 205 CMR 2.05(2): Permitting an illegality to occur on the premises, to wit, failure to comply with the Summary Suspension Order of the Town of Needham Public Health Division dated December 31, 2021 and 205 CMR 2.05(8): Maintaining the premises in an unsanitary manner, as detailed in the Summary Suspension Order; and
2. Indefinitely suspend the license until such time as (a) the Licensee submits documentation supporting Leona Leon's ability to hold the position of License Manager, or the Licensee submits an application for a Change of Manager, and the Select Board approves the designated licensed manager in either event, and (b) the Licensee submits all required corporate filings to the Secretary of State's Corporations Division.

Provided, however, that in no case, shall the license be suspended for a period shorter than thirty (30) days from when the Needham Board of Health reinstates the Licensee's Food Establishment Permit.

The Licensee is directed to return its license to the Select Board's Office at 1471 Highland Avenue prior the resuming operations under its Food Establishment Permit. The Licensee shall post at its public entrance a notice of the suspension,

as outlined in **Exhibit J**. The liquor license will be returned at the end of the suspension period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kate Fitzpatrick", is written over a horizontal line.

Kate Fitzpatrick, Town Manager

Encl.

cc: Alcoholic Beverages Control Commission
Town Counsel



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

MEETING DATE: 2/14/2023

Agenda Item	Public Hearing: ABCC Amendment Application for Change of Officers and Change of Stock Interest – Poet King, LLC d/b/a Hungry Coyote
Presenter(s)	Michael Magerer, Applicant Counsel Nezahualcoyotl Leon, LLC Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Poet King, LLC d/b/a Hungry Coyote, 1185 Highland Ave, has applied for a Change of Officers and Change of Stock Interest. The requisite filing materials appear to be in order.	
2.	VOTE REQUIRED BY THE SELECT BOARD
<i>Suggested Motion: That the Board take the following action_____.</i>	
3.	BACK UP INFORMATION ATTACHED
1. Amendment Application 2. Corporate Vote 3. Departments of Revenue and Unemployment Certificates 4. Corporate Documents 5. Legal Advertisement All other documents related to these transactions are on file in the Office of the Town Manager.	



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

APPLICATION FOR AMENDMENT

-Change of Officers, Stock or Ownership Interest

☒ **Change of Officers/ Directors/LLC Managers** ☒ **Change of Stock Interest**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☒ **Change of Ownership Interest**

(e.g. LLC Members, LLP Partners, Trustees etc.)

- Payment Receipt
- Monetary Transmittal
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Non-Profit Club Change of Officers/ Directors**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Business Structure Documents - **Articles of Organization** from the Secretary of the Commonwealth

☐ **Management Agreement**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Vote of Entity
- Management Agreement

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name

Poet King Restaurant Group, LLC

Municipality

Needham

ABCC License Number

04859-RS-0770

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

(1) Change of entity/LLC ownership; (2) Issuance and return of entity/LLC Units/Stock; (3) Change of entity/LLC Manager.

APPLICATION CONTACT

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

Name Title Email Phone

Michael Magerer, Esq. (#550703)

Attorney/Counsel

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Nezahualcoyotl Leon	47 Marsh Road, Needham, MA 02492		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Manager	100.00	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident		☒ Yes ☐ No	
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident		☐ Yes ☐ No	
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident		☐ Yes ☐ No	
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident		☐ Yes ☐ No	
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident		☐ Yes ☐ No	
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident		☐ Yes ☐ No	

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 2, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
Please provide a copy of the management agreement.

☐ Yes ☒ No

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Matthew A. Saiia	Manager	100.00
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 2, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 2, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 4 or 5 ever been suspended, revoked or cancelled?

Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
1/11/2022	Poet King Restaurant Group, LLC	Needham	Alleged Mgr. present for insufficient periods

7. FINANCIAL DISCLOSURE

Associated Cost(s): (E.g. 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):

NONE; Transfer of LLC Units.

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
N/A	N/A
Total	N/A

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.
N/A	N/A	N/A	☐ Yes ☒ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

N/A

ADDITIONAL INFORMATION

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

PART 6: On January 14, 2022, a Notice of Suspension (M.G.L. c. 138, s.23 and 64) was issued to the applicant. The stated grounds for suspension were: (1) 205 CMR 2.05(2): Permitting an illegality to occur on the premises, to wit, failure to comply with the Summary Suspension Order of the Town of Needham Public Health Division dated December 31, 2021. This violation was continuous and ongoing beginning upon the opening of the licensed premises on Saturday January 1, 2022 and the closing of the licensed premises on Saturday January 8, 2022; (2) 205 CMR 2.05(8): Maintaining the premises in an unsanitary manner, as detailed in the Summary Suspension Order; and (3) M.G.L. c.138, s.12: Operating without a licensed manager.

On January 14, 2022, the Town of Needham, Select Board, took certain actions related to the applicant/restaurant, as noted above. Regarding (1) and (2) above, the restaurant's food permit had not been renewed by the Town on January 1, 2022. The restaurant continued to operate. This was in error and all issues have been resolved/rectified and there have been no further issues since this time. The restaurant permit was renewed and remains in good standing.

With regard to (3), there were questions raised about the amount of time that Leona Leon was spending at the restaurant and an absence from the restaurant. These issues have also been resolved and Ms. Leon is now regularly at the Restaurant and will continue to be to oversee the bar business. Plans have been made to further segregate the bar area from the remainder of the Restaurant to better control the distribution and consumption of alcohol, dedicated food service, and improved customer service and experience.

The Town also expressed concern about the structure of the entity/LLC and its filings. Based on the change in ownership of the entity/LLC, as described herein, any Town concerns regarding ownership and the presence of persons looked to in order to direct the day to day operations of the Restaurant have been rectified and are reflected in this Application. All entity filings have been made to reflect the changes to the entity/LLC and all filings with the MA Sec. of State's Office, Corp. Division, are up to date and will remain so. The changes made and steps taken will allow the applicant/Restaurant to be compliant and successful.

APPLICANT'S STATEMENT

I, Nezahualcoyotl Leon the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of Poet King Restaurant Group, 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: NEZA LEON Manager

Date: 12-12-2022

Title: Manager; Duly Authorized

ENTITY VOTE

The Board of Directors or LLC Managers of

Poet King Restaurant Group, 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

Dec 14, 2022

Date of Meeting

For the following transactions (Check all that apply):

- ☒ Change of Officers/Directors/LLC Manager
- ☒ Change of Ownership Interest (LLC Members, LLP Partners, Trustees)
- ☒ Issuance/Transfer of Stock/New Stockholder
- ☐ Management/Operating Agreement
- ☐ Other

"VOTED: To authorize

Nezahualcoyotl Leon, Manager

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,

For Corporations ONLY

A true copy attest,

NEZAHUALCOYOTL LEON

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

NEZAHUALCOYOTL LEON

(Print Name)

(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



407915166

Rosalin Acosta
SECRETARY

Connie C. Carter
INTERIM DIRECTOR

Poet King Restaurant Group, LLC
838 GREAT PLAIN AVE
NEEDHAM, MA 02492-3057

EAN: 22136082
November 25, 2022

Certificate Id:64732

The Department of Unemployment Assistance certifies that as of 11/25/2022 ,Poet King Restaurant Group, 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: L0985248288
Notice Date: January 5, 2023
Case ID: 0-001-821-632



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



POET KING RESTAURANT GROUP, LLC
838 GREAT PLAIN AVE
NEEDHAM MA 02492-3057

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, POET KING RESTAURANT GROUP, 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

UNIT PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made this 19th day of June, 2022 by and between Nezahualcoyotl Leon, f/k/a Francisco Mendez-Miranda ("Leon"), an adult individual with an address of 24 Yurick Road, Needham, Norfolk County, Massachusetts 02492, or his Nominee (referred to herein as the "Buyer" or "Leon," which references shall also apply to his Nominee); and Matthew Saiia, an adult individual with an address of 838 Great Plain Avenue, Needham, Norfolk County, Massachusetts 02492 (referred to herein as the "Seller" or "Saiia"). Solely as to any representations and warranties made thereby, waving any restrictions on transfer, and to the extent otherwise required by the Operating Agreement, as same is identified below, Poet King Restaurant Group, LLC ("Poet King"), a duly authorized and existing Massachusetts Limited Liability Company, with an address of 1185 Highland Avenue, Needham, Norfolk County, Massachusetts 02492, also joins this Agreement as a party hereto. Leon, Saiia, and Poet King are sometimes referred to herein as a "Party" or collectively as the "Parties."

WHEREAS, Seller own units in an entity known as Poet King Restaurant Group, LLC (Poet King), a duly organized and existing Massachusetts Limited Liability Company with a principal place of business located at 1185 Highland Avenue, Needham, Norfolk County, Massachusetts 02492 (Poet King may also be referred to herein as the "Company"); and

WHEREAS, Saiia is the sole, Member and Manager of the Company (respectively the "Member" and the "Manager"); and

WHEREAS, the Company, Seller, and the Members are subject to an Operating Agreement, dated _____ (the "Operating Agreement"), which governs the operation of the Company and the transfer of Units thereof; which has not been modified, altered, or amended; and which remains in full force and effect; and

WHEREAS, Buyer desires to purchase and Seller desires to sell the units of Seller in the Company, in the amount of and for the consideration stated herein and upon the terms and conditions hereinafter set forth; and

WHEREAS, the Company and the Member and Manager desire to assist in and to expedite the consummation of this Agreement, by reconciling certain Company accounts that relate to the parties hereto and by affirming the non existence of any encumbrance or proceeding by or against the Company that might hinder or preclude the consummation of this Agreement;

NOW THEREFORE, in consideration of the said premises, the receipt, value, and sufficiency of which is hereby acknowledged, the respective representations and warranties hereinafter set forth and of the covenants and agreements herein contained, and the recitals set forth above, which are hereby incorporated by reference herein, agreed to, and acknowledged by the Parties hereto, Buyer and Seller represent, warrant and agree as follows:

1. Units to be Purchased. On the date of execution of this Agreement, the Buyer shall purchase, assume, and acquire from Seller and the Seller shall sell, transfer, and assign to Buyer, at the price and under the terms and conditions set forth in this Agreement, One Hundred percent (100%) of the Seller Units in the Company (the "Units" or the "Purchased Units"), which represents all of units of the Company held by Seller and that are issued and outstanding as of the date of execution of this Agreement. Upon the sale and transfer of the Purchased Units, Schedule A of the Operating Agreement shall be amended and shall state as follows:

<u>MEMBER</u>	<u>MEMBERSHIP INTEREST</u>
Leon	100.00%

Seller warrants that the Purchased Units, as stated above and/or as represented by the certificates so listed and/or attached hereto as Exhibit A, as appears on books and records of the Company, constitutes all of the issued and outstanding units of the Company on the date of execution of this Agreement owned by Seller and that there are no other classes of units owned by Seller or provided for in the Operating Agreement.

2. Purchase Price; Terms of Payment and Transfer. (a) Upon the execution of this Agreement, Seller will receive all of the Advisory Board Shares ("ABS") to be created pursuant to the Operating Agreement for the Company to be executed contemporaneously with this Agreement (the "Purchase Price").

(b) As part of the Purchase Price and consideration therefor, Buyer and the Company also agree not to sell, assign, transfer, and/or otherwise alienate any tangible assets of the Company or the Buyer, such as, without limitation, recipes, ingredients, and/or instructions, with regard to food products served and/or offered by the Company and/or reasonably anticipated or likely to be offered in the future, and all intangible assets of the Company or the Buyer, such as, without limitation, how the Company acquires, obtains, and/or provides goods and/or services with respect to the cooking, processing, storage, sale, shipment, and/or delivery of all food products served and/or offered by the Company and/or reasonably anticipated or likely to be offered in the future.

(c) In the event of the sale, assignment, or other transfer or disposition or change (including a transfer by gift, inheritance or otherwise), in the aggregate in one or more transactions or events, of (i) substantially all of the assets of the Company, or (ii) more than twenty five percent (25%) of the ownership of the Company, Buyer shall so notify the Seller and thereupon Buyer shall pay to Seller (iii) twenty five percent (25%) of the gross sales price of the assets and/or the Units in the Company, if the sale occurs within five (5) years of the date hereof, or (iv) fifteen percent (15%) of the gross sales price of the assets and/or the Units in the Company, if the sale occurs thereafter. Payment by Buyer to Seller shall occur contemporaneously with any such sale or transfer. Notwithstanding the foregoing, transactions with an entity (v) into or with which the Company is merged or consolidated or (vi) which controls or is controlled by the Buyer or is under common control with Buyer, shall not be deemed to be a sale or transfer pursuant to this paragraph.

3. Delivery of Purchased Units and ABS. The certificates, if any, for the Purchased Units of the Company sold under this Agreement and for the ABS shall be delivered to the Buyer and Seller, respectively, on the date of this Agreement. All units and ABS delivered will be duly endorsed for transfer with signatures guaranteed.

4. Seller's Representations and Warranties. Seller hereby represents and warrants as follows:

- (a) That the Purchased Units sold hereunder and the ABS to be created and transferred pursuant to this Agreement are free and clear of all liens, encumbrances, charges and assessments, except as disclosed herein, and that Seller is the record owner thereof.
- (b) That at the time of execution of this Agreement there will not be pending, entered or completed any proceeding at law or in equity which may in any way affect, prohibit or impede the transfer of the Purchased Units sold hereunder and the ABS to be created and transferred pursuant to this Agreement, including within the scope of this sub-paragraph administrative as well as judicial proceedings, which the parties will cooperate to amend the said litigation accordingly to allow the sale contemplated hereunder.
- (c) That the execution, delivery and performance of this Agreement by Seller will, on the Closing Date, be enforceable according to its terms, and the obligations of Seller hereunder will be legal and binding.
- (d) That the Company is duly organized and existing under the laws of the Commonwealth of Massachusetts.
- (e) That the Purchased Units sold hereunder and the ABS to be created and transferred pursuant to this Agreement are, according to the books and records of the Company, fully paid and non-assessable; that the Seller is the record owner thereof; that all Purchased Units transfer restrictions affecting the transfer of said Units of capital stock to Buyer hereunder have been duly complied with or effectively waived, and that upon the closing hereunder, Buyer will have full and absolute title to said Units free and clear of all liens, charges, or encumbrances.
- (f) (i) That the present Member and Manager of the Company are as follows:

Member: Matthew Saiia (100%)

Manager: Matthew Saiia

(ii) That after consummation of this Agreement, the Member and Manager of the Company are as follows:

Member: Nezahualcoyotl Leon,
f/k/a Francisco Mendez-Miranda

Manager: Nezahualcoyotl Leon,
f/k/a Francisco Mendez-Miranda

- (g) That all negotiations relative to this Agreement and the transactions contemplated hereby have been carried on by Seller directly with the Buyer and any third party identified herein, without the intervention of any person as a result of any act of Seller in such manner as to give rise to any valid claim for a brokerage commission or other like payment.

The above warranties and representations shall survive the delivery by Seller and the receipt by Buyer of the Purchased Units to be sold hereunder.

It is specifically agreed that Buyer shall not be liable for the payment of any federal, state, or local income, sales, use, or other taxes determined to be due and owing by the Seller and/or the Company, its predecessor entity, the Member(s), and Manager(s) (whether in said capacity or individually), for transactions occurring and/or amounts incurred before the execution of this Agreement.

5. Indemnification of Parties. (i) Buyer and Seller shall and will save one another free and harmless of and from all valid demands, claims, actions or causes of action, assessments, losses and damages, by reason of any claims, obligations, debts, demands or liabilities existing as against one another and the Company prior to and including the date of the closing of this transaction, or thereafter coming into being by reason of any state of facts existing prior to and including the date of the closing of this transaction or arising or growing out of this Agreement, including but not limited to any and all federal, state, and local taxes, except those claims, obligations, debts, demands or liabilities arising from the operation of the business of the Company in the ordinary course of the Company's business and in accordance with the terms of

this Agreement, and except those arising from contracts and agreements executed by the Company and which the Company is permitted to execute by the terms of this Agreement; provided, however, that the provisions of this clause shall not be binding on either party unless the party seeking indemnification gives the other party written notice as herein provided of any such claim within twenty (20) days of the first presentation of such claim or when the party seeking indemnification knows or should have known of the existence of said claim and grants the other party full opportunity to defend, compromise, adjust and/or settle any such claim.

(ii) Notwithstanding anything to the contrary stated herein, Buyer and Company hereby indemnify and save the Seller free and harmless from any amounts incurred by Seller related to Seller's guaranty of the Company Lease for the premises in which it operates.

6. Waiver of Unit Transfer Restrictions. Seller and Buyer hereby waive all preemptive rights and restrictions on the sale and transfer of the Units sold under this Agreement and agree to hold Buyer harmless from and against all liabilities, loss, damages, or claims arising directly or indirectly from Buyer's failure to obtain absolute, entire, and unconditional ownership of the Purchased Units of the Company, free and clear of all restrictions, liens, charges, and encumbrances of which the Seller has knowledge, actual or constructive.

7. Broker's Fee. (a) The Buyer represents and warrants to the Seller that the Buyer has not contacted any broker in connection with this transaction and that the Buyer was not directed to the Seller as a result of any services or facilities of any broker. The Buyer agrees to indemnify and to hold harmless the Seller from and against any claim, loss, damage, cost or liability for any brokerage commission or fee which may be asserted against the Seller in connection with this transaction. The provisions of this paragraph shall survive delivery of the deed.

(b) The Seller represents and warrants to the Buyer that the Seller has not contacted any broker in connection with this transaction and that the Seller was not directed to the Buyer as a result of any services or facilities of any broker. The Seller agrees to indemnify and to hold harmless the Buyer from and against any claim, loss, damage, cost or liability for any brokerage commission or fee which may be asserted against the

Buyer in connection with this transaction. The provisions of this paragraph shall survive delivery of the deed.

8. Default; Attorneys Fees. In addition to all rights provided the Parties under the Uniform Commercial Code and subject to the provisions of this Agreement, the parties hereto shall have the right to specific performance of this Agreement, as to delivery of the Purchased Units, in any court of competent jurisdiction. In the event it is necessary for any one of the Parties to bring any action to enforce any of the terms and covenants of this Agreement, it is agreed that the prevailing party shall be entitled to a reasonable attorney fee to be set by the court, in addition to other reasonable costs and expenses of any such action.

9. Buyer's Warranties and Representations. The Buyer makes the following warranties and representations to the Seller, each of which is true and correct and is being relied upon by the Seller, notwithstanding any investigation made by or on behalf of the Seller:

- (a) That the execution, delivery and performance of this Agreement by the Buyer and all other documents required to be executed by Buyer hereunder will on the Closing Date, be enforceable according to its terms, and the obligations of the Buyer hereunder will be legal and binding.
- (b) That all negotiations relative to this Agreement and the transactions contemplated hereby have been carried on by Buyer directly with Seller without the intervention of any person as the result of any act of Buyer in such manner as to give rise to any valid claim for a brokerage commission or other like payment.
- (c) That the Company is duly organized and existing under the laws of the Commonwealth of Massachusetts.

10. Company's Warranties and Representations. The Company makes the following warranties and representations to the Buyer and Seller, each of which is true and correct and is being relied upon by the said parties, notwithstanding any investigation made by or on behalf of the said parties:

- (a) That the Company is duly organized and existing under the laws of the Commonwealth of Massachusetts.

- (b) That the Purchased Units sold hereunder are free and clear of all liens, encumbrances, charges and assessments by the Company and that Seller is the record owner thereof.
- (c) That at the time of execution of this Agreement there will not be pending, entered, or completed any proceedings at law or in equity by or against the Company which may in any way affect, prohibit or impede the transfer of the Purchased Units sold hereunder.
- (d) That immediately prior to the execution of this Agreement the authorized and issued units of the Company consist of 100.0 units, of which all are validly issued and outstanding as follows:

<u>UNITHOLDER</u>	<u>UNITS</u>
Matthew Saiia	100.0

- (e) That as of the date of this Agreement, the Company has no claims, real, contingent, or otherwise, against the Seller.

11. Modification. No modification or amendment of this Agreement shall be effective, unless in a writing signed by each of the parties hereto, which specifically refers to this Agreement and states that such writing is intended to be a modification or amendment hereof.

12. Indemnities, Representations, Etc. The indemnities, representations, warranties, and agreements of the Seller and Buyer shall survive the Closing.

13. Further Instruments. At or after the execution of this Agreement, Seller and Buyer shall execute and deliver, or cause to be executed and delivered, to the other party all such other documents and instruments, and will do and perform all such other acts, as may reasonably be required to perfect the full and proper performance of this Agreement as contemplated herein.

14. Construction. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts applicable to contracts entered into herein.

15. Separate Representations. Each of the parties hereto covenants and warrants that prior to the execution of this Agreement, the parties separately considered and negotiated the contents hereof.

16. Exhibits. All of the exhibits referred to herein are annexed to this Agreement, expressly made a part hereof, and incorporated herein by reference to the same extent as if the contents thereof were set forth herein at length. In the event that the content of any exhibit is contrary to the body of this Agreement, the contents of the exhibit shall control.

17. Contents of Agreement, Parties in Interest, Etc. (a) This Agreement is comprised of this document and the exhibits hereto. This Agreement sets forth the entire understanding of the parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement. All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and be enforceable by the respective heirs, executors, successors, and assigns of the parties hereto.

(b) If the Seller or Buyer executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented thereby shall be bound and neither the Seller or Buyer so executing, nor any Member, Manager, or Unit Holder of a Limited Liability Company, Director or Officer of a Corporation, nor any trustee or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

18. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument. This Agreement shall become effective at such time as counterparts thereof have been executed by each of the parties and it shall not be a condition to its effectiveness that each of the parties has executed the same counterpart.

19. Signatures. Signatures to this Agreement, as well as any other document pursuant hereto and/or in connection herewith, transmitted by facsimile or by e-mail transmittal of portable document format (PDF) files or similar electronic means shall be valid and effective to bind the party so signing. Each party agrees to promptly deliver an execution original to this Agreement with its actual signature to the other party, but a failure to do so shall not affect the enforceability of this

instrument, it being expressly agreed that each party to this instrument shall be bound by its own facsimile or e-mailed signature and shall accept the facsimile or e-mailed signature of the other party to this instrument.

20. Buyer's Obligation to Close Subject to Transfer of Licenses/Permits. (a) The Buyer's obligation to close is specifically contingent upon Buyer obtaining at his sole cost and expense the necessary approval(s) for the transfer of the license to expose, keep for sale, and to sell all alcoholic beverages to be drunk on the premises, license number 04859-RS-0770 (the "Liquor License") from the Town of Needham licensing authority and the Alcoholic Beverages Control Commission, if necessary, and the approval for the transfer of any and all other necessary and/or related licenses currently used in or held by the Company, in connection with the Poet King operations.

(b) Promptly after the execution hereof, the Buyer and the Company shall apply for said necessary approvals at its sole cost and expense and thereafter diligently prosecute its application(s) therefor, using its best and diligent efforts to obtain same. The Seller shall cooperate fully with the Buyer and the Company in connection with its efforts to obtain said necessary approvals, including, but not limited to, causing the Company to make any payments to third parties which outstanding debt is preventing the transfer of the Liquor License, furnishing such information and materials as the Buyer and Company may reasonably request, and executing documentation as the Buyer and Company may reasonably request. Buyer shall pay any and all fees required by the applicable licensing boards for the transfer of all licenses.

(c) Notwithstanding anything to the contrary stated herein, Buyer shall not terminate or amend this Agreement for any reason related to any attempt to obtain or reinstate a Liquor License that the Buyer may seek to obtain. Buyer hereby agrees to accept and purchase the Units and to fully perform under this Agreement, regardless of whether or not the Buyer obtains a Liquor License, whether same is new or reinstated and regardless of any requirements, limitations, and/or decisions, if any, imposed by any issuing authority upon the Buyer.

21. Nominee; Assignment. Notwithstanding anything to the contrary set forth herein, Buyer shall not be entitled to assign this Agreement or to nominate any other person or entity to take title to the Purchased Units, except that Buyer may nominate a newly formed limited liability company or other entity to take title to the Purchased Units, provided such entity is owned and controlled by Buyer or Buyer's current principals (i.e. officers and directors, members and managers, trustees and beneficiaries). Assignment of this Agreement to any other person or entity or nomination of any other person or entity to take title to the Purchased Units shall be void, ab initio, unless Seller's written authorization has been previously granted.

22. Confidentiality. Seller and Buyer agree not to disclose any information relating to the terms and conditions of this transaction, other than to Seller's and Buyer's respective principals, agents and consultants engaged to implement this transaction, and transaction participants and to counsel involved in the transaction. Buyer shall not permit any release of information to any third party or regulatory agency or authority, except as required by law and with notice to Seller. Buyer and any third party consultant shall agree to be bound by these confidentiality provisions. As to contacting municipal authorities, Buyer acknowledges and agrees that as of the signing of the Agreement it is his intention to only cause the transfer of the Liquor License; to the extent Buyer desires to contact any municipal authorities directly with regard to anything other than the transfer of the Liquor License, Buyer shall first seek Seller's approval and so long as within the scope of transaction contemplated under this Agreement, Seller's approval shall not be unreasonably withheld. Buyer acknowledges that the confidentiality provisions will likely be beneficial to it, the Seller, and the Company to avoid any potential adverse results upon Buyer's ability to operate the Company and the Restaurant after the Closing Date or upon the Company's continued ability to operate the Restaurant to the extent Buyer fails to perform. Buyer shall not advertise or permit the advertising of the fact or terms of the sale contemplated herein prior to Closing. To the extent Buyer is required, pursuant to the requirements of any legal proceeding or the Liquor License transfer, to disclose any information whatsoever relating to the transaction, the Company, or such other information which is otherwise provided in this Agreement to be confidential, Buyer shall notify Seller of such legal requirement and the specific scope and nature of such request within one business day after Buyer first obtains knowledge of such legally required

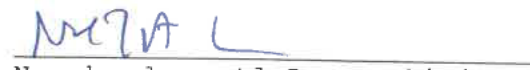
disclosures, so that Seller may seek an appropriate protective order or waive Buyer's compliance with this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed and delivered as an instrument under seal on the day and year first above written.

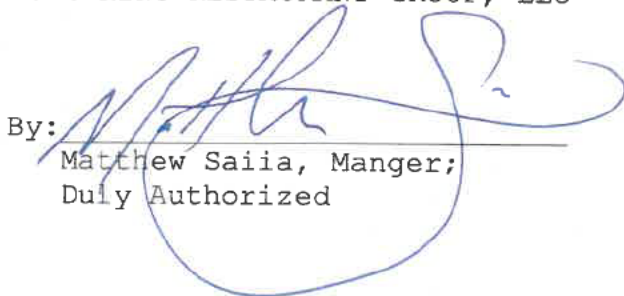
SELLER:


Matthew Saiia

BUYER:


Nezahualcoyotl Leon, f/k/a
Francisco Mendez-Miranda

POET KING RESTAURANT GROUP, LLC

By: 
Matthew Saiia, Manger;
Duly Authorized



William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

October 31, 2022

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

POET KING RESTAURANT GROUP, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **October 9, 2018.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are:
NEZAHUALCOYOTL LEON

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **NEZAHUALCOYOTL LEON**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **NEZAHUALCOYOTL LEON**



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

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

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001349508

1. The exact name of the limited liability company is: POET KING RESTAURANT GROUP, LLC

2a. Location of its principal office:

No. and Street: 838 GREAT PLAIN AVENUE
City or Town: NEEDHAM State: MA Zip: 02492 Country: USA

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

No. and Street: 838 GREAT PLAIN AVENUE
City or Town: NEEDHAM State: MA Zip: 02492 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:

THE GENERAL CHARACTER OF THE BUSINESS OF THE LLC IS (A) TO ENGAGE IN THE BUSINESS OF DIRECTLY OR INDIRECTLY OWNING, OPERATING, MANAGING AND OTHERWISE DEALING WITH ONE OR MORE RESTAURANTS; (B) SUCH ACTIVITIES AS ARE RELATED OR INCIDENTAL TO THE ABOVE; AND (C) SUCH OTHER BUSINESSES, TRADES AND ACTIVITIES AS ARE PERMITTED FOR AN LLC UNDER THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: MATTHEW SAILA
No. and Street: 838 GREAT PLAIN AVENUE
City or Town: NEEDHAM State: MA Zip: 02792 Country: USA

I, MATTHEW SAILA 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

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
SOC SIGNATORY	MATTHEW SALLA	838 GREAT PLAIN AVENUE NEEDHAM, MA 02492 USA

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	MATTHEW SALLA	838 GREAT PLAIN AVENUE NEEDHAM, MA 02492 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 9 Day of October, 2018,
MATTHEW SALLA

(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:

October 09, 2018 11:04 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is positioned above the printed name of the signatory.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



The Commonwealth of Massachusetts
William Francis Galvin

No Fee

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

Statement of Change of Resident Agent/Resident Office

(General Laws, Chapter 156C, Section 5A and Section 51)

Exact name of limited liability company: POET KING RESTAURANT GROUP, LLC

Current resident agent name: MATTHEW SAILA

Current resident agent office address: 838 GREAT PLAIN AVENUE , NEEDHAM , MA 02792

New resident agent office address in the commonwealth and the name of the appointed resident agent at that office:

(The company may not appoint itself resident agent. Resident agent may be an individual or a different business entity.)

Name: NEZAHUALCOYOTL LEON

No. and Street: 1185 HIGHLAND AVENUE

City or Town: NEEDHAM

State: MA

Zip: 04292

Country: USA

The street address of the resident office of the limited liability company and the business address of the resident agent are identical as required by General Laws, Chapter 156C, Section 51 and GL. Chapter 156D Section 15.08.

Consent of resident agent:

I, NEZAHUALCOYOTL LEON , consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 5A and Section 51.

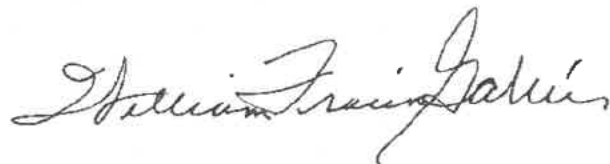
This statement is effective at the time and on the date approved by the Division.

SIGNED UNDER THE PENALTIES OF PERJURY, this 1 Day of July, 2022,
MATHEW SAILA , 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:

July 01, 2022 02:05 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: \$100.00

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

Certificate of Amendment
(General Laws, Chapter)

Identification Number: 001349508

The date of filing of the original certificate of organization: 10/9/2018

1.a. Exact name of the limited liability company: POET KING RESTAURANT GROUP, LLC

1.b. The exact name of the limited liability company as amended, is: POET KING RESTAURANT GROUP, LLC

2a. Location of its principal office:

No. and Street: 1185 HIGHLAND AVENUE
City or Town: NEEDHAM State: MA Zip: 02492 Country: USA

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

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: NEZAHUALCOYOTL LEON
No. and Street: 1185 HIGHLAND AVENUE
City or Town: NEEDHAM State: MA Zip: 04292 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	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 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	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 USA

9. Additional matters:

10. State the amendments to the certificate:

1. TO CHANGE THE PRINCIPAL OFFICE LOCATION. 2. TO CHANGE THE MANAGER (SEC. 6 AND 8).

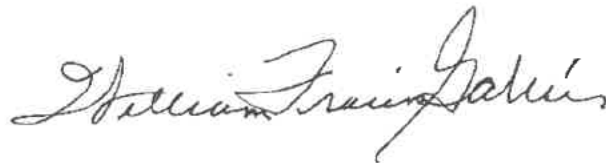
11. The amendment certificate shall be effective when filed unless a later effective date is specified:

SIGNED UNDER THE PENALTIES OF PERJURY, this 1 Day of July, 2022,
MATTHEW SAILA , 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:

July 01, 2022 02:44 PM

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



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: 001349508

Annual Report Filing Year: 2022

1.a. Exact name of the limited liability company: POET KING RESTAURANT GROUP, LLC

1.b. The exact name of the limited liability company as amended, is: POET KING RESTAURANT GROUP, LLC

2a. Location of its principal office:

No. and Street: 1185 HIGHLAND AVENUE
City or Town: NEEDHAM State: MA Zip: 02492 Country: USA

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

No. and Street: 838 GREAT PLAIN AVENUE
City or Town: NEEDHAM State: MA Zip: 02492 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:
RESTAURANT.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: NEZAHUALCOYOTL LEON
No. and Street: 1185 HIGHLAND AVENUE
City or Town: NEEDHAM State: MA Zip: 04292 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	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 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
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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	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 11 Day of October, 2022,
NEZAHUALCOYOTL LEON , 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 11, 2022 06:06 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

Corporations Division

Business Entity Summary

ID Number: 001349508

[Request certificate](#)

[New search](#)

Summary for: POET KING RESTAURANT GROUP, LLC

The exact name of the Domestic Limited Liability Company (LLC): POET KING RESTAURANT GROUP, LLC

Entity type: Domestic Limited Liability Company (LLC)

Identification Number: 001349508

Date of Organization in Massachusetts:
10-09-2018

Last date certain:

The location or address where the records are maintained (A PO box is not a valid location or address):

Address: 838 GREAT PLAIN AVENUE

City or town, State, Zip code, NEEDHAM, MA 02492 USA
Country:

The name and address of the Resident Agent:

Name: NEZAHUALCOYOTL LEON

Address: 1185 HIGHLAND AVENUE

City or town, State, Zip code, NEEDHAM, MA 04292 USA
Country:

The name and business address of each Manager:

Title	Individual name	Address
MANAGER	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 USA

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

Title	Individual name	Address

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	Address
REAL PROPERTY	NEZAHUALCOYOTL LEON	1185 HIGHLAND AVENUE NEEDHAM, MA 02492 USA

 **Consent**

Confidential Data

Merger Allowed

Manufacturing

View filings for this business entity:

ALL FILINGS
Annual Report
Annual Report - Professional
Articles of Entity Conversion
Certificate of Amendment
Certificate of Consolidation

[View filings](#)

Comments or notes associated with this business entity:

[New search](#)

Corporations Division

Business Entity

Name: POET KING RESTAURANT GROUP, LLC

Order certified copies ☐ check all	Name of filing	Year filed	Date filed	Filing No.	View PDF
☐	Annual Report	2022	10/11/2022 06:06 PM	202247607530	202247607530_1.pdf, 3 pgs
☐	Certificate of Amendment		07/01/2022 02:44 PM	202233054160	202233054160_1.pdf, 3 pgs
☐	Statement of Change of Resident Agent/Resident Office		07/01/2022 02:05 PM	202233029870	202233029870_1.pdf, 2 pgs
☐	Annual Report	2021	07/01/2022 12:19 PM	202233027010	202233027010_1.pdf, 3 pgs
☐	Annual Report	2020	07/01/2022 12:14 PM	202233026310	202233026310_1.pdf, 3 pgs
☐	Annual Report	2019	10/01/2019 12:01 PM	201929600540	201929600540_1.pdf, 3 pgs
☐	Certificate of Organization		10/09/2018 11:04 AM	201837869190	201837869190_1.pdf, 3 pgs

[Return to entity summary](#)

[Order filings](#)

LEGAL NOTICE



Town of Needham

Application for Change of Officers and Change in Stock Interest for an All-Alcohol License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Poet King LLC d/b/a Hungry Coyote, Leona Leon, Manager, has applied for a Change of Corporate Officers and Change in Stock Interest.

IT IS ORDERED that a public hearing be held for said application on February 14, 2023 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.

Zoom Information: <https://us02web.zoom.us/j/82637253545?pwd=YXhheDZndDE5a2FCTDNqMEt0T2d4QT09>

Passcode: 557200 Webinar ID: 826 3725 3545

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at <http://masspublicnotices.org/>

Select Board

Licensing Board for the Town of Needham

2x4 Town of Needham - Hungry Coyote 1-26-23

(1-26-23 HTW)



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

MEETING DATE: 2/14/2023

Agenda Item	Accept and Refer Zoning
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Planning Board, at its meeting of February 7, 2023, voted to place the following articulated on the warrant for the 2023 Annual Town Meeting Warrant: (1) Amend Zoning By-Law – Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts; (2) Amend Zoning By-Law – Accessory Dwelling Units (ADUs); (3) Amend Zoning By-Law – Corrective Zoning Amendments; and (4) Amend Zoning By-Law – Single Residence B and General Residence Side Setback. Under State law, the Select Board has 14 days to accept the proposed amendments and refer them to the Planning Board for its review, hearing, and report. The Board’s action in this matter is not discretionary. The Planning Board plans to schedule the public hearing on the article for Tuesday, March 7, 2023.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to accept the proposed zoning articles: 1) Amend Zoning By-Law – Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts; (2) Amend Zoning By-Law – Accessory Dwelling Units (ADUs); (3) Amend Zoning By-Law – Corrective Zoning Amendments; and (4) Amend Zoning By-Law – Single Residence B and General Residence Side Setback for referral to the Planning Board for its review, hearing, and report.	
3.	BACK UP INFORMATION ATTACHED
a. Transmittal Letter from Lee Newman b. Proposed Warrant Articles c. M.G.L. c. 40A Section 5	



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

February 8, 2023

Ms. Kate Fitzpatrick
Town Manager
Town Hall
Needham, MA 02492

Re: Zoning Articles for 2023 Annual Town Meeting

Dear Ms. Fitzpatrick:

The Planning Board, at its meeting of February 7, 2023, voted to place the following articles on the warrant for the May 2023 Annual Town Meeting: (1) Article 1: Amend Zoning By-Law – Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts; (2) Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs); (3) Article 3: Amend Zoning By-Law – Corrective Zoning Amendments; and (4) Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback. Accordingly, please find the above-named articles as approved by the Planning Board for inclusion in the warrant of the 2023 Annual Town Meeting.

As you know, the Select Board will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Select Board act on the enclosed articles at its next meeting of Tuesday, February 14, 2023, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Tuesday, March 7, 2023.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW – ACCESSORY 3-CAR GARAGE USE IN SINGLE RESIDENCE B, GENERAL RESIDENCE, BUSINESS AND INDUSTRIAL DISTRICTS

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

- (1) In Section 6.1, Accessory Uses, Subsection 6.1.2, by deleting from the first sentence of the first paragraph the words “and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars” so that the sentence shall now read as follows:

“There shall be permitted as an accessory use on residential property in the Single Residence A, Rural Residence – Conservation, and Institutional districts garage space for not more than three (3) cars.”

- (2) In Section 6.1, Accessory Uses, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

“There shall be permitted as an accessory use on two-family residential property in the General Residence and Business districts garage space for not more than two (2) cars per dwelling unit.

There shall be permitted as an accessory use on single-family residential property in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than three (3) cars, provided that the third garage shall be designed and located as follows:

- (a) the garage-space door shall be on the façade of a dwelling, which façade faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented, for purposes of this Section 6.1.2 referred to as the front façade; or
- (b) the garage-space door shall be on the front façade of a dwelling, provided (i) that the garage is set back at least five (5) feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or
- (c) The additional garage space shall be located in an accessory building where the accessory building is separate from and set back at least five (5) feet from the portion of the front façade of the principal structure that has the longest length.”
- (3) In Section 6.1, Accessory Uses, Subsection 6.1.2, by ordering the second paragraph as paragraph four and revising the first sentence of said paragraph to read as follows (new language underlined):
- “Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence – Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3) garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;”

Or take any other action relative thereto.

ARTICLE 2: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

- (1) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.1 Intent, by revising the Subsection to read as follows (new language underlined):

“The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling.”

- (2) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b) (c) and (d) to read as follows (new language underlined):

“(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner’s Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person’s primary residence.

(c) “Family” as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or a spouse or child of any such resident person.”

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s primary residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”

- (3) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:

“(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least one year by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of

- such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”
- (4) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):
- “3.15.3.1 Use Regulations for ADU within a Single-family Dwelling”
- (5) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:
- “An ADU within a single-family detached dwelling shall be permitted under the following use regulations:”
- (6) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):
- “(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- (d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.
- (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior door way shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”
- (7) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).

- (8) In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement to read as follows:

“3.15.3.2 Use Regulations for ADU within an Accessory Building

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 50 sq. ft
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.

3.15.3.3 Maintenance of Appearance of Single-family Property

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-law.

3.15.3.4 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (ii) that

ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.

- (b) In the case that the ADU is in violation of the terms of this By-law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.”
- (9) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:
- “The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-law.”
- (10) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined:
- “Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for “Minor Projects” under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits.”

Or take any other action relative thereto.

ARTICLE 3: AMEND ZONING BY-LAW – CORRECTIVE ZONING AMENDMENTS

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

1. Amend the Needham Zoning By-Law by replacing all references to “Building Inspector” with “Building Commissioner” where it appears in the By-Law.
2. Amendment Section 3.15 Accessory Dwelling Units (ADU’s) by renumbering the section as Section 3.16 Accessory Dwelling Units (ADU’s) and by further renumbering the subsections numerically.
3. Amend Section 5.1.2 Required Parking, by deleting in the first sentence of the second paragraph the words “, 2nd Edition,” and inserting the words “the most recent edition of” after the words “recommendations based on” so that sentence now reads as follows (new language underlined):

“In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of ‘Required Parking’ (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the most recent edition of the ITE Parking Generation Manual or an alternative technical source determined by the Planning Board to be equally or more applicable.”

Or take any other action relative thereto.

ARTICLE 4: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

1. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction, footnote (e) by adding at the end of the last sentence of footnote (e) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

2. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

3. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset for the remaining length of the structure, regardless of an increased side setback.”

Or take any other action relative thereto.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 5** ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public

hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall

be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

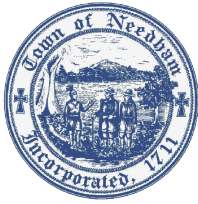
When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty.

If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.



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

MEETING DATE: 2/14/2023

Agenda Item	Close Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will recommend that the Board vote to close the warrant for the 2023 Annual Town Meeting.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to close the warrant for the 2023 Annual Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.	
3.	BACK UP INFORMATION ATTACHED
a. Draft 2023 Annual Town Meeting Warrant dated 2.10.2023.	

TOWN OF NEEDHAM



ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 11, 2023

Business Meeting: Monday, May 1, 2023

7:30 p.m.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 2.7.2023

Additional information on particular warrant articles will be made available from time to time at www.needhamma.gov/townmeeting during the weeks leading up to the Annual Town Meeting.

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 11, 2023
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	Center at the Heights, 300 Hillside Avenue
Precinct B	-	Center at the Heights, 300 Hillside Avenue
Precinct C	-	Newman School Gymnasium, 1155 Central Avenue
Precinct D	-	Newman School Gymnasium, 1155 Central Avenue
Precinct E	-	Needham Golf Club, 49 Green Street
Precinct F	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct G	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct H	-	Needham Golf Club, 49 Green Street
Precinct I	-	Town Hall, Powers Hall, 1471 Highland Avenue
Precinct J	-	Town Hall, Powers Hall, 1471 Highland Avenue

on TUESDAY, THE ELEVENTH DAY OF APRIL 2023

from seven o'clock in the forenoon until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on MONDAY, THE FIRST DAY OF MAY 2023 at seven thirty o'clock in the afternoon, then and there to act upon the following articles, viz:

**Warrant for the Annual Town Meeting
Monday, May 1, 2023, at 7:30 p.m. at Needham Town Hall**

ARTICLE 2: COMMITTEE AND OFFICER REPORTS

To hear and act on the reports of Town Officers and Committees.

HUMAN RESOURCE ARTICLES

ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2023, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk (1)	
Town Clerk with 6 years of service in that position	
Select Board, Chair	
Select Board, Others	

(1)

INSERTED BY: Personnel Board

FINANCE COMMITTEE RECOMMENDS THAT:

PERSONNEL BOARD RECOMMENDS THAT:

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories: newly elected Town Clerk and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

The annual stipends for the members of the Select Board have remained unchanged since 1977.

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the fiscal year 2023 Classification, Performance, and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2023; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

FINANCE ARTICLES

ARTICLE X: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

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

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Property Tax Assistance Program helps elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$16,345 in fiscal year 2022.

ARTICLE X: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$300,000 be transferred from Free Cash and that \$700,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, electrical and mechanical systems, HVAC, lighting, flooring, carpentry work, and other repairs and upgrades.

ARTICLE X: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

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

INSERTED BY: Affordable Housing Trust

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons.

Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

ARTICLE X: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains. The balance in the fund as of XX was \$XX.*

ARTICLE X: APPROPRIATE FOR HUMAN RESOURCES FELLOWSHIP PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$221,000 for the purpose of funding a fellowship program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR OUTSIDE RECRUITMENT SERVICES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$60,000 for the purpose of funding outside recruitment services, to be spent under the direction of the Town Manager, and to meet this appropriation that \$28,500 be transferred from Overlay Surplus and \$31,500 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR TEMPORARY STAFFING SERVICES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$40,000 for the purpose of funding temporary staffing services, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR TOWN-OWNED LAND SURVEYS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding surveys of Town-owned land, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE OPIOID RECOVERY & MITIGATION FUNDS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$217,288 for the purpose of funding opioid recover and mitigation programs, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR FLEET REFURBISHMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$300,000 for Fleet refurbishment, to be spent under the direction of the Town Manager, and to meet this appropriation that \$150,000 be transferred from Free Cash and \$150,000 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE THE FY2024 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$3,597,105 from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$27,668, and \$1,078,631 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE: 11: APPROPRIATE THE FY2024 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½: and to meet this appropriation that \$XX be raised from Sewer Enterprise Fund receipts, and that \$500,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$810,358 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

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

Article Information:

ARTICLE X: APPROPRIATE THE FY2024 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2024, under the provisions of M.G.L. Chapter 44, Section 53F ½:

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

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

Article Information:

ARTICLE X: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter, or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided, or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Law Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2023 Spending Limit	FY2024 Spending Limit
Public Facility Use	Public Works Department	\$250,000	\$250,000
Tree Replacement	Public Works Department	\$25,000	\$25,000
School Transportation	School Committee	\$819,000	\$819,000
Home Composting	Public Works Department	\$3,000	\$3,000
Water Conservation	Public Works Department	\$10,000	\$10,000
Immunization Program	Health and Human Services Department	\$25,000	\$125,000
Traveling Meals	Health and Human Services Department	\$75,000	\$100,000

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2023 Spending Limit	FY2024 Spending Limit
Needham Transportation Program	Health and Human Services Department	\$60,000	\$10,000
Aging Services Programs	Health and Human Services Department	\$90,000	\$75,000
Youth Services Programs	Health and Human Services Department	\$25,000	\$5,000
Memorial Park Activities	Memorial Park Trustees	\$4,100	\$4,100

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

ZONING/LAND USE ARTICLES

ARTICLE X: AMEND ZONING BY-LAW – ACCESSORY 3-CAR GARAGE USE IN SINGLE RESIDENCE B, GENERAL RESIDENCE, BUSINESS AND INDUSTRIAL DISTRICTS

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

- (1) In Section 6.1, Accessory Uses, Subsection 6.1.2, by deleting from the first sentence of the first paragraph the words “and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars” so that the sentence shall now read as follows:

“There shall be permitted as an accessory use on residential property in the Single Residence A, Rural Residence – Conservation, and Institutional districts garage space for not more than three (3) cars.”
- (2) In Section 6.1, Accessory Uses, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

“There shall be permitted as an accessory use on two-family residential property in the General Residence and Business districts garage space for not more than two (2) cars per dwelling unit.

There shall be permitted as an accessory use on single-family residential property in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than three (3) cars, provided that the third garage shall be designed and located as follows:

- (a) the garage-space door shall be on the façade of a dwelling, which façade faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented, for purposes of this Section 6.1.2 referred to as the front façade; or
 - (b) the garage-space door shall be on the front façade of a dwelling, provided (i) that the garage is set back at least five (5) feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or
 - (c) The additional garage space shall be located in an accessory building where the accessory building is separate from and set back at least five (5) feet from the portion of the front façade of the principal structure that has the longest length.”
- (3) In Section 6.1, Accessory Uses, Subsection 6.1.2, by ordering the second paragraph as paragraph four and revising the first sentence of said paragraph to read as follows (new language underlined):

“Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence – Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3) garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

- (1) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.1 Intent, by revising the Subsection to read as follows (new language underlined):

“The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an

Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling.”

- (2) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b) (c) and (d) to read as follows (new language underlined):

“(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building.”

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner’s Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person’s primary residence.

(c) “Family” as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or a spouse or child of any such resident person.”

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s primary residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”

- (3) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:

“(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least one year by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”

- (4) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):

“3.15.3.1 Use Regulations for ADU within a Single-family Dwelling”

- (5) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:

“An ADU within a single-family detached dwelling shall be permitted under the following use regulations:”

- (6) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):

“(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.

(d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.

(f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.

(g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior door way shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

(h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”

- (7) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).

- (8) In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement to read as follows:

“3.15.3.2 Use Regulations for ADU within an Accessory Building

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 50 sq. ft
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.

3.15.3.3 Maintenance of Appearance of Single-family Property

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-law.

3.15.3.4 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the

anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.

- (b) In the case that the ADU is in violation of the terms of this By-law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating."
- (9) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:
- "The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-law."
- (10) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined):
- "Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for "Minor Projects" under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits."

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: AMEND ZONING BY-LAW – CORRECTIVE ZONING AMENDMENTS

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

1. Amend the Needham Zoning By-Law by replacing all references to "Building Inspector" with "Building Commissioner" where it appears in the By-Law.
2. Amendment Section 3.15 Accessory Dwelling Units (ADU's) by renumbering the section as Section 3.16 Accessory Dwelling Units (ADU's) and by further renumbering the subsections numerically.
3. Amend Section 5.1.2 Required Parking, by deleting in the first sentence of the second paragraph the words ", 2nd Edition," and inserting the words "the most recent edition of" after the words "recommendations based on" so that sentence now reads as follows (new language underlined):

“In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of ‘Required Parking’ (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the most recent edition of the ITE Parking Generation Manual or an alternative technical source determined by the Planning Board to be equally or more applicable.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

4. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction, footnote (e) by adding at the end of the last sentence of footnote (e) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

5. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

6. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset for the remaining length of the structure, regardless of an increased side setback.”

or take any other action relative thereto.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE X: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated fiscal year 2024 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

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

Reserves:

B. Community Preservation Fund Annual Reserve \$ 2,227,522

C. Community Housing Reserve \$477,817

D. Historic Resources Reserve \$0

E. Open Space Reserve \$477,817

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. The CPC has voted to increase the amount set aside in the Community Housing Reserve to a minimum of 20% of the estimated revenue for the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Fund.

ARTICLE X: APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT

To see if the Town will vote to raise and/or transfer an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$33,732 for future appropriation to the Historic Resources Reserve, \$33,732 to the Open Space Reserve, and \$67,464 to the Community Housing Reserve, and that to meet this

appropriation that \$134,928 be transferred from the fiscal year 2023 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: During fiscal year 2022 and FY2023, the Town received additional State matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the reserves are funded at the legally required amount.

ARTICLE X: APPROPRIATE FOR NEEDHAM HOUSING AUTHORITY LINDEN CHAMBERS REDEVELOPMENT PROJECT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the Needham Housing Authority Linden Chambers Redevelopment Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR NEEDHAM HOUSING AUTHORITY SEABEDS COOK PRESERVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$240,308 for the Needham Housing Authority Seabeds Cook Preservation Project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR DEFAZIO PLAYGROUND DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the Needham DeFazio Playground Design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2023 General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR CLAXTON FIELD RENOVATIONS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,780,000 for Claxton Field Renovations, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,000,000 be transferred from the FY2023 General Reserve, and \$780,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

ARTICLE 23: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,936,607 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community	Action Sports Park Feasibility Study	\$35,000	
Community	Center at the Heights Generator	\$250,000	
Community	McLeod Field Renovation	\$1,310,000	
Community	Video Projection Equipment Rosemary Recreation Complex	\$55,000	
General	Public Facility Replacement Furniture (Town Offices)	\$40,000	
General	Telephone System Replacement	\$50,000	
General	Town Building Switches	\$130,000	
Public Safety	LIFEPAK 15 Defibrillator/Monitor	\$30,185	
Public Safety	Personal Protective Equipment	\$51,030	
Public Works	Recycling and Transfer Station Property Improvements	\$135,000	
Schools	School Copiers	\$69,379	
Schools	School Furniture	\$25,000	
Schools	School Technology	\$460,750	
Stormwater	NPDES Support Projects	\$260,000	
Transportation Network	Traffic Improvements	\$50,000	
Utilities	Energy Efficiency Upgrades	\$250,000	
Multiple	Fleet Program	\$2,735,263	
		\$5,936,607	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR FIRE LADDER TRUCK

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,000,000 for the acquisition of a Fire Department ladder truck, to be spent under the direction of the Town Manager, and to meet this appropriation that \$700,000 be transferred from Overlay Surplus and \$1,300,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: [Note Emergency Preamble]

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ARTICLE X: APPROPRIATE FOR ROOFTOP UNIT REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$9,000,000 for the replacement of rooftop units at the Broadmeadow and Eliot Schools, including the payment of costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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ARTICLE X: APPROPRIATE FOR QUIET ZONE DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,340,000 for Quiet Zone design, including the payment of costs incidental or related thereto, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,581,500 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$581,500 be transferred from Overlay Surplus and \$2,000,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges,

sidewalks, intersections, drains, brooks, and culverts. Unless circumstances dictate the funds are intended to be spent as follows:

STREET RESURFACING *The Town aims to resurface 17 lane miles per year. The cost per lane mile for resurfacing in fiscal year 2022 is \$94,500 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$90,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$7.40 per square yard. Target funding for street resurfacing in fiscal year 2024 is \$1,285,000.*

SIDEWALK PROGRAM *Fiscal year 2023 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$418,750 per mile (\$79.00/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$380,200 per mile (\$72.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. Target funding for the sidewalk program in fiscal year 2024 is \$855,000.*

GUARDRAIL *Many of the Town's guardrails are noncompliant and the department is preparing a plan to upgrade existing guardrails to make them both compliant and aesthetically pleasing. In fiscal year 2023, the Town will address the guardrail on Central Avenue between the Dover town line and Fisher Street. There is existing guardrail that has failed, and decorative guardrail that is unsafe. The decorative guardrail will be replaced as part of the Central Avenue/Centre Street bridge project. Other existing guardrail will be replaced with new, code compliant guardrail and areas without a guardrail will have a guardrail installed. In addition, the guardrail on Farley Pond Lane needs to be replaced. The existing guardrail has failed, and safety protocols necessitate a guardrail due to the proximity of Farley Pond to Farley Pond Lane. The existing guard rail will be replaced with a new, code compliant guardrail, and areas without a guardrail will have guardrail installed. Target funding for guardrail improvements for fiscal year 2024 is \$220,000.*

BROOKS & CULVERTS *Aging drainage infrastructure including poorly draining brooks, streams, waterways, and culverts throughout the Town have been damaged by heavy rains/storms. Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of usable abutting property and flooded basements. Unless circumstances require otherwise, FY2024 funding is proposed for improvements to Rosemary Brook. The section of the brook to be addressed has sediment, vegetation, and eroded banks that cause flow capacity and water quality issues. Target funding for brooks and culverts in FY2024 is \$221,500*

ARTICLE X: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$584,641 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Cooks Bridge Sewer Pump Station	\$54,000	
Sewer	Fleet Replacement Program	\$400,641	
Sewer	Sewer System Infiltration and Inflow	\$130,000	
		\$584,641	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$771,133 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Water	Charles River Water Treatment Plant HVAC Upgrades	\$34,000	
Water	Water Supply Development	\$595,500	
Water	Fleet Replacement Program	\$142,133	
		\$771,633	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR WATER SYSTEM DISTRIBUTION IMPROVEMENTS – SOUTH STREET

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,500,000 for Water System Distribution Improvements – South Street, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: RESCIND DEBT AUTHORIZATIONS

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

Project	Town Meeting	Article	Authorized	Rescind
Total				

or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.

TOWN RESERVE ARTICLES

ARTICLE X: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and

associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of XX was \$XX.

ARTICLE X: APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum of \$XX to the Debt Service Stabilization Fund as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that a sum be transferred from Free Cash and that said sum be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The Debt Service Stabilization Fund (DSSF) was approved under Article 14 of the November 2, 2015 Special Town Meeting. The intent of this fund is to set aside funds to be available, when necessary, to pay certain debt obligations. This fund is intended to be part of the Town's overall planning strategy for addressing capital facility needs, particularly over the next five years. The fund provides added flexibility to maintain the Town's capital investment strategy by smoothing out the impact of debt payments in years when the debt level is higher than is typically recommended. The fund may also be beneficial at times when interest rates are higher than expected. The plan for the fund is designed to ensure that the monies are not depleted in a single year, and that the amount available for appropriation is known before the budget year begins.

The recommended appropriation to the Fund for FY2024 is \$XX. The amount appropriated into the Fund will stay with the fund and will be used to manage the Town's reliance on debt. The balance in the fund as of March 2023 was \$XX.

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE X: STORMWATER STABILIZATION FUND

To see if the Town will vote to establish a Stormwater Stabilization Fund in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5 which allows the dedication, without further appropriation, of 100% of the Community Stormwater Mitigation Assessments collected into the fund for stormwater maintenance, repair, and improvement program, effective for fiscal year 2024 beginning on July 1, 2023; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: The Select Board is considering a proposal to establish a stormwater stabilization fund as a repository for funds raised to address the capital costs associated with compliance with the National Pollutant Discharge Elimination System (NPDES) program. The Board will consider implementation of a Community Stormwater Mitigation Assessment that would apply to all parcels that have impervious cover, including residential, commercial, non-for-profit and tax-exempt properties. Monies collected as part of the mitigation assessment would be deposited directly into the Stormwater Stabilization Fund to be used for NPDES compliance only. The Select Board will hold a hearing prior to making a decision on whether to implement a Community Stormwater Mitigation Assessment and, if so, what the proposed assessment would be.

ARTICLE X: TOWN HALL SATURDAY HOURS

To see if the Town will vote, pursuant to Massachusetts General Law Chapter 41, Section 110A, that Town Hall remain closed on Saturdays, for the purpose of allowing the last day of voter registration, which under Chapter 92 of the Acts of 2022 is ten days prior to any such election, to occur on a Friday; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS – NON-CRIMINAL DISPOSITIONS

To see if the Town will vote to amend the General By-laws by:

1. Deleting the following language from Section 2.2.5.1.1:

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. Deleting the following language from Section 2.2.5.1.4:

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.

3. Deleting the following language from Section 2.5.2:

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.

4. Deleting the following language from Section 2.5.3:

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.

5. Deleting Section 2.11.5.9 in its entirety, and inserting in its place the following:

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 as provided for in Section 8. 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.

6. Deleting Section 3.1.8.1 in its entirety and inserting in its place the following:

3.1.8.1 No person shall place any snow or ice on a sidewalk or street.

7. Deleting Section 3.1.8.2 in its entirety and inserting in its place the following:

3.1.8.2 No owner, 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, shall allow snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset. 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, the entity in charge shall keep the sidewalk in safe condition by sanding or otherwise.

8. Deleting Section 3.1.15 in its entirety.

9. Deleting Section 3.2.4 in its entirety, and renumbering the remaining subsection in Section 3.2 in appropriate numerical order to account for said deletion.

10. Deleting Section 3.4.4 in its entirety.

11. Deleting Section 3.5.7 in its entirety.

12. Deleting the following language from Section 3.6.1.1:

Any person who refuses to post such signs or mark the pavement as ordered by the 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.

13. Deleting Section 3.7.3 in its entirety and inserting in its place the following:

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, and impose fines as provided in Section 8.

14. Deleting Subsection 3.7.9.3 in its entirety.

15. Deleting the following language from Section 3.8.1;

The penalty for a violation of this regulation shall be a \$50 fine.

16. Deleting the following language from Section 3.9.5;

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) dollar, 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.

17. Deleting Section 4.1.4 in its entirety and inserting in its place the following;

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 fines as stated in Section 8.

18. Deleting the following language from Section 4.2.2:

Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars (\$20) for each offense.

19. Deleting the following language from Section 4.2.4;

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.

20. Deleting Section 8.2.2 in its entirety, and inserting in its place the following:

8.2.2 Non-criminal Disposition. Any person violating any provision of these General By-Laws 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 specific penalties are to be included within the scope of this sub-section, that the specific penalties as listed herein 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. Notwithstanding the schedule of fines set forth below, the appropriate enforcing entity may issue a verbal or written warning in lieu of an initial penalty.

Disposition	Reference	Penalty	Frequency	Enforcement Entity
<u>Demolition of a Historic Building without a Permit</u>	2.11.5.9	\$300	Per Day	Building Commissioner or Designee
<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>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 (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 (to include Alcoholic Beverages) 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>Violations of the Wetlands By-Laws</u>	6.1.1	Up to \$300	Per Offence	Conservation Agent
<u>Violations of the Stormwater Regulation By-Law</u>	7	\$50, \$100 (Subsequent)	Per Day, after 15 days	DPW Director or Designee
<u>Violations 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.				

Or take any other action related thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS – TRANSPORTATION COMMITTEE

To see if the Town will vote to amend the General By-laws by deleting Section 2.7.1 in its entirety, and renumbering the remaining sections within Section 2.7 in numerical order to account for said deletion; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS – PERSONNEL BOARD

To see if the Town will vote to amend the General By-laws by deleting Section 1.11 in its entirety, and by deleting Section 1.12.1 and inserting in place thereof the following:

“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 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 Committee may request. Said Committee shall report its 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.”

and renumbering the remaining sections in numerical order to account for said deletion; provided, however, that this amendment of the General By-laws shall not become effective before the effective date of the special legislation referred to in Article __, approving the corresponding changes to the Town Charter.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND TOWN CHARTER – PERSONNEL BOARD

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

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

SECTION 1. Section 20B of chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by striking out clause (v) and inserting in place thereof the following clause:

(v) shall adopt rules and regulations establishing a human resources system, subject to the approval of the select board; provided, however, that such system shall make use of modern concepts of human resources management and shall include, but not be limited to: (a) a method of administration; (b) human resources 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.

SECTION 2: Section 21 of said chapter 403, as so amended, is hereby further amended by striking out clause (ii) and by renumbering the remaining clauses contained in section 21 in appropriate numerical order.

SECTION 3. This act shall take effect upon passage.

Or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

To see if the Town will vote to amend the General By-laws by deleting from Section 1.9 (Election of Officers) subsections (f), (g) and (h) in their entirety, and to re-letter the remaining subsections contained in Section 1.9.1 in appropriate alphabetical order, provided, however, that this amendment of the General By-laws shall not become effective before the effective date of the special legislation referred to in Article __, approving the corresponding changes to the Town Charter.

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: AMEND CHARTER/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

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

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from Section 19 subsections (iii) and (iv) in their entirety and to renumber the remaining subsections contained in Section 19 in appropriate numerical order.

SECTION 2. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by deleting from the first paragraph of Section 7, subsection (e), the phrase “and the commissioners of trust funds.”

SECTION 3. Chapter 403 of the acts of 1971, as most recently amended by chapter 277 of the acts of 2022, is hereby further amended by striking out Section 20(b) and inserting in place thereof the following:

(b) The Select Board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, members of the historic commission, conservation commission, commission on disabilities, members of the board of assessors, commissioners of trust funds, constables 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.

SECTION 4. This act shall take effect upon passage.

or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: CITIZENS PETITION

To see if the Town will vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

SECTION 3.12: PLASTIC BAGS

3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:
 - (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
 - (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
 - (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
 - (iv) laundry or dry-cleaner bags;
 - (v) plastic newspaper sleeves;
 - (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;

- (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- (e) "Reusable Checkout Bag" means (1) a sewn bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that (3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene, etc. that is durable, non-toxic, and generally considered a food grade material.
- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric) that is not a Reusable Checkout Bag.

3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
 - 1. Recyclable Paper Bag; or
 - 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.

(b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

Or take any other action relative thereto.

INSERTED BY: Robert Fernandez, et.al.

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Every year, the United States produces between 40 - 50 million tons of plastic waste. Much of this waste comes from single-use plastic items. Single-use plastic items are used once, for a short period of time and disposed of quickly; but they leave a legacy of pollution for generations to come.

Most single-use plastic shopping bags are not recyclable. Instead, they will either be buried in a landfill, burned in an incinerator, or scattered throughout the environment. Plastic checkout bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming animals through ingestion and entanglement; 2) polluting and degrading parks and ecosystems ; 3) clogging storm drainage infrastructure; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition 5) breaking down into microplastics which pollute drinking water and have negative effects on human health.

Many single-use items are unnecessary because we have reusable alternatives. The best way to solve the plastic pollution crisis is to reduce the amount of plastic we produce. One way we can do that is by phasing out needless single-use plastic items like bags. By banning these items, we can lower demand for plastic, limit plastic pollution, and help create a culture of reuse.

The purpose of this Bylaw is to protect the Town's unique natural beauty and reduce the Town's plastic waste. The Bylaw will end the use of single-use plastic checkout bags that are being distributed, used, discarded and littered, and promote the use of reusable checkout bags in the Town of Needham.

To supplement the Bylaw, it is recommended that the Select Board pursue a Home Rule Petition to impose a paper bag consumption fee. Unlike cities, towns are not permitted to institute retailer-based fees in the Commonwealth. With approval from the state legislature, the Town would direct Retail Establishments to charge customers for the use of a paper shopping bag.

ARTICLE X: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Select Board, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Select Board

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least seven days before said meeting.

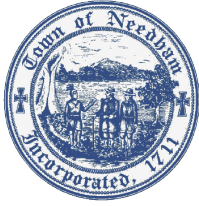
Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 14th day of February 2023.

Marianne B. Cooley, Chair
Marcus A. Nelson, Vice Chair
Kevin J. Keane, Clerk
Matthew D. Borrelli, Member
Heidi Frail, Member

Select Board of Needham

A true copy,
ATTEST _____ 2023
Constable (month) (day)

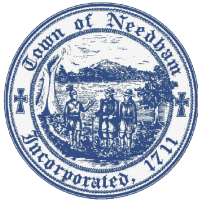


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 02/14/2023

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: 2/14/2023

Agenda Item	Removal of the Police Department from Civil Service
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town and the Police Unions reached agreement on a plan to remove the Town from the Civil Service hiring system. The 2023 Annual Town Meeting approved a home rule petition to seek legislative approval to exit the system. The Legislature has not acted on this petition. Because the Town of Needham elected to participate in the Civil Service program by way of the vote of the residents at the ballot, the Town may exit the Civil Service system in that manner. Given the urgent need to recruit qualified applicants for the role of police officer, the Town Manager and the Chief of Police recommend that the Board proceed to seeking approval of this initiative by voters. .	
2.	VOTE REQUIRED BY SELECT BOARD
The Board may take action at this meeting or defer until February 28th, which is the last regularly scheduled meeting before the deadline for placing a question on the ballot for the Annual Election. <i>Suggested Motion:</i> That the Board vote to place the following question on the ballot for the 2023 Annual Town Election. Shall the acceptance by the Town of Needham of Chapter 39 of the Acts of 1924, entitled "An Act placing the chief of police and members of the police department of the Town of Needham under civil service," be revoked? YES _____ NO _____	
3.	BACK UP INFORMATION ATTACHED
a. Town Counsel's draft summary of the question to appear on the ballot	

Shall the acceptance by the Town of Needham of Chapter 39 of the Acts of 1924, entitled “An Act placing the chief of police and members of the police department of the Town of Needham under civil service,” be revoked?

YES ____ NO ____

Fair and concise summary:

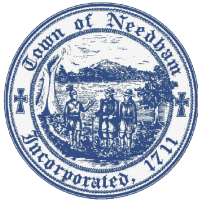
The Chief of Police and the members of the Police Department were placed within the Massachusetts civil service system when the Town voted at the March 8, 1926 Annual Town Election to accept Chapter 39 of the Acts of 1924, *An Act Placing the Chief of Police and Members of the Police Department of the Town of Needham Under the Civil Service*. The Town and the Needham Police Union recently reached agreement to remove the Police Department from civil service. This agreement is memorialized in the current collective bargaining agreements between the Town and the Police Union. The Town bargained with the Police Union to remove the Department from civil service to allow for the use of a more efficient, locally created recruitment system, to select candidates based on criteria in addition to exam scores, to expand the pool of available candidates, and to allow the Town to hire the most qualified candidates. Upon removal from civil service, a human resources policy will govern hiring of entry level officers, and the current collective bargaining agreement establishes a replacement promotional process.

The May 9, 2022 Special Town Meeting voted to support the removal of the Police Department from the Civil Service System.

Massachusetts General Laws c. 4, §4B states that a town may revoke its acceptance of a law in the same manner that the law was originally accepted. Accordingly, withdrawing the Police Department from civil service requires approval of the voters at the ballot.

A yes vote on Question ____ would remove the Chief of Police and the Members of the Police Department from civil service and provide local control over the recruitment and promotion of personnel.

A no vote on Question ____ would result in no change to the civil service status of the Chief of Police or Police Department and the recruitment and promotion of personnel would remain unchanged.



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

MEETING DATE: 2/14/2023

Agenda Item	Sale of Alcohol Ballot Question
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The October 25, 2021 Special Town Meeting under Article 10 approved a Home Rule Petition seeking to increase the total number of allowed package alcohol licenses in Needham, from the reduced quota set under the Town's current special legislation (Chapter 207 of the Acts of 2012) to the number allowed by G.L. Ch. 138 section 17. This change would require approval by the Town's voters. The petition was approved by Chapter 203 of the Acts of 2022 (August 30, 2022). Approval by the voters of the Town is required for the measure to take effect.	
2.	VOTE REQUIRED BY SELECT BOARD
The Board may take action at this meeting or defer until February 28th, which is the last regularly scheduled meeting before the deadline for placing a question on the ballot for the Annual Election. <i>Suggested Motion:</i> That the Board vote to place the following question on the ballot for the 2023 Annual Town Election. "Shall an act passed by the General Court in the year 2022, entitled 'An Act authorizing the town of Needham to grant additional licenses for the sale of all alcoholic beverages not to be drunk on the premises' be accepted?"	
3.	BACK UP INFORMATION ATTACHED
a. Home Rule Petition, October 25, 2021 Special Town Meeting b. Chapter 203 of the Acts of 2022 c. Chapter 207 of the Acts of 2012 d. Town Counsel's draft summary of the question to appear on the ballot	



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 10

It was

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

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

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

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

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

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

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

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

UNANIMOUS VOTE

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk

Acts (2022)

Chapter 203

AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES

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

SECTION 1. Chapter 207 of the acts of 2012 is hereby amended
by striking out section 2 and inserting in place thereof the following
section:-

Section 2. Section 17 of chapter 138 of the General Laws shall
govern the number of licenses that may be granted pursuant to this act.
The licensing authority may establish the days and hours during which
the license may operate. Except as otherwise provided in this act, such
licenses shall be subject to said chapter 138.

SECTION 2. Notwithstanding any general or special law to the
contrary, this act shall be submitted for acceptance by the voters of the
town of Needham at an annual or special election in the form of the
following question:

“Shall an act passed by the General Court in the year 2022, entitled ‘An Act authorizing the town of Needham to grant additional licenses for the sale of all alcoholic beverages not to be drunk on the premises’ be accepted?”

Below the question shall appear a fair and concise summary of the act prepared by town counsel and approved by the select board. If the majority of votes in answer to the question is in the affirmative, section 1 shall take effect, but not otherwise.

SECTION 3. Section 2 shall take effect upon its passage.

Approved, August 30, 2022.

Acts (2012)

Chapter 207

AN ACT RELATIVE TO AUTHORIZING THE TOWN OF NEEDHAM TO AUTHORIZE THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

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

SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Needham shall cause to be placed on the ballot at a regular or special election the following question:-
“Shall the licensing authority in the town of Needham be authorized to grant licenses for both the sale of all alcoholic beverages in packages not to be drunk on the premises and the sale of wine and malt beverages in packages not to be drunk on the premises?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen. If a majority of the votes cast in answer to that question is in the affirmative, the town of Needham shall be taken to have authorized the granting of licenses for the sale of all alcoholic beverages not to be drunk on the premises and the sale of wine and malt beverages not to be drunk on the premises.

SECTION 2. The number of licenses shall be limited to 6. Beginning January 1, 2018 the number of licenses shall be limited to 8 but at no time shall there be in effect more than 6 licenses for the sale of all alcoholic beverages. The remaining licenses shall be limited to the sale of wines and malt beverages. The licensing authority may establish the days and hours during which the license may operate. Except as otherwise provided herein, such licenses shall be subject to the provisions of said chapter 138.

SECTION 3. This act shall take effect upon its passage.

Approved, August 3, 2012.

Fair and concise summary of Chapter 203 of the Acts of 2022

The Select Board licenses establishments that sell alcohol for off premises consumption (a/k/a package stores). The Select Board's authority to issue package store licenses comes from Chapter 207 of the Acts of 2012, a special act that applies exclusively to Needham. Chapter 207 allows the Select Board to issue a maximum of eight package store licenses in Town.

Package store licenses come in two varieties: (1) licenses authorizing retail sales of all types of alcohol (All Alcohol licenses) and (2) licenses authorizing retail sales of wine and malt beverages only (Wine and Malt Only licenses).

The Select Board has issued all eight package store licenses available under its special act. Of the eight package store licenses that have been issued in Town, there are six All Alcohol package store licenses and two Wine and Malt Only package store licenses.

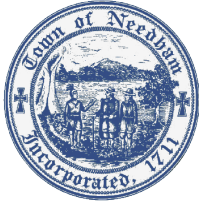
In towns where liquor licensing is not covered by a special act, Massachusetts General Laws c.138, §17 allows for one All Alcohol package store license and one Wine and Malt Only package store license for every 5,000 residents of the town. This quota system does not currently apply in Needham because the special act operates to set the limit instead.

Based on Needham's population, switching to the quota system in Massachusetts General Laws c.138, §17 would allow the Select Board to issue seven All Alcohol package store licenses and seven Wine and Malt Only package store licenses. All of the existing licenses in Town would continue to count against these new totals. Therefore, the total number of package store licenses in Town would increase from eight to fourteen, with the number of All Alcohol package store licenses increasing from six to seven and the number of Wine and Malt Only package store licenses increasing from two to seven.

Town Meeting voted unanimously under Article 10 of the October 25, 2021 Special Town Meeting to petition for special legislation switching Needham to the General Laws c.138, §17 quota system; this special legislation has now passed, but requires approval of the voters to become effective.

A yes vote on Question _____ would amend Chapter 207 to authorize the Select Board to issue the number of package store licenses generally allowed by General Laws c.138, §17.

A no vote on Question _____ would not amend said Chapter 207 and make no change to the number of package store licenses that the Select Board may issue.

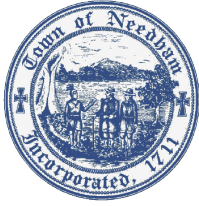


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 02/14/2023

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: 02/14/2023

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	1.) Exception 3: to discuss potential litigation to be filed on behalf of multiple Massachusetts cities and towns concerning changes to Massachusetts Water Resources Management Program regulations.
2.	VOTE REQUIRED BY SELECT BOARD
	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. Not to return to Open Session prior to adjournment
3.	BACK UP INFORMATION ATTACHED
	none

**Town of Needham
Select Board
Minutes for Tuesday, January 10, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/83866600545>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, and Matthew Borrelli. Marcus Nelson was not in attendance. 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.
- 6:01 p.m. Public Comment Period:
Dave Sherman, 100 Rosemary Way spoke with the Board about recent work on Central Avenue by the Department of Public Works. He stated the project to replace a water main is a mess along the sidewalk and now has multiple safety hazards. He also commented DPW vehicles have been left idling during hot weather, which he said affects the climate and wastes taxpayer money. He said the Department of Public Works must make changes in the way projects are carried out and in how taxpayer money is used.
- Ross Donald, 25H Chambers Street said he filed an open meeting law violation complaint against the Needham Housing Authority regarding access to meetings. He stated meetings are being held and people are being hired, but residents do not have full access to meetings. He also commented on the Select Board's duty to make appointments and its requirements to make, to select, or to waive suitable candidates for commissioner of the Housing Authority. He asked for clarification on the process to fill a vacancy on the board of the Housing Authority.
- Ms. Cooley closed the Public Comment Period.
- Ms. Cooley shared that she spoke with Reg Foster, Chair of Needham Housing Authority who stated a kick-off meeting was held yesterday for the start of the redevelopment project at Chambers Street. She stated the Housing Authority will solicit project input from the Select Board in the spring 2023.
- 6:12 p.m. Public Hearing Continued 12/06/22: Alteration of Premises - Needham Food and Beverage, LLC d/b/a The Heights
- Ms. Cooley stated the applicant has asked the Select Board to continue the public hearing to January 24, 2023, due to an illness.

Motion by Mr. Borrelli that the Select Board vote to continue the Public Hearing relative to the proposed Alteration of Premises in an All-Alcoholic License in a Hotel - Needham Food and Beverage, LLC d/b/a The Heights - 200 First Street to Tuesday, January 24, 2023.

Second: Mr. Keane. Unanimously approved 4-0.

6:13 p.m.

Proposed Dedication - Liberty Tree:

Paul Deeley, Needham Exchange Club - Past President 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.

Mr. Deeley gave a brief background on the Needham Exchange Club, which celebrated its 75th anniversary in 2022. He also gave the history of the American Elm tree in the United States and that researchers are working on a new hybrid more resistant to the borer that caused Dutch Elm disease. He spoke about the importance of the Elm Tree at the time of the American Revolution, as well as the educational benefits of the tree and role of Needham's farmers who fired "shots around the world" on April 19, 1776. Mr. Deeley recognized Ed Olsen, Tree Warden and Dennis Condon, Fire Chief for their help in planning and carrying out the project. He asked for permission for the Exchange Club to install a stone and bronze plaque on site in order to briefly explain the history of the Liberty Tree, as well as permission to erect a street sign adjacent to the tree on the berm on Highland Avenue.

The Board said the project is fitting for Needham and expressed its appreciation to the Exchange Club. It was noted a vote will be taken at the next Select Board meeting on Tuesday, January 24, 2023.

6:28 p.m.

Election Law Update and Early Voting Schedule:

Theodora Eaton, Town Clerk discussed the impact of election-related legislation passed by the Massachusetts General Court in the calendar year 2022. Ms. Eaton reviewed with the Board a copy of the 2023 Town Election/Town Meeting Calendar.

Ms. Eaton asked the Select Board to vote to approve the in-person early voting schedule for the 2023 Annual Town Election.

Mr. Borrelli thanked Ms. Eaton, poll workers, and staff for navigating the many recent election law changes and voter turnout through the election cycle.

Ms. Cooley said it is clear that residents appreciate the opportunity for early in-person voting and voting by mail.

**Motion by Mr. Borrelli that the Select Board approve the in-person early voting schedule as proposed by the Town Clerk.
Second: Heidi Frail. Unanimously approved 4-0.**

6:31 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. No Appointments were made at this meeting.**

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 McGregorRadin, \$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. The 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. The Police Department approved the event.**

Second: Mr. Keane. Unanimously approved 4-0.

6:35 p.m. NCAC Mural in Needham Heights:

Charly Nanda, Co-Chair, Needham Council for the Arts and Culture, Bala Venkat, Co-Chair, Needham Council for the Arts & Culture, and Amy Haelsen, Economic Development Manager updated the Board on the 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.

Ms. Nanda stated 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 the American Rescue Plan Act (ARPA) funding.

Discussion ensued on three artists who provided a site-specific design proposal for the location, a survey for determining the lead design, and the committee recommendation given to the Needham Arts and Culture.

Ms. Venkat commented on the selection of the pansy design "Blossom" by Ryan "ARCY" Christensen. It was noted that the pansy is the official flower of Needham.

The Board thanked the presenters and said the project is fantastic.

6:45 p.m.

Outdoor Dining Update:

Katie King, Assistant Town Manager/Director of Operations and Amy Haelsen, Economic Development Manager updated the Board on outdoor dining and preparation for the next season beginning in April 2023.

Ms. King gave a brief background of the third outdoor dining season and the relaxed, flexible rules from the state legislature that occurred due to the pandemic. She explained the three priorities necessary to transition businesses who want to continue with outdoor dining in 2023 from pandemic plans to formal permits. Reference was made to a memo from Ms. King to the Select Board dated January 6, 2023.

Ms. Haelsen said Needham is only a handful of communities with outdoor dining rules in place. She commented on prior funding from the small business recovery grants, and a request for additional funds (for parklet decking) to be set aside for businesses to become ADA compliant.

Ms. Cooley stated it is clear citizens wanted outdoor dining to continue and thanked staff for helping the Town figure out a structure to put in place.

The Board thanked Ms. King and Ms. Haelsen for the update.

6:57 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 6 items:

1. Proposed Updates to Penalties for Violations of General By-Laws (Non-Criminal Dispositions)

Myles Tucker, Support Services Manager spoke with the Board regarding Select Board Goal 6.11 - Review and Recodify the Non-Criminal Disposition By-Law. He presented a proposal to amend sections of the Town General By-Laws relative to penalties incurred for violation(s) of the General By-Law.

Mr. Tucker said 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 inconsistencies and omissions. He said 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 the future.

Mr. Tucker reviewed the Proposed Penalty Matrix and Proposed Penalty Matrix - Markup from Current General By-Laws. He noted the rules remain the same and that the matrix only clarifies the penalty for breaking rules and who would levy a penalty.

Discussion ensued on several items in the penalty matrix, the fine per offense, and the frequency the amount would be imposed. The Board discussed holding a public hearing to solicit input. It also agreed to review the matrix and give feedback at a future meeting.

2. Town Meeting Warrant

Ms. Fitzpatrick asked the Board to open the warrant for the 2023 Annual Town Meeting. She said the warrant is scheduled to be closed on February 14, 2023. She reviewed a preliminary list of items for inclusion in the warrant.

Motion by Mr. Borrelli that the Board vote to open the warrant for the 2023 Annual Town Meeting.

Second: Ms. Frail. Unanimously approved 4-0.

3. Transportation Planning Proposal

Ms. Fitzpatrick reminded the Board that at its meeting on December 20, 2022, it discussed the proposals of the Transportation Planning Review Committee. Ms. Fitzpatrick recommended 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. She said changes to the Transportation Committee to become the Mobility Planning Coordinating Committee are dependent on action by Town Meeting.

Motion by Mr. Keane that the Board vote to adopt the composition and charge for the Rail Trail Advisory Committee and the Transportation Safety Committee.

Second: Ms. Frail. Unanimously approved 4-0.

4. Historic District Study Committee

Ms. Fitzpatrick reminded the Board that at its meeting on December 20, 2022 it 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 Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and 11th oldest in Needham."

Ms. Fitzpatrick recommended that the Board vote to approve the proposed charge and composition for the Single Parcel Historic District Study Committee.

Motion by Mr. Borrelli that the Board voted to approve the proposed charge and composition for a Single Parcel Historic District Study Committee.

Second: Ms. Frail. Unanimously approved 4-0.

5. FY2024 Budget Preview

Ms. Fitzpatrick reviewed with the Board the budget submitted for FY2024. She noted the Minuteman High School assessment and said incoming classes at the school are full. She also commented on FY2024 DSR5 Requests.

6. Town Manager's Report

Ms. Fitzpatrick reported the annual Needham Diversity Initiative event recognizing Martin Luther King, Jr. Day Observance and Celebration will be held on Monday, January 16, 2023, from 10 a.m. to 11:30 a.m. at Needham High School.

7:38 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

7:39 p.m. Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, January 10, 2023.

Second: Mr. Keane. Unanimously approved 4-0.

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, January 24, 2023.

**Town of Needham
Select Board
Minutes for Tuesday, January 24, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/89097265273>**

- 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, 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: Andrea Danenberg, 131 Locust Lane spoke with the Board regarding the proposed Castle Farm development on Charles River Street. She noted discussions at the Special Town Meeting in October 2022 and a neighborhood meeting held last week, saying she enthusiastically supports the Select Board goal of seeking the land for preservation. Ms. Danenberg however, expressed concern about how the land may be obtained and the conditions the Town is accepting in order to bring the project to fruition. She commented on the Northland Group, the proposed percentage of Chapter 40B affordable units, Needham's zoning, and conservation.
- Ms. Cooley commented on a resolution in the case involving Mr. Marvin Henry. She said the Select Board is currently not able to discuss any settlement until both sides can finalize the resolution agreement. Ms. Cooley said she hopes to have an update soon, and that information the Town can legally provide will be given at that time.
- 6:05 p.m. Public Hearing Continued 12/06/22: Alteration of Premises - Needham Food and Beverage, LLC d/b/a The Heights
Brian Hughes, Applicant Counsel and Jennifer Hartley, Manager spoke with the Board regarding Needham Food and Beverage, LLC, who holds the hotel liquor license for The Heights located at 200 First Street which currently includes a 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 nine guest rooms, floors two through six each feature a total of 134 guest rooms.
- Mr. Hughes asked for an expansion of the license so that beer and wine could be sold from the small market area when the bar is closed. He noted consumption of alcohol could only be in the lounge area or in guest rooms. Mr. Hughes said no

other changes are requested. He said any staff handling alcohol would be TIPS certified, an ID scanner would be used, and any patron purchasing alcohol would be required to register their room.

Kate Fitzpatrick, Town Manager said all paperwork is in order.

Ms. Cooley reminded Mr. Hughes of Needham's liquor laws, noting the Town takes licensing of alcohol very seriously.

Motion by Mr. Borrelli that the Board vote to approve the 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.
Second: Ms. Frail. Unanimously approved 5-0.

Ms. Cooley commented that discussion of Castle Farm/484 Charles River Street Project was removed from agenda prior to the start of tonight's meeting and will be discussed at a future meeting.

6:05 p.m. Public Hearing: Removal of Three (3) Public Shade Trees at St. Sebastian's Country Day School, 1191 Greendale Avenue
Edward Olsen, Tree Warden, Parks & Forestry Superintendent, David Riedell, Director of Finance and Operations, St. Sebastian's School, and Joseph Ficociello, landscape architect, Halvorson, Tighe, and Bond spoke with the Board regarding a request from David Riedell on behalf of St. Sebastian's Country Day School who respectfully requested the removal of three Public Shade Trees, due to concerns for the street trees located along the field edge of Greendale Ave. Mr. Riedell is formally seeking approval from the Town to remove and replace these trees with more suitable species. It was also noted the trees will be negatively impacted by proposed new construction work. The Tree Warden does not object to the removal of these trees based on these reasons and recommends a donation to the Town of Needham Tree Gift fund for future tree plantings in Town.

Mr. Olsen gave an overview of Public Shade Tree hearings and rules in the state of Massachusetts.

Discussion ensued on the removal, replacement, and a voluntary financial contribution to Needham's tree fund.

Ms. Cooley asked for comments from Board members.

Mr. Keane said he mourns the passing of these beautiful trees, as they are significant in appearance and age. Mr. Keane said he is uncomfortable and believes the value of these trees is more than a one to two ratio.

Mr. Olsen suggested an Arbor Day celebration in the spring, once six new trees are planted as a replacement for the three trees being removed.

Ms. Cooley invited public comment.

Molly Line, Hillside Avenue said the loss is serious as the trees are old and the St. Sebastian's campus will be diminished. Ms. Line commented it is sad for Needham and hopes replacement trees are planted.

Motion by Mr. Borrelli that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of three, Red Oak trees in the front berm of 1191 Greendale Ave.

Second: Mr. Nelson. Approved 4-1. Mr. Keane voted nay.

6:29 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. **Shane Mark**
Assistant Director of Public Works PPBC User Representative DPE
Feasibility Study: Indefinite term
2. **Barry Dulong**
Director of Building Maintenance PPBC User Representative DPE
Feasibility Study: Indefinite term

CONSENT AGENDA:

1. **Accept the following donations made to the Needham Community Revitalization Trust Fund: \$100 from Marcus Hughes, \$400 from Edward & Carol De Lemos, and \$3500 from Sullivan and Company, Inc.**
2. **Approve 20B Exemptions for the following individual to engage in work with the Needham Public Health Department; Carol Oberle.**
3. **Approve a One Day Special License for Steve Volante of Volante Farms for Saturday, February 11, 2023, 12:00-4:00PM for a Grand Wine & Cheese Tasting event. The event will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. The Police Department approved the events.**
4. **Approve a One Day Special License for Steve Volante of Volante Farms for Saturday, March 4, 2023, 12:00-4:00PM for a Grand Beer Tasting event. The event will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. The Police Department approved the events.**
5. **Approve a request from Patrick DeMaio race coordinator from the Needham Athletic Booster Club, NHS Boosters Club Rocket Run to hold a race in Needham. The event is scheduled for Sunday, March 19, 2023, 8:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation**

6. Approve a request from Jessica Rice race coordinator from the Jog Your Memory 5K Run to hold a race in Needham. The event is scheduled for Sunday, September 10, 2023. The event and route have been approved by the following departments: Fire, Police, DPW, Park 7 Recreation.
7. Accept the following donations from The Needham Free Public Library; Fifteen Spanish language children's books (estimated value \$201), from Danielle Rodriguez on behalf of Lucas and Mateo Pacheco; \$100 from Susan Kaplan; \$500 from Heather & Andrew Marsh; and Magic Menorah by Jane Breskin Zalben, Bronze Bow by Elizabeth George Speare, Redfield Farm by Judith Redline Coopey, and Hershel and the Hanukkah Goblins by Eric Kimmel (total estimated value \$44), from Linda and Bob Asher.
8. Accept the following donations made to the Needham Public Health's Gift of Warmth Program; \$100 from Ann MacFate, \$750 from Michael Campanella (PEX Health & Fitness), \$50 from Carol & Michael Abedon, \$50 from Monica Granucci.
9. Accept the following donations made to the Needham Public Health's Domestic Violence Action Committee; \$100 from Ann MacFate, \$100 from the Blum Family.
10. Accept the following donation made to the Needham Public Health's Traveling Meals Program; \$300 from Ann MacFate.
11. Accept the following donation made to The Needham Aging Services Division; \$100 from the Professional Musicians Club, Inc.
12. Upon the resignation of Walter F. McDonough, the Needham Select Board votes to direct the Town Clerk to place the position of Assessor on the April 11, 2023 Annual Town Election ballot for the unexpired term ending April 15, 2025.

Second: Mr. Nelson. Unanimously approved 5-0.

Ms. Frail thanked residents for their generous donations noted in the Consent Agenda.

6:30 p.m. Public Hearing: ABCC Amendment Application for Change of Officers and Change of Stock Interest - Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines

Thomas Miller, Applicant Counsel and David Gordon, Manager spoke with the Board regarding Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines, 150 Gould Street application for a Change of Officers and Change of Stock Interest.

Mr. Miller said the application is simply an estate planning mechanism for Richard Gordon to pass the company to his sons, Kenneth and David through two trust accounts. He noted Kenneth and David, who are both officers and directors of the company, have worked with their father for many years and understand how to run

the business. He stated the Town will see no other changes in how the business is run. He asked for the Board's approval of the application.

Ms. Cooley reiterated to Mr. Gordon that the Town takes the service of alcohol very seriously, reminding him that the rules and regulations must continue to be followed.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr Borrelli that the Select Board, as Liquor Licensing Authority, approve and sign an application for a Change of Officers and Change in Stock Interest for Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines, 150 Gould Street and to forward this application to the ABCC for approval.

Second: Mr. Nelson. Unanimously approved 5-0.

6:40 p.m.

HRC Complaint Resolution:

Tina Burgos, Chair, Human Rights Committee and Marlene Schultz, Human Rights Committee spoke with the Select Board about the recommendation to establish a discrimination complaint process for members of the Needham community who believe their human or civil rights have been violated and are looking for resources or support.

Ms. Burgos gave an overview of the work being done and the vision of the committee. She explained the complaint process.

Ms. Schultz commented it is important for people to know that Needham has a process and a place for anyone who lives, works, or travels through town who feel they may have been discriminated against.

Discussion ensued on the process for filing a complaint.

Ms. Frail asked for clarification on the type of interactions that the HRC would consider. She noted mediation is difficult, and wondered about the experience, background, and qualifications of members on the committee.

Ms. Schultz said "any and all" types of complaints would be considered by the Human Rights Committee. She cited an example of the types of complaints and said not all committee members will be working on cases. Mediation training was briefly discussed.

Ms. Cooley commented the plan is to track and categorize complaints through the year to get a sense of the types of incidents being reported.

Mr. Borrelli said he is concerned, noting a formal process could affect confidentiality as any complaints become part of the public record. He said other avenues could be considered, and that disputes and accusations among neighbors

or businesses could escalate, becoming very damaging once in the public realm. He suggested deferring the vote to the next Select Board meeting as information was just received today. He thanked the presenters for their work.

Mr. Nelson said this is the first step in the process to help people. He acknowledged Mr. Borrelli's point about information in the public record, noting a complainant would know from the beginning about the public record and could pursue a different avenue if they wished. He said the plan will continue to change, but it is a start and will put Needham in a place to be able to help people.

Mr. Keane said the Town needs the process as an outlet, noting it is a huge task to undertake. He said he is interested to know how confidentiality will be protected.

Ms. Cooley said she appreciates the points made by Mr. Borrelli, noting the possibility of referrals to external agencies. She said she is grateful and supports moving forward with the work of the committee. She concurred with Mr. Borrelli to defer voting until the next Select Board meeting.

6:59 p.m. Castle Farm/484 Charles River Street Project:
Ms. Cooley stated discussion has been deferred to a later date as the development agreement has not been finalized.

7:00 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding four items:

1. Housing Plan Approval

Ms. Fitzpatrick explained the Housing Plan Working Group was established by the Planning Board in October 2021 and consisted of 12 members: Planning Board (2), the Select Board (2), the Board of Health (1), the Council on Aging (1), the Finance Committee (1), the Housing Authority (1), the School Committee (1) and citizens at large (3). She said the HPWG met monthly and created three subgroups: Zoning, Housing Development and Preservation, and Capacity Building, each of which had several meetings to consider strategies to address affordable housing in Needham. Ms. Fitzpatrick said the Working Group is transmitting the plan to the Select Board and the Planning Board, and is requesting the approval of each Board so that the adoption of the Housing Plan can be reported to the Department of Housing and Community Development when the Town submits its action plan by the end of January 2023. Ms. Fitzpatrick asked the Select Board to approve the Town of Needham Housing Plan dated December 22, 2022.

Ms. Cooley thanked Mr. Nelson and Ms. Frail for their work on this item.

Ms. Frail thanked the members of the HPWG for their hard work, noting the plan has many great suggestions to explore.

Mr. Nelson thanked committee members and staff who worked tirelessly, and that the process is one to be admired.

Mr. Keane said the data is exhaustive and thanked committee members.

Motion by Mr. Borrelli that the Select Board vote to approve the Town of Needham Housing Plan dated December 2022.

Second: Mr. Keane. Unanimously approved 5-0.

2. Determination of Unique Status

Ms. Fitzpatrick reminded the Board that the Town is contemplating the acquisition of the property known and numbered as 0 Charles River Street (Assessors' Parcel 199-304-4), containing approximately 3.25 acres and 0 Charles River Street (Assessors' Parcel 199-304-5), containing approximately 3.05 acres, and a portion of the land known and numbered as 484 Charles River Street (Assessors' Parcels 199-304-2), containing approximately twenty-eight (28) acres for general municipal purposes. This property is immediately adjacent to the Ridge Hill Reservation and will provide the public with a connection to Town walking trails and access to the Charles River. She noted, in accordance with M.G.L. c. 30B, a public procurement process is not required if the Select Board determines that advertising will not benefit the Town's interest because of the unique qualities of the parcel. She asked the Board to vote to determine the property is of a unique status.

Ms. Cooley noted this is a regular ministerial duty of the Select Board that is typically part of the acquisition of land.

Motion by Mr. Borrelli that the Board vote to determine that in the case of the proposed acquisition of 0 Charles River Street (Assessors' Parcel 199-304-4), containing approximately 3.25 acres, 0 Charles River Street (Assessors' Parcel 199-304-5), containing approximately 3.05 acres, and a portion of the land known and numbered as 484 Charles River Street (Assessors' Parcels 199-304-2), containing approximately twenty-eight (28) acres, advertising will not benefit the Town's interest because of the unique qualities and location of the property needed. This determination is made on the basis that the property is large, undeveloped, and contiguous to both the Town's existing Ridge Hill Reservation and the Charles River. The property contains existing walking trails that connect to the Town's Ridge Hill Reservation trail network and will allow for increased public use and access of this scenic waterfront location.

Second: Mr. Nelson. Unanimously approved 5-0.

3. Budget Presentation

Ms. Fitzpatrick, Katie King, ATM/Director of Operations and Dave Davison, ATM/Finance presented the proposed annual balanced budget for fiscal year 2024. In accordance with Section 2.2.1 of the General By-laws of the Town, 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 the 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.

Discussion ensued on projects the Town has completed over the last 10 years, projects being contemplated, inflation and the cost of doing projects, supply chain issues, among other items. Of particular note, Ms. Fitzpatrick informed the Board the Town will lose its long term preparer of meals for the traveling meals program. She said a replacement is being sought as the program is extremely important for the homebound residents who rely on it. She commented on the funding request of \$40,000, which may become necessary to provide meal services directly.

Ms. King explained the traveling meals program and said several vendors who run large commercial kitchens have been contacted. She said there is a possibility of meal preparation being done "in house" at the kitchen at the Center at the Heights, which is currently under consideration.

Motion by Mr. Keane that the Board vote to recommend approval of the Town Manager's Proposed Annual Budget for FY2024.

Second: Mr. Borrelli. Unanimously approved 5-0.

4. Town Manager's Report

Ms. Fitzpatrick had nothing further to report.

8:04 p.m.

Board Discussion:

1. Liberty Tree Approval

The Board discussed the Needham Exchange Club's proposal to the Select Board to dedicate the American Elm planted in front of Fire Station 2 the "Liberty Elm" in order to raise and maintain awareness of a key symbol in the creation of the United States of America. The Board held a hearing at its meeting on January 10, 2023 to hear the proposal and any public comments.

Motion by Mr. Keane that the Select Board dedicate the American Elm located at Fire Station 2, “Liberty Elm.”

Second: Mr. Borrelli. Unanimously approved 5-0.

2. FY2023-FY2024 Goal Statement Revision

The Board discussed the revised FY 2023-2024 Goal Statement dated September 27, 2022, revised January 24, 2023.

Motion by Mr. Borrelli that the Board vote to adopt the revised FY 2023-2024 Goal Statement as amended.

Second: Mr. Nelson. Unanimously approved 5-0.

3. Committee Reports

Mr. Borrelli reported the Active Recreation Assets Working Group recently met and plans to schedule a public hearing in the near future. He stated the goal is for plots of land to be recognized as suitable for certain uses, with input from the Park and Recreation Department. He said the process is challenging and an effort is being made to include an Article in the warrant for the Annual Town Meeting.

Ms. Cooley reported Walter McDonough, Board of Assessors resigned his position. She said a new position for the remainder of the unexpired term (to April 2025) will be available on the town election ballot. She advised people interested in running for the position that nomination papers are available at the office of the Town Clerk.

8:10 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, January 24, 2023.

Second: Ms. Frail. 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, February 14, 2023.



Town of Needham, Massachusetts Road Event Form

INTERNAL USE ONLY

☐ DPW ☐ Police
☐ Fire ☐ OTM
☐ Park & Rec
☐ PFD ☐ Paid

TYPE OF EVENT: (check all that apply)

☒ RUN ☐ WALK ☐ BICYCLE ☐ MOTORCYCLE

Name of Event: Charles River Annual
Independence Day 5K

Name of Organization: Charles River YMCA

**Event Date(s) and Rain Date if
requesting:** Tuesday, July 4th 2023

Earliest Time Expected in Needham:
7:00AM

Latest Time Expected in Needham:
10:00AM

**Has this event been conducted in other
Towns in the past?** ☐ YES ☒ NO

If yes, name of Town and date:
Needham, 25+ years

**Has this event been held in Needham in
the past?** ☒ YES ☐ NO

**If yes, are you repeating the same route as
in prior year(s)?** ☒ YES ☐ NO

Organization Mailing Address:
863 Great Plain Ave Needham MA 02492

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

Primary Contact:

Jill Barber

Contact Title:

Membership Director

Contact Address:

380 Chestnut St Needham MA 02492

Contact Phone (Day):

781-675-3175

Contact Phone (Cell):

570-730-8927

Contact Email: jbarber@ymcaboston.org	
Number of Expected Participants: 700	Number of Expected Spectators at Peak Time: 750
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: 0	What type of Parking is required: None
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: None	
Are event organizers available to meet with members of the Town to plan event? ☒ YES ☐ NO	Do event organizers foresee the need for any road closures (subject to police review)? ☒ YES ☐ NO
What will be done in case of inclement weather? Race will take place in the rain	
Will neighborhoods be impacted by parking and traffic? Yes	
What activities are planned for the start of the race (if in Needham)? Registration	
What activities are planned for the end of the race (if in Needham)? 3-5 non-profit vendor tables, award ceremony	
What facilities are needed for the start of the race (if in Needham)? We will utilize the Christ Episcopal Church bathrooms and Memorial field bathroom (which are also utilized for the parade)	
What facilities are needed for the end of the race (if in Needham)? Same as above	

Once the event begins, how long will it take to complete the event? One hour 8:30-9:30Am	
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	We will provide and post signs through out the route with mile markers
Will volunteers be placed along the route?	Yes
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	Yes at start/finish area
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	Water, grab and go single serve items (bananas, bagels, bars)
Will portable toilets be used? List locations.	No
Will hydration stops be set up along route? If yes, please include these on route plan.	Yes 584 webster, corner of May & Garden
If the event takes place after dark, what is the plan to meet lighting needs?	N/A
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	Our Aquatics Director will be present with First Aid/ AED Kit and BID will send a nurse.
Does the event take place during commuter times?	No
Is school in session during the event? Will school drop off or pick up be impacted by the event?	No
Are businesses open during the time of the event?	No
Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)	Unsure, this is a holiday
Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?	No conflicts
What is the plan to handle trash?	YMCA staff will follow the runners and collect trash

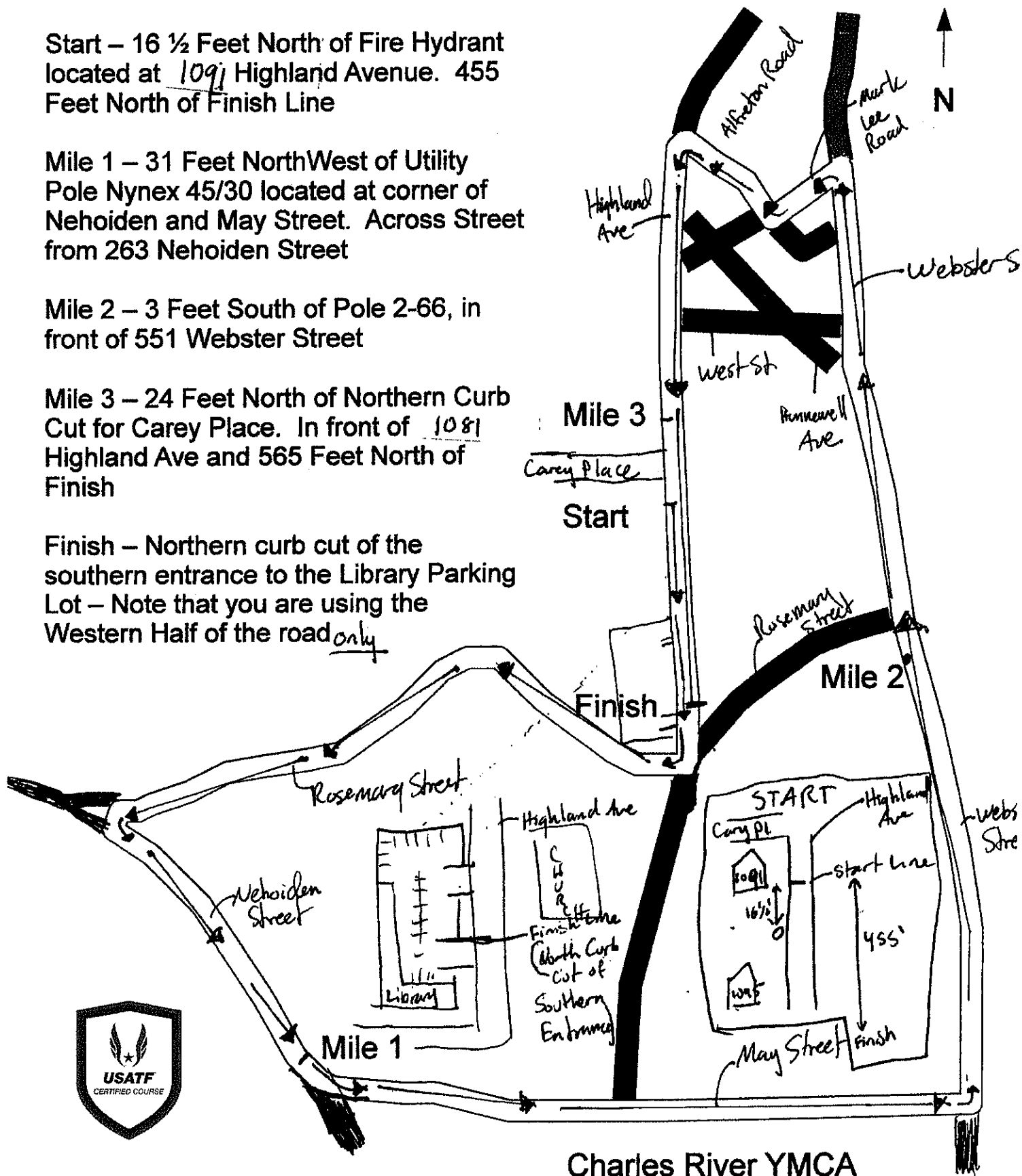
Start – 16 ½ Feet North of Fire Hydrant located at 1091 Highland Avenue. 455 Feet North of Finish Line

Mile 1 – 31 Feet NorthWest of Utility Pole Nynex 45/30 located at corner of Nehoiden and May Street. Across Street from 263 Nehoiden Street

Mile 2 – 3 Feet South of Pole 2-66, in front of 551 Webster Street

Mile 3 – 24 Feet North of Northern Curb Cut for Carey Place. In front of 1081 Highland Ave and 565 Feet North of Finish

Finish – Northern curb cut of the southern entrance to the Library Parking Lot – Note that you are using the Western Half of the road only



USATF Certification #MA16029JK
Effective 10/11/2016 - 12/31/2026
Drop 0.60 m/Km, Separation 2.78%

Charles River YMCA
Fourth of July 5K
Needham, MA

Measured by: Chris George
June 19, 2016



**Road Running Technical Council
USA Track & Field
Measurement Certificate**



Name of the course Charles River YMCA Fourth of July 5K Distance 5 km
Location (state) MA (city) Needham
Type of course: road race ☒ calibration course ☐
Measuring method: bicycle ☒ steel tape ☐ electronic distance meter ☐
Measured by (name, address, phone & e-mail) Christopher George, 399 Cherry St, Newton MA 02465
339-227-0083; george.christopher.d@gmail.com
Race contact (name, address, phone & e-mail) Dan Chambers; 380 Chestnut St, Needham MA 02492
781-449-6646; dchambers@ymcaboston.org
Date(s) when course measured: Jun 19, 2016
Number of measurements of entire course: 2 Course Configuration: loop
Elevation (meters above sea level) Start 56 m Finish 53 m Highest 67 m Lowest 34 m
Straight line distance between start & finish 139 m Drop 0.60 m/km Separation 2.78 %
Type of surface: paved 100 % dirt - % gravel - % grass - % track - %
Effective date of certification: Sep 30, 2016 Certification code: MA16029JK

Notice to Race Director: Use this Certification Code
in **all** public announcements relating to your race.

Be It Officially Noted That

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If **any** changes are made to the course, this certification becomes void, and the course must then be recertified.

Verification of Course — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a verification remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

This certification expires on December 31 in the year **2026**

AS NATIONALLY CERTIFIED BY:

Date: Jun 13, 2017

Justin Kuo • USATF/RRTC Course Certifier • 39 Oakland Road, Brookline, MA 02445-6700
Phone: 617-731-9889 • Fax: 617-939-0992 • Email: jkuo@usatfne.org



Town of Needham, MA

02/10/2023

SLL-10012

One Day Special Liquor License

Status: Active**Date Created:** Feb 2, 2023**Applicant**

Bob Timmerman
 rtimmerman1021@yahoo.com
 1211 Highland Ave
 Needham, MA 02492
 781-589-4227

Primary Location

1211 HIGHLAND AVE
 Needham, MA 02492

Owner:

Needham Knights of COLUMBUS Building Association
 1211 Highland Aveue Needham, MA 02492

Internal Use Section (for use by Town Manager's Office)**Status (in process, approved, denied)**

In Process

Conditions/Restrictions (If no restrictions, please enter "None".)

--

Comments

--

Date of Needham Select Board Approval

--

Event Manager Information**Event Manager's Name**

Robert Timmerman

Event Manager's Email

rtimmerman1021@yahoo.com

Event Manager's Mailing Address (street, town, state, zip)

1211 Highland Avenue Needham MA 02492

Event Manager's Phone Number

781-589-4227

Contact Number During the Event

781-589-4227

Organization Information**Organization Name**

Needham Knights of Columbus

Is the organization for non-profit or for profit?

For Profit

Event Information**Name of Event**

SuperBowl Party for Seminarian Support

Date of Event

02/12/2023

Details of Event

annual event to benefit seminarians studying for the priesthood

Requested Start Time: Liquor License

4:00pm

Requested End Time: Liquor License

10:30pm

Hours of Event

4-10:30pm

Name of Event Location (i.e. example, Powers Hall, VFW)

Needham Knights of Columbus Hall

Event Location Address (street, town, state, zip)

1211 Highland Avenue Needham MA 02492

Maximum Number of Expected People

75

Is Event Open to the Public

Yes

Are tickets being sold in advance for this event?

No

Is there an Admission fee?

Yes

Admission ticket price

30

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?

No

Alcohol

For Profit: License is for the Sale of:

Wine & Malt Beverages

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

David J. Demirjian

Certificate Expiration Date

05/15/2024

Please Read

I agree



Acknowledgement

I agree



Digital Signature of Permit Applicant

Robert T. Timmerman

02/02/2023

Attachments

 bob id.pdf

Uploaded by Bob Timmerman on Feb 2, 2023 at 8:28 am

 kof c permission.docx

Uploaded by Bob Timmerman on Feb 2, 2023 at 7:55 am

 Knights of Columbus Super Bowl Party FLYER.docx

Uploaded by Bob Timmerman on Feb 2, 2023 at 7:55 am



68606025572__1B0B1CA2-8E9A-4ED8-823C-7B3A24643BFA.jpg

Uploaded by Bob Timmerman on Feb 2, 2023 at 7:56 am

 kofc floorplan.pdf

Uploaded by Bob Timmerman on Feb 2, 2023 at 7:56 am

History

Date	Activity
Feb 2, 2023 at 7:44 am	Bob Timmerman started a draft of Record SLL-10012
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerCity from "" to "Needham"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerEmail from "" to "rtimmerman1021@yahoo.com"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerName from "" to "Needham Knights of COLUMBUS Building Association"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerPhoneNo from "" to "781-449-1492"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerPostalCode from "" to "02492"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerState from "" to "MA"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerStreetName from "" to "Highland Aveue"
Feb 2, 2023 at 7:45 am	Bob Timmerman altered Record SLL-10012, changed ownerStreetNo from "" to "1211"
Feb 2, 2023 at 8:27 am	Bob Timmerman altered Record SLL-10012, changed ownerEmail from "rtimmerman1021@yahoo.com" to "rtimmermna1021@yahoo.com"
Feb 2, 2023 at 8:27 am	Bob Timmerman altered Record SLL-10012, changed ownerPhoneNo from "781-449-1492" to "781-589-4227"
Feb 2, 2023 at 8:28 am	Bob Timmerman submitted Record SLL-10012
Feb 2, 2023 at 8:28 am	approval step Application Completion Reviewwas assigned to Kristin Scoble on Record SLL-10012
Feb 8, 2023 at 4:31 pm	Kristin Scoble changed Status (in process, approved, denied) from "" to "In Process" on Record SLL-10012
Feb 8, 2023 at 4:33 pm	Kristin Scoble approved approval step Application Completion Review on Record SLL-10012
Feb 8, 2023 at 4:33 pm	approval step Police Department Reviewwas assigned to John McGrath on Record SLL-10012
Feb 8, 2023 at 6:21 pm	John McGrath approved approval step Police Department Review on Record SLL-10012
Feb 8, 2023 at 6:21 pm	approval step Application Added to Select Board Consent Agendawas assigned to Kristin Scoble on Record SLL-10012
Feb 9, 2023 at 8:35 am	Kristin Scoble approved approval step Application Added to Select Board Consent Agenda on Record SLL-10012
Feb 9, 2023 at 8:35 am	approval step Outcome of Select Board meetingwas assigned to Kristin Scoble on Record SLL-10012

Timeline

Label	Status	Activated	Completed	Assignee
 Application Completion Review	Complete	Feb 2, 2023 at 8:28 am	Feb 8, 2023 at 4:33 pm	Kristin Scot
 Police Department Review	Complete	Feb 8, 2023 at 4:33 pm	Feb 8, 2023 at 6:21 pm	John McGra
 Application Added to Select Board Consent Agenda	Complete	Feb 8, 2023 at 6:21 pm	Feb 9, 2023 at 8:35 am	Kristin Scot
 Outcome of Select Board meeting	Active	Feb 9, 2023 at 8:35 am	-	Kristin Scot
 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	-	-	-

Business	License Type	Alcohol Served	Prior Violations (Inside 5-Year Review Period)	Penalty Guidelines	Recommended Penalty
Bertucci's Restaurants, LLC d/b/a Bertucci's	Restaurant	All Alcoholic	6/4/2019 - Written Warning	Suspension, 1 to 3-Days	1 Day Suspension
Ceed Corp d/b/a Cook Needham	Restaurant	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning
Capella LLC d/b/a Cappella	Restaurant	All Alcoholic	12/1/2021 - Written Warning	Suspension, 1 to 3-Days	1 Day Suspension
Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria	Restaurant	All Alcoholic	12/1/2021 - Written Warning	Suspension, 1 to 3-Days	2 Day Suspension
French Press LLC d/b/a French Press Bakery Café	Restaurant	Wine and Malt	None	Written Warning or 1-Day Suspension	Written Warning
PM Story Corp d/b/a Little Spoon	Restaurant	Wine and Malt	None	Written Warning or 1-Day Suspension	1 Day Suspension
Needham Lending Company, LLC d/b/a Sheraton Needham Hotel	Hotel	All Alcoholic	None	Written Warning or 1-Day Suspension	Written Warning
Lianos Liquors, Inc. d/b/a Needham Center Wine & Spirits	Package Store	All Alcoholic	4/6/2022 - Written Warning	Suspension, 1 to 3-Days	1 Day Suspension
Reveler Beverage Company, LLC d/b/a Reveler Beverage	Package Store	All Alcoholic	4/6/2022 - Written Warning	Suspension, 1 to 3-Days	1 Day Suspension