

SELECT BOARD

Meeting Agenda

6:00 p.m. April 25, 2023

NEEDHAM TOWN HALL

Select Board Chambers & Zoom

REVISED



Pursuant to Chapter 2 of the Acts of 2023, 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:

Link:

<https://us02web.zoom.us/j/88535356454?pwd=SmNGNjkwE4xY1NFWFVOTlDOHVZz09>

Webinar ID: 885 3535 6454

Passcode: 269224

One tap mobile: +16465588656,,88535356454#

	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	Arbor Day Proclamation Ed Olsen, Department of Public Works – Parks and Forestry Division Superintendent
2.	6:00	Public Hearing: Crown Castle Grant of Location: 148 Chestnut St Bill Conway, Crown Castle Representative
3.	6:10	Director of Public Works - Sign Notice of Traffic Regulation – Highland Avenue - Bus Shelters in Needham
4.	6:30	Needham Local Transportation Study - Gal Kramer and Cathal O’Gorman, Via Strategies - Amy Haelsen, Economic Development Manager

5.	7:00	Town Manager • Final Alcohol Regulations • Positions on Warrant Articles
6.	7:15	Board Discussion • Committee Reports
7.	7:20	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

CONSENT AGENDA *=Backup attached

1.	Approve the calendar year 2023 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork. <table> <thead> <tr> <th>Establishment</th><th>License Type</th></tr> </thead> <tbody> <tr> <td>Closet Exchange – Designer & Boutique</td><td>Sale of Second Hand Articles</td></tr> <tr> <td>Closet Exchange – Consignment Drop Off</td><td>Sale of Second Hand Articles</td></tr> <tr> <td>Crosby Jewelers, Inc.</td><td>Sale of Second Hand Articles</td></tr> <tr> <td>Segaloff's Jewlers</td><td>Sale of Second Hand Articles</td></tr> <tr> <td>2nd Hand Rose of Needham</td><td>Sale of Second Hand Articles</td></tr> <tr> <td>Needham Bowl Away</td><td>Bowling Alley</td></tr> <tr> <td>Lt. Manson H. Carter Post 2498 VFW</td><td>Pool Table</td></tr> <tr> <td>Building Association, Inc.</td><td></td></tr> <tr> <td>Go Green Airport Express LLC</td><td>Taxi/Livery License</td></tr> </tbody> </table>	Establishment	License Type	Closet Exchange – Designer & Boutique	Sale of Second Hand Articles	Closet Exchange – Consignment Drop Off	Sale of Second Hand Articles	Crosby Jewelers, Inc.	Sale of Second Hand Articles	Segaloff's Jewlers	Sale of Second Hand Articles	2 nd Hand Rose of Needham	Sale of Second Hand Articles	Needham Bowl Away	Bowling Alley	Lt. Manson H. Carter Post 2498 VFW	Pool Table	Building Association, Inc.		Go Green Airport Express LLC	Taxi/Livery License
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Go Green Airport Express LLC	Taxi/Livery License																				
2.	Approve a One Day Special Licenses for Frederica LaLonde of the Mitchell PTC for Friday, May 5, 2023, 7:00-10:00PM. The event will be held at the Rosemary Recreation Complex, pending Police Department review and approval. All documents are in order.																				
3.	Accept the following donations made to The Needham Free Public Library: from Anne & Jay Kirby, \$100 in memory of Barbara Cusack; from James Hunt, <i>Enter the Realm of the Golden Eagle</i> , by David H. Ellis (estimated value \$60); from Ellen Grossman, <i>Mexico: The Cookbook</i> , by Margarita Currillo Arronte (estimated value \$34); and from Anna Killelea, nine children's books (estimated total value \$100).																				
4.	Accept a donation made to The Needham Park and Recreation Department by Franklin Sports of four pickleball nets (estimated value \$800).																				
5.*	Approve minutes for March 28, 2023 (open session), April 4, 2023, and April 7, 2023.																				



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

MEETING DATE: 04/25/2023

Agenda Item	Arbor Day Proclamation
Presenter(s)	Ed Olsen, Department of Public Works – Parks and Forestry Division Superintendent

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Mr. Olsen will present to the Board the 2023 Arbor Day proclamation, celebrating the 151st anniversary of the first Arbor Day.
2.	VOTE REQUIRED BY SELECT BOARD
	<i>Suggested Motion:</i> “That the Board vote to approve and sign the Arbor Day Proclamation.”
3.	BACK UP INFORMATION ATTACHED
	1. Arbor Day Proclamation

TOWN OF NEEDHAM

2023 ARBOR DAY PROCLAMATION

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, 2023 commemorates the 151st anniversary of Arbor Day, and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, we, the Select Board of the Town of Needham, do hereby proclaim Friday, April 28th as Arbor Day in the Town of Needham, and

FURTHER, we ask all residents to celebrate 151 years of Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, we encourage all residents to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this twenty-fifth day of April, 2023

SELECT BOARD



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

MEETING DATE: 4/25/2023

Agenda Item	Public Hearing: Crown Castle Grant of Location: 148 Chestnut St
Presenter(s)	Bill Conway, Crown Castle Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Crown Castle NG East LLC requests permission to install two sections of communication conduit in Chestnut Street, consisting of approximately 33 feet and approximately 130 feet respectively. This work is necessary to provide telecommunications service to Beth Israel Deaconess Hospital at 148 Chestnut St, Needham. The Department of Public Works has approved this petition, based on Crown Castle NG East LLC'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 Crown Castle NG East LLC to install approximately 163 feet of communications conduit in Chestnut 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: 3-27-23

REVIEWER: RANAW.

SITE LOCATION: #148 CHESTNUT ST.

UTILITY REQUESTING: CROWN CASTLE

Conduit Work Area Description

A Sidewalk/Grass Strip Crossing Only

Peer Review _____

☒ B Work Within Paved Road Perpendicular Crossing

Peer Review 4/4/23- tar

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 2"

☒ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☐ New Riser on Pole N/A

☒ 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 ONE LOOKS GOOD. NO VISUAL EVIDENCE OF ANY

CONSTRUCTION OR TRENCHING AS OF YET.

The application is in order pending a Public Hearing- tar 4/4/23



Crown Castle
1800 West Park Drive
2nd Floor
Needham, MA 01581
RECEIVED
TOWN OF NEEDHAM
SELECT BOARD

2023 MAR 20 A 9:43

March 17, 2023

Select Board
Town of Needham
1471 Highland Avenue
Needham, MA 02492

RE: Grant of Location Fiber Optic Cable Installation
148 Chestnut St, Needham, MA

Dear Select Board Members:

Crown Castle NG East, LLC respectfully submits the enclosed documents for proposed work at 148 Chestnut Street for review and approval by the Select Board. The project involves 2 installations. **Installation 1.** Starting at existing Electric MH #26054 on Chestnut St, trench and install +/- 30 feet of (1) 2-inch communication conduit easterly to proposed 17" x 30" Crown Castle Handhole and continuing +/- 3 feet to the private property telephone manhole that feeds the building. **Installation 2.** Starting at existing Electric MH #26055 on Chestnut St, trench and install (1) 2-inch communication conduit +/- 34 feet easterly to proposed 17" x 30' Crown Castle Handhole. From proposed handhole, micro trench and install +/- 96 feet of AD44 1019 conduit to the building. The proposed work is to provide diverse telecommunication service to Beth Israel Deaconess Hospital from the existing Crown Castle Network.

As requested by the Board, for consideration of the grant of location for the conduit placement, please find enclosed three (3) copies of the "Proposed Conduit Installation at 148 Chestnut St in Needham, MA" for your review.

If you have any questions or concerns, please feel free to contact me at (508)-769-2924.

Regards,

Bob Walls

Bob Walls
Senior Network Construction Manager
Tel. (508)-769-2924
Bob.Walls@crowncastle.com

The pathway to possible.
CrownCastle.com

PETITION OF
CROWN CASTLE NG EAST, LLC,
FOR LOCATION OF CONDUIT

March 17, 2023

To the Select Board of the Town of Needham, MA:

The undersigned respectfully petitions

That permission be granted to Crown Castle NG East, LLC of 1800 West Park Drive, Westborough, MA 01581, for 2 installations at 148 Chestnut Street. **Installation 1.** Starting at existing Electric MH #26054 on Chestnut St, trench and install +/- 30 feet of (1) 2-inch communication conduit easterly to proposed 17" x 30" Crown Castle Handhole and continuing +/- 3 feet to the private property telephone manhole that feeds the building. **Installation 2.** Starting at existing Electric MH #26055 on Chestnut St, trench and install (1) 2-inch communication conduit +/- 34 feet easterly to proposed 17" x 30' Crown Castle Handhole. From proposed handhole, micro trench and install +/- 96 feet of ADDD 1019 conduit to the building. The proposed work is to provide diverse telecommunication service to Beth Israel Deaconess Hospital from the existing Crown Castle Network.

Crown Castle NG East, LLC

Petitioner: Bob Walls, Fiber Construction Engineer

Signature: Bob Walls

Address: 1800 West Park Dr.

Westborough, MA 01581

Telephone: (508)-769-2924

Signature: _____

Select Board, Chair

GENERAL REQUIREMENT-UNDERGROUND UTILITY AVOIDANCE

- GENERAL CONTRACTOR IS RESPONSIBLE TO FOLLOW ALL FEDERAL & STATE STATUTES AND REGULATIONS, INDUSTRY BEST PRACTICES, BUILDING AND FIRE CODES, GENERAL CONTRACTOR LICENSES, AND LOCAL LAWS, REGULATIONS & ORDINANCES. IN THE EVENT A CONFLICT EXISTS BETWEEN THESE REGULATIONS AND THIS DOCUMENT, THE REGULATIONS SHALL CONTROL. THE GENERAL CONTRACTOR'S ACTIONS.
- AT MINIMUM, WHEN NOT IN CONFLICT WITH FEDERAL, STATE, AND LOCAL STATUTES, THE GENERAL CONTRACTOR SHALL FOLLOW THE "COMMON GROUND ANALYSIS (CRA) BEST PRACTICES VERSION 17.0 MANUAL OR LATEST - THE DEFINITIVE GUIDE FOR UNDERGROUND SAFETY & DAMAGE PREVENTION" RECOMMENDATIONS.
- GENERAL CONTRACTOR SHALL PREPARE AN EMERGENCY RESPONSE PLAN, INCLUDING APPROPRIATE CONTACT INFORMATION, ONE-CALL TICKET DETAILS, AND IMMEDIATE CONTACT DETAILS, IN EVENT OF UNDERGROUND UTILITY DAMAGE, IS AVAILABLE AT THE INSTALLATION SITE.
- GENERAL CONTRACTOR SHALL TAKE NECESSARY MEASURES TO ENSURE ALL ELECTRICAL STRIKES SYSTEMS ARE PROTECTED FROM OVERCURRENTS AND SHORT CIRCUITS. THE GENERAL CONTRACTOR SHALL OBTAIN ELECTRICAL AND GAS LINE STAKE PROCEDURES EACH DAY PRIOR TO WORK COMMENCING.
- GENERAL CONTRACTOR SHALL WHITE-LINE THE PROPOSED CONSTRUCTION ROUTE PRIOR TO CONTACTING THE UTILITY ONE-CALL SYSTEM.
- GENERAL CONTRACTOR SHALL IDENTIFY, PRIOR TO WORK COMMENCEMENT, A COMPETENT PERSON ON THE JOB CREW WHO IS CAPABLE OF DESIGNATING HAZARDOUS HAS THE AUTHORIZATION TO TAKE PROMPT CORRECTIVE MEASURES, INCLUDING STOP WORK AUTHORITY, TO ELIMINATE THEM, AND SHALL BE ON SITE AT ALL TIMES.
- GENERAL CONTRACTOR SHALL CONTACT THE ONE-CALL FACILITY FOR EXISTING UTILITY LOCATES AS REQUIRED BY LAW AND PRESERVE ALL MARKS UNTIL THE PROJECT IS COMPLETED AND REFRESH THE ONE CALL, IF REQUIRED BY STATE OR JURISDICTIONAL REQUIREMENTS.
- FOR PROJECTS WITH HIGH PRIORITY UTILITIES, OR ANY UNUSUAL OR COMPLEX CONSTRUCTION, THE GENERAL CONTRACTOR SHALL ADVISE THE LOCAL PREFECTURE PLANNING MEETING WITH THE AFFECTED UTILITIES AND/OR THEIR DESIGNATED LOCATION COMPANY TO DISCUSS THE PROJECT. HIGH PRIORITY UTILITIES SHALL INCLUDE, BUT NOT LIMITED TO, HIGH-PRESSURE GAS LINES, HIGH-VOLTAGE ELECTRIC LINES, MAJOR PIPELINES, MAJOR WATER LINES, AND HIGH-CAPACITY FIBER OPTIC LINES.
- THE GENERAL CONTRACTOR SHALL ENSURE ANY UTILITIES IDENTIFIED FOR LOCATING WHICH ARE NOT MARKED ON THE GROUND HAVE PROVIDED POSITIVE CONFIRMATION NO CONFLICT EXISTS. IF THERE IS A LACK OF POSITIVE CONFIRMATION, THE GENERAL CONTRACTOR MUST RE-CALL THE ONE-CALL CENTER OR RELEVANT UTILITY DIRECTLY FOR VERIFICATION.
- IN THE EVENT, A UTILITY CANNOT BE LOCATED, WHERE POSITIVE CONFIRMATION IS NOT RECEIVED, OR WHERE THERE IS A LIKELIHOOD OF UNDOCUMENTED UTILITIES, SUCH AS PRIVATE INFRASTRUCTURE, THE GENERAL CONTRACTOR SHALL TAKE THE STEP OF SYSTEMATICALLY UTILIZING A GROUND PENETRATING RADAR (GPR) SYSTEM OR SIMILAR ADVANCED LOCATING TECHNOLOGY WITHIN THE TOLERANCE ZONE TO IDENTIFY AND DOCUMENT ANY UTILITIES THAT MAY BE PRESENT. THE GENERAL CONTRACTOR SHALL GPR SHALL BE PROBABLY LOCATED AND EXPOSED AS OUTLINED WITHIN THIS STANDARD PRIOR TO DIGGING.
- THE GENERAL CONTRACTOR SHALL INSPECT THE AREA PRIOR TO INSTALLATION FOR ANY UNDERGROUND UTILITY INFRASTRUCTURE WHICH MAY HAVE BEEN MISSED BY SURVEYING THE CONSTRUCTION AREA, AND SHALL PROVIDE POSITIVE CONFIRMATION OF THE RESULTS OF THE INVESTIGATION. THE GENERAL CONTRACTOR SHALL METERS, UTILITY BOXES, JUNCTIONS, MANHOLE COVERS, MARKERS, ETC. PARTICULAR ATTENTION SHOULD BE MADE TO IDENTITY SYSTEM FEEDS FROM BUILDINGS AND HOMES ARE MARKED.
- THE GENERAL CONTRACTOR SHALL CONTACT ANY UTILITY WHERE LOCATES ARE IN QUESTION AND/or UNEXPECTED. NO ASSUMPTIONS SHOULD BE MADE ON LOCATION OR DEPTH OF EXISTING UTILITIES.
- THE GENERAL CONTRACTOR, AT MINIMUM, SHALL TAKE AND STORE A PHOTO SERIES TO BE SUBMITTED WITH THE CLOSE-OUT PACKAGE OF ALL EXCAVATION AREAS ONCE LOCATES ARE COMPLETE AND PRIOR TO EXCAVATION.
- GENERAL CONTRACTOR SHALL MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS REGARDING WORKER SAFETY AND TRAINING WHEN WORKING AROUND UNDERGROUND UTILITIES.
- GENERAL CONTRACTOR SHALL VISUALLY EXPOSE (POI-HOLE) ALL EXISTING UTILITIES CROSSING THE TOLERANCE ZONE AND SHALL DETERMINE THEIR LOCATION AND DEPTH USING APPROPRIATE TECHNIQUES WITHIN THE TOLERANCE ZONE.
- GENERAL CONTRACTOR SHALL VISUALLY EXPOSE (POI-HOLE) ALL EXISTING UTILITIES RUNNING PARALLEL WITH THE PROPOSED PATH AT THE APPROPRIATE INTERVALS WITHIN THE TOLERANCE ZONE AND SHALL MAKE SURE TO CLEARLY IDENTIFY ANY UTILITIES THAT ARE NOT PARALLEL WITH THE TOLERANCE ZONE EVERY 27' AND ANY PARALLEL UTILITY BETWEEN 2' TO 5' OF THE TOLERANCE ZONE EVERY 10'.
- THE TOLERANCE ZONE SHALL BE A MINIMUM OF 30' BEYOND EACH SIDE OF THE INSTALLED PIPE, OR GREATER IF CODE REQUIRES.
- GENERAL CONTRACTOR SHALL USE A DRILL HEAD TRACKING DEVICE WHEN BORING AND TRACK THE DRILL HEAD AT A MINIMUM OF EVERY 5' OR AS REQUIRED BY CODE. A LOG SHALL BE CREATED RECORDING THE LOCATION AND DEPTH AND SUBMITTED WITH THE GENERAL CONTRACTOR AS-SUBMIT PACKAGE.
- GENERAL CONTRACTOR SHALL ENSURE THESE REQUIREMENTS ARE ENFORCED WITH ALL SUB-CONTRACTORS RETAINED BY THE GENERAL CONTRACTOR.

INITIAL DESIGN SUE SCORE

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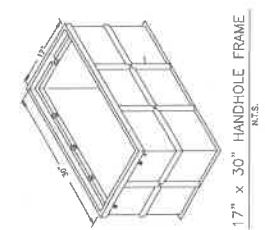
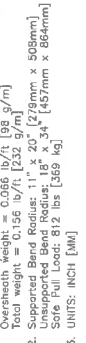
ID	Complexity Factor	Low Complexity	Medium Complexity	High Complexity	AS-BUILT NOTICES (Contractor)
1	Utility Density	☐	☐	☒	Densest
2	Utility Type	☐	☐	☒	Critical
3	Utility Pattern - Parallel Utilities	☐	☒	☐	Complex
4	Utility Pattern - Interpendicular Utilities	☐	☒	☐	Complex
5	Utility Material	☐	☐	☐	Brittle
6	Utility Access	☐	☐	☐	Restricted
7	Utility Age	☐	☒	☐	Old
8	Utility Record Quality	☐	☒	☐	Poor
9	Easement Depth (feet)	☐	☐	☐	High
10	Easement Method	☐	☒	☐	Method C
Total		0	8	7	

Next Project Score: 2.2

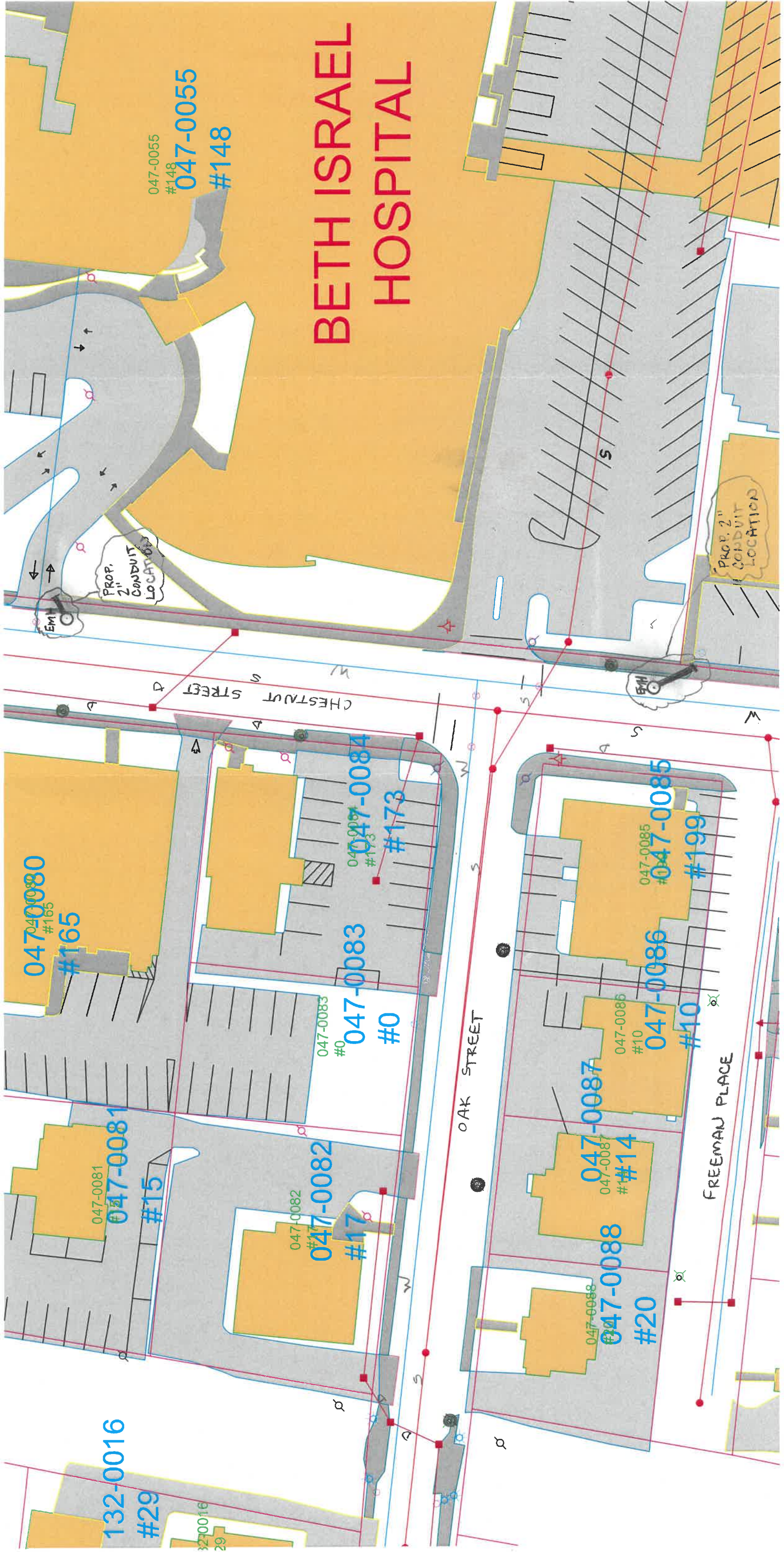
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N
1"=40'





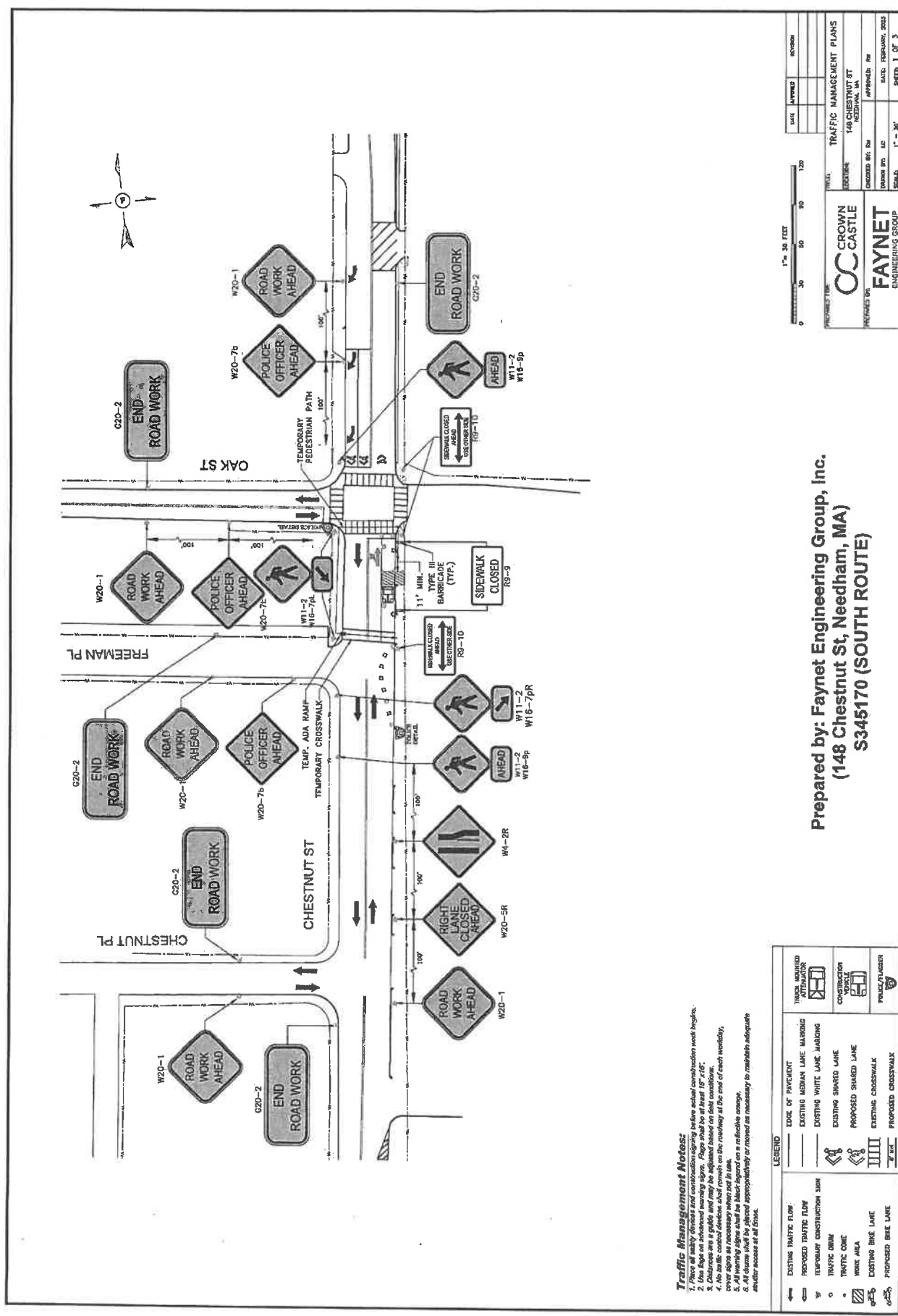
TRAFFIC MANAGEMENT PLANS
FOR
PROPOSED CONDUIT INSTALLATION
AT
148 CHESTNUT ST
IN
NEEDHAM, MA

INDEX OF DRAWING

SHT NO.	DESCRIPTION
01-02	TRAFFIC MANAGEMENT PLANS
03	TRAFFIC MANAGEMENT DETAILS

PREPARED BY:

FAYNET
ENGINEERING GROUP



Traffic Management Notes:

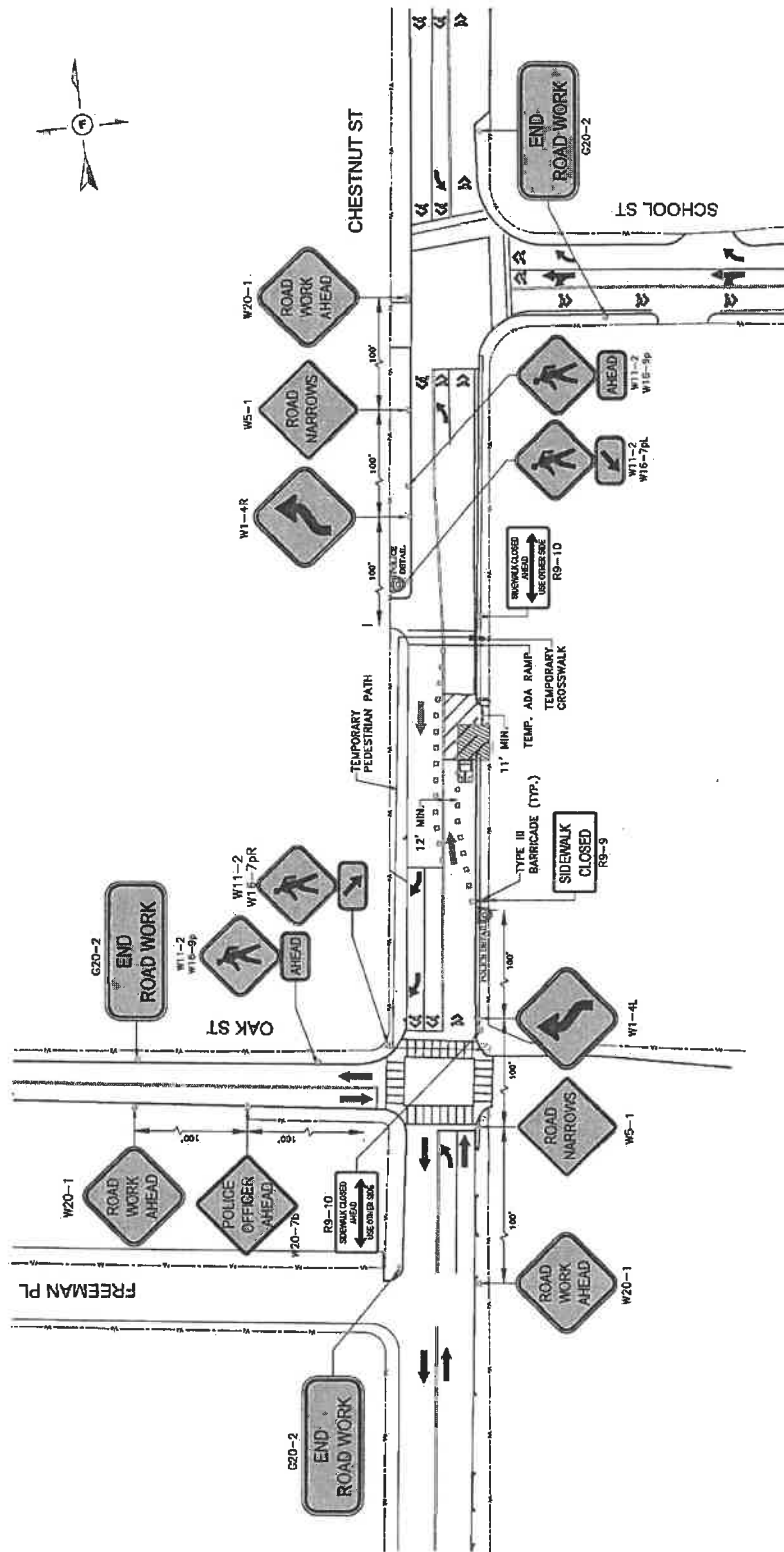
1. Place all safety devices and construction signing before actual construction work begins.
2. Use signs on advanced warning signs. Signs shall be at least 15' x 16'.
3. All signs shall be placed and set up in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
4. All signs shall be placed and set up in accordance with the latest edition of the MUTCD.
5. All warning signs shall be black legend on a reflective orange.
6. All signs shall be placed appropriately or moved as necessary to maintain adequate driver notice at all times.

LEGEND		TRAFFIC CONTROL
EXISTING TRAFFIC FLOW	EXISTING MIDDLE LANE MARKING	TRAFFIC CONTROL
PROPOSED TRAFFIC FLOW	EXISTING WHITE LANE MARKING	CONSTRUCTION
TEMPORARY CONSTRUCTION SIGN	EXISTING SHARED LANE	POLICE/FLAGGER
TRAFFIC CONE	PROPOSED SHARED LANE	
WORK AREA	EXISTING CROSSWALK	
EXISTING BIKELANE	PROPOSED CROSSWALK	
PROPOSED BIKELANE		



DATE	APPROVED	REVISION
TRAFFIC MANAGEMENT PLANS		
PROJECT	CROWN CASTLE	
LOCATION	148 CHESTNUT ST	
APPROVED BY	FAYNET	
CHECKED BY	FAYNET	
DATE	FEBRUARY, 2023	
SCALE	1" = 30'	
SHEET	1 OF 3	

Prepared by: Faynet Engineering Group, Inc.
(148 Chestnut St, Needham, MA)
S345170 (SOUTH ROUTE)



Traffic Management Notes

1. Place all safety devices and construction signing before actual construction work begins.
2. Use signs on advanced warning signs. Signs shall be at least 15'-110'.
3. All signs shall be placed on the right side of the road.
4. Distances are a guide and may be adjusted based on field conditions.
5. All signs shall be placed on the right side of the road.
6. All signs shall be placed on the right side of the road.
7. All signs shall be placed on the right side of the road.
8. All signs shall be placed on the right side of the road.
9. All signs shall be placed on the right side of the road.
10. All signs shall be placed on the right side of the road.

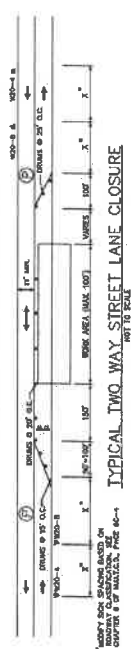
LEGEND		TRAFFIC MARKING ATTENTION
EXISTING TRAFFIC FLOW	EXISTING MEDIUM LANE MARKING	TRAFFIC MARKING ATTENTION
PROPOSED TRAFFIC FLOW	EXISTING WHITE LANE MARKING	CONSTRUCTION
TEMPORARY CONSTRUCTION SIGN	EXISTING SHARED LANE	POLICE/PLACER
TRAFFIC CONE	PROPOSED SHARED LANE	
WORK AREA	EXISTING CROSSWALK	
EXISTING BIKE LANE	PROPOSED CROSSWALK	
PROPOSED BIKE LANE		

Prepared by: **Faynet Engineering Group, Inc.**
 (148 Chestnut St, Needham, MA)
 S345169 (NORTH ROUTE)

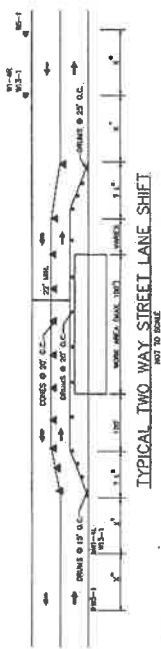
DATE	APPROVED	REVISION
PROJECT: TRAFFIC MANAGEMENT PLANS LOCATION: 148 CHESTNUT ST CITY: NEEDHAM, MA CHECKED BY: RM DRAWN BY: LC DATE: FEBRUARY, 2023 SCALE: 1" = 30' SHEET: 2 OF 3		
FAYNET ENGINEERING GROUP		

OPERATIONAL SIGNING

LANE CLOSURES SHOWN ARE FOR TEMPORARY CONSTRUCTION. CLOSURES FOR OTHER REASONS ARE NOT SHOWN. CLOSURES FOR OTHER REASONS ARE NOT SHOWN.



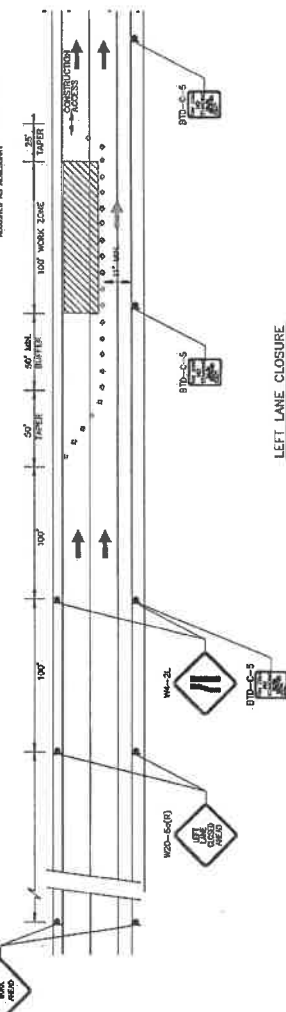
TYPICAL TWO WAY STREET LANE CLOSURE



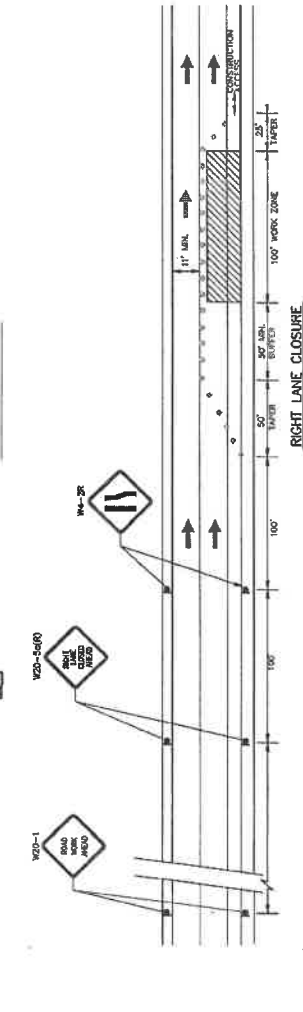
TYPICAL TWO WAY STREET LANE SHIFT

ONE LANE BI-DIRECTIONAL TRAFFIC AT INTERSECTIONS

BASEL NOT TO SCALE. ALL DIMENSIONS ARE IN FEET. ALL DIMENSIONS ARE IN FEET.

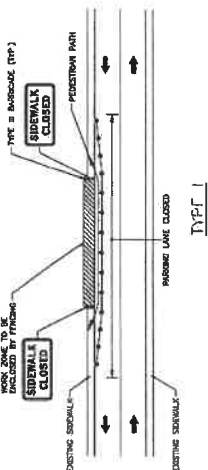


LEFT LANE CLOSURE

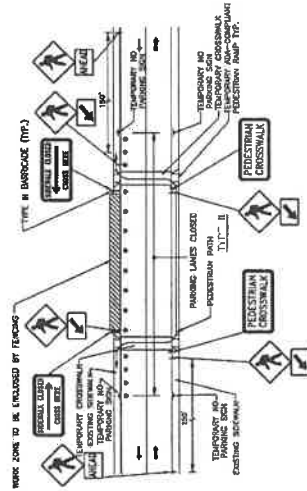


RIGHT LANE CLOSURE

LEGEND	
EXISTING TRAFFIC FLOW	EDGE OF PAVEMENT
PROPOSED TRAFFIC FLOW	EXISTING MEDIAN LANE MARKING
TEMPORARY CONSTRUCTION SIGN	EXISTING WHITE LANE MARKING
TRAFFIC CONE	EXISTING SHARED LANE
WORK AREA	PROPOSED SHARED LANE
EXISTING BIKE LANE	EXISTING CROSSWALK
PROPOSED BIKE LANE	PROPOSED CROSSWALK
	TRUCK MOUNTED ATTACHED FLASHER
	CONSTRUCTION VEHICLE
	POLICE/FLASHER

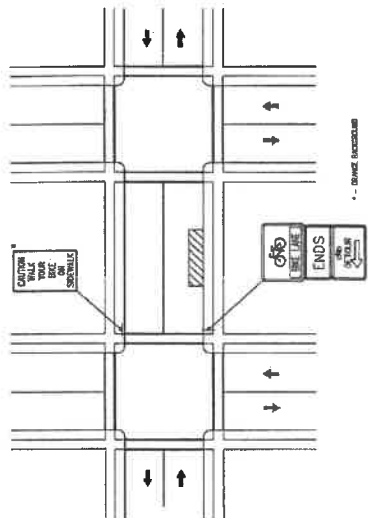


TYP I



TYPICAL CONSTRUCTION PATTERN AND CONSTRUCTION SIGNING FOR SIDEWALK CLOSURE

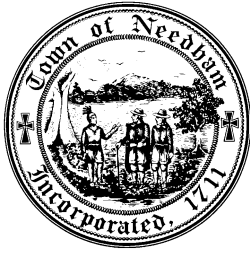
NOT TO SCALE



TYPICAL CONSTRUCTION PATTERN AND CONSTRUCTION SIGNING FOR BIKE LANE

LEGEND	
EXISTING TRAFFIC FLOW	EDGE OF PAVEMENT
PROPOSED TRAFFIC FLOW	EXISTING MEDIAN LANE MARKING
TEMPORARY CONSTRUCTION SIGN	EXISTING WHITE LANE MARKING
TRAFFIC CONE	EXISTING SHARED LANE
WORK AREA	PROPOSED SHARED LANE
EXISTING BIKE LANE	EXISTING CROSSWALK
PROPOSED BIKE LANE	PROPOSED CROSSWALK
	TRUCK MOUNTED ATTACHED FLASHER
	CONSTRUCTION VEHICLE
	POLICE/FLASHER

PREPARED BY	OC CROWN CASTLE	TITLE	TRAFFIC MANAGEMENT DETAILS
CHECKED BY	SH	DATE	148 CHESTNUT ST
DESIGNED BY	LC	DATE	NEEDHAM, MA
SCALE	1" = 30'	DATE	APPROVED BY
			SH
			DATE
			2003
			SHEET
			3 OF 3



NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on April 25, 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Crown Castle NG East dated **March 17, 2023** to install approximately 30 feet of communication conduit and an additional approximately 34 feet of communication conduct towards two respective hand-holds in Chestnut Street proximate to 148 Chestnut Street. The reason for this work is to provide telecommunications services to Beth Israel Deaconess Hospital – Needham.

A public hearing is required and abutters are notified.

If you have any questions regarding this petition, please contact Bob Walls, Crown Castle NG East representative at (508) 769-2924.

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/88535356454?pwd=SmNGNjkwdE4xY1NFWFVOTlIDOHVCZz09>
Passcode: 269224
Webinar ID: 885 3535 6454

Dated: April 10, 2023

148 CHESTNUT STREET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/046.0-0026-0000.0	BALMER, CHRISTINE &	BALMER, JAMES	76 KIMBALL ST	NEEDHAM	MA	02492-
199/047.0-0028-0000.0	BIGDA, RYAN &	BIGDA, ANIA	86 LINCOLN ST	NEEDHAM	MA	02492-
199/047.0-0054-0007.0	MALONE, JOHN E .TR	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, STE 4	NEEDHAM	MA	02492-
199/047.0-0055-0000.0	DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0076-0011.0	RAFFOL, KENNETH & PETRIE, RICHARD	HIGH ROCK REALTY TRUST	105 CHESTNUT ST, UNIT 11	NEEDHAM	MA	02492-
199/047.0-0077-0000.0	BETH ISRAEL DEACONESS HOSPITAL-NEEDHAM INC		148 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0031-0000.0	72 SCHOOL STREET LLC		PO BOX 59	NATICK	MA	01760-
199/047.0-0054-0004.0	MALONE, JOHN E.,TR	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492-
199/047.0-0076-0000.0	CHESTNUT GREEN CONDOMINIUM	MASTER DEED	105 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0076-0012.0	RAFFOL, KENNETH & PETRIE, RICHARD	HIGH ROCK REALTY TRUST	105 CHESTNUT ST UNIT 12	NEEDHAM	MA	02492-
199/047.0-0076-0014.0	STORMBERG, DAVID L		105 CHESTNUT ST, UNIT 14	NEEDHAM	MA	02492-
199/046.0-0027-0000.0	KADEM, CHAITANYA &	MEDA, SHIRISHA	115 LINCOLN ST	NEEDHAM	MA	02492-
199/046.0-0033-0000.0	MALONE, JOHN E TRUSTEE	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492-
199/046.0-0036-0000.0	DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0024-0000.0	ONEILL, DANIEL S &	ONEILL, CARINA J	75 KIMBALL ST	NEEDHAM	MA	02492-
199/047.0-0026-0000.0	GONZALEZ, GABRIEL &	BENNER, KIMBERLY A	98 LINCOLN ST	NEEDHAM	MA	02492-
199/047.0-0030-0000.0	MCCARTHY, FREDERICK E	MCCARTHY, CAROL A	78 LINCOLN ST	NEEDHAM	MA	02492-
199/047.0-0032-0000.0	LAFAYER, LESLIE G.+	LAFAYER, PAMELA M	69 SCHOOL ST	NEEDHAM	MA	02492-
199/047.0-0054-0003.0	OWEN, CATHERINE A., TR	214C. CHESTNUT STREET REALTY TRUST	P. O. BOX 745	LYNNFIELD	MA	01940-
199/047.0-0076-0016.0	ALPERT LAW LLC		105 CHESTNUT ST, UNIT 17	NEEDHAM	MA	02492-
199/047.0-0076-0022.0	LONG, CHARLES W		105 CHESTNUT ST, UNIT 22	NEEDHAM	MA	02492-
199/047.0-0076-0025.0	MAGIER, MARC J., TRUSTEE,	SAMJAKE REALTY TRUST	112 WOODBINE CIR STE 25	NEEDHAM	MA	02494-
199/047.0-0076-0026.0	WEITZMAN, SIMON L, TRS	WEITZMAN MEDICAL REALTY TRUST	105 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0076-0028.0	NEEDHAM ENTERPRISES LLC		1175 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0033-0000.0	LOMBARD, DAVID W , TR	LOMBARD NOMINEE TRUST	44 COLONIAL RD	NEEDHAM	MA	02492-
199/047.0-0054-0009.0	MALONE, JOHN E.,TR	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492-
199/047.0-0076-0031.0	LOUNAN 2021 LLC		147 DAWSON DR	NEEDHAM	MA	02492-
199/047.0-0076-0032.0	BONANNO, JOSEPH J., SAVINO, THOMAS E. &	C/O BONANNO, SAVINO, DAVIES & GANLEY P.C	105 CHESTNUT ST UNIT 32	NEEDHAM	MA	02492-
199/047.0-0085-0000.0	PETRINI CORPORATION		187 ROSEMARY ST	NEEDHAM	MA	02492-
199/047.0-0090-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/046.0-0035-0000.0	DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0054-0005.0	MALONE, JOHN E.,TR	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, STE 4	NEEDHAM	MA	02492-
199/047.0-0076-0021.0	HELM, STEPHEN B. TR. &		22 TICHNOR CT	SCITUATE	MA	02066-
199/047.0-0076-0035.0	O'DEA, JOHN & LOWENSTEIN, JANICE M	HARBOR FAMILY TRUST	105 CHESTNUT ST UNIT 21	NEEDHAM	MA	02492-
199/047.0-0076-0037.0	NATARAJAN, SOUNDARYA &	SHASTRI, GANESH	78 HARRIS AVE	NEEDHAM	MA	02492-
199/047.0-0076-0017.0	ALPERT, HEIDI B. TR	THE MARDAV REALTY TRUST	105 CHESTNUT ST #17	NEEDHAM	MA	02492-
199/047.0-0076-0023.0	HELM, ROBERT W.,TR		22 TICHNOR CT	SCITUATE	MA	02066-
199/047.0-0084-0000.0	173 CHESTNUT STREET LLC		1111 POLARIS PKWY MAIL CODE OH1-0241	COLUMBUS	OH	43240-
199/046.0-0028-0000.0	HUARD, ROBERT F. &	HUARD, MARION T	123 LINCOLN ST	NEEDHAM	MA	02492-
199/047.0-0025-0000.0	CONNOLLY, THOMAS J.+ COSENTINO, RONALD H		PO BOX 9151	FOXBORO	MA	02035-
199/047.0-0054-0001.0	ANALETTO, THOMAS A. &	ANALETTO, JOAN MARIE	214 CHESTNUT ST UNIT 1	NEEDHAM	MA	02492-
199/047.0-0054-0002.0	DISCEPOLO, RINO & MARY TRS	RINO A. DISCEPOLO 2013 FAMILY TRUST	11 FULLER BROOK AVE	NEEDHAM	MA	02492-
199/047.0-0054-0008.0	MALONE, JOHN E.,TR	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492-
199/047.0-0076-0024.0	WEITZMAN, SIMON, TR	WEITZMAN MEDICAL REALTY TRUST	105 CHESTNUT 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.....

148 CHESTNUT STREET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0076-0033.0	BONANNO, JOSEPH J.; SAVINO, THOMAS E & DAVIES TR	C/O BONANNO, SAVINO, DAVIES & GANLEY P.C	105 CHESTNUT ST UNIT 32	NEEDHAM	MA	02492-
199/047.0-0076-0034.0	BONANNO, JOESPH J. & SAVINO, THOMAS & DAVIES TR	C/O BONANNO, SAVINO, DAVIES & GANLEY P.C	105 CHESTNUT ST UNIT 32	NEEDHAM	MA	02492-
199/047.0-0078-0000.0	FAMILY FEDERAL SAVINGS F.A.	C/O FIDELITY BANK ATTN: DANIEL RAMOS	9 LEOMINSTER CONNECTOR	LEOMINSTER	MA	01453-
199/047.0-0079-0000.0	NEW OPPORTUNITY, LLC		141 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0080-0000.0	GRANVILLE INVESTMENTS, LLC		167 CHESTNUT ST	NEEDHAM	MA	02492-
199/047.0-0027-0000.0	DANDURAND, MARCUS R. &	DANDURAND, KATY M	92 LINCOLN ST	NEEDHAM	MA	02492-
199/047.0-0054-0000.0	SHERRY D CONDOMINIUM	MASTER DEED	214 CHESTNUT STREET	NEEDHAM	MA	02492-
199/047.0-0054-0006.0	NEWTON, ROBERT C		515 HIGH ROCK ST	NEEDHAM	MA	02492-
199/047.0-0076-0010.0	TDA PROPERTIES LLC		105 CHESTNUT ST, UNIT 10	NEEDHAM	MA	02492-
199/047.0-0076-0015.0	RAFFOL, KENNETH & PETRIE, RICHARD	HIGH ROCK REALTY TRUST	105 CHESTNUT ST, UNIT 15	NEEDHAM	MA	02492-
199/047.0-0076-0027.0	RICKER, GEORGE R. + DEANNA P., TRUSTEES	LINDSEY REALTY TRUST	105 CHESTNUT ST UNIT 27	NEEDHAM	MA	02492-
199/047.0-0076-0036.0	ZHOU, CHANGHONG &	ZHENG, LI	105 CHESTNUT ST UNIT 36	NEEDHAM	MA	02492-
199/047.0-0076-0038.0	TODOROV, OTTO		105 CHESTNUT ST #35	NEEDHAM	MA	02492-



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

MEETING DATE: 4/25/2023

Agenda Item	Sign Notice of Traffic Regulation – Highland Avenue
Presenter(s)	Carys Lustig, Director of Public Works Tom Ryder, Town Engineer

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Traffic Management Advisory Committee (TMAC) requests a school zone be established on Highland Avenue in the vicinity of Needham High School. A school zone is defined as “an area in the roadway which is posted and marked in accordance with the standards prescribed by MassDOT and the Town of Needham Traffic Rules and Regulations to indicate the applicability of the statutory speed limit of twenty (20) miles per hour for all vehicles within the zone.”	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> “That the Board vote to approve and sign the Notice of Traffic Regulation Permit #Z23-04-25 for the establishment of a school zone on Highland Avenue between Oakland Avenue and Rosemary Street, a distance of 780 feet”	
3.	BACK UP INFORMATION ATTACHED
1. Copy of Traffic Regulation Z23-04-25 2. Diagram of School Zone Location	

TOWN OF NEEDHAM
SELECT BOARD

NOTICE OF TRAFFIC REGULATION

By virtue of the authority vested in the Select Board of the Town of
Needham, it is hereby

VOTED: That the Town of Needham Traffic Rules and Regulations adopted by the
Select Board February 14, 1989 and subsequent amendments thereto be
and are hereby further amended as follows:

By adding to Schedule XIV – SCHOOL ZONE of Article III, Section 3-7,
the following:

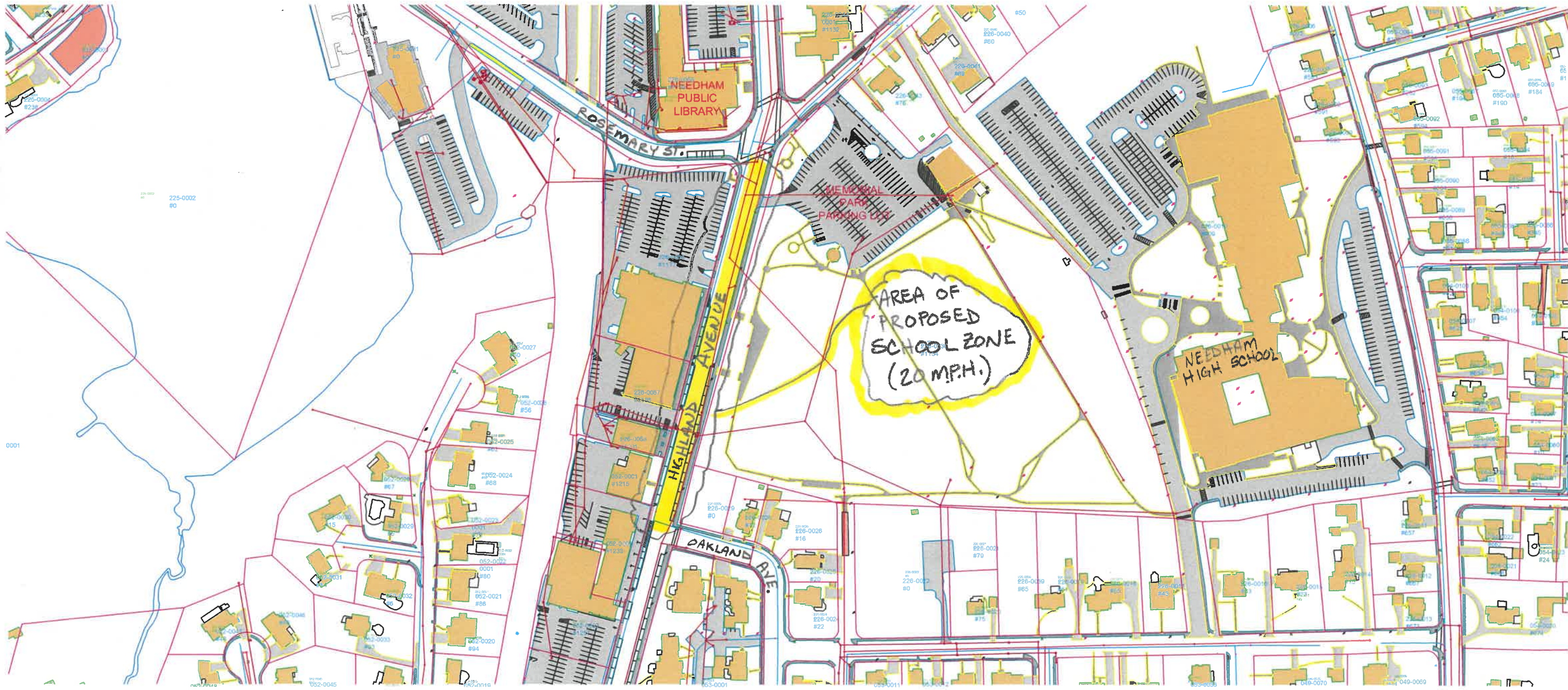
HIGHLAND AVENUE – From OAKLAND AVENUE to ROSEMARY
STREET, a distance of 780 feet, Permit No. Z23-04-25.

SELECT BOARD
Permit No. Z23-04-25

Date of Passage_____

Attest of Town Clerk_____

N
1"=200'





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

MEETING DATE: 04/25/23

Agenda Item	Bus Shelters in Needham
Presenter(s)	Carys Lustig, Director of Public Works Shane Mark, Assistant Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Director of Public Works Carys Lustig will provide an update on the opportunity to acquire one or more bus shelters for installation on Route 59 from the MBTA as part of a new MBTA Street Furniture Program, Bus Shelter Purchasing Program, and potential locations for installation. This program may be extended or continued with future funding opportunities and sidewalk reconstruction plans.
2.	VOTE REQUIRED BY SELECT BOARD
	N/A - Discussion Only
3.	BACK UP INFORMATION ATTACHED
	1. Draft MBTA Street Furniture Program, Bus Shelter Purchasing Program 2. "Why Bus Shelters Matter" Flyer 3. Route 59 Ridership Data



Intersection



Massachusetts Bay
Transportation Authority

DRAFT

MBTA Street Furniture Program Bus Shelter Purchase Program

Q1 2023

Table of Contents

3	Program Overview
4	Ordering & Pricing
10	Shelter Designs

MBTA Street Furniture Program

The first step in the ordering process is to complete the [MBTA intake form](#).

3

Third Party Funded Asset Program Overview

MBTA & Intersection have teamed up to provide 3rd parties a program to directly fund and install street furniture assets leveraging MBTA's existing street furniture contract with Intersection under contract RFR# 74F-20.

Shelters purchased by third parties include a five-year, pre-funded operations and maintenance fee. Rates are determined by location and on average will be around \$18,000. MBTA will take over maintenance costs after January 1, 2028.

Typical Procurement Process

1-3 weeks	Purchaser selects design and options for purchase and sends to MBTA for approval. Once approved MBTA sends information to Intersection.
2-3 weeks	Quote is requested and purchaser reviews estimate provided by IxN. After purchaser confirms they will move forward with the purchase, IxN updates pricing and processes the purchase with the manufacturer.
20+ weeks	Initial estimate of production and delivery timeline



Estimated Pricing Structure

Hardware	\$20 – 26K	Dependent on design
Service & Shipping Fees	\$3K+	5% service fee; shipping based on order size
Pre-funded O&M Fees	\$12K+	Based on location zone
Total	\$36K+	



Ordering & Pricing

Shelter Procurement Process

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The first step in the ordering process is to complete the [MBTA intake form](#). Once submitted, MBTA will reach out with in five business days with additional information and next steps.

If you have any issues please reach out to partnerships@mbta.com

Time Frame	Procurement Process
1-3 weeks	Purchaser selects design and options for purchase and sends to MBTA for approval. Once approved MBTA sends information to Intersection.
2-3 weeks	Quote is requested and purchaser reviews estimate provided by IxN. After purchaser confirms they will move forward with the purchase, IxN updates pricing and processes the purchase with the manufacturer.
March 1* & October 1*	Orders will be placed in bulk twice per year to find cost savings on large quantity purchasing and shipping.
20+ weeks	Initial estimate of production and delivery timeline**

*Order Number 1 is targeted for Q2 2023

Additional options are available for large orders, please reach out for more information.

**Note: Hardware manufacturer timeline may get revised after purchase is processed



Pricing Estimates

Pricing is approximate until IxN issues a PO and the buyer accepts. Price fluctuations due to market conditions should be expected.

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Type	Model #	Unit Price	Service & Shipping Fees	O&M Fees (Zone 1)	Total
Standard Hardwired	41866-01	\$23,095	\$3,309	\$12,600	\$39,004
Standard Solar	41866-01S	\$25,311	\$3,531	\$12,950	\$41,792
Narrow Hardwired	44316-01	\$20,378	\$3,038	\$12,600	\$36,015
Narrow Solar	44316-01S	\$23,331	\$3,333	\$12,950	\$39,614

MBTA always prefers powered shelters, however non-powered shelter pricing is available upon request if power is not feasible.

Discount possible depending on quantity ordered

Service fee of 10%; Shipping is prorated based on shipping with a larger group of 10 shelters.



Shelter Operations & Maintenance

Overview of the maintenance program administered by Intersection

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Intersection's O&M plan is grounded in experience managing over 4,900 pieces of street furniture across our markets



Routine Cleaning & Maintenance

We will perform a comprehensive cleaning of the unit, and remove all graffiti, stickers, posters, litter, dust, dirt, and weeds. We will also confirm all customer information signage is accurate and current.



Snow and Ice Removal

We are committed to clearing snow and ice for the duration of the Snow Season to ensure safety and operability of the shelters, stations, and interactive kiosks



Incident Response

Emergency, Required, and Planned response protocols. Definition of what is included in each incident type will be determined by MBTA and IxN together

Shelters purchased by third parties include a four-year, pre-funded operations and maintenance fee. Rates are determined by location and on average will be around \$18,000. MBTA will take over maintenance costs after five years.



Shelter Operations & Maintenance

Pricing Zone Map - Total O&M fees are determined by location

8

Zone 1	Zone 2	Zone 3	Zone 4	
Boston	Medford	Bedford	Beverly	Natick
Cambridge	Randolph	Cohasset	Canton	Norfolk
Somerville	Weymouth	Danvers	Concord	Reading
Chelsea	Belmont	Lincoln	Dover	Sharon
Lynn	Salem	Melrose	Framingham	Topsfield
Brookline	Woburn	Milton	Hamilton	Wakefield
Watertown	Burlington	Peabody	Holbrook	Walpole
Everett	Newton	Saugus	Hull	Wellesley
Malden	Braintree	Stoneham	Lynnfield	Wenham
Revere	Needham	Dedham	Marblehead	Weston
Arlington	Norwood	Winchester	Medfield	Wilmington
Quincy	Hingham		Middleton	Winthrop
Waltham	Lexington		Nahant	
	Swampscott			
	Westwood			

Zone	Cost per year	Repair Parts Stock Fund	Total O&M
Zone 1	\$2,900	\$1,000	\$15,500
Zone 2	\$3,400	\$1,000	\$18,000
Zone 3	\$4,500	\$1,000	\$23,500
Zone 4	Call for pricing		

**Pricing covers base O&M fees for four years. Additional costs including; solar o&m surcharge, service fee of 10% and shipping are not included in above calculation.



Terms and Conditions

Pricing

- Prices are subject to change after quote expiration date. Shipment costs dependent on individual crating and quantity.
- Lead time begins after all approvals including drawings, applicable deposits, etc.
- Offloading shipments is the responsibility of the customer. Please note that a forklift with 8' forks is required unless otherwise noted in writing. Three personnel, which includes the forklift operator are recommended for unloading.
- Unload of bus shelter should take 60-90 minutes & the bus shelters will be shipped on a flatbed for ease of unload.
- Structures must be anchored into concrete or as otherwise specified; all anchoring hardware is included.
- Structural Engineering with Stamped Drawings and Structural Calculations are not included in this quotation and are an additional \$1,200 per shelter type, if required. Concrete calculations are an additional cost.
- Additional Required Program Costs
 - A 5% administrative fee will be added to the subtotal of hardware costs
 - Solar O&M fee (if applicable)
 - Service O&M fee



Shelter Design

Shelter Type: Standard, Hardwired
Model No: 41866-01



Product Description: 183.50"L x 66"W x 96"H

- Empire Non-Advertising Transit Shelter with 4.5" Signature multi-channel support posts, spun escutcheon shoe covers,
- 110/277V illumination, LED roof illumination with two 8 watt fixtures,
- 3/8" clear tempered glass at the rear and end walls, rear wall to have additional glass mullion, 'T' strip decals with UV applied during installation,
- MBTA rear wall map case with a hinged and gasketed door, upstream post, location banners (2) for the upstream corner of shelter roof, electronic art for location/Stop ID information provided by MBTA, 72" Mesa bench with no back, three raised seat delineators and four black HDPE slats, all installation hardware included

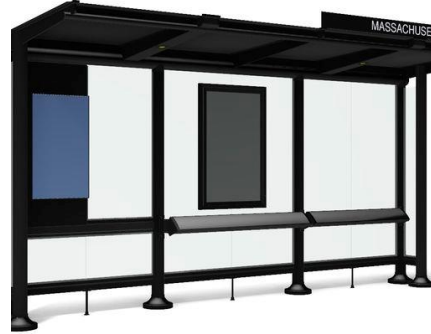
Shelter Type: Standard; Solar
Model No: 41866-01S



Product Description: 180"L x 66"W x 96"H

- Empire Non-Advertising Transit Shelter with 4.5" Signature multi-channel support posts, spun escutcheon shoe covers
- Tolar USC RAD 340 dusk to dawn solar powered LED roof illumination with two 8 watt fixtures
- 3/8" clear tempered glass at the rear and end walls 'T' strip decals with UV applied during installation
- MBTA rear wall map case with a hinged and gasketed door, upstream post, location banners (2) for the upstream corner of shelter roof, electronic art for location/Stop ID information provided by MBTA
- 72" Mesa bench with no back, three raised seat delineators and four black HDPE slats.

Shelter Type: Narrow; Hardwired
Model No: 44316-01



Product Description: 179"L x 59"W x 95"H

- Narrow Empire Non-Advertising Transit Shelter with 4.5" Signature multi-channel support posts, spun escutcheon shoe covers
- 110/277 LED in the roof (2), 3/8" clear tempered glass at the rear wall
- MBTA rear wall map case with a hinged and gasketed door, upstream post, location banners (2) for the upstream corner of shelter roof
- electronic art for location/Stop ID information provided by MBTA, 50" perch bench (2) secured to the two right rear posts,
- all installation hardware

Shelter Type: Narrow; Solar
Model No: 44316-01S



Product Description: 179"L x 59"W x 95"H

- Narrow Empire Non-Advertising Transit Shelter with 4.5" Signature multi-channel support posts, spun escutcheon shoe covers
- Solar powered RAD340 LED illumination in the roof (2), 3/8" clear tempered glass at the rear wall 'T' strip decals with UV applied during installation
- MBTA rear wall map case with a hinged and gasketed door, upstream post, location banners (2) for the upstream corner of shelter roof, electronic art for location/Stop ID information provided by MBTA
- 50" perch bench (2) secured to the two right rear posts,
- all installation hardware

Thank you!

MBTA Street Furniture Program

Less than 10% of bus stops in the MBTA network feature a shelter

1

Bus stop amenities are proven to have a positive impact on the local community.

*MBTA **bus riders are our most transit-critical** ridership— most likely to be lower-income, people of color, seniors, or people who live in households with few or no vehicles.*

Bus Stop Amenities Increase Transit Ridership

"Researchers at the University of Utah found that enhanced bus stops grew ridership...compared to ordinary stops, suggesting that ...**better stops entice new riders** to try the bus."^{*}

Bus Stop Amenities Reduce Perceived Waiting Time

"...most waits at stops with no amenities are perceived at least 1.3 times as long as they actually are. Basic amenities including benches and shelters **significantly reduce perceived waiting times.**"^{**}



^{*}TransitCenter. (2018). From Sorry to Superb: Everything You Need to Know about Great Bus Stops. ^{**}Fan, Guthrie, & Levinson. (2016). Waiting time perceptions at transit stops and stations: Effects of basic amenities, gender, and security. Transportation Research Part A, 88, 251-264



Stop #	Stop Name	Municipality	Routes	Wkdy On + Off	Wkdy On	Wkdy Off	Sat On	Sat Off	Sun On	Sun Off	Wkdy Load Out	Sat Load Out	Sun Load Out
91852	NEEDHAM JUNCTION @ COMMUTER R	NEEDHAM	59	80.65	40.88	39.77	14.60	12.80	12.60	11.40	46.17	16.90	16.90
71852	CHESTNUT ST @ GREAT PLAIN AVE	NEEDHAM	59	21.33	0.50	20.83	0.50	14.20	0.20	8.80	58.31	20.00	19.60
81437	CHAPEL ST @ GREAT PLAIN AVE	NEEDHAM	59	16.77	16.67	0.10	9.80	0.00	3.90	0.10	70.33	28.60	20.50
82140	HIGHLAND AVE @ AVERY SQ	NEEDHAM	59	16.45	1.30	15.15	1.10	3.40	1.10	3.50	96.58	39.30	31.10
81852	CHESTNUT ST @ OAK ST	NEEDHAM	59	15.55	0.60	14.95	0.80	7.00	1.60	6.90	44.06	13.80	14.40
11853	CHESTNUT ST OPP OAK ST	NEEDHAM	59	12.68	11.98	0.70	3.60	0.10	3.40	0.20	53.36	18.80	16.50
81439	HIGHLAND AVE @ ROSEMARY ST	NEEDHAM	59	12.57	11.68	0.89	2.60	0.00	3.70	0.10	84.71	33.10	25.40
41852	HIGHLAND AVE @ ROSEMARY ST	NEEDHAM	59	11.96	0.70	11.26	0.30	1.60	0.10	2.10	85.42	37.30	29.20
81441	HIGHLAND AVE @ MARK LEE RD	NEEDHAM	59	11.78	9.88	1.89	2.80	0.10	3.00	1.00	93.50	36.00	27.90
61852	HIGHLAND AVE @ MAY ST	NEEDHAM	59	5.98	0.30	5.68	0.10	2.10	0.10	0.90	78.25	33.60	27.90
81444	WEBSTER ST @ HILLSIDE AVE	NEEDHAM	59	5.49	5.19	0.30	0.90	0.00	0.80	0.10	101.48	38.10	29.30
82137	WEBSTER ST @ HILLSIDE AVE	NEEDHAM	59	5.19	0.40	4.79	0.20	1.50	0.10	0.60	113.73	42.50	34.00
81447	CENTRAL AVE @ GOULD ST	NEEDHAM	59	4.49	4.40	0.10	0.90	0.00	0.60	0.00	109.76	39.40	30.50
82134	CENTRAL AVE @ SAINT MARY ST	NEEDHAM	59	4.38	0.50	3.89	0.00	0.40	0.10	0.30	123.41	45.10	34.90
81442	HILLSIDE AVE @ HUNNEWELL ST	NEEDHAM	59	3.49	2.79	0.70	0.70	0.40	0.60	0.30	95.69	36.30	28.10
82139	HILLSIDE AVE @ HUNNEWELL ST	NEEDHAM	59	3.19	0.50	2.70	0.40	0.40	0.20	0.20	110.34	41.70	33.60
81448	CENTRAL AVE @ HAMPTON AVE	NEEDHAM	59	2.79	2.29	0.50	0.20	0.10	0.30	0.10	111.05	39.60	30.60
81449	CENTRAL AVE @ RESERVOIR ST	NEEDHAM	59	2.60	2.40	0.20	0.90	0.20	0.20	0.30	113.05	40.40	30.50
82135	CENTRAL AVE @ GOULD ST	NEEDHAM	59	2.59	0.00	2.59	0.10	0.70	0.00	0.30	120.62	44.20	34.60
82437	HIGHLAND AVE @ MAY ST	NEEDHAM	59	2.50	2.50	0.00	1.00	0.00	0.80	0.00	73.02	29.50	21.40
82136	WEBSTER ST @ CENTRAL AVE	NEEDHAM	59	2.29	0.50	1.80	0.00	0.50	0.00	0.30	118.72	44.00	34.30
51852	HIGHLAND AVE OPP OAKLAND AVE	NEEDHAM	59	2.19	0.10	2.09	0.00	1.70	0.10	0.60	83.73	35.60	28.80
81445	WEBSTER ST @ CENTRAL AVE	NEEDHAM	59	2.00	1.60	0.40	0.00	0.00	0.60	0.00	103.47	38.40	29.90
82138	HILLSIDE AVE @ AVERY ST	NEEDHAM	59	1.99	0.30	1.69	0.00	0.70	0.10	0.30	112.23	41.90	33.80
81446	CENTRAL AVE @ NOANETTE RD	NEEDHAM	59	1.79	1.69	0.10	0.30	0.10	0.00	0.00	105.36	38.60	29.90
81438	HIGHLAND AVE @ OAKLAND AVE	NEEDHAM	59	1.60	1.40	0.20	1.00	0.00	0.60	0.00	74.12	30.50	21.90
8144	WEBSTER ST @ ELDER ST	NEEDHAM	59	1.30	1.10	0.20	0.40	0.10	0.20	0.00	102.57	38.40	29.50
31852	HIGHLAND AVE @ DANA PL	NEEDHAM	59	1.00	0.00	1.00	0.00	0.60	0.10	0.20	95.48	38.70	31.00
82130	CENTRAL AVE @ PARKLAND RD	NEEDHAM	59	0.90	0.00	0.90	0.00	0.00	0.00	0.00	119.82	44.20	34.60
81443	HILLSIDE AVE @ AVERY ST	NEEDHAM	59	0.80	0.80	0.00	1.00	0.00	0.50	0.00	96.59	37.40	28.50
82133	CENTRAL AVE @ RESERVOIR ST	NEEDHAM	59	0.80	0.00	0.80	0.40	0.20	0.20	0.00	127.00	45.50	35.20
81440	HIGHLAND AVE @ DANA PL	NEEDHAM	59	0.60	0.60	0.00	0.30	0.00	0.30	0.00	85.41	33.30	25.70
18144	WEBSTER ST OPP ELDER RD	NEEDHAM	59	0.40	0.00	0.40	0.00	0.10	0.00	0.00	118.02	43.90	34.30



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

MEETING DATE: 04/25/2023

Agenda Item	Needham Local Transportation Study
Presenter(s)	Gal Kramer and Cathal O’Gorman, Via Strategies Amy Haelsen, Economic Development Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The team from Via Strategies will provide an overview on the study they are conducting for the Town that is focused on evaluating the existing local transportation options in Needham, identifying gaps in service, and making recommendations for new services or changes to existing services.
2.	VOTE REQUIRED BY SELECT BOARD
	N/A - Discussion Only
3.	ATTACHMENTS
	1. Slide Deck Presentation



Needham Local Transportation Study

Select Board Meeting

April 25, 2023

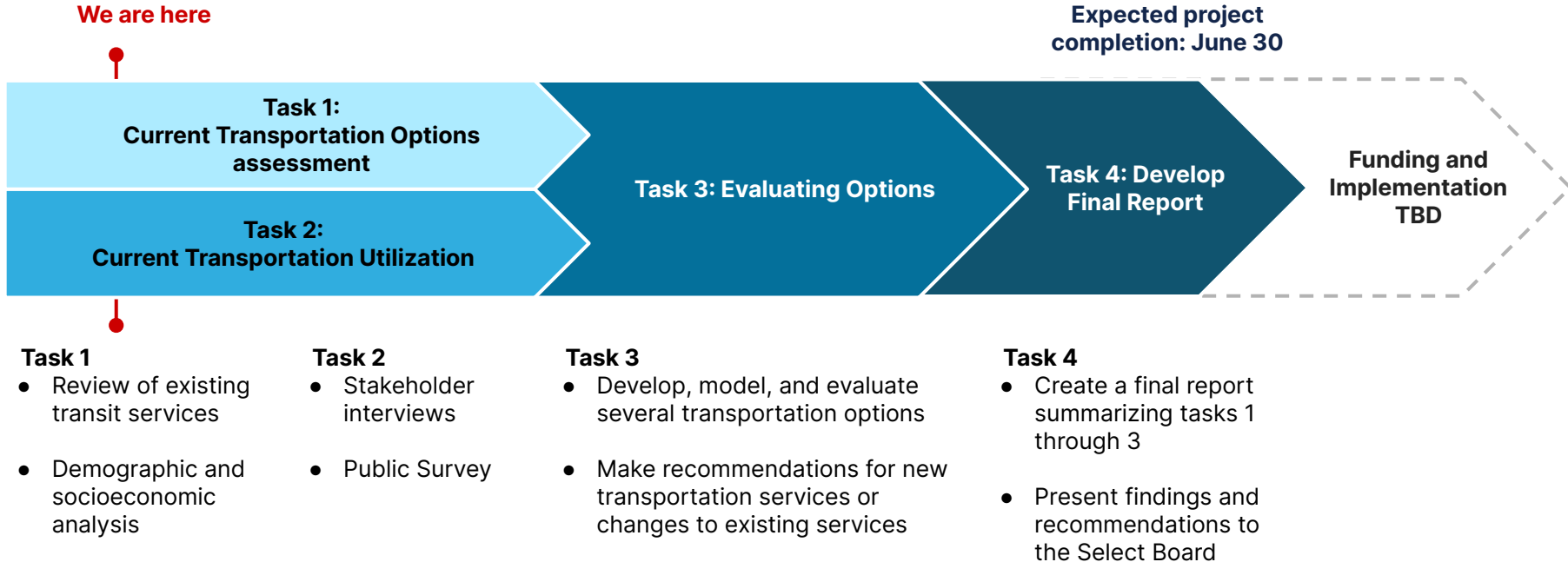
Presentation Outline

1. Overview of the project
2. Transportation solutions discussion
3. Introduction to the public survey
4. Discussion of transportation gaps

Project Goal

To evaluate the existing local transportation options in Needham, identify gaps in service, and make recommendations for new services or changes to existing services.

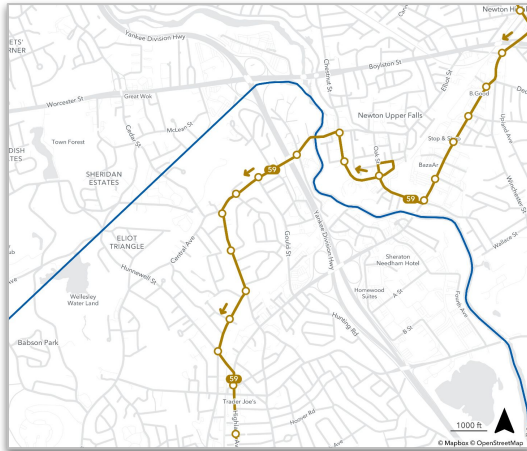
Project Overview



We will explore a variety of different transportation solutions.

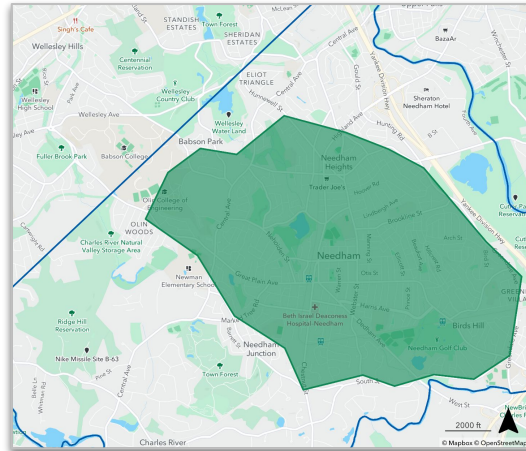
Fixed-Route Bus or Shuttle

Bus service with set routes, stops, and timetables. Focused on key destinations and high density areas.



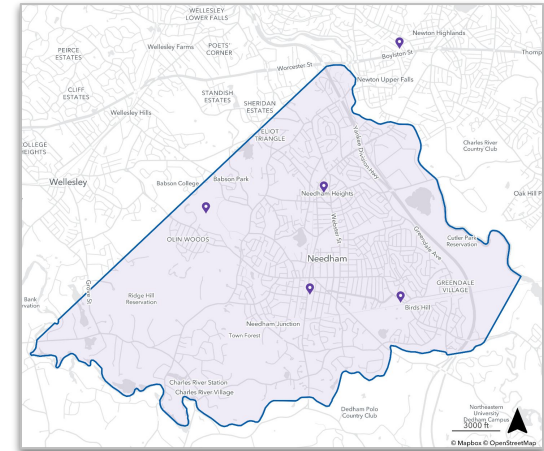
Microtransit (rideshare)

On-demand service within a zone with no fixed routes or schedules. Subsidized service with low fares.



Specialty Services

On-demand or pre-scheduled service for a specific group such as: people with disabilities, youth, or older adults.



What is Microtransit?

- Fleet of vehicles '**roam**' the zone
- Pickup wait usually **10 - 25 minutes**
- Can travel **anywhere** within the zone
- You must **walk** to meet the vehicle (average walk of 2-3 min)
- It's **shared**, so you travel with people going in the same direction
- It's subsidized so you only pay a **regular bus fare**
- You **must make a booking** to travel (smartphone app or call center)



Public Survey

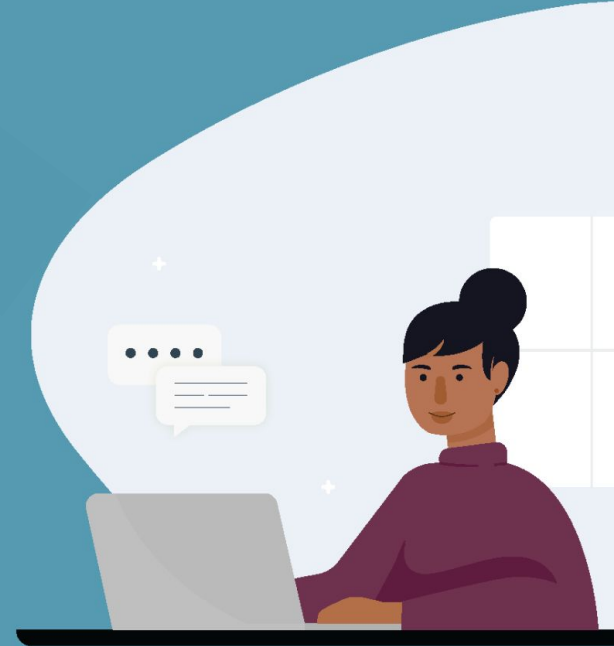
**Please take a few minutes to share
your thoughts!**

Scan QR Code:



Or visit: **SurveyMonkey.com/r/NeedhamTransit**

The survey will be open for three weeks (until May 15).



Transportation Network Gaps

- First/last-mile connections to MBTA Commuter Rail stations and Green Line T Stops.
 - Transportation to employment centers.
- Transportation for High School students after school and on weekends.
- Transportation for college students at Olin and Babson.
- Transportation for medical appointments at Beth Israel Deaconess Hospital and to Longwood Medical Area.
- Accessible transportation services for older adults and people with disabilities.



Questions or Suggestions?

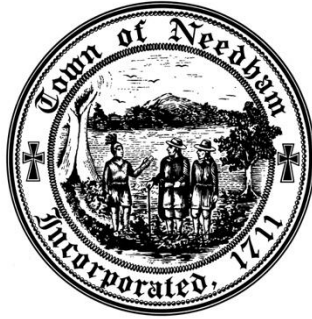


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 4/25/2023

Agenda Item	Town Alcohol Regulations – Proposed Revisions
Presenter(s)	Myles Tucker, Support Services Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will discuss proposed revisions to the Town Alcohol Regulations, following Board feedback at its April 12 th meeting.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Select Board adopt revised Regulations for the Sale of Alcoholic Beverages.	
3.	BACK UP INFORMATION ATTACHED
1. Draft of Proposed Regulations for the Sale of Alcoholic Beverages 4/14/2023 – Clean 2. Draft of Proposed Regulations for the Sale of Alcoholic Beverages 4/14/2023 – Mark-Up from draft dated 4/7/2023	



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham**
- II. Compliance**
- III. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town**
- IV. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders Only**
- V. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants**
- VI. Rules and Regulations Applicable to Clubs and Veterans Organizations**
- VII. Rules and Regulations Applicable to Special Event Licenses**
- VIII. Rules and Regulations Applicable to Package Stores**
- IX. Rules and Regulations Applicable to Farmer Series Pouring Permittees**
- X. Violations**

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the applicable regulations of

Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

3.1.1 No patron shall be served or sold alcoholic beverages before or after the hours stated in the license.

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 11 p.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

3.1.3 Off-Premises Consumption

The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any Licensee shall be from 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.4 Adjustments

The Board may adjust hours for individual and/or classifications of Licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.5 Employees and Staff

With the exception of the Licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed

establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a Licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the Licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

3.2 Payment of Charges and Taxes

Applicants and Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.3 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

3.3.4 Insurance

No license shall be issued for the sale of alcoholic beverages (Special Event licenses excluded) in the Town until such time as the Applicant shall present to the Select Board a certificate of insurance showing that the Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

3.3.5 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

3.3.5.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. Filing fees shall not be pro-rated for any reason.

3.3.5.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

3.3.6 Floorplans and Signage

3.3.6.1 When a submittal of a floorplan is required by the ABCC, Applicants for a new or amended license shall submit an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;

- b) the location of any proposed Bar Service Areas, cocktail lounge, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- j) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- k) total occupant load;
- l) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- n) any other licensed spaces not covered by the above.

3.3.6.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

3.3.6.3 Where outdoor service is proposed, the Applicant shall provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant

manager shall have full authority to make decisions concerning the operation of the establishment.

3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided to the Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 Trainings

3.4.3.1 All managers, assistant managers, and bartenders shall attend an in-person alcoholic beverage server training program satisfactory to the Select Board within 30 days of employment and once every two years thereafter. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.2 All employees not covered by Section 3.4.3.1 shall complete a Town-approved training program within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.3 It is the obligation of the license manager to inform all employees about the rules and regulations of the Select Board, the ABCC, and any and all applicable Massachusetts laws.

3.5 General and Miscellaneous Provisions

3.5.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D.

3.5.2 No Licensee shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC. No change of such area or location shall be made without prior written approval of the

Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 3.5.3 The licensed premises must be well lighted at all times.
- 3.5.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 3.5.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 3.5.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.
- 3.5.7 No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.
- 3.5.8 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise Licensees only, including Farmer Series Pouring Permittees).
- 3.5.9 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.10 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.13 The Licensee shall request proof of identification from any patron appearing to be under the age of 40 prior to any alcohol sale and confirm the authenticity of the identification card through the use of a digital card scanner.

IV. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS ONLY

- 4.1 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- 4.2 The service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- 4.3 Section 5.3 of these policies shall apply to the restaurant and dining areas of the licensed establishment.
- 4.4 With the approval of the Select Board, an Innholder may sell sealed wine and malt beverages at a concession stand in the lobby of the hotel. Such sales shall be to individuals renting rooms at the establishment only and must be consumed within the rented rooms. Any wine and malt beverage purchased at the concession stand must remain sealed until the purchaser has returned to their room.

V. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS

- 5.1 Purpose
It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 5.2 Common Victualler's License
No alcohol license will be issued to any Applicant unless such Applicant is the Licensee named in a common victualler's license and has operated a restaurant for the twelve-month period immediately preceding the filing of an application.

5.3 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. For those establishments with no table service, the Bar Service Area shall include the entire area where patrons may consume alcohol. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:

- a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the Licensee’s business plan;
- c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas.

5.6 Reporting

Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds fifty percent (50%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

- 6.1 Every club Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Select Board.
- 6.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 6.3 Each Applicant shall furnish a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Select Board.
- 6.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 6.5 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.
- 6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VII. RULES AND REGULATIONS APPLICABLE TO SPECIAL EVENT LICENSES

- 7.1 Hours of Sale
Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.
- 7.2 Notice
Special Event Licenses are exempt from the legal notice and publication requirements.
- 7.3 Eligibility
 - 7.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

7.3.2 No person shall be granted a Special Event License for more than 30 days in a calendar year.

7.5 Application

The Applicant shall provide the following information and documents to the Select Board:

- a) Town of Needham Select Board Event Information Sheet
- b) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
- c) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- d) Written evidence of the owner's permission to use the proposed licensed premises.
- e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- g) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

7.6 Conditions

The Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The Special Event Manager shall display such Special Event License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIII. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

8.1 General Provisions

- 8.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may employ

a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

- 8.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.
- 8.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 8.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 8.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 8.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 8.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

8.2 Deliveries

- 8.2.1 For all deliveries conducted off the licensed premises, the Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the

Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

8.2.2 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

8.3 Sample Tastings

Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the Licensee, by any person is strictly prohibited except for sample tasting.

8.4 Food Store Alcohol License Requirements

8.4.1 A food store is defined as a farm stand, grocery store, or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an Applicant is a food store as set out herein and in compliance with any and all requirements.

8.4.1 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.

8.4.2 Regular sales and operation of the food store must continue during all

times when the sales of alcoholic beverages are permitted.

- 8.4.3 Package store licenses issued to food stores shall be limited to wine and malt beverages only; provided, however, that a farm stand, as defined in 330 CMR 22.02, shall be eligible for an all-alcohol package store license.

IX. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

9.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on receipt of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

X. VIOLATIONS

10.1 Violations

Any violation of the License terms and conditions, these Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including General Laws Chapter 138, or the Town's General Bylaws may be grounds for action by the Select Board, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. Dates of suspension will be determined by the Select Board and suspensions of more than one-day will be served consecutively.

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten to thirty day suspension
4 th Offense	Revocation

10.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, which are intended to be educational by design. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. Dates of suspension will be determined by the Select Board and suspensions of more than one-day will be served consecutively.

Offense	Suggested Order
1 st Offense	One to two day suspension.
2 nd Offense	Up to five-day suspension.
3 rd Offense	Up to ten-day suspension. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.
4 th Offense	Minimum ten-day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.

10.4. Training

All employees involved in the improper sale of alcohol and the in-store manager at the time of the violation (as determined by the license Manager of Record) shall not serve alcohol until they complete another training course (either virtually or in-person) in accordance with Section 3.4.3, notwithstanding when the course was last completed and provide proof of said training to the Select Board. In addition, these employees must complete in-person training in accordance with Section 3.4.3 no later than the next such training offered by the Town of Needham and provide proof of said training to the Select Board.

10.5. Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

10.6. Hearings

- 10.6.1 A Licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.6.2 A Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.7 Notice of Suspension

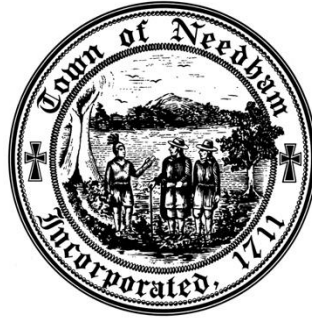
On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham**
- II. Compliance**
- III. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town**
- IV. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders Only**
- V. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants**
- VI. Rules and Regulations Applicable to Clubs and Veterans Organizations**
- VII. Rules and Regulations Applicable to Special Event Licenses**
- VIII. Rules and Regulations Applicable to Package Stores**
- IX. Rules and Regulations Applicable to Farmer Series Pouring Permittees**
- X. Violations**

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the applicable regulations of

Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

3.1.1 No patron shall be served or sold alcoholic beverages before or after the hours stated in the license.

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 11 p.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

3.1.3 Off-Premises Consumption

The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any Licensee shall be from 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.4 Adjustments

The Board may adjust hours for individual and/or classifications of Licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.5 Employees and Staff

With the exception of the Licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed

establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a Licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the Licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

3.2 Payment of Charges and Taxes

Applicants and Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.3 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

3.3.4 Insurance

No license shall be issued for the sale of alcoholic beverages (Special Event licenses excluded) in the Town until such time as the Applicant shall present to the Select Board a certificate of insurance showing that the Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

3.3.5 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

3.3.5.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. Filing fees shall not be pro-rated for any reason.

3.3.5.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

3.3.6 Floorplans and Signage

3.3.6.1 When a submittal of a floorplan is required by the ABCC, Applicants for a new or amended license shall submit an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;

- b) the location of any proposed Bar Service Areas, cocktail lounge, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- j) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- k) total occupant load;
- l) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- n) any other licensed spaces not covered by the above.

3.3.6.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

3.3.6.3 Where outdoor service is proposed, the Applicant shall provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant

manager shall have full authority to make decisions concerning the operation of the establishment.

3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided to the Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 Trainings

3.4.3.1 All managers, assistant managers, and bartenders shall attend an in-person alcoholic beverage server training program satisfactory to the Select Board within 30 days of employment and once every two years thereafter. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.2 All employees not covered by Section 3.4.3.1 shall complete a Town-approved training program within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.3 It is the obligation of the license manager to inform all employees about the rules and regulations of the Select Board, the ABCC, and any and all applicable Massachusetts laws.

3.5 General and Miscellaneous Provisions

3.5.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D.

3.5.2 No Licensee shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC. No change of such area or location shall be made without prior written approval of the

Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 3.5.3 The licensed premises must be well lighted at all times.
- 3.5.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 3.5.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 3.5.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.
- 3.5.7 No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.
- 3.5.8 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise Licensees only, including Farmer Series Pouring Permittees).
- 3.5.9 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.10 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.13 The Licensee shall request proof of identification from any patron appearing to be under the age of 40 prior to any alcohol sale and confirm the authenticity of the identification card through the use of a digital card scanner.

IV. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS ONLY

- 4.1 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- 4.2 The service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- 4.3 Section 5.3 of these policies shall apply to the restaurant and dining areas of the licensed establishment.
- 4.4 With the approval of the Select Board, an Innholder may sell sealed wine and malt beverages at a concession stand in the lobby of the hotel. Such sales shall be to individuals renting rooms at the establishment only and must be consumed within the rented rooms. Any wine and malt beverage purchased at the concession stand must remain sealed until the purchaser has returned to their room.

V. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS

- 5.1 Purpose
It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 5.2 Common Victualler's License
No alcohol license will be issued to any Applicant unless such Applicant is the Licensee named in a common victualler's license and has operated a restaurant for the twelve-month period immediately preceding the filing of an application.

5.3 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. For those establishments with no table service, the Bar Service Area shall include the entire area where patrons may consume alcohol. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:

- a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the Licensee’s business plan;
- c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas.

5.6 Reporting

Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds fifty percent (50%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

- 6.1 Every club Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Select Board.
- 6.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 6.3 Each Applicant shall furnish a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Select Board.
- 6.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 6.5 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.
- 6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VII. RULES AND REGULATIONS APPLICABLE TO SPECIAL EVENT LICENSES

- 7.1 Hours of Sale
Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.
- 7.2 Notice
Special Event Licenses are exempt from the legal notice and publication requirements.
- 7.3 Eligibility
 - 7.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

7.3.2 No person shall be granted a Special Event License for more than 30 days in a calendar year.

7.5 Application

The Applicant shall provide the following information and documents to the Select Board:

- a) Town of Needham Select Board Event Information Sheet
- b) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
- c) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- d) Written evidence of the owner's permission to use the proposed licensed premises.
- e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- g) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

7.6 Conditions

The Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The Special Event Manager shall display such Special Event License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIII. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

8.1 General Provisions

- 8.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may employ

a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

- 8.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.
- 8.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 8.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 8.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 8.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 8.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

8.2 Deliveries

- 8.2.1 For all deliveries conducted off the licensed premises, the Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the

Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

8.2.2 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

8.3 Sample Tastings

Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the Licensee, by any person is strictly prohibited except for sample tasting.

8.4 Food Store Alcohol License Requirements

8.4.1 A food store is defined as a farm stand, grocery store, or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an Applicant is a food store as set out herein and in compliance with any and all requirements.

8.4.1 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.

8.4.2 Regular sales and operation of the food store must continue during all

times when the sales of ~~wine and malt~~alcoholic beverages are permitted.

8.4.3 Package store licenses issued to food stores shall be limited to wine and malt beverages only; provided, however, that a farm stand, as defined in 330 CMR 22.02, shall be eligible for an all-alcohol package store license.

8.4.5 Section 8.4 shall not apply to farm stands, as defined by 330 CMR 22.02.

IX. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

9.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on receipt of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the

Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

X. VIOLATIONS

10.1 Violations

Any violation of the License terms and conditions, these Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including General Laws Chapter 138, or the Town's General Bylaws may be grounds for action by the Select Board, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. Dates of suspension will be determined by the Select Board and suspensions of more than one-day will be served consecutively.

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten to thirty day suspension
4 th Offense	Revocation

10.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, which are intended to be educational by design. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. Dates of suspension will be determined by the Select Board and suspensions of more than one-day will be served consecutively.

Offense	Suggested Order
1 st Offense	One to two day suspension.
2 nd Offense	Up to five-day suspension.
3 rd Offense	Up to ten-day suspension. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.
4 th Offense	Minimum ten-day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.

10.4. Training

All employees involved in the improper sale of alcohol and the in-store manager at the time of the violation (as determined by the license Manager of Record) shall not serve alcohol until they complete another training course (either virtually or in-person) in accordance with Section 3.4.3, notwithstanding when the course was last completed and provide proof of said training to the Select Board. In addition, these employees must complete in-person training in accordance with Section 3.4.3 no later than the next such training offered by the Town of Needham and provide proof of said training to the Select Board.

10.5 Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

10.6 Hearings

10.6.1 A Licensee shall have a right to notice and public hearing before

modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.6.2 A Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.7 Notice of Suspension

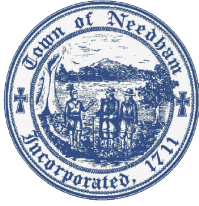
On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD

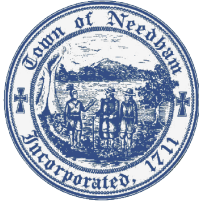


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 4/25/2023

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
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
None	



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

MEETING DATE: 04/25/2023

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
	<u>Exception 3:</u> 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, March 28, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/83866600545>**

- 6:00 p.m. Public Comment Period:
The Board recognized Kristin Scoble, Administrative Specialist for her work in the Town Manager's Office, noting Ms. Scoble will be moving to the Health and Human Services Department. The Board thanked Ms. Scoble for her support and wished her well in her new position.
- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Kate Fitzpatrick, Town Manager. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.
- 6:02 p.m. Board Transition:
Ms. Cooley recognized Mr. Borrelli, saying tonight is his last Select Board meeting, as he will not seek re-election in April. She recognized him for his 11 years of service to Needham and the perspective he brings to the Board.
- Denise Garlick, State Representative said Mr. Borrelli is a friend, colleague, and Select Board member. She said she and Mr. Borrelli ran against each other in the 2008 election, noting it was the foundation of a firm, wonderful friendship. She said she voted for him a few years later because she knew it was in Needham's best interest. She said Mr. Borrelli is passionate and committed to issues and always supportive and willing to add to the conversation. She thanked Mr. Borrelli for his public service and the many hours he gave to Needham. Ms. Garlick said Mr. Borrelli's motivation in serving was sincere and that he always did what he thought was best for his hometown. She thanked him and wished him well.
- Michael Fee, Town Moderator said prior to being on the Select Board, Mr. Borrelli was a member of the Finance Committee and led with great distinction. He said Mr. Borrelli brings a passion for Needham beginning with a distinguished family history. Mr. Fee said Mr. Borrelli always had a respect for the participants and the institution of Town Meeting who represent the citizens. Mr. Fee said it is clear Mr. Borrelli clearly loves Needham, quoting Winston Churchill by saying "You make a living by what you get, you make a life by what you give." He thanked Mr. Borrelli for all that he has given to Needham, encouraging other individuals to step forward to serve their community as Mr. Borrelli has done.

John Schlittler, Police Chief congratulated Mr. Borrelli during his tenure, and thanked the Borrelli family for their time, noting it is a “team effort.” Chief Schlittler thanked Mr. Borrelli for the support he has given to the rank and file and the entire police department. Chief Schlittler said he is grateful to Mr. Borrelli and that Needham is a better place because of his service.

Ms. Frail said Mr. Borrelli has always been generous with his thoughts and time, and she is grateful for his guidance since joining the Select Board. She said although they usually have different perspectives, their relationship is an example for how the government should work. She thanked Mr. Borrelli for his service.

Mr. Keane said Mr. Borrelli is great to work with and a voice for the Select Board. He wished Mr. Borrelli all the best.

Mr. Nelson said his friendship with Mr. Borrelli (and Dave Diccico) began with the flag football league/YMCA. Mr. Nelson recalled a conversation he had with Mr. Borrelli on the Town Common about ways to get involved with the town, noting it changed the course of his life. Mr. Nelson said he would not be where he is today without Mr. Borrelli taking the time to talk though the ways Needham can be better, noting the Human Rights Committee and NUARI. Mr. Nelson said he is grateful to Mr. Borrelli and thanked him for his voice and opinions. He wished Mr. Borrelli and his family the best.

Mr. Borrelli thanked the Board, Representative Garlick, Mr. Fee, and Chief Schlitter for their kind words. He also thanked Ms. Fitzpatrick and Mr. Davison, saying he learned so much from them. Mr. Borrelli concluded by thanking his family for their support, and that he has been blessed and honored to have served the Town of Needham.

Due to technical difficulties Public Hearing: Fuel Storage License - 350 Cedar Street and Public Hearing: Stormwater Fees began at 6:37 p.m. and 6:48 p.m. respectively.

6:25 p.m. Babson College Scholarships:
Mr. Nelson said the Select Board awards scholarships to Needham residents and alumni of Needham High School from a fund made available to the Town by Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. He said 4 returning students are the recipients of the scholarships including: Alberto Colon Figueroa, Danielle Freidline, Albina Miloshi, and Constantinos Tsitas.

Motion by Ms. Frail that the Select Board vote to award the Town of Needham Babson Scholarships to the following applicants:

Applicant	Enrollment Status
1. Alberto Colon Figueroa	Rising Sophomore, Returning Recipient, and NHS Graduate
2. Danielle Freidline	Rising Sophomore, Returning Recipient, and NHS Graduate

3. Albina Miloshi
4. Constantinos Tsitsas

Rising Junior, Returning Recipient, and NHS Graduate
Rising Senior, Returning Recipient, and NHS Graduate

Second: Mr. Keane. Unanimously approved 5-0.

Mr. Borrelli said as a Babson alum, he is proud of the scholarships that are offered to Needham residents.

6:37 p.m. Public Hearing: Fuel Storage License - 350 Cedar Street
Ronald Gavel, Fire Inspector, Jay Steeves, Fire Inspector, Tim Dewitt, Applicant Consultant (Zoom) and Robert Verworn, Applicant Consultant (Zoom) spoke with the Board about American Tower Corporation's application in accordance with the provisions of Chapter 148 of the Massachusetts General Laws and Select Board Policy SB-LIC-008 for a license to install a 1,000-gallon, double-walled above ground storage tank and an associated 575-gallon double-walled fuel oil tank on the property of 350 Cedar Street, Needham. The Fire Chief has endorsed this application.

Ms. Cooley invited public comment. No comments were heard. She noted the public had the correct link in order to make public comments by Zoom.

Motion by Mr. Borrelli that the Select Board vote to approve and authorize the Chair to sign a license for American Tower Corporation to install a 1,000-gallon, double-walled above ground storage tank and an associated 575-gallon double-walled fuel oil tank on the property of 350 Cedar Street, Needham.
Second: Mr. Keane. Unanimously approved 5-0.

6:48 p.m. Public Hearing: Stormwater Fees
Dave Davison, ATM/Finance, Carys Lustig, Director of Public Works, and Thomas Ryder, Town Engineer outlined for the Board the proposal for a community stormwater mitigation assessment (stormwater fee).

Ms. Cooley said this topic goes back a few years, having been suspended during the pandemic. She said the proposal is to bring a warrant article to Town Meeting for approval of the stabilization fund and stormwater fee assessment for all buildings so everyone participates in the fee.

Mr. Davison clarified the Select Board has the authority to implement the fee, but the action by Town Meeting is to create the special stabilization fund to ensure the monies are reserved specifically for the purpose of investing in capital to mitigate stormwater runoff. He said when it is time to expend the monies, a vote by Town Meeting is required.

Mr. Davison noted that Needham, as with all communities, is under federal order to address and prevent stormwaters from invading and contaminating the public waterways from runoff. He said the investment is costly and will take decades to reach specific goals.

A powerpoint presentation was viewed.

Carys Lustig explained the calculation of the fee based on GIS data in the fee schedule.

Discussion ensued on the tiers in the fee schedule, use of rain barrels, dry wells, capital projects and expenses, water quality and treatment due to proximity to the Charles River, and the abatement process.

Ms. Cooley invited public comment.

Robert Zoletti, 35 Hemlock Street acknowledged that while the fee is not exorbitant, expenses are going up and it is getting more difficult to live in Needham. He asked about projected fee increases.

Mr. Davison said rate increases will be gradual, with no increase anticipated until 2025.

Mr. Borrelli asked about the abatement process, saying there is a big difference between a 4,000 sq. ft. home and smaller homes in tier 1. He suggested splitting up tier 1 to put a little more of the burden on larger homes.

Ms. Fitzpatrick suggested and Ms. Cooley concurred that a vote be taken at the next regularly scheduled Select Board meeting on April 12, 2023 to allow time for public feedback.

The Board thanked Mr. Davison, Ms. Lustig, and Mr. Ryder for the presentation.

7:25 p.m. Ms. Fitzpatrick asked Mr. Ryder to comment on the Walker Pond outlet request for use of ARPA funds.

Mr. Ryder said an emergency repair was necessary last year on the outlet of water leaving Walker Pond and entering the Charles River. He gave a brief history.

Ms. Cooley said the request is consistent with the ways in which Needham has been using ARPA funds.

Motion by Mr. Borrelli that the Select Board approve the updated ARPA Proposal Budget dated March 28, 2023 to include a second Walker Pond application for County funding.

Second: Mr. Nelson. Unanimously approved 5-0.

7:30 p.m. Community Preservation Committee - Proposals Under Review:

Peter Pingitore, Chair, Community Preservation Committee, Bob Dermody, Vice Chair, and Cecilia Simchak, Director of Administration & Finance, Public Services met with the Board to discuss projects the CPC is considering for funding this year.

Mr. Pingitore said a consultation before the Select Board, Finance Committee, a public hearing, and due diligence by committee members is all part of the process of reviewing applications each year in order for the CPC to make recommendations to Town Meeting as to whether or not funding should be allowed with respect to each grant request. He reviewed Article 21 in the Annual Town Meeting warrant, noting the estimated FY2024 revenue totals \$4.3 million, with 10% of the funds appropriated for community housing, open space, historic resources, or put into a fund established for that purpose. Mr. Pingitore also commented on Amendments to the Community Preservation Plan.

Discussion ensued on Article 21 (Appropriate to Community Preservation Fund) and use of funds, Article 22 (Appropriate to Community Preservation Fund Supplement), Article 23 (Appropriate for Needham Housing Authority Linden Chambers Redevelopment Project), Article 24 (Appropriate for Needham Housing Authority Seabeds Cook Preservation), Article 25 (Appropriate For DeFazio Playground Design), and Article 26 (Appropriate for Claxton Field Renovations).

Ms. Cooley asked for Board comments.

Mr. Borrelli commented he is happy with the recommendations, particularly adding housing funds for the Linden Chambers project.

The Board thanked Mr. Pingitore, Ms. Simchak, and Mr. Dermody for the update.

7:43 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 7 items:

1. Approve Statements of Intent - Massachusetts School Building Authority
At its meeting on March 14, 2023 the Select Board discussed proposed Statements of Interest (SOI) to be filed with the Massachusetts School Building Authority with members of the School Committee and staff. A vote of the Board is required to allow the School Department to submit the SOIs.

Discussion ensued on the Pollard and Mitchell School projects.

Motion by Mr. Borrelli that the Select Board vote to approve the School Board be allowed to submit the SOI as follows:

Resolved: Having convened in an open meeting on March 28, 2023, prior to the SOI submission closing date, the Select Board of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the

Statement of Interest Form dated April 7, 2023 for the Pollard School located at 200 Harris Avenue, Needham MA 02492, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

Pollard School

2. Elimination of existing severe overcrowding. The Pollard School is undersized for the current and projected student populations, in both the size and number of core educational spaces;

5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The Pollard School will be required to bring all of the existing envelope, structural and HVAC systems up to contemporary building and energy codes with a major addition/renovation project;

7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The educational program at the Pollard Middle School is impeded by the building's many deficiencies, including: the inadequate size and obsolete configuration of the educational spaces, particularly the science classrooms; the end-of-life condition of the modular classrooms; the deficiencies in many building systems; and the building's poor energy performance;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Needham to filing an application for funding with the Massachusetts School Building Authority.

Second: Mr. Keane. Unanimously approved 5-0.

Motion by Mr. Borrelli that the Select Board vote to approve the School Board be allowed to submit the SOI as follows:

Resolved: Having convened in an open meeting on March 28, 2023, prior to the SOI submission closing date, the Select Board of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 7, 2023 for the Mitchell School located at 187 Brookline Street, Needham MA 02492, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

Mitchell School

2. Elimination of existing severe overcrowding. The Mitchell School is undersized for the current and projected student populations, in both the size and number of core educational spaces;

7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The Mitchell School is in need of a comprehensive renovation/ replacement project, due to the age of the building, inaccessibility of the teaching spaces for disabled students and staff, noted deficiencies and/or end-of-life conditions in most building systems, and poor energy performance;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Needham to filing an application for funding with the Massachusetts School Building Authority.

Second: Ms. Frail. Unanimously approved 5-0.

2. American Rescue Plan Act Funding

Please refer to the discussion at 7:25 p.m.

3. Outdoor Space Use Policy

Myles Tucker, Support Service Manager presented the Board a draft of the Outdoor Space Use Policy. He said Needham is blessed with outstanding outdoor space for public gatherings, including Town Common, Needham Heights Common, Amity Path, and Eaton Plaza, all of which are under the jurisdiction of the Select Board. He said the proposed policy aims to keep the spaces inclusive, coordinated, and governed with respect to their designation as shared space, the users, and for those who maintain each space. Mr. Tucker said the policy grants permits to folks who are offering free and open to the public events on the space, noting applicants would not be able to sell goods at any event or block off access. He said permits would be granted for events with anticipated attendance over 30 people. He explained the application process, potential applicable fees, and exceptions to be made by the Town Manager when determining what is in the best interest of the Town.

Discussion ensued on a schedule of fees associated with safety detail and provisions for including/excluding a One Day Special License to serve alcohol.

Ms. Cooley said the Board remains open to public input.

4. Town Alcohol Regulations - Proposed Revisions:

Myles Tucker, Support Services Manager discussed revisions to the Town Alcohol Regulations following public input at the Board's last regularly scheduled meeting on March 14, 2023.

Discussion ensued on alcohol compliance and possible penalties.

Mr. Borrelli said he appreciates the Select Board having some discretion if there are extenuating circumstances.

Ms. Cooley suggested a member of the Board of Health could join the Select Board on occasion when compliance reviews are conducted.

Ms. Frail suggested less discretion when dealing with infractions. She said past incidents have considered extenuating circumstances, however she said she is not sure that extenuating circumstances should be considered. Ms. Frail said penalties for the first offense should be the most serious and make the most impression upon an establishment. She said it is too lenient to have a schedule of penalties that goes up to 5 infractions, noting it is better to be more strict. She suggested servers who make a mistake should have to attend TIPS training before returning to work.

Ms. Cooley said Ms. Frail's suggestion is a good one, but she is unsure if it is practical. She commented on the degree of fairness in scheduling in-person and online TIPS training.

Discussion ensued with Karen Shannon, Public Health Substance Use Prevention Coordinator on in-person and online training as they relate to town alcohol regulations.

Mr. Borrelli clarified he favors a one day suspension for the first offense. He said however, as a Board, it would be a dis-service to take discretion out of the Select Board's hands.

Mr. Keane said penalties should be high, but negotiable to allow the Select Board latitude. He said the timing of a suspension should not be left up to the owner of an establishment. Mr. Keane said servers learn from managers, i.e. TIPS certification.

Mr. Nelson said more information from Mr. Tucker will be helpful. He said warnings should be the conversations that happen prior to a first offense, and that the first offense should be a 1-3 day suspension to be served consecutively. He commented on penalties for 2nd and 3rd offenses. Mr. Nelson said transparency is key, and that underage drinking is taken very seriously as the life changing effects outweigh any possible penalty.

Discussion ensued on hours of operations across all types of businesses that serve alcohol and enforcement and use of a scanner when checking ID's.

The Board reviewed changes to be made to the draft regulations and thanked Mr. Tucker for his work.

(The Board voted the Appointments and Consent Agenda and continued the Town Manager discussion below)

8:24 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 - No Appointments were made at this meeting.

CONSENT AGENDA *=Backup attached

- 1. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$325 from French Press Bakery & Café for the Tiger Okoshi Mural, \$1295 from Bailit Health Purchasing LLC.**
- 2. Accept the following donations made to The Needham Free Public Library: from Victoria Ferstler and friends at Heath School, \$30 in memory of Barbara Cusack; from Mary Sodano, \$50 in honor of Linda Goldman on the occasion of her birthday; from Mary and Bill Supple, \$50 in memory of Barbara Cusack; from Laurie Bogdan, \$50 for art books; Read Me a Story, by Carol Rossetti (estimate value \$22), donated by the illustrator, Nancy-Lee Mauger; and three copies of A Parent's Guide to Phonics, by Ann Sullivan (estimated total value \$11), from Jennifer Newman.**
- 3. Accept the following donation made to the Town of Needham: A plaque valued at \$695 from the Needham Exchange Club to commemorate the dedication of the Liberty Elm on the occasion of the 75th anniversary of the Exchange Club.**
- 4. Accept the following donation made to the Needham Public Health's Gift of Warmth Program: \$759.50 from the First Parish Church in Needham.**
- 5. Approve the Race Amity Day Celebration by the Needham Human Rights Committee to be held on Sunday, June 11, 3:00-6:00 p.m. at Amity Path.**
- 6. Approve the Pansy Festival by the Needham Council on Arts and Culture to be held on Saturday, April 22 (rain date Sunday, April 23), 11:00 a.m. – 1:00 p.m. at the Heights Common.**
- 7. Approve a Seven-Day Entertainment License for calendar year 2023 for Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria.**

Second: Mr. Nelson. Unanimously approved 5-0.

5. Annual Town Meeting Warrant
Ms. Fitzpatrick reviewed proposed changes to the draft Annual Town Meeting Warrant dated March 23, 2023. The Annual Town Meeting is scheduled for Monday, May 1, 2023.

Ms. Cooley suggested Board discussion on Article 39 - AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS. She said a public hearing was held to discuss appointed vs. elected positions. She noted each role is highly specialized with specific responsibilities. Ms. Cooley said feedback from residents indicated a desire for the positions to

remain elected, rather than appointed. She suggested removing the article from the warrant and asked for Board comment.

Mr. Borrelli said while it was a goal, public hearings are held for a reason and he thought there would be more interest from committees. He said he has rethought his position, noting the current method works and the positions should remain elected.

Motion by Mr. Keane that the Select Board vote to withdraw Article 39 - AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS and Article 40 - AMEND CHARTER/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS from the 2023 Annual Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

Mr. Keane agreed the positions should remain elected because democracy is not about doing things precisely or expertly, but about legitimacy. He said community members have a voice and participation.

Motion by Mr. Borrelli that the Select Board vote to amend the 2023 Annual Town Meeting Warrant regarding removal of Linden Chambers, as presented and discussed by the Board's actions.
Second: Mr. Keane. Unanimously approved 5-0.

6. Close Special Town Meeting Warrant

Ms. Fitzpatrick reviewed changes made to the Special Town Meeting Warrant since the last Select Board meeting on Tuesday, March 14, 2023.

Motion by Mr. Borrelli that the Select Board vote to close the warrant for the May 8, 2023 Special Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.
Second: Ms. Frail. Unanimously approved 5-0.

7. Town Manager's Report

Mr. Davison updated the Board on the delay of sending out motor vehicle excise tax bills. He said the change to using new software is causing a delay. Mr. Davison said excise bills will be going out in mid-April 2023.

Mr. Davison reported on the safety of public funds as it relates to the failure of Silicon Valley Bank. He reassured the Board that Town investments are never at risk and are watched on a regular basis. The Board thanked Mr. Davison for the update.

8:41 p.m. Board Discussion:

1. Foster Property

Ms. Cooley reminded folks the Select Board voted to approve the development and purchase and sale agreements with Northland Residential at its March 6, 2023 meeting. She said the agreements provided for the town's acquisition of 34 acres of the Castle Farm property on Charles River Street in partnership with Northland, who were set to acquire the remainder of the property. Ms. Cooley said the Select Board received word that there has been a significant breakdown in the agreement between the Foster Trust and Northland Residential. She said it is a concerning development, because the town's acquisition of the 34 acres presupposes a successful transaction between the Foster's and Northland Residential. Ms. Cooley said the two parties will be continuing discussions regarding the acquisition and the town remains hopeful they will be able to bridge any points of disagreement that have recently emerged. Ms. Cooley said there are questions that need to be resolved before the town's agreement with Northland Residential can proceed. She said additional updates will be given as soon as possible.

2. Ballot Question Update

Ms. Cooley said, generally, there is good support related to the civil service effort and the benefits of leaving civil service.

Ms. Cooley said the question of alcohol licenses would be an increase of 1 All Alcohol license and 5 beer and wine licenses. She commented on the possibility of a public hearing for anyone interested in an All Alcohol license. Ms. Cooley commented on beer and wine licenses, noting grocery stores now have more of an ability to carry beer and wine. She said Wexford Street/Needham Crossing is a possible location for someone to use a license.

Ms. Fitzpatrick reminded voters to turn the ballot over to vote on the ballot questions.

3. Committee Reports

Ms. Frail reported the Active Recreation Assets Working Group met to discuss the unmet needs for off leash dog space and prioritized possible locations. She said the committee will meet on April 3rd to discuss draft recommendations. She commented on a dog survey, put together by Ms. King that had over 400 responses in a week.

8:50 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, March 28, 2023.

Second: Mr. Nelson. Unanimously approved 5-0.

A list of all documents used at this Select Board meeting is available at:
<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

The next Select Board meeting is scheduled for Wednesday, April 12, 2023.

**Town of Needham
Select Board
Special Meeting
Minutes for Tuesday, April 4, 2023
Rosemary Recreational Complex
and
Via ZOOM**

<https://us02web.zoom.us/j/83653117812>

- 6:00 p.m. Call to Order:
A special meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Kate Fitzpatrick, Town Manager. Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Myles Tucker, Support Services Manager were also in attendance. Mary Hunt, Recording Secretary recorded the meeting remotely.
- 6:00 p.m. Town Manager:
Approve Memorandum of Agreement between the Town and the Needham Firefighters Local 1706, Units A and B for FY2023 and FY 2024 – 2026:
- Kate Fitzpatrick, Town Manager recommended that the Board approve and sign Memorandum of Agreement between the Town and the Needham Fire Union Local 1706 for the period FY2023 and FY2024 through FY2026. She said the Agreements achieve a first step in the Board’s objective to remove the Fire Department from the Civil Service system, improve the Town’s recruitment efforts by increasing EMT/Paramedic pay, expand educational opportunities, and include other monetary and language items as shown on the attached MOA.
- Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union Local 1706 for FY2023 and FY2024 through FY2026.**
Second: Mr. Nelson. Unanimously approved 5-0.
- 6:15 p.m. Claxton field Update:
Katie King, Assistant Town Manager/Director of Operations, Carys Lustig, Director of Public Works, Tim McDonald, Director of Health & Human Services, Stacey Mulroy, Director of Park & Recreation, and members of the Finance Committee updated the Board on the status of the Claxton Field environmental sampling project.
- Ms. King reminded the Board of the joint meeting held on February 15, 2023 to discuss soil testing at Claxton Field at the request of Massachusetts Department of Environmental Protection. Ms. King said Weston and Sampson took soil samples and ran a number of tests.

Ms. Lustig discussed the results of the samples, saying they are similar to anticipated findings after original testing was done in January 2022. She noted the anticipated results were that soils below 12 inches were contaminated and soils above 12 inches were not contaminated, noting the most recent testing results confirmed the findings. Ms. Lustig said the benefit of the confirmed findings is that there is little to no risk in using Claxton Field in its current condition, noting the Licensed Site Professional felt very comfortable with the Town's use of the field as a recreation facility. She commented on the Massachusetts Contingency Plan requiring Weston and Sampson to submit a 120 day notice regarding tier placement and the requirement of the town to work with the DEP on the project until construction happens and a geotextile fabric is installed to cap the site.

Discussion ensued on follow up testing, reporting, and slightly elevated lead levels in the laydown area where soil had been disturbed by construction contractors. Ms. Lustig commented on renovation work and schedule, which she said remain the same.

Ms. King thanked the various user groups who worked to identify additional sites, if "Plan B" were necessary. She said the next steps include going to the CPC for consideration at fall Town Meeting, noting another joint meeting is not necessary unless something unanticipated arises.

Discussion ensued on cost estimates from Weston and Sampson associated with additional required reporting.

Mr. Nelson asked about possible additional amenities to the project, i.e., dugouts or lights.

Ms. Lustig said the original plan called for major reconstruction, discussed swapping the varsity and JV fields and/or moving the JV field to McLeod Field, and the possibility of adding amenities i.e., dugouts, lights. She said there is an opportunity to add amenities after the fact, but the plan won't look the way it was originally envisioned or designed.

Mr. Keane asked about the lay down barrier and what will happen to it since the Tot Lot is not returning.

Ms. Lustig said the land will be restored to its original grade with grass added, until another use is considered.

Ms. Frail asked if the quarry is impacted.

Ms. Lustig said she does not believe the quarry is affected, but further investigation is required.

Mr. Borrelli commented it is beneficial for the plan to include all possibilities. He thanked everyone for their work, noting it has been a detour, but it looks like everything will turn out ok.

Discussion ensued on use of the field for the boys and girls teams.

Appointments and Consent Agenda:

Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: - No Appointments were made at this meeting.

CONSENT AGENDA:

- 1. Extend the authorization granted to the Town Manager by its vote of June 9, 2020 to grant all local approvals necessary to allow existing local businesses to utilize outdoor seating in parking lots, on-street parking spaces, sidewalks, landscaped yard areas or other appropriate locations to provide more space to serve patrons until April 1, 2024, such authorization to remain subject to all the terms and conditions stated in the Board's original vote and to Chapter 2 of the Acts of 2023.**
- 2. Vote to waive the Outdoor Dining License fees for Calendar Year 2023.**
- 3. Authorize the consumption of alcohol, as defined by M.G.L. c. 138, Section 1, that has been sold in association with take-out service of food pursuant to Section 13 of c. 53 of the Acts of 2020, as amended by Chapter 2 of the Acts of 2023, at the Town Common, the Needham Heights Common/Avery Square, and Eaton Plaza under the provisions of Section 3.1.9 of the General By-laws of the Town until April 1, 2024.**

Second: Mr. Nelson. Unanimously approved 5-0.

Ms. Cooley commented on waiving outdoor dining license fees this calendar year and that the State of Massachusetts has extended outdoor dining for one more year.

6:24 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, April 4, 2023.

Second: Mr. Nelson. Unanimously approved 5-0.

A list of all documents used at this Select Board meeting is available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

The next special Select Board meeting is scheduled for Friday, April 7, 2023 and the next regularly scheduled Select Board meeting is Wednesday, April 12, 2023.

**Town of Needham
Select Board
Special Meeting
Minutes for Friday, April 7, 2023
Babson College Blank Center**

12:30 p.m.. A special meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Matthew Borrelli, and Kate Fitzpatrick, Town Manager. Those in attendance for Babson included: Stephen Spinelli Jr, President, Kelly Lynch, Senior Vice President, D.R. Widder, Vice President of Innovation, Lawrence P. Ward, Vice President for Learner Success and Dean of Campus Life, Katherine Craven, Chief Administrative Officer, Donna Levin, CEO, Blank School, Kerry Salerno, Vice President and Chief Marketing Officer, Michael Layish, Vice President and General Counsel, Erin Carcia, Executive Director of Campus Safety and Chief of Police, and Ed Chiu, Senior Vice President for Advancement.

President Spinelli provided a report on the activities of the College and the emergence from the global pandemic. He said that the collaboration between the College and the Town during the pandemic was very positive. Members of the Babson community provided information and ideas about ways that the College and the Town can continue to collaborate. Babson officials and Board members discussed DEI efforts, sustainability issues, economic development, housing, and collaboration with the Needham Public Schools. .

2:00 p.m. The Meeting Adjourned at approximately 2:00 p.m.