

SELECT BOARD AGENDA

Special Meeting

5:00 p.m. July 30, 2024

Needham Town Hall Select Board Chambers & Zoom



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/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFRJoQT09>

Webinar ID: 826 0101 3229

Passcode: 652800

One tap mobile: [+16469313860](tel:+16469313860).,82601013229#,,, *652800#

This is a public meeting of the Needham Select Board. The meeting is open to the public both in person and via Zoom. Residents are invited to provide comment during the public comment period (as set forth below) and for any item explicitly listed as a public hearing. Public comment is not available during other agenda items.

1.	5:00	Proclamation: Purple Heart Day
2.	5:00	Public Hearing: Eversource Grant of Location – 91 Winding River Road Joanne Callender, Eversource Representative
3.	5:05	Public Hearing: Outdoor Dining License – Yeat Inc., d/b/a Sweet Basil David Becker, Owner
4.	5:10	Public Hearing: Application for a Class II Motor Vehicle Dealer License – KGK Group, Inc. James J. McKenzie, Applicant Counsel
5.	5:15	Public Hearing: Application for a Fuel Storage License at 58 Woodbine Circle - Ronald Gavel, Fire Inspector - Jay Steeves, Fire Inspector - Alefe Oliveira, Applicant Representative
6.	5:30	Non-Occupational Sick Leave Policy Kate Fitzpatrick, Town Manager

		Tatiana Swanson, Director of Human Resources
7.	5:45	Needham Center Project Working Group Kate Fitzpatrick, Town Manager
8.	5:50	Goal Setting

APPOINTMENT CALENDAR *Supporting Documents in Agenda Packet

1.	Milee Pradham	Design Review Board Term Exp: 6/30/2027
2.	Clary Coutu	Conservation Commission Term Exp: 6/30/2027
3.*	See Attached	Election Workers (Wardens, Clerks, Inspectors, and Tellers) Term Exp: 8/15/2025

CONSENT AGENDA *Supporting Documents in Agenda Packet

1.*	Approve Open Session Minutes of June 25, 2024 and July 9, 2024.
2.	Accept the following donations made to the Needham Community Revitalization Trust Fund: \$1,300 from The Potters School Inc for the From Needham to the World – NC Wyeth profile sponsorship \$500 from Mr. and Mrs. Ryan McKee for the Caley Bench
3.	Accept the following donations to the Needham Free Public Library: - From Ann MacFate, \$350 in honor of Irene MacFate; - From the Needham Garden Club, <i>The Story of Flowers: And How They Changed the Way We Live</i>, by Noel Kingsbury, in memory of Nina Saltus (estimated value \$30); - From the Needham Exchange Club, \$1,200 for books to prevent childhood bullying; and - From Goodarz Danaei, assorted children's books in Persian (estimated value \$100).
4*.	Request the assignment of Police Officers to State Primary Elections polling places and to Town Hall at the close of polls, and to delegate selection of Police Officers to the Chief of Police.
5*.	Designate the Needham Town Hall as the Early Voting location for the State Primary Elections and approve the Early Voting Hours as listed: - Saturday, August 24, 9am-5pm - Monday, August 26, 8am-5pm - Tuesday, August 27, 8am-6pm - Wednesday, August 28, 8am-5pm - Thursday August 29, 8am-5pm - Friday, August 30, 8am-12:30pm
6*.	Sign the Warrant for the 2024 State Primary Elections to be held on Tuesday, September 3, 2024.

7.	Accept a donation of a 6x10 nylon flag to fly at Avery Square from Ted Shaughnessy, a Needham resident.
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NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Evan Olesh	23 Bonwood Road	Bonwood Road	9/1/24	1pm-10pm	N/A
Jen Bannon – date change	61 Jarvis Circle	Jarvis Circle	9/7/24	3pm-9pm	9/8/24
Lisa Cherbuliez	17 Lindbergh Avenue	Lindbergh Avenue at top of hill, between Paul Revere Road and Tower Avenue	9/7/24	4:30pm-8:30pm	9/8/24
Tami Lightfoote	48 Elmwood Road	Elmwood Road between Fuller Rd and Lancaster Rd	9/14/24	4pm-9pm	N/A

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Needham Pool & Racquet Club	BBQ & Bags Event	Needham Pool & Racquet Club 1545 Central Avenue	7/13/24
Trip Advisor	Needham Chamber Night – Outside BBQ	Trip Advisor Amphitheatre 400 First Avenue	7/23/24



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

MEETING DATE: 7/30/2024

Agenda Item	2024 Purple Heart Day Proclamation
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will read the 2024 Purple Heart Day Proclamation, reaffirming the Town of Needham as a Purple Heart Community.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to approve and sign the 2024 Purple Heart Day Proclamation.	
3.	BACK UP INFORMATION ATTACHED
a. 2024 Purple Heart Day Proclamation	

TOWN OF NEEDHAM

2024 PURPLE HEART DAY PROCLAMATION

WHEREAS: The residents of the Town of Needham have great admiration and the utmost gratitude for service members who selflessly serve their country and our community in the Armed Forces; and

WHEREAS: The contributions and sacrifices of service members from Needham who served in harm's way in the Armed Forces have been vital in maintaining the freedom and the way of life enjoyed by our citizens; and

WHEREAS: Many Needham residents were awarded the Purple Heart for their sacrifice, having been wounded in action while engaged in combat; and

WHEREAS: The Purple Heart is the oldest American military decoration in present use and was initially created as The Badge of Military Merit on August 7, 1782 in Newburgh, New York by General George Washington. The award was made of purple cloth, shaped as a heart with the word "Merit" sewn upon it; and

WHEREAS: August 7 is nationally recognized as Purple Heart Appreciation Day.

NOW THEREFORE, be it resolved that Needham be declared a Purple Heart Community; and

FURTHERMORE, be it resolved that August 7th be proclaimed Purple Heart Day in Needham. The Select Board encourages residents and businesses to display the American Flag and recognize Purple Heart recipients, honoring the service and sacrifice of our military personnel.

Signed this thirtieth day of July, 2024

SELECT BOARD



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

MEETING DATE: 7/30/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 91 Winding River Road
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately six feet of conduit in Winding River Road. The reason for this work is to provide service to 91 Winding River Road. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Select Board approve and sign a petition from Eversource Energy to install approximately six feet of conduit in Winding River Road.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Myles Tucker, 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: 7/8/24

REVIEWER: R.W.W.

SITE LOCATION: #91 WINDING RIVER RD.

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

- | | |
|---|--|
| ☒ A Sidewalk/Grass Strip Crossing Only | Peer Review <u>tar</u> |
| ☐ B Work Within Paved Road Perpendicular Crossing | Peer Review _____ |
| ☐ C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway | |
| | Peer Review _____ Div. Head Review _____ |
| ☐ D Other | Peer Review _____ Div. Head Review _____ |

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☒ Cables Transferred to New Pole YES

☒ Depth of Conduit

☒ New Riser on Pole YES

☒ Utility Conflicts

☐ Visible Trench Patch across Road/Sidewalk

☒ Crossing Perpendicular to Road

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

HANDHOLE AND TRENCHING VISIBLE ON POLE NO O.H. CONNECTION
AS OF YET.

The application is in order pending a public hearing- tar 7/18/24



180 Calvary Street
Waltham, Ma 02453

July 3, 2024

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Winding River Road
Needham, MA
W.O.# 17268044

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 6 feet of conduit in Winding River Road.

The reason for this work is to provide service to #91 Winding River Road.

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

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/HC
Attachments

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

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

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

Winding River Road - Southeasterly from pole 382/10, approximately 870 feet east of Charles River Srteet, install approximately 6 feet of conduit.

W.O.# 17268044

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

1. Conduits and manholes shall be located as shown on the plan made by **K. Rice,** **dated May 20, 2024** on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2024 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Masssachusetts, duly adopted on the _____ day of _____, 2024 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

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

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

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

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

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **K. Rice, dated May 20, 2024,** and filed herewith, under the following public way or ways of said Town:

Winding River Road - Southeasterly from pole 382/10, approximately 870 feet east of Charles River Srteet, install approximately 6 feet of conduit.

W.O.# 17268044

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

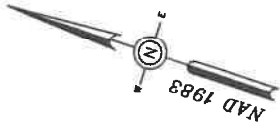
By: *Richard M. Schifone*

Richard M. Schifone, Supervisor
Rights & Permits

Dated this 3rd day of July 2024

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2024



#100

WINDING RIVER RD



INSTALL 1 - 3" PVC PIPE
SCHEDULE 40, NO CONCRETE
SECTION 1 FIG. 1 6'±

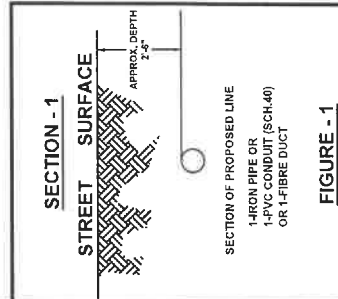
APPROX. 870'± TO
CHARLES RIVER ST

382/10

382/11

LANDSCAPE AREA

LANDSCAPE AREA



APPROX. PT.
OF PICKUP

#75

#91

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

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

C# 145-24

Ward #

Work Order # 17288044

Surveyed by: N/A

Research by: GR

Plotted by: LM

Proposed Structures: LM

Approved: K RICE

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of WINDING RIVER RD

NEEDHAM

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20'

SHEET 1 of 1

Date MAY 20, 2024

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

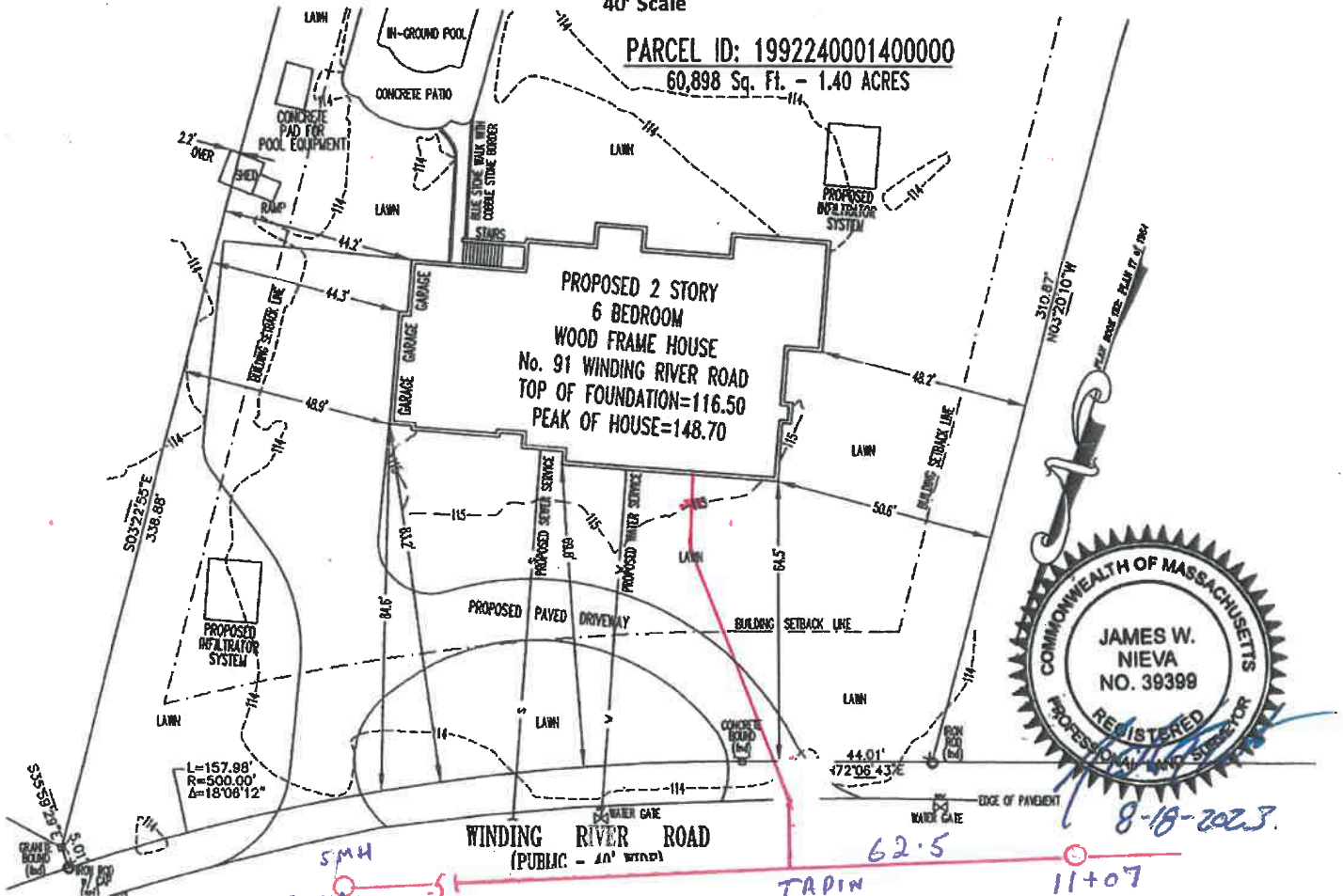
Assessor's Map & Parcel Number: 1992240001400000
Building Permit Number: _____ Zoning District: "SRA" Single Residence A
Lot Area: 60,898 S.F. Address: 91 Winding River Road Needham MA 02492
Owner: Ryan Harrington Builder: Federow Development LLC, 146 South St. Needham 02492

DEMO **PROPOSED PLOT PLAN** FOUNDATION AS-BUILT / FINAL AS-BUILT

Circle One that Applies
40' Scale

PARCEL ID: 1992240001400000

60,898 Sq. Ft. - 1.40 ACRES

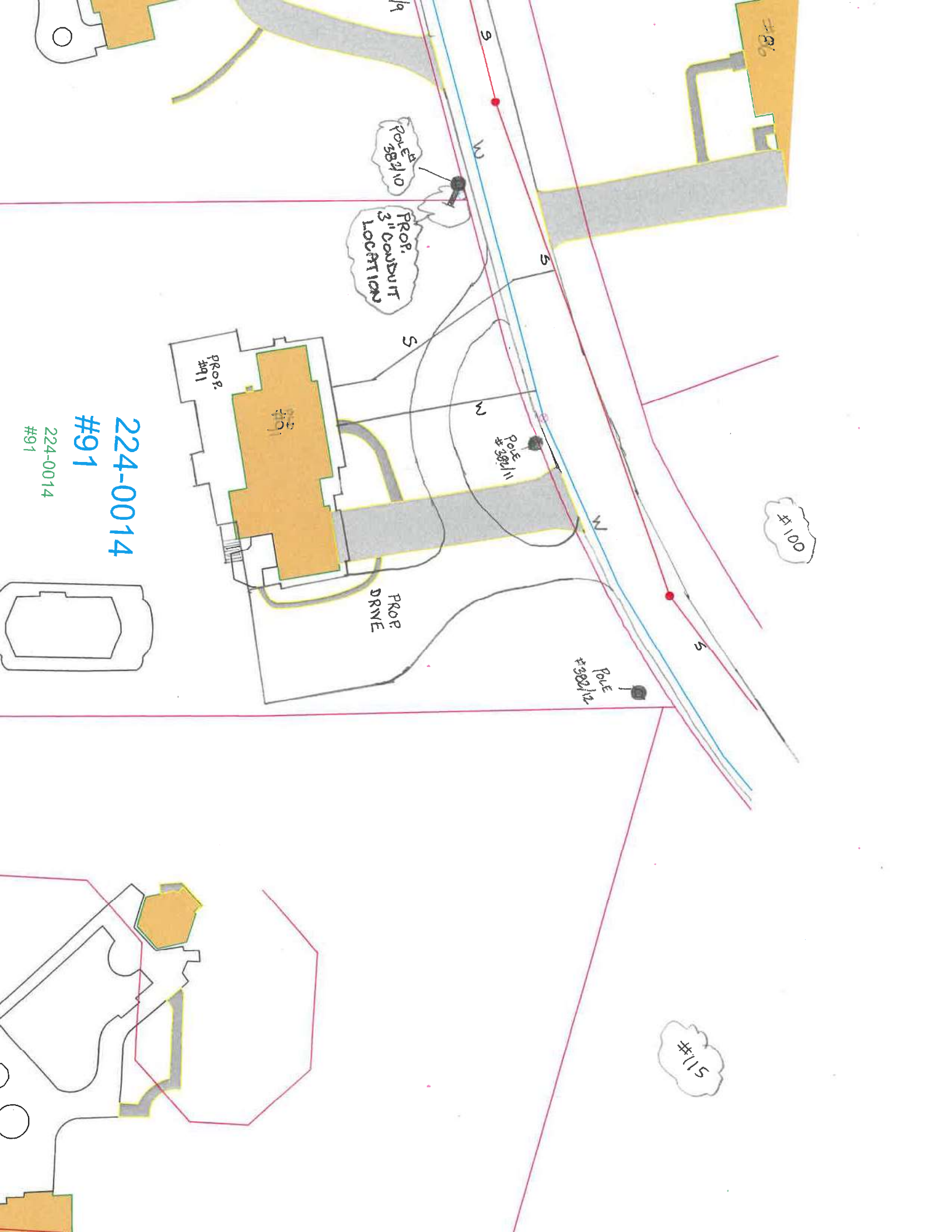


Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations, proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and sewage disposal system location in areas with no public sewer.
*Accessory structures may require a separate building permit — See Building Code.

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.
The above is subscribed to and executed by me this 18 day of August, 2023.

Name: James W. Nieva, PLS #39399, S.E.
Address: 206 Dedham Street, City: Norfolk
Approved: _____
Approved: _____

Registered Land Surveyor Date: August 18, 2023
State: MA Zip: 02056 Phone: 508-384-3990
Director of Public Works Date: _____
Building Inspector Date: _____



224-0014

#91

224-0014
#91





NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 5:00 p.m. on Tuesday, July 30, 2024 in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492 and via Zoom** upon petition of Eversource Energy dated July 3, 2024 to install approximately 6 feet of conduit in Winding River Road. The reason for this work is to provide service to 91 Winding River Road.

A public hearing is required and abutters are hereby notified.

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

Kevin Keane
Heidi Frail
Catherine Dowd
Marianne Cooley
Joshua Levy

SELECT BOARD

You are invited to a Zoom webinar:

<https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZH VXZjFNbWJXR FJoQT09>

Passcode: 652800

Webinar ID: 826 0101 3229

Dated: July 10, 2024

91 WINDING RIVER ROAD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/224.0-0022-0000.0	SHULMAN, JASON &	LITVAK, EVA A.	86 WINDING RIVER RD	NEEDHAM	MA	02492-
199/224.0-0008-0000.0	COHEN, MARK &	COHEN, GAIL	869 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/224.0-0013-0000.0	CONROY, ROBERT F, TR &	CONROY, SINDIA L., TR	75 WINDING RIVER RD	NEEDHAM	MA	02492-
199/224.0-0023-0000.0	PRESENT-VAN BROEKHOVEN, NANCY, TR	NANCY PRESENT-VAN BROEKHOVEN 2006	70 WINDING RIVER RD	NEEDHAM	MA	02492-
199/224.0-0014-0000.0	HARRINGTON, RYAN J. &	HARRINGTON, JENNA MICHELLE	91 WINDING RIVER RD	NEEDHAM	MA	02492-
199/224.0-0007-0000.0	JORDAN, JARRAT &	JORDAN, ANDREA	851 CHARLES RIVER ST	NEEDHAM	MA	02494-
199/224.0-0021-0000.0	KRIKORIAN, JOHN +	LORELL, BEVERLY	100 WINDING RIVER RD	NEEDHAM	MA	02492-
199/224.0-0004-0000.0	JOHNSTONE, ROBERT A. TR	JOHNSTONE 2020 ISSUE TRUST	827 CHARLES RIVER ST	NEEDHAM	MA	02492-
199/224.0-0015-0000.0	CARONNA, JOHN &	CARONNA, ELLEN	115 WINDING RIVER RD	NEEDHAM	MA	02492-



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

MEETING DATE: 7/30/2024

Agenda Item	Public Hearing: Outdoor Dining License – Yeat Inc., d/b/a Sweet Basil
Presenter(s)	David Becker, Owner

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Yeat Inc., d/b/a Sweet Basil, located at 942 Great Plain Avenue, is seeking to establish an outdoor dining space on the public sidewalk and two parking spaces adjacent to the business address on Great Plain Avenue. The applicant used the requested area from 2020 through 2023 in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The requested arrangement of seating is similar. The applicant is requesting seasonal use of the space, in-line with the Zoning By-Law and their Special Permit. The applicant has the Town’s sole remaining carry-in alcohol license, which is not issued by the ABCC and therefore does not require any alcohol license amendment.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: Move that the Board vote to approve an Outdoor Dining License for Yeat Inc., d/b/a Sweet Basil.	
3.	BACK UP INFORMATION ATTACHED
a. Planning Board Application b. Floor Plan c. Planning Board Decision d. Design Review Board Decision e. Legal Advertisement f. Abutter List g. Select Board Policy h. Zoning By-law	



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION
PLANNING

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT AMENDMENT TO DECISION June 18, 2024

**Yeat, Inc. d/b/a Sweet Basil
936-942 Great Plain Avenue
Application No. 2005-08**

(Original Decision dated December 6, 2005, amended January 4, 2011)

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2024 JUN 20 PM 1:58

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Yeat, Inc. d/b/a Sweet Basil, 942 Great Plain Avenue, Needham, MA 02492, (hereinafter referred to as the Petitioner) for property located at 936-942 Great Plain Avenue, Needham, MA. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 4, containing 10,968 square feet in the Center Business District.

This decision is in response to an application submitted to the Board on May 28, 2024, by the Petitioner to amend the decision by the Board dated December 6, 2005, amended January 4, 2024. The Petitioner seeks: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), (2) a Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2005-08, Section 4.2, and (3) a Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested amendment would permit the addition of 11 year-round outdoor seats by Sweet Basil adjacent to the building. The seating would be located primarily on the private portion of the sidewalk immediately abutting the front façade of the building. The Petitioner further intends to request permission for 28 seats within a “parklet” within the right of way of Great Plain Avenue. Although this request itself is not within the Planning Board’s jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if approved by the Select Board, the waiver already will be issued.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada on Tuesday, June 18, 2024 at 7:20 p.m. in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Adam Block, Paul S. Alpert, and Justin McCullen were present throughout the June 18, 2024 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

Submitted for the Board’s review were the following exhibits:

Exhibit 1- Application for the Amendment to 2005-08 , dated May 28, 2024.

Exhibit 2 - Application under Section 6.9 of the Zoning By-Law, dated May 28, 2024, revised June 13, 2024.

- Exhibit 3 - Plans prepared by Whitlock Design Group, consisting of 3 sheets: Sheet 1, Sheet SK-1.0, entitled "Parking Space Patio," dated June 6, 2024; Sheet 2, Sheet SK-0.0, entitled "Photos," dated March 10, 2023; Sheet 3, Sheet SK-1.1, entitled "Furniture," dated March 10, 2023.
- Exhibit 4 - Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated June 12, 2024; IDC to the Board from Tom Ryder, Town Engineer, dated June 13, 2024; IDC to the Board from Chief Tom Conroy, Fire Department, dated May 29, 2024; IDC to the Board from Chief John Schlittler, dated June 11, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 20, 2024.

Exhibits 1, 2 and 3 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011, were ratified and confirmed except as follows:

- 1.1 The Petitioner is requesting that Major Project Site Plan Review Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011 be amended to permit the addition of 11 year-round outdoor seats by Yeat, Inc. d/b/a Sweet Basil. The sidewalk seating would be located primarily on the private portion of the sidewalk immediately abutting the front façade of the building.
- 1.2 By Decision dated January 4, 2011, 52 seats were permitted to be utilized during both lunch and dinner service inside the restaurant.
- 1.3 The Petitioner intends to request permission for 28 seats within a "parklet" within the right of way of Great Plain Avenue. Although this request itself is not within the Planning Board's jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if approved by the Select Board, the waiver already will be issued.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for a 52-seat restaurant with one take-out station is 28 (1 parking space per 3 seats = $17.33 = 18$, plus 10 parking spaces for one take-out station). The noted waiver was granted in the January 4, 2011 Decision. Section 6.9 of the Zoning By-Law permits up to 30% of the approved indoor seating to be utilized outdoors without authorization from the Special Permit Granting Authority and the provision of additional parking. 30% of 52 seats = 17.33 or 18 seats. As the Petitioner is requesting an end total of 39 outdoor seats, the Petitioner is requesting more than 30% of the approved indoor seats and is therefore requesting approval for such, as allowed by Section 6.9, as well as an additional parking waiver under Section 5.1.1.6. Eighteen (18) seasonal outdoor seats are permitted through Section 6.9 without additional parking being added or a waiver granted; therefore, the Petitioner is requesting a parking waiver with respect to the other 21 outdoor seats. Eleven (11) of the total seats are requested to be year-round, for a total parking waiver of 4 spaces year-round (1 parking space per 3 seats = $3.6666 = 4$). Twenty-eight (28) of the seats are proposed to be outdoor seasonally; however, 18 seats are granted under Section 6.9, so a waiver is requested for the remaining 10 outdoor seasonal seats for a total seasonal parking waiver of 4 spaces for the remaining 10 seats located in the parklet (1 parking space per 3 seats = $3.3333 = 4$). Accordingly two parking waivers have been requested as follows: (1) a waiver of an additional 4 parking spaces has been requested on a year-round basis to accommodate the 11 outdoor seats located adjacent to the building; and (2) a waiver of an additional 4 parking spaces has been requested seasonally, from April 1 through November to accommodate 10 of the outdoor seats located at the parklet for a new waiver of eight (8) parking spaces at the subject location (and a total parking waiver, including the previously approved indoor spaces, of (36). No parking is provided on-site.

- 1.5 Pursuant to Section 5.1.1.3 of the By-Law, no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is no parking associated with the property, a waiver under the provisions of Section 5.1.1.6, Section 5.1.3 is not required.
- 1.6 The Petitioner appeared before the Design Review Board on June 10, 2024, and obtained approval for the project.
- 1.7 No changes to the interior of the restaurant are proposed by this application.
- 1.8 Per the comments of the Town Engineer, the Petitioner has agreed to remove the seating that extends beyond the private property during snow events, so as to maintain a 5-foot unobstructed sidewalk path to not impede snow removal efforts.
- 1.9 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Center Business District, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.10 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2005-08, Section 4.2., and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The

Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

2.0 No Plan modifications are required.

CONDITIONS AND LIMITATIONS

The conditions and limitations contained in Major Project Site Plan Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011, are ratified and confirmed except as modified herein.

- 3.1 A total of 11 outdoor dining seats as shown in the plans as detailed in Exhibit 3 of the Decision are hereby approved for use year-round. Two additional parking waivers are approved as follows: (1) a waiver of an additional 4 parking spaces on a year-round basis to accommodate the 11 outdoor seats located adjacent to the building; and (2) a waiver of an additional 4 parking spaces seasonally, from April 1 through November to accommodate 10 of the outdoor seats located at the parklet for a new waiver of eight (8) parking spaces at the subject location (and a total parking waiver at the site, including the previously approved indoor spaces, of 36).
- 3.2 Pursuant to the comments from the Engineering Division of the Department of Public Works, a 5-foot unobstructed sidewalk path shall be maintained during snow removal events. The Petitioner shall accomplish this by relocating the furniture that otherwise extends beyond the private property line during snow events that require snow removal operations.
- 3.3 The outdoor dining area shall be kept clear of trash and food scraps that might attract rodents.
- 3.4 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.5 No other changes were requested nor are permitted through this amendment.

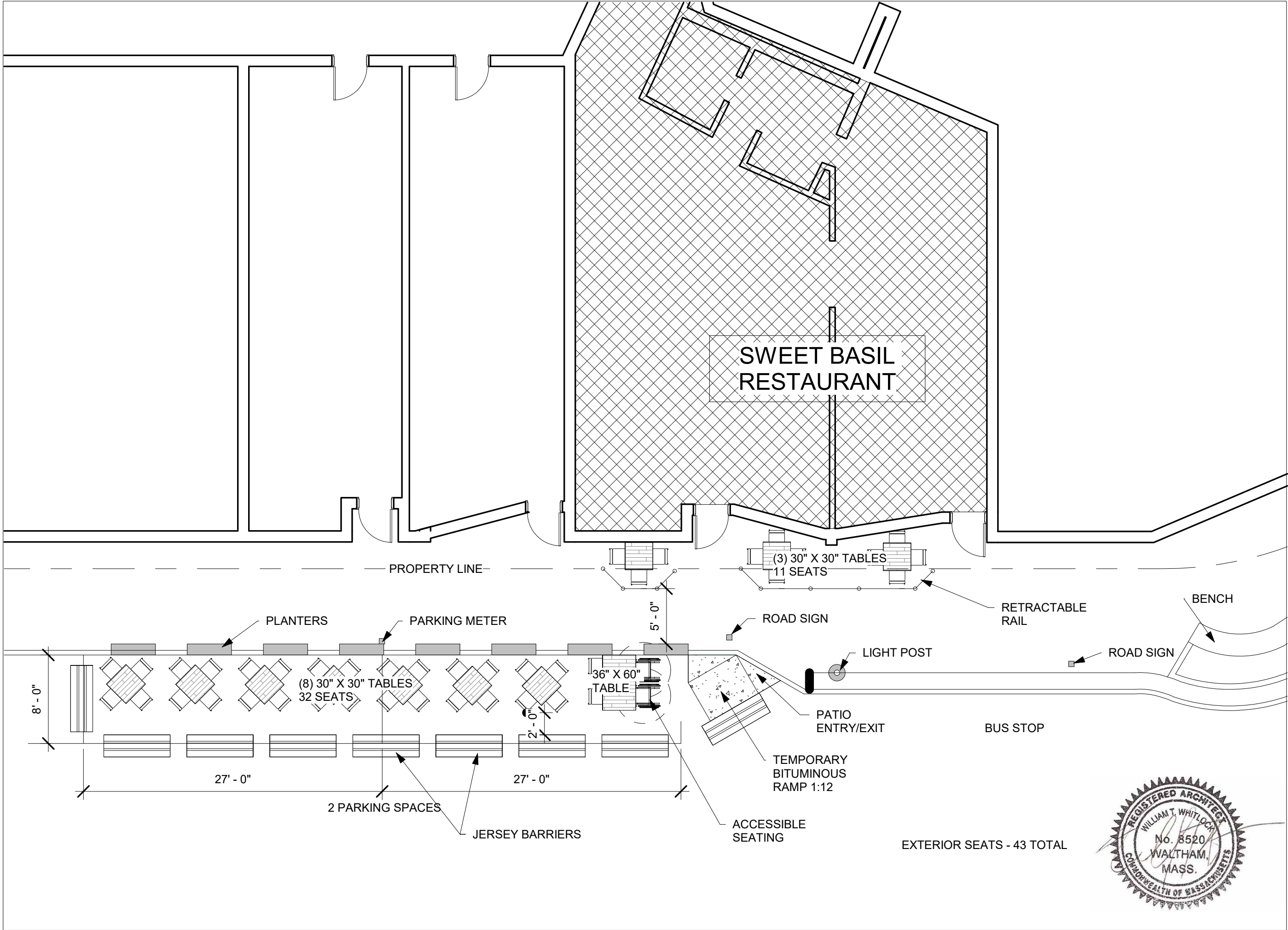
This Site Plan Special Permit Amendment shall lapse on June 18, 2026, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to June 18, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question has not begun, except for good cause.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

\\Milstein\milstein\Sweet Basil\SweetBasil.rvt
PARKING SPACE PATIO SK-1.0
Printed: 6/6/2024 5:14:24 PM



Whitlock
DESIGN GROUP
760 Main Street, Suite 2-4
Waltham, MA 02451
781.647.8008
www.whitlockdesigns.com

ISSUED

06/06/2024

PROJECT NAME

SWEET
BASIL

ADDRESS

942 GREAT PLAIN
AVE.
NEEDHAM, MA 02492

SEAL

DRAWING TITLE

PARKING SPACE
PATIO

SCALE

1/8" = 1'-0"

SHEET NUMBER

SK-1.0



TOWN OF NEEDHAM

DESIGN REVIEW BOARD

Public Service Administration Building
500 Dedham Avenue
Needham, MA 02492

Application and Report

Property Location: SWEET BASIL Restaurant Date: 5/31/24

Owner: DAVE BECKER

Address: 942 GREAT PLAIN AVE NEEDHAM MA 02492
Street City State Zip

Telephone: 781-444-9600

Applicant: DAVE BECKER

Address: 200 LAGRANGE WEST ROXBURY MA 02132
Street City State Zip

Telephone: 508-221-8856

Designer/Installer: MYSELF and the Town of NEEDHAM

Address: _____
Street

Telephone: _____

NEEDHAM	
City	State Zip
DESIGN REVIEW BOARD	
• RECOMMENDED ACTION •	
APPROVAL <u>per Dave Becker</u>	
APPROVAL WITH CONDITIONS: _____	
Type of Application	
☐ Sign	
☐ Minor Project	
☒ Exterior Alterations	
Major Project (Site Plan Review)	
☐ - preliminary	
☐ - final	
☐ Flexible Subdivision	
☐ Planned Residential Development	
☐ Residential Compound	
DISAPPROVAL: _____	
DATE: <u>6/10/2024</u>	

Brief description of sign or project:

WE ARE Hoping to have outdoor seating again, during
the summer months. Using 2 parking spaces, and
3 table directly in front of the restaurant

Please email completed application to elitchman@needhamma.gov



NEEDHAM

DESIGN REVIEW BOARD

RECOMMENDED ACTION

APPROVAL: per S. Dornbusch
APPROVAL WITH CONDITIONS: golfing chair

TOWN OF NEEDHAM
MASSACHUSETTS

APPLICATION FOR OUTDOOR SEATING UNDER SECTION 6.9 OF THE ZONING BY-LAW

LOCATION:

Property Address: 942 GREAT PLAIN AVE

Name of Establishment: Sweet Basil

DISAPPROVAL:

DATE: 6/10/2024

APPLICANT:

Name (must be business owner, manager, or lessee): DAVID BECKER

Address: 300 AGRANDE STREET WEST Roxbury MA 02132

Telephone Number: (508) 221-8858

Email Address: David.B.Becker@gmail.com

Do you own or rent property? RENT

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): FIRST CAMBRIDGE REAL CORPORATION

Address: 907 MASSACHUSETTS AVENUE #2 CAMBRIDGE MA 02139

Telephone Number: 617-547-6559

Email Address: RBARON@FCACORP.COM

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes No ✓

If yes, how many private parking spaces?

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes ✓ No

If yes, how many public parking spaces do you intend to use in each category? Note: there is a maximum of 3 parking spaces allowed per applicant.

2 # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.

0 # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking? No

Are you requesting to have outdoor dining on a sidewalk? yes



681 Main Street, Suite 3-31
 Waltham, MA 02451
 781.647.8008
 www.whiteblockdesigns.com

ISSUED

05/28/2024

PROJECT NAME

SWEET BASIL

ADDRESS

942 GREAT PLAIN AVE.
NEEDHAM, MA 02492

DRAWING TITLE

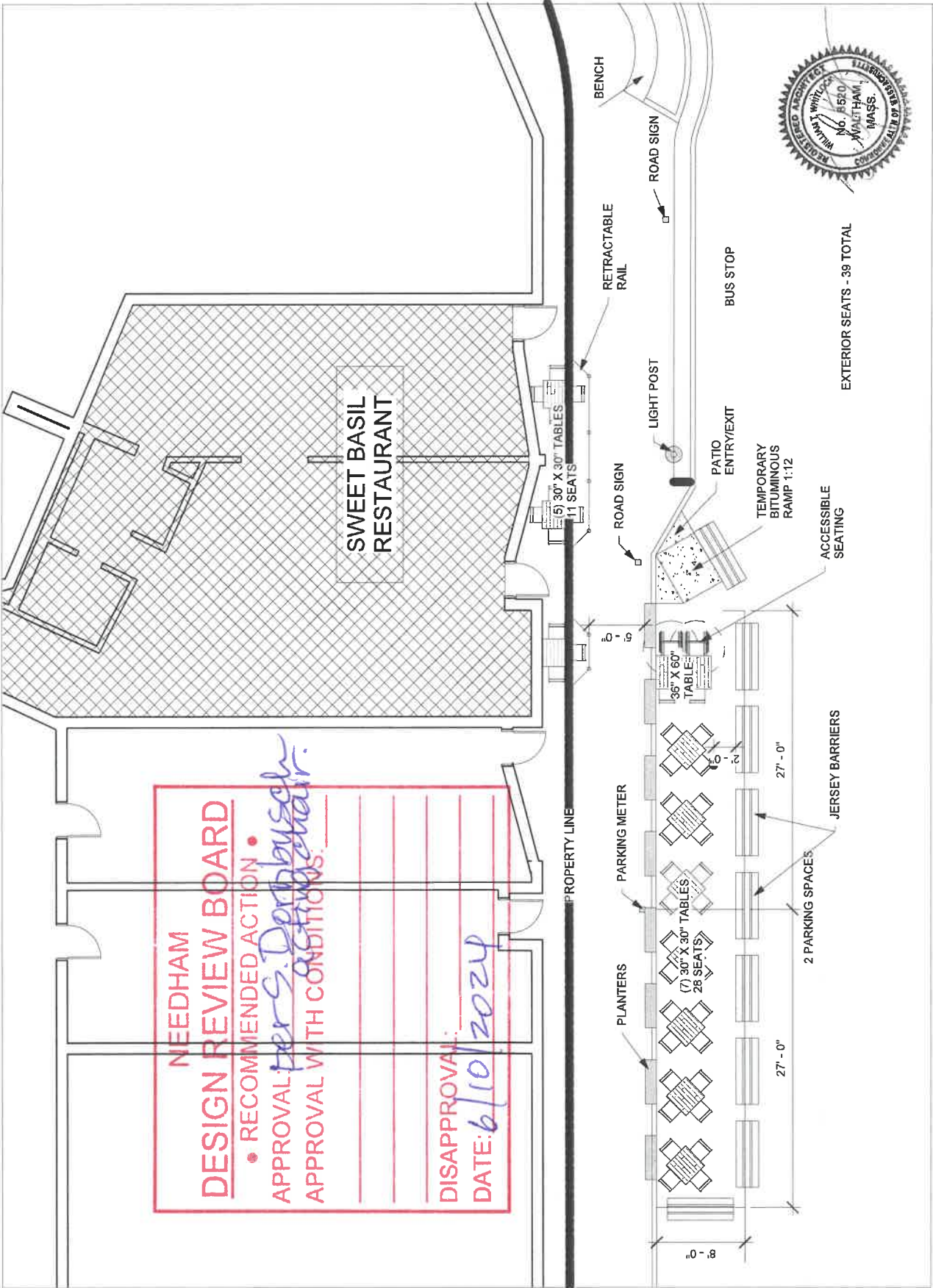
PARKING SPACE PATIO

SCALE

1/8" = 1'-0"

SHEET NUMBER

SK-1.0



Wilmstein

681 Main Street, Suite 3-31
Waltham, MA 02451
781.647.8008
www.whitlockdesigns.com

ISSUED

03/10/2023

PROJECT NAME

SWEET
BASIL

ADDRESS

942 GREAT PLAIN
AVE.
NEEDHAM, MA 02492

SEAL

DRAWING TITLE

FURNITURE

SCALE

SHEET NUMBER

SK-1.1



"Very wide color scheme."



NEEDHAM

DESIGN REVIEW BOARD

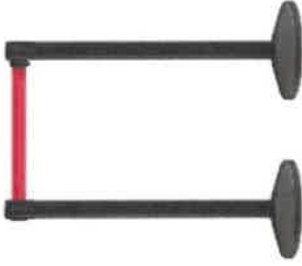
• RECOMMENDED ACTION •

APPROVAL: *per S. Dornblausch acting client*

APPROVAL WITH CONDITIONS:

DISAPPROVAL: *[initials]*

DATE: *6/10/2024*



Printed: 3/10/2023 10:13:37 AM

Wilmstein\milstein\Sweet Basil\SweetBasil.rvt
FURNITURE SK-1.1

LEGAL NOTICE



TOWN OF NEEDHAM SELECT BOARD

Application for Outdoor Dining License

Notice is hereby given pursuant to Town of Needham Zoning By-Law, Section 6.9, that Yeat Inc, d/b/a Sweet Basil, David Becker Manager, has applied for an outdoor dining license to seasonally utilize sidewalk space and establish a parklet on three parking spaces adjacent to 942 Great Plain Avenue as allowed by Town of Needham Zoning By-Law, Section 6.9.

IT IS ORDERED that a public hearing be held for said application on July 30, 2024 at 5:05 p.m. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person at Town Hall and via Zoom.

Link: <https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVSXZjFNbWJXRfJoQT09> Webinar ID: 826 0101 3229 Passcode: 652800

One tap mobile: +16469313860,,82601013229#,,,*652800#

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

Select Board
Licensing Board for the Town of Needham

**942 GREAT PLAIN AVENUE
300 FEET**

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/040.0-0064-0000.0	FIRST CHURCH OF CHRIST SCIENTIST		870 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0039-0000.0	HEALY, MARTHA M		81 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0042-0000.0	FIRST PARISH IN NEEDHAM - UNITARIAN		23 DEDHAM AVE	NEEDHAM	MA	02492-
199/050.0-0026-0000.0	S-BNK NEEDHAM CENTRE, LLC		961 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0037-0000.0	3840 LINCOLN LLC		7280 COVENTRY CT # 528	NAPLES	FL	34104-
199/047.0-0064-0000.0	KAPOOR, SORABH TR	GREAT REALTY TRUST	27 ELIOT ST #2	JAMAICA PLAIN	MA	02130-
199/050.0-0024-0000.0	EIP PICKERING STREET LLC		PO BOX 1083	HICKSVILLE	NY	11802-1
199/047.0-0008-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0009-0000.0	BELIBASAKIS, EMMANUEL G. &	BELIBASAKIS, IRENE	92 SUTTON RD	NEEDHAM	MA	02492-
199/047.0-0065-0000.0	FIRST OF MANY, LLC		P.O. BOX 85	EAST WALPOLE	MA	02032-
199/050.0-0031-0002.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/040.0-0062-0000.0	FIRST CHURCH OF CHRIST SCIENTIST		870 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0002-0000.0	ATB REALTY LLC		2867 BANYAN BLVD CIR NW	BOCA RATON	FL	33431-
199/047.0-0003-0000.0	ALPHI LLC		596 CENTRAL AVE	NEEDHAM	MA	02492-
199/047.0-0004-0000.0	TOMMASINO, ROBERT C, TR		907 MASSACHUSETTS AVE	CAMBRIDGE	MA	02139-
199/047.0-0062-0000.0	SIMON II ASSOCIATES LIMITED PARTNERSHIP		77 NEWBURY STREET, 4TH FL	BOSTON	MA	02116-
199/047.0-0066-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES,	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/050.0-0030-0000.0	905 GREAT PLAIN AVENUE LLC	C/O THE MAKIN GROUP INC	7 HARVARD ST	BROOKLINE	MA	02445-
199/047.0-0038-0000.0	BRIGGS, GRAHAM R. + JANE C., TRS		15 OAK ST	NEEDHAM	MA	02492-
199/050.0-0022-0000.0	1478 HIGHLAND AVENUE CO., LLC	PO BOX 1159	REAL ESTATE TAX DEPARTMENT	DEERFIELD	IL	60015-
199/050.0-0025-0000.0	1492 HIGHLAND AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0027-0000.0	935 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0028-0000.0	HARTMAN, FREDERICK M TR	FAK NEEDHAM REALTY TRUST	919 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0040-0000.0	EVANS, JAMES R. & STECKLOFF, JILLIAN		73 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0001-0000.0	J. DERENZO PROPERTIES LLC		43 CHARLES ST	NEEDHAM	MA	02494-
199/047.0-0063-0000.0	SIMON II ASSOCIATES LLC		77 NEWBURY STREET, 4TH FL	BOSTON	MA	02116-
199/047.0-0067-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/047.0-0005-0000.0	COX, GILBERT W. JR. TR	COX REALTY TRUST	60 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0041-0000.0	BROMLEY-NEEDHAM LLC		57 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0058-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0059-0000.0	GREYMONT, ALFRED W. TR	ALFRED W. GREYMONT REVOCABLE TRUST	11 DEER PATH LN	MIRROR LAKE	NH	03853-
199/047.0-0089-0000.0	50 DEDHAM AVE LLC		93 FISHER AVE	BROOKLINE	MA	02445-
199/051.0-0001-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	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.....

Town of Needham Select Board

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

Section 1. Purpose

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

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

Section 2. Policy

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

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

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

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

Section 3. Procedures

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

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

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

Section 4. Fees

- 4.1 There shall be an annual application fee of \$25, which will be credited toward the annual licensing fee, as defined in Section 4.2, when the application is approved.
- 4.2 For all approved applications, there shall be an additional annual licensing fee for the sole use of public space for outdoor dining at the rate of \$250 per public parking space and \$100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the \$100 sidewalk licensing fee will be waived.

Section 5. Exceptions

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

Appendix A. Outdoor Dining Requirements

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

Public Safety & Accessibility

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

Public Health

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

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

Furniture, Fixtures, Lighting & Heating

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

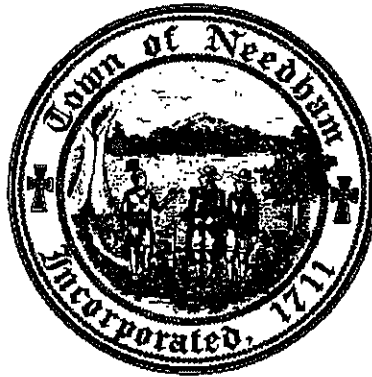
30. Portable fire extinguishers are required for each tent or membrane structure.
31. Open or exposed flame or other devices emitting flame, fire or heat or any other flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved devices shall not be permitted inside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

Licensing Authority

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

TOWN OF NEEDHAM

Office of the Town Clerk

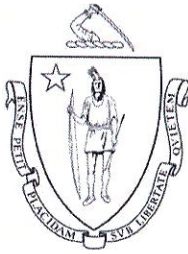


BY-LAWS

Approved By the Attorney General

**Special Town Meeting
October 25, 2021**

February 15, 2022



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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

February 15, 2022

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

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

Dear Ms. Eaton:

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

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

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

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

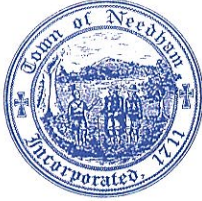
cc: Town Counsel Christopher H. Heep

Received
2022

TOWN CLERK
February 15, 2022

NEEDHAM
5:06 PM

2022 FEB 15 PM 5:06
RECEIVED
TOWN CLERK
NEEDHAM



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 4

It was

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

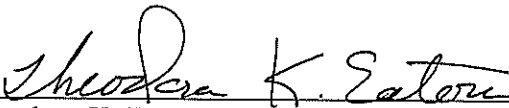
- o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided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

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

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 5

It was

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

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

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

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

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

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



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

MEETING DATE: 7/30/2024

Agenda Item	Public Hearing: Application for a Class II Motor Vehicle Dealer License – KGK Group, Inc.
Presenter(s)	James J. McKenzie, Applicant Counsel

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
KGK Group, Inc. has applied for a Class II (second-hand) Motor Vehicle Dealer License to be located at 43 Fremont Street. The proposed dealership will be co-located with a repair facility currently owned and operated by the applicant. A public hearing for new Class II Motor Vehicle Dealer Licenses is required by Select Board Policy BOS-LIC-007. The application is in order and has been reviewed by the Needham Police Department.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board vote to approve and sign a Class II Motor Vehicle Dealer License for KGK Group, Inc.	
3.	BACK UP INFORMATION ATTACHED
a. Dealer Certification Form b. Articles of Organization c. Lease d. Select Board Policy BOS-LIC-007	



TOWN OF NEEDHAM
MOTOR VEHICLE
DEALER CERTIFICATION FORM

Class II License

This is to certify that I received a copy of MA General Law, Chapter 90, Section 7N 1/4 and have access to repair facilities (named below) which are in accordance with Regulation 16.02 of the Regulations of the Registry of Motor Vehicles pertaining to specifications for repair facilities.

Name of Used Car Business: KGK Group LLC

Location of Business: 43 Freemont Street, Needham, MA

Signature of individual owner or corporate officer:  Date: 06/24/2024

Name of Repair Facility: Check Engine Auto repair Shop

Location of Repair Facility: 43 Fremont Street Needham MA

License Number of Repair Facility: AR-22-2

Owner of Repair Facility: Eray Karakas

Telephone Number of Facility: 3127832846

The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Minimum Filing Fee:
\$250.00

Identification Number: 001704422 (number will be assigned)

ARTICLE I

The exact name of the corporation is:

KGK GROUP INC

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par value per share (Enter 0 if no Par)	Total authorized number of shares	Total authorized par value	Total issued and outstanding number of shares
CWP	0.01	1,500	15	

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the corporation must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

ARTICLE VII

The effective date of organization shall be the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than ninety (90) days from the date and time of filing

Later Effective Date (mm/dd/yyyy):

Time (HH:MM)

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the articles of organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Agent name: ERAY KARAKAS

Number and street: 21 EAST ST A302

Address 2:

City or town: NORTH ATTLEBORO

State: MA

Zip code: 02760

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name	Address
PRESIDENT	ERAY KARAKAS	21 EAST ST A302 NORTH ATTLEBORO, MA 02760 USA
TREASURER	ALI KATLAV	131 COPELAND ST QUINCY, MA 02169 USA
SECRETARY	UFUK GUNER	50 PARK VALE AVENUE APT 24 BOSTON, MA 02134 USA
VICE PRESIDENT	ALI KATLAV	131 COPELAND ST QUINCY, MA 02169 USA
DIRECTOR	UFUK GUNER	50 PARK VALE AVE APT 24 ALLSTON, MA 02134 USA
DIRECTOR	ERAY KARAKAS	21 EAST ST APT A302 NORTH ATTLEBORO, MA 02760 USA
DIRECTOR	ALI KATLAV	131 COPELAND ST QUINCY, MA 02169 USA

d. The fiscal year end (i.e., tax year) of the corporation:

December 31

e. A brief description of the type of business in which the corporation intends to engage:

BUY OR SELL USED CARS

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

Number and street:	21 EAST ST A302		
Address 2:			
City or town:	NORTH ATTLEBORO	State: MA	Zip code: 02760
Country:	UNITED STATES		

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

Number and street:	21 EAST ST A302		
Address 2:			
City or town:	NORTH ATTLEBORO	State: MA	Zip code: 02760
Country:	UNITED STATES		

Which is:

☒ its principal office	☐ an office of its transfer agent
☐ an office of its secretary/assistant secretary	☐ its registered office

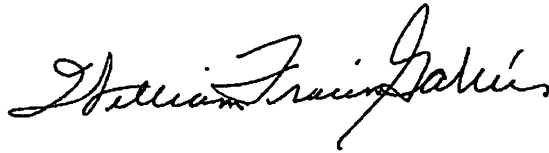
Signed this 27 Day of September, 2023 at 10:09 AM by the incorporator(s). (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

INCFILE.COM LLC.,TEXAS,LOVETTE DOBSON

THE COMMONWEALTH OF MASSACHUSETTS

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

September 27, 2023 10:45 AM

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

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



STANDARD FORM COMMERCIAL LEASE

This "Lease" is made this 9th day of January, 2024, by and between KnB Realty LLC - Brian Mushnick, a(n) Landlord, [describe entity] ("Landlord") and KGK Group, Inc. - Eray Karakas, a(n) Tenant [describe entity] ("Tenant"). Pursuant to the terms of this Lease, Landlord agrees to lease the Premises (hereinafter defined) to Tenant and Tenant agrees to lease the Premises from Landlord on the terms set forth.

1. **Premises.** The "Premises" shall mean 43 Fremont St, Needham, MA, 02494, Middlesex County, including the right to use the hallways, stairs, and elevators, for access to and egress from said Premises and nearest rest rooms, in common with all others.

2. **Term.** The "Term" of this Lease shall be for the period of 3 years with an option to renew at the end of 36 months [insert # of months or years], commencing on April 1st, 2024 (the "Commencement Date") and ending on March 31st, 2027 (the "Termination Date").

3. **Rent.** The "Rent" for the Premises for the Term of the Lease is Four Hundred and Thirty-Two thousand + 3% Annual Escalator dollars (\$ 432,000 + 3%), payable in monthly installments of Twelve Thousand + 3 % Annual Escalator dollars (\$ 12,000 + 3%) which is due, in advance, on the 1st day of each calendar month. Rent shall be paid to KnB Realty LLC- Brian Mushnick. In addition, Rent that is not received by Landlord within fourteen (14) days of the due date shall accrue interest at the rate of one and one half percent (1½%) per month for each month, or part thereof, that Rent remains unpaid from the due date. Tenant's agreement to pay Rent is independent of every other agreement in this Lease.

Adjustments To Rent. Tenant agrees to pay a *Pro Rata* Share, as defined below, of the amount, if any, by which the Landlord's Expenses, as defined below, for each calendar year during the Term increases above the expenses for the Base Year, as defined below, ("Expense Increase") plus the amount, if any, by which Taxes, as defined below, for each calendar year during the Term exceeds the Taxes for the Base Year ("Tax Increase"). If the Expenses or Taxes in any calendar year decrease below the amount for the Base Year, Tenant's *Pro Rata* Share of Expenses or Taxes, as the case may be, for that calendar year shall be \$0. Landlord shall provide Tenant with an estimate of the Expense Increase and of the Tax Increase for each calendar year during the Term in good faith. On the date Rent is due each month, Tenant shall pay Landlord a monthly installment equal to one-twelfth of Tenant's *Pro Rata* Share of Landlord's estimate of both the Expense Increase and Tax Increase. If Landlord does not provide Tenant with an estimate of the Expense Increase or the Tax Increase by the end of the first business day of a calendar year, Tenant shall continue to pay monthly installments based on the previous year's estimate(s) until Landlord provides Tenant with the new estimate. As soon as practicable after the end of a calendar year, Landlord shall furnish Tenant with a statement of the actual Expenses and Expense Increase and the actual Taxes and Tax Increase for the prior calendar year. Landlord shall apply any overpayment by Tenant against Rent due or next becoming due, provided if the Term expires before the determination of the overpayment, Landlord shall refund any overpayment to Tenant after first deducting the amount of Rent due. If the estimated Expense Increase or estimated Tax Increase for the prior calendar year is less than the actual Expense Increase or actual Tax Increase, as the case may be, for such prior year, Tenant shall pay Landlord, within thirty (30) days after its receipt of the statement of Expenses or Taxes, any underpayment for the prior calendar year.

Within one hundred eighty (180) days after receiving Landlord's statement of Expenses, Tenant may give Landlord written notice that Tenant intends to review Landlord's records of the Expenses for the calendar year to which the statement applies. Landlord shall make available all relevant records that are reasonably necessary for Tenant's review, within a reasonable time. Tenant shall be solely responsible for all costs, expenses and fees for the review. Within ninety (90) days after the records are made available to Tenant, Tenant shall have the right to

give Landlord written notice identifying each objection to Landlord's statement of Expenses. If Tenant fails to give Landlord such notice of objection within the ninety (90) day period or fails to provide Landlord with a notice, exercising Tenant's right to review within the one hundred eighty (180) day period, Tenant shall be deemed to have approved and accepted Landlord's statement of Expenses and waives any objection to the Expenses for that year. Tenant shall have no right to review Landlord's records or to object to any statement of Expenses if any Rent is overdue on the date of Tenant's request or on the date that Tenant's objection.

"Expenses" - means all costs incurred in each calendar year in connection with operation, repairing, maintenance and management of the structure and the land on which the Premises is located, but not limited to: (a) labor costs, including wages, salaries, bonuses, taxes, insurance, uniforms, training, retirement plans and employee benefits; (b) management fees and the cost of operating a management office; (c) cost of services; (d) rental and purchase cost for tools, equipment, parts and supplies; (e) accounting costs (f) insurance premiums and deductibles; (g) utility costs; and (h) the amortized cost of capital improvements.

"Pro Rata Share"- means the percentage of the total that is determined by dividing the rentable square feet of the Tenant's Premises by the total rentable square feet in the structure in which the Premises is located. For purposes of this calculation all parties agree that the rentable square feet of the Premises is N/A sq. ft. and that the total rentable square feet of the structure in which the Premises is located is N/A sq. ft. For purposes of this calculation the Taxes and Expenses are to be calculated as though the structure is fully occupied.

"Taxes" - means (a) all real property taxes on the land and structure in which the Premises is located; (b) all excise and personal property taxes for property that is owned by Landlord and used in connection with the operation, maintenance and repair of the land and structure in which the Premises is located; and (c) all costs and fees incurred in connection with any effort to reduce tax liabilities, including any costs incurred by Landlord to review, comply with or appeal tax liabilities. Tenant shall pay Landlord the amount of Tenant's Pro Rata Share of any such increase in the Tax Excess within thirty (30) days after Tenant's receipt of a statement from Landlord.

"Base Year" - with regard to Expenses means the calendar year immediately preceding the Commencement Date; and with regard to Taxes means the fiscal year (July 1 to June 30) immediately preceding the Commencement Date.

4. Utilities / Cleaning. Tenant agrees to pay, as they become due, the charge for electricity, water and other utilities furnished to the Premises that are separately metered, including fuel for heat and electricity for air conditioning. Except as provided above, the Landlord shall supply hot and cold water, heating, ventilating and air conditioning ("HVAC") service to the Premises and to the common hallways, stairways, elevators and restrooms during normal business hours. The Tenant shall have the right to receive HVAC service during hours other than normal business hours, at Tenant's sole expense, *provided that* reasonable advance notice, as specified by Landlord, has been given. The Landlord shall provide cleaning or janitorial services according to the custom and practice for premises of similar type and size. The Landlord shall have no other obligation to provide any equipment or utilities within the Premises. No utilities for use within the Premises shall be installed or connected by Tenant without written authorization from Landlord. The Landlord shall have no liability for non-delivery or interruption of utilities to Tenant and Tenant shall have no right to abate Rent on account of same.

5. Condition and Possession. Landlord agrees to maintain the structure of any building of which the Premises is part in the same condition as the structure is on the Commencement Date, excepting reasonable wear and tear and damage by fire and other casualty. The Premises are accepted by Tenant in "as is" condition and without any other warranty or representation from Landlord. The Landlord shall not be liable for any failure to deliver possession of the Premises or any other space due to the holdover or unlawful possession of such space by any party. In such event, the Commencement Date for such space shall be postponed until the date Landlord delivers possession of the Premises to Tenant free from occupancy by any party. In the event that the Tenancy is interrupted or terminated as a result of *Force Majeure* or other act beyond the control of the Landlord, as defined in paragraph 23, shall not render Landlord liable to Tenant, constitute a constructive eviction of Tenant, give rise to an abatement of Rent, nor relieve Tenant from the obligation to fulfill any covenant or agreement. Tenant agrees that Tenant shall have the duty to comply with the requirements of the Americans With Disabilities Act ("ADA") concerning use of the Premises and Tenant agrees to indemnify and defend Landlord with regard to any claim alleging violation of the ADA or similar law or regulation.

6. Security Deposit. Tenant shall pay a "Security Deposit" to Landlord in the amount of Twelve Thousand dollars (\$ 12,000) upon the execution of this Lease.

The Security Deposit shall be maintained by Landlord, without interest, as security for the performance of Tenant's obligations. The Security Deposit is not an advance payment of Rent nor a measure of damages. Landlord may use or apply all or part of the Security Deposit to satisfy past due Rent or to cure any Default of Tenant. If Landlord uses or applies any part of the Security Deposit, Tenant shall, upon demand, replenish the Security Deposit to its original amount, within thirty (30) days. Landlord agrees to return any remaining balance of the Security Deposit to Tenant within forty-five (45) days after: a) the date Tenant surrenders the Premises to Landlord; or b) final determination of the Rent due from Tenant; whichever is later. Landlord shall not be required to hold the Security Deposit in a separate account.

7. Permitted Use. The Premises shall be used for mechanic shop. If town permits a body shop, any renovations necessary will be at the lessee's sole expense. Lessee will return the property back to its original state when vacating.

No other use of the Premises is permitted. Tenant shall not use the Premises in a manner that interferes with the quiet enjoyment of any property or premises owned or occupied by any other person. Tenant shall comply with all statutes, codes, ordinances, orders, rules and regulations of each municipal, state or other governmental entity ("Laws"), regarding the conduct of Tenant's business and the use, condition, maintenance and occupancy of the Premises. No oil or hazardous material and no toxic material or substance, including any material or substance, defined or regulated by Massachusetts General Laws Chapter 21E, Section 1 et seq., shall be brought to or permitted to remain at the Premises. Tenant shall not make any use of the Premises that renders the Premises uninsurable or that materially increases the cost of insurance to Landlord. The Tenant shall not make any improvement or structural change to the Premises or erect a sign without written consent of the Landlord. Reasonable non-structural changes may be within the Premises with prior authorization of the Landlord and Landlord agrees that consent shall not be unreasonably delayed or withheld. At the Termination Date any alterations or improvements made by the Tenant that remain at the Premises shall become the sole property of the Landlord. Landlord may, by written notice to Tenant at least thirty (30) days prior to the Termination Date, require Tenant, at Tenant's sole expense, to remove any alteration or improvement installed by or for the benefit of Tenant.

8. Entry by Landlord. Landlord has the right to enter the Premises to inspect or show the Premises, to clean and make repairs, improvements or additions and to perform maintenance, repairs, improvements or additions to any portion of the structure in which the Premises is located. Landlord shall provide Tenant with reasonable prior verbal notice before entry, except that notice is not required in case of emergency, as determined in Landlord's sole discretion. Entry by Landlord shall neither constitute a constructive eviction nor entitle Tenant to an abatement or reduction of Rent.

9. Assignment and Subletting. Tenant shall not assign, sublease, transfer or encumber any interest in this Lease or allow any third party to use or occupy any portion of the Premises without the prior written consent of Landlord, which consent shall not be unreasonably withheld. Within fourteen (14) business days after receipt of signed copies of any assignment, sublease, transfer or encumbrance and any other information as the Landlord requests, Landlord shall either: a) consent to the assignment, sublease, transfer or encumbrance by executing a consent agreement in a form satisfactory to Landlord; b) refuse to consent to the Transfer; or (c) exercise its right to recapture any portion of the Premises that Tenant proposes to assign, sublease, transfer or encumber. Tenant shall pay Landlord as additional rent fifty percent (50%) of all rent and other consideration that Tenant receives as a result of any assignment, sublease, transfer or encumbrance that is in excess of the Rent payable to Landlord for the relevant portion of the remaining Term. If Tenant is in default, Landlord may require that all sublease payments be made directly to Landlord, in which case Tenant shall receive a credit against Rent in the amount of Tenant's share of payments received by Landlord.

10. Liens. Tenant shall not permit a mechanic's lien or other lien to be placed upon the land or structure in which the Premises is located in connection with any work done by or for the benefit of Tenant. Tenant shall, within ten (10) days of notice from Landlord, fully discharge any lien by settlement, by bonding or by insuring over the lien in the manner prescribed by Law. If Tenant fails to do so, Landlord may bond, insure over or otherwise discharge the lien. Tenant shall reimburse Landlord for any amount paid by Landlord, including, without limitation, reasonable attorneys' fees.

11. Indemnification and Waiver. Tenant hereby waives all claims against and releases Landlord and its officers, directors, employees, trustees, beneficiaries, partners, mortgagees and each of their successors and assigns from all claims for any injury to or death of persons, damage to property or business loss in any manner related to: a) any act of a third party; b) any act of God; c) bursting or leaking of any tank, pipe, drain or plumbing fixture; d) failure of any security service, personnel or equipment; or e) any *Force Majeure* or other matter outside of the reasonable control of Landlord. Except to the extent caused by the negligent or willful misconduct of

Landlord, Tenant agrees to indemnify, defend and hold Landlord harmless from all claims, debts, demands, liabilities, obligations, damages, penalties, costs and expenses, including, without limitation, reasonable attorneys' fees and expenses, that may be imposed by or against Landlord arising out of or in connection with any damage or injury occurring in the Premises or any acts or omissions of Tenant or any of Tenant's guests, invitees, assignees, subleasees, contractors or licensees.

12. Insurance. Tenant shall maintain the following insurance ("Tenant's Insurance"): a) commercial general liability insurance applicable to the Premises and its appurtenances providing, on an occurrence basis, a minimum combined single limit of tenant will be required to get adequate insurance to cover the property value of dollars (\$ 1,600,000); b) property / business interruption insurance issued on an all risk or special perils form, with coverage for water damage including earthquake sprinkler leakage, at replacement cost value and with a replacement cost endorsement covering all of Tenant's equipment fixtures, furniture, inventory, merchandise and other personal property in the Premises as well as any leasehold improvements for the benefit of the Tenant; c) workers' compensation insurance to the extent required by law and in amounts as may be required by applicable statute and employers liability coverage of at least \$ per occurrence. Each commercial general liability insurance policy shall name Landlord (or its successors and assignees) and their respective officers, directors, employees, and agents, and other designees of Landlord and its successors as the interest of such designees shall appear, as additional named insureds. All policies of Tenant's Insurance shall contain endorsements that the insurer(s) shall give Landlord and its designees at least thirty (30) days' advance written notice of any cancellation, termination, material change or lapse of insurance. Tenant shall provide Landlord with a certificate of insurance evidencing Tenant's Insurance no later than the Commencement Date or the date Tenant is provided with possession of the Premises, whichever is earlier. During the Term the Tenant shall provide evidence of renewal or existence of such insurance as necessary to assure that Landlord always has current certificates evidencing Tenant's Insurance.

13. Broker's Fee. The Landlord agrees to pay broker(s), Better Living Real Estate LLC, duly licensed Massachusetts real estate broker(s), a fee of Twelve Thousand dollars (\$ 12,000) for services rendered in connection with the lease of the Premises. The Tenant represents and warrants that Tenant has not dealt with any other broker in connection with rental of the Premises and agrees to indemnify, defend and hold Landlord harmless from any claim, demand or liability of any other person seeking payment for services provided to Tenant in connection with leasing the Premises.

14. Subrogation. Landlord and Tenant hereby waive and shall cause their respective insurance carriers to waive any and all causes of action, claims, actions and rights of recovery against the other for any loss or damage with respect to Tenant's personal property, leasehold improvements, the structure in which the Premises is located, the Premises or any contents thereof, including rights, claims, actions and causes of action based on negligence, which loss or damage is (or would have been, had the insurance required by this Lease been obtained) covered by insurance.

15. Fire or Casualty. The Landlord has the right to terminate this Lease if all or any part of the Premises is damaged by fire or other casualty to the extent that it cannot reasonably be repaired within one hundred (100) days after the date of such fire or casualty. This right of termination is exercisable by written notice to Tenant within sixty (60) days of the date of the fire or other casualty. If this Lease is not terminated, Landlord shall promptly and in good faith, seek to restore the Premises. Such restoration shall be to substantially the same condition that existed prior to the fire or other casualty, except for modifications required by law. Upon notice from Landlord, Tenant shall assign to Landlord (or Landlord's designee) all property insurance proceeds payable to Tenant under Tenant's Insurance with respect to any leasehold improvements for the benefit of Tenant; provided that if the estimated cost to repair such leasehold improvements exceeds the amount of insurance proceeds received by Landlord from Tenant's insurance carrier, the excess cost of such repairs shall be paid by Tenant to Landlord prior to Landlord's commencement of repairs. Within fourteen (14) days of demand, Tenant shall also pay Landlord for any excess costs identified during the course of repair work. Landlord shall not be liable for any inconvenience to Tenant, or injury to Tenant's business resulting in any way from the fire or other casualty or the repair work. Provided that Tenant is not in default, during any period of time that all or a material portion of the Premises is rendered unusable as a result of the fire or other casualty, the Rent shall abate for the portion of the Premises that is unusable.

16. Eminent Domain. Either party may terminate this Lease if any substantial part of the Premises is taken or condemned for any public use under law or by eminent domain. Landlord shall also have the right to terminate this Lease if there is such a taking of any portion of the structure in which the Premises is located or the land on which it is situated that would have a material adverse impact on Landlord's ability to operate the remainder of the

structure/land. The terminating party shall provide written notice of termination to the other party within sixty (60) days after first receipt of any notice of the taking. The termination shall be effective on the date the taking becomes effective. All compensation awarded for a taking, or sale proceeds, shall be the property of Landlord.

17. Tenant's Default. A "Tenant's Default" shall mean and include a circumstance when a) the Tenant fails to pay all Rent when due, if such failure continues for three (3) business days after written notice to Tenant which notice shall be in satisfaction of, and not in addition to, notice required by Law; or b) Tenant's failure to comply with any term, condition, requirement or covenant of this Lease (other than non-payment of Rent), if such failure is not cured within thirty (30) business days after written notice to Tenant, which notice shall be in satisfaction of, and not in addition to, notice required by law; or c) Tenant is declared bankrupt or insolvent or if any property of Tenant is the subject of an assignment for the benefit of creditors.

18. Landlord's Remedies. In the event of a Tenant's Default, Landlord shall have the right to terminate this Lease or terminate Tenant's right to possession. Upon receipt of a notice of termination Tenant shall immediately surrender the Premises to Landlord. If Tenant fails to surrender the Premises, Landlord may enter upon and take possession of the Premises, in compliance with law. Notwithstanding the foregoing, the Tenant shall pay Landlord all past due Rent and other damages, losses and expenses suffered by Landlord as a result of Tenant's Default. Those costs and expenses shall include the costs and expenses incurred in reletting or attempting to relet the Premises, including reasonable attorneys' fees, brokerage fees, the cost of physical alterations to the Premises and the reasonable value of other allowances or concessions granted to a new tenant. The Landlord has the right to collect all rents and other payments from any reletting. The Landlord shall not be responsible or liable for any delay or inability to relet all or part of the Premises or for the failure to collect any rent. In lieu of determining damages as described above, Landlord may elect to receive as damages the sum of a) all Rent accrued through the date of termination of this Lease or of Tenant's right to possession, and b) an amount equal to the total Rent that Tenant would have been required to pay for the remainder of the Term discounted to present value, minus the then present fair rental value of the Premises for the remainder of the Term, comparably discounted, after deducting all anticipated costs of reletting. If Tenant is in default of any of the non-financial duties under the Lease, Landlord shall have the right to perform such duties. Upon demand, Tenant shall reimburse Landlord for the cost of such performance plus an administrative fee equal to ten percent (10%) of the cost of the work performed. Termination of Tenant's Lease or right to possession or Landlord's entry on all or part of the Premises shall not relieve Tenant of its duties and liabilities under the Lease. Each right and remedy of the Landlord shall be separate and in addition to any other right and remedy now available or hereafter available to Landlord.

19. Landlord's Default. Before filing suit for any alleged default by the Landlord, Tenant shall give Landlord and each Mortgagee about whose identity Tenant has been notified, written notice and a reasonable time to cure the alleged default. In the event of a default by the Landlord in the terms of this Lease, no individual officer, director, agent, servant, employee, trustee, stockholder or beneficiary of the Landlord shall be personally liable for performance of the Landlord's obligations.

20. Subordination. Tenant agrees that this Lease is subject to and subordinate to each mortgage, ground lease or other lien now or subsequently arising on the Premises, or on the land or structure in which the Premises is located. Tenant's agreement applies to any refinancing, renewal, modification, and extension of the mortgage. Upon request from the holder of a mortgage, Tenant shall execute a commercially reasonable subordination agreement. As an alternative, any mortgagee shall have the right, at any time, to subordinate its mortgage to this Lease. Upon request, Tenant shall deliver a commercially reasonable estoppel certificate to those parties as are reasonably requested by Landlord, without payment, within ten (10) days after receipt of a written request.

21. Notice / Addresses. All demands, approvals, consents or notices shall be in writing and delivered by hand or sent by registered or certified mail with return receipt requested, or sent by overnight or same day service by hand at the party's respective address, set forth below. Each notice shall be deemed to have been received on the date of actual delivery or the date on which delivery is refused, whichever is earlier. If Tenant has vacated the Premises without providing a new address, each notice to Tenant shall be deemed to have been received three (3) days after notice is deposited in the mail of the United States Postal Service or with a delivery service as described above. Either party may, at any time, change the address set forth below (other than to a post office box) by giving the other party written notice of the new address.

Landlord:

KnB Realty, LLC
i/c/o - Brian Mushnick

Tenant:

KGK Group, Inc.
i/c/o - Eray Karakas

22. Surrender of Premises. At the termination of this Lease or Tenant's right of possession, Tenant shall remove all personal property and surrender the Premises to Landlord in good order and in "broom clean" condition, ordinary wear and tear and damage excepted, removing, as requested by Landlord, any improvements or alterations made by Tenant. If Tenant fails to remove any of Tenant's personal property within two (2) business days after termination, Landlord, at Tenant's sole cost and expense, shall be entitled to remove and store Tenant's personal property. Landlord shall not be responsible for the safekeeping or preservation of Tenant's personal property. Tenant shall pay Landlord, upon demand, all costs of storage. If Tenant fails to remove Tenant's personal property from the Premises or from storage within thirty (30) days after delivery of notice, Landlord may deem all or any part of Tenant's Property to be abandoned and title to that property shall vest in Landlord. If Tenant fails to remove any of the alterations or improvements made by Tenant by the Termination Date and complete related repairs in a timely manner, Landlord may perform such work at Tenant's expense. If Tenant fails to surrender all or any part of the Premises at the termination of this Lease, occupancy of the Premises after termination shall be that of a tenancy at sufferance. Tenant's occupancy shall be subject to all the terms and provisions of this Lease and Tenant shall pay an amount (on a per month basis without reduction for partial months during the holdover) equal to two hundred percent (200%) of the sum of the Rent and of the Additional Rent due for the period immediately preceding the holdover. No holdover by Tenant or acceptance of payment from the Tenant after the termination of this Lease shall extend the Term or prevent Landlord from immediate recovery of possession of the Premises.

23. Miscellaneous.

1) **Time / Force Majeure.** Time is of the essence of each provision of this Lease. The failure or delay of either party to declare a default immediately upon its occurrence or a delay in taking action for a default shall not constitute a waiver. Whenever a period of time is prescribed for the taking of an action by Landlord or Tenant (other than the payment of the Security Deposit or Rent), the period of time for the performance of such action shall be extended by the number of days that the performance is actually delayed due to strikes, acts of God, shortages of labor or materials, war, terrorist acts, civil disturbances and other causes beyond the reasonable control of the performing party ("*Force Majeure*"). *Force Majeure* does not include financial difficulties of a party.

2) **Attorneys' Fees / Costs Of Suit.** If either party commences suit for violation of or to enforce any covenant, term or condition of this Lease, the prevailing party shall be entitled to reasonable attorneys' fees, costs and expenses. Landlord and Tenant hereby waive any right to trial by jury in any proceeding based upon a breach of this Lease.

3) **Sale / Assignment.** Landlord shall have the right to transfer and assign, in whole or in part, all of its ownership interest, rights and obligations in the Lease, including the Security Deposit, and upon transfer Landlord shall be released from any further obligations hereunder, and Tenant agrees to look solely to the successor in interest of Landlord for the performance of such obligations and the return of any Security Deposit.

4) **Entire Agreement.** This Lease constitutes the entire agreement between the parties and supersedes all prior agreements and understandings related to the Premises. This Lease may be modified only by a written agreement signed by Landlord and Tenant. This Lease shall be interpreted and enforced in accordance with the Laws of the Commonwealth of Massachusetts.

5) **Executive Order 13224.** Tenant represents and warrants to Landlord that each individual executing this Lease on behalf of Tenant is authorized to do so on behalf of Tenant and that Tenant is not, and the entities or individuals constituting Tenant or which may own or control Tenant or which may be owned or controlled by Tenant are not, among the individuals or entities identified on any list compiled pursuant to Executive Order 13224 for the purpose of identifying suspected terrorists.

24. Additional Provisions

NNN lease with a 3% annual rental escalator.

For the duration of the lease the tenant will keep the property clean in accordance with passing a 21E.

Tenant will have all hazardous material generated on the property removed by a licensed disposal company and keep manifests of all transactions.

Potential additional permitted use for a used car dealership if the tenant is able to obtain the license.

Lessee to pay first month, last month and security due at signing.

IN WITNESS WHEREOF, the parties have set forth their hands and seals.

Eray Karakas

dotloop verified
01/09/24 4:35 PM EST
E4K2-X1YN-MPH5-KBUL

TENANT or authorized agent

Date

Brian Mushnick

dotloop verified
01/11/24 1:42 PM EST
CDYQ-VBNF-RYDJ-PENZ

LANDLORD or authorized agent

Date

TENANT or authorized agent

Date



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

MEETING DATE: 7/30/2024

Agenda Item	Public Hearing: Application for a Fuel Storage License at 58 Woodbine Circle
Presenter(s)	Ronald Gavel, Fire Inspector Jay Steeves, Fire Inspector Alefe Oliveira, Applicant Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
JP Development Properties has made an 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 underground propane storage tank at 58 Woodbine Circle. The Fire Chief has endorsed this application and issued a requisite permit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board vote to approve and authorize the Chair to sign a license for JP Development Properties to install 1,000-gallon underground propane storage tank at 58 Woodbine Circle.	
3.	BACK UP INFORMATION ATTACHED
a. Application b. Permit c. Certified Abutters List d. Select Board Policy SB-LIC-008 e. Legal Notice (to be provided under separate cover)	



FP-002
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of NEEDHAM

License

Massachusetts General Law, Chapter 148 §13

☒ New License ☐ Amended License

GIS Coordinates

LAT.

LONG.

License Number

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,
a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 58 WOODBINE CIRCLE

Owner of Land: JP DEVELOPMENT PROPERTIES

Address of Land Owner: 389 1/2 CENTRAL STREET MILFORD

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>PROPANE</u>	<u>1</u>	<u>1000</u>	<u>GALS</u>	<u>UST</u>

LP-gas (Complete this section for the storage of LP-gas or propane)

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage _____

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: 1000

List sizes and capacities of all underground containers used for storage _____

1- 1000 U.G. PROPANE TANK

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____

- ❖ Maximum amount (in pounds) of Class 1.4G: _____

- ❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

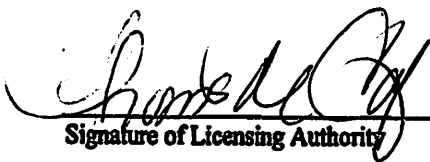
Explosives (Complete this section for the storage of explosives)

- | | |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:


Signature of Licensing Authority


Title


Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**



MEDWOIL-01

MENNIS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/28/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AssuredPartners New England, Inc. 10 Commerce Way #3 Raynham, MA 02767	CONTACT NAME: Molly Ennis	
	PHONE (A/C, No, Ext): (508) 506-5537 FAX (A/C, No):	
	E-MAIL ADDRESS: Molly.Ennis@Assuredpartners.com	
INSURED Medway Oil & Propane, Inc. P. O. Box 343 Medway, MA 02053	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Allmerica Financial Benefits Ins. Co.	41840
	INSURER B: MA Trade Self Insurance Group Inc.	999999
	INSURER C: Lloyds of London	15792
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:			ZDN J232795-01	11/30/2023	11/30/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY ☒ MCS90 Included ☒ MM9955 Included			AWN J232549 01	11/30/2023	11/30/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ 1,000,000 BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0			UHN-J232797-01	11/30/2023	11/30/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	021004100261124	1/1/2024	1/1/2025	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Commercial Excess Li			22*UKPCB2300025-90550*04	11/30/2023	11/30/2024	Excess Liability \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Operations of the insured.

CERTIFICATE HOLDER

CANCELLATION

Town of Needham
Needham, MA 02192

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Name (Business/Organization/Individual): Medway Oil and Propane, Inc.

Address: 37 Broad Street PO Box 343

City/State/Zip: Medway/MA/02053

Phone #: 508-533-6561

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 25+ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3. ☐ I am a homeowner doing all work myself. [No workers' comp. insurance required.]†
4. ☐ I am a homeowner and will be hiring contractors to conduct all work on my property. I will ensure that all contractors either have workers' compensation insurance or are sole proprietors with no employees.
5. ☐ I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡
6. ☐ We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

7. ☐ New construction
8. ☒ Remodeling
9. ☐ Demolition
10. ☐ Building addition
11. ☐ Electrical repairs or additions
12. ☐ Plumbing repairs or additions
13. ☐ Roof repairs
14. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

†Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: MA Trade Self Insurance Group Inc.

Policy # or Self-ins. Lic. #: 021004100231124

Expiration Date: 1/1/2025

Job Site Address: 58 WOODBINE CIRCLE

City/State/Zip: NEEDHAM, MA 02492

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under MGL c. 152, §25A is a criminal violation punishable by a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. A copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Amanda J. Watson

Date: 2/23/24

Phone #: 508-533-6561

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
6. Other _____

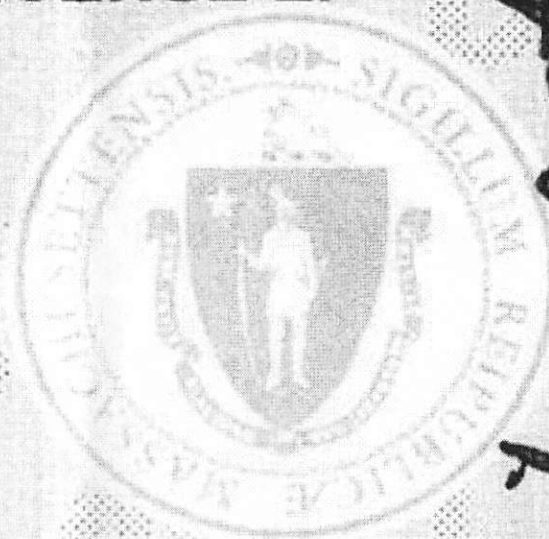
Contact Person: _____ Phone #: _____



**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF OCCUPATIONAL LICENSURE**

**BOARD OF
PLUMBERS AND GASFITTERS
ISSUES THE FOLLOWING LICENSE LP
GAS INSTALLER**

**MICHAEL A WATSON
22 SHADY LN
DOUGLAS, MA 01516-2243**



Michael Watson

LICENSEE SIGNATURE

932

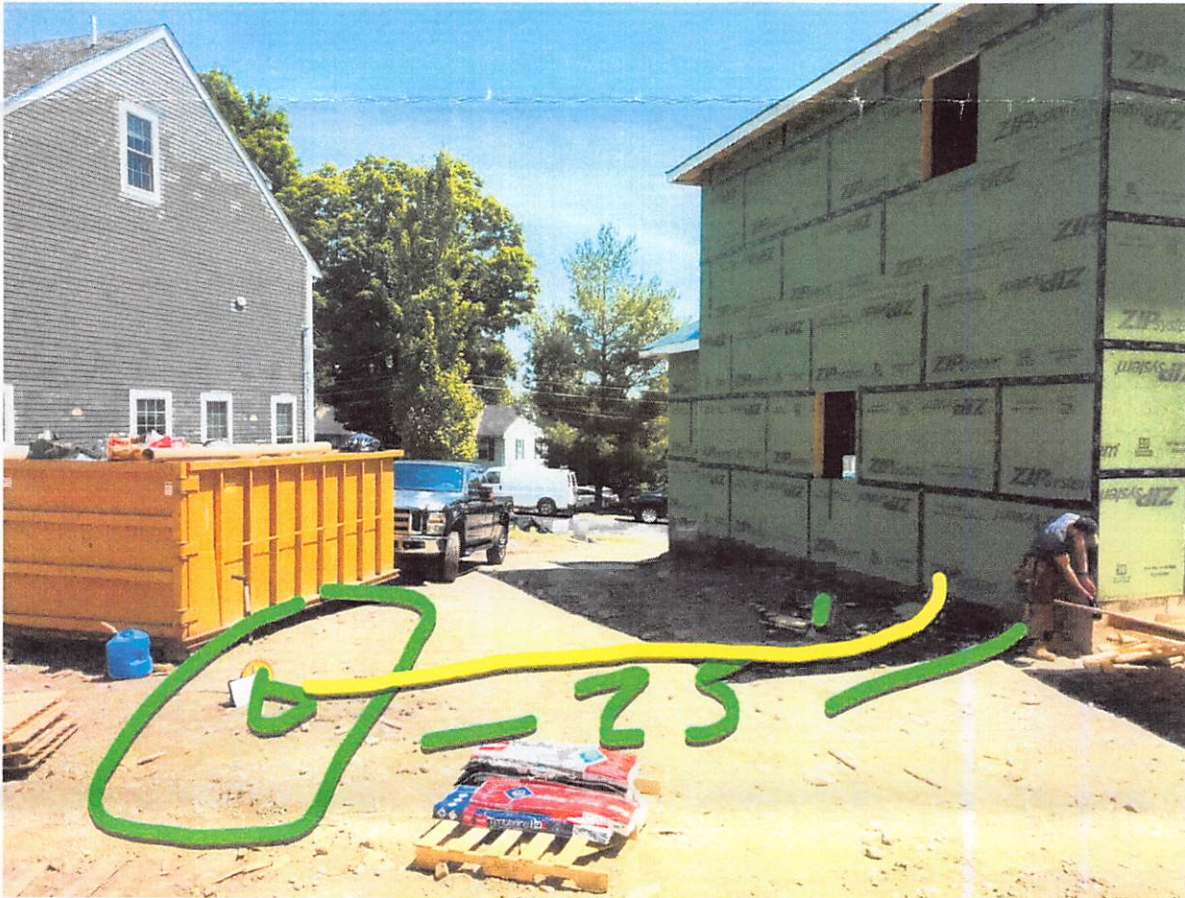
05/01/2026

577887

LICENSE NUMBER

EXPIRATION DATE

SERIAL NUMBER



JP Development Properties
58 Woodbine Cir • Needham,
MA 02494

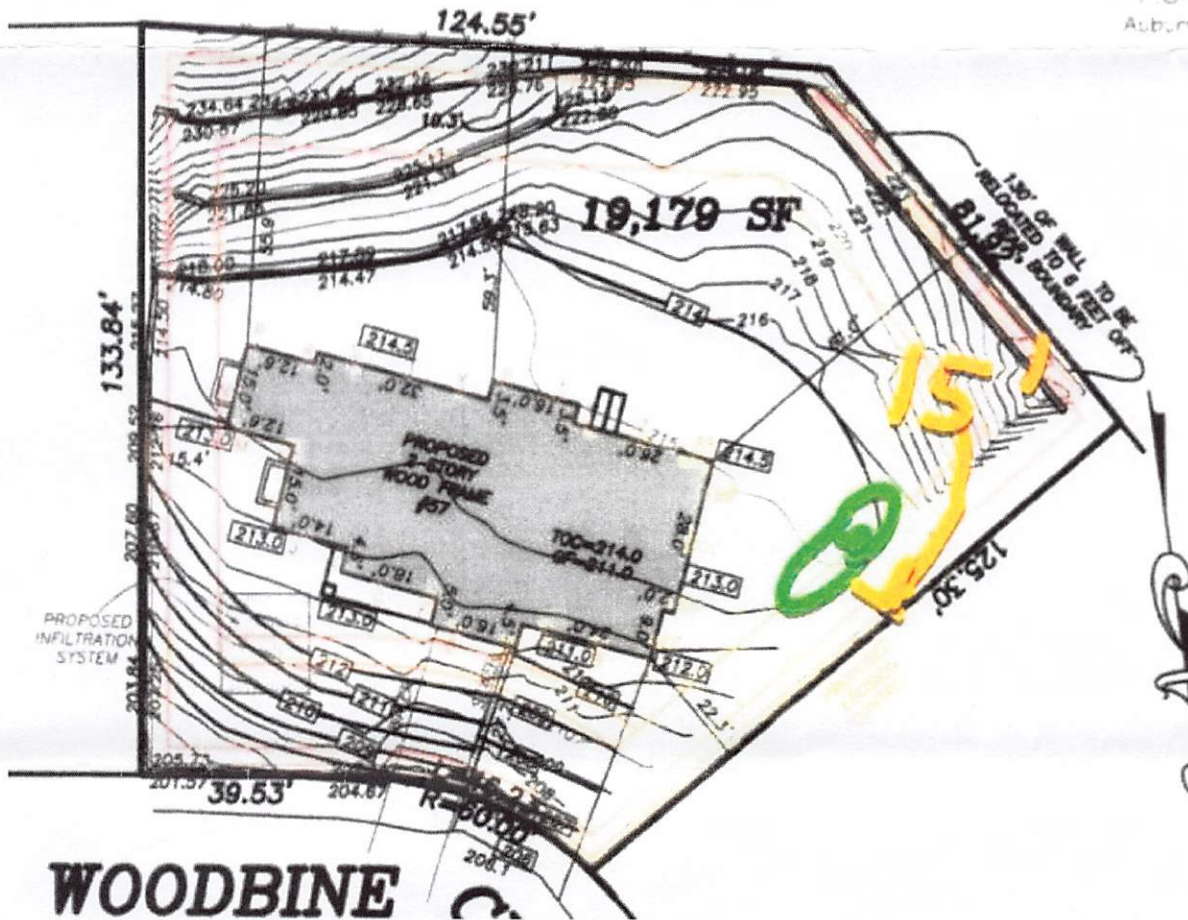
Tue, Jun 18 11:22 am
by Jeff Richards

CIRCLE ONE That Applies
40 Scale

PROPOSED LOT COVERAGE = 15.4%

Field

P.O.
Auburn



JP Development Properties
58 Woodbine Cir • Needham,
MA 02494

Thu, Jun 27 01:11 pm
by Jeff Richards



The Commonwealth of Massachusetts

City/Town of Needham

Application for Standard Permit

FP-006

(R.C.V. 1.1.2015)

Return completed application to: Needham Fire Department

Permit Number: 24NEE-60.G-PM
City or Town: Needham
Date: 07/10/2024

DIG SAFE NUMBER

Start Date:

In accordance with the provisions of M.G.L. Chapter 148, as provided in Section 10A application is hereby made
by MEDWAY OIL AND PROPANE

(Full Name of Person, Firm or Corporation)

(Phone Number)

of 37 BROAD ST, MEDWAY, MA

(Address: Street or P.O. Box, City or Town, Zip Code)

for permission to (state clearly purpose for which permit is requested)

Install one 1000 Gallon Underground propane tank at Woodbine Circle for whole house use.

Name of Competent Operator (if Applicable) Medway Oil & Propane Cert. No. 932

Date Issued-Rejected 07/10/2024 By _____

(Signature of Applicant)

Date of expiration _____ Fee 50.00 Amount Paid \$ Yes



The Commonwealth of Massachusetts

City/Town of Needham

FP-006

(R.C.V. 1.1.2015)

PERMIT

City or Town: Needham
Date: 07/10/2024
Permit Number: 24NEE-60.G-PM

DIG SAFE NUMBER

Start Date:

In accordance with the provisions of M.G.L. Chapter 148, as provided in 10A this permit is granted
to MEDWAY OIL AND PROPANE

(Full Name of Person, Firm or Corporation)

for Install one 1000 Gallon Underground propane tank at Woodbine Circle for whole house use.

Restrictions: _____

at 58 WOODBINE CIR, NEEDHAM, MA

(Street and # or Describe location for Adequate Identification)

Fee Paid \$ 50.00 This permit will expire on _____

Signature of Official Granting Permit: Inspector Ronald E Gavel Title Inspector

This Permit must be conspicuously posted upon the premises

parcelid	own1	own2
199/067.0-0027-0000.0	SCHWARTZ, ROBERT BRIAN	C/O ALAN PRANSKY ATTY
199/067.0-0030-0000.0	SIECZKOWSKI, MARK K. &	SIECZKOWSKI, JENNIFER
199/068.0-0003-0003.0	FIONDA, LUCIANA, TR	
199/067.0-0023-0000.0	WIENER, FLORENCE, TRUSTEE	MICHBETH REALTY TRUST
199/067.0-0026-0000.0	MCROSKEY, BRIAN J. &	MCROSKEY, STEPHANIE A
199/068.0-0034-0002.0	CHEN, RONGHUA &	GUO, JIE
199/067.0-0024-0000.0	FRIEDMAN, MARC D. &	JACOBS, SANDRA
199/067.0-0028-0000.0	STEIN, DAVID B +	STEIN, MARILYN R
199/067.0-0025-0000.0	WEINSTEIN, MARVIN, TR	MARCY REALTY TRUST
199/068.0-0003-0004.0	MALONE, JOHN E TRUSTEE	JOHN E. MALONE REALTY TRUST
199/068.0-0034-0001.0	GRANADILLO, PAUL ANDREW &	GRANADILLO, SIDONIE MIA XAVIER
199/068.0-0035-0000.0	KATZ, AARON I. &	GREEN, HANNAH L
199/067.0-0029-0000.0	SODANO, NANCY M. +	SAUM, JAMES B.,JR

careof	addr1	addr2	cityname	statecode	zip
	30 EASTBROOK RD STE 203		DEDHAM	MA	02026-
	45 WOODBINE CIR		NEEDHAM HTS	MA	02494-
	100 GREENDALE AVE		NEEDHAM HTS	MA	02494-
	42 WOODBINE CIR		NEEDHAM HTS	MA	02494-
	64 WOODBINE CIR		NEEDHAM	MA	02492-
	88 GREENDALE AVE		NEEDHAM	MA	02494-
	50 WOODBINE CIR		NEEDHAM HTS	MA	02494-
	63 WOODBINE CIR		NEEDHAM HTS	MA	02494-
	389 1/2 CENTRAL ST		MILFORD	MA	01757-
	20 CHESTNUT ST, SUITE 4		NEEDHAM	MA	02492-
	96 GREENDALE AVE		NEEDHAM	MA	02494-
	80 GREENDALE AVE		NEEDHAM HTS	MA	02494-
	51 WOODBINE CIR		NEEDHAM HTS	MA	02494-

Town of Needham Select Board

Policy Number:	SB-LIC-008
Policy:	Fuel Storage Application Procedures
Date Approved:	2/24/2004
Date Revised:	Reformatted 8/4/2015, Revised 11/22/2022
Approved:	

Policy:

Licenses, registrations, and permits for the storage of flammable or combustible fluids are granted in accordance with Massachusetts General Law, Chapter 148 and the Board of Fire Prevention Regulations. Local licensing boards have the authority to issue licenses for storage and sale of flammable products. Applications for the storage of flammable and combustible fluids are available from the Needham Fire Department.

I. Contextual Definitions

1. **Permit:** Permission granted by the Fire Chief allowing flammable or combustible fluids to be kept or stored. The Fire Chief records applications and permits.
2. **License:** Permission granted by the Select Board as Local Licensing Authority for the land (not an individual) for storage of flammable or combustible liquids (1,000 or more gallons) following a public hearing. Such permission, once granted, runs with the land regardless of change of ownership. Only one license may be issued to the land, but may be amended to reflect changes in quantity, condition, or restrictions, and may be revoked or suspended. The Select Board records applications, licenses, and maintains public hearing documentation. The propane tank, including all piping and equipment, shall meet federal, state, and local codes, regulations, specifications, and directives upon installation.
3. **Registration:** Acknowledgement certified by the Town Clerk of a flammable or combustible fluid storage license by the owner or occupant of the property for which the license was granted. The registration is renewed annually via the filing of a Certificate of Registration, which attests to continued use of the license. The Town Clerk maintains blank copies of Certificates of Registration and maintains record signed registrations.

II. General Requirements and Restrictions

1. The tank (to include all piping and equipment) and system shall meet all Federal, State, and local regulations, specifications, and directives at the time of installation.
2. For licenses, the owner/occupant of the land that holds the license shall file a

Certificate of Registration to the Town Clerk annually, on or before April 20th.

III. Application Process for Storage of Flammable and Combustible Fluids Permits and Licenses

1. The Applicant must request an application from the Fire Department and return it with a plot plan certified by a Registered Professional Engineer or Registered Land Surveyor. The plot plan shall include identification of all underground and aboveground utilities as well as water and sewer lines. The applicant is responsible for ensuring that all "Dig Safe" requirements are met prior to the installation of the tank(s).
2. The Fire Chief reviews and signs/approves the application and (if approved) grants the permit, informs the applicant, collects payment, and files a copy of the permit. If a license is not required, this is the final step in the application process.
3. If a license is required, the Fire Department will further inform the applicant, then forward the application to the Office of the Town Manager for review and scheduling of a public hearing before the Select Board.
4. The Office of the Town Manager will provide the applicant with the date and time of the public hearing, as well as a packet of information that the applicant must send to abutters via USPS Certified Mail. The packet of information will include the certified abutters list, mailing labels for abutters, and a copy of the legal notice published by the Select Board in a local newspaper prior to the hearing.
5. The applicant must return the certified mail receipts to the Office of the Town Manager no later than one business day prior to the public hearing, or risk having the public hearing delayed. The applicant is also responsible for payment of the legal advertisement, which will be billed directly by the publishing newspaper.
6. The applicant or designee must attend the public hearing.
7. If granted, the applicant will be provided a signed copy of the license, which they then must register with the Town Clerk along with a signed Certificate of Registration, who will also collect payment. If granted with restrictions, the application and license will be modified accordingly before issuance. If denied, the applicant will be provided written notice of denial. Should the meeting be continued by the Select Board without a decision being reached, the Office of the Town Manager will coordinate with the applicant to schedule the continued hearing.

Attachment: Certificate of Registration



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

MEETING DATE: 7/30/2024

Agenda Item	Non-Occupational Sick Leave Policy
Presenter(s)	Kate Fitzpatrick, Town Manager Tatiana Swanson, Director of Human Resources

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will recommend that the Board vote to approve a revision to the Non-Occupational Sick Leave Policy. The primary objective of the change is to provide a clearer and more equitable mechanism for employees to access paid time off for personal or family illness. The existing provisions for “extended sick leave” are not equitable. The Town strives to be an employer of choice, and access to paid family leave is a critical component of that effort. Moreover, the policy will help the Town compete with other employers, especially those who have access to the State’s PFML in the private sector and in State government, and to support employee physical and mental wellbeing.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to approve the revised Non-Occupational Sick Leave Policy.	
3.	BACK UP INFORMATION ATTACHED
a. Draft Update to Policy #303 – Non-Occupational Sick Leave	

**TOWN OF NEEDHAM
NON-OCCUPATIONAL SICK LEAVE POLICY
LEAVE ADMINISTRATION #303**

1. PURPOSE AND SCOPE

The purpose of this document is to set forth the Town's policy and procedures governing the use and accumulation of non-occupational sick leave.

2. APPLICABILITY

This policy applies to all non-represented benefit-eligible General Government employees.

3. DEFINITIONS

Refer to Policy 100 Definitions for commonly used words and phrases.

4. POLICY

Benefit-eligible employees are eligible to accrue and use non-occupational sick leave for non-work related illness as provided hereunder.

5. PROCEDURES

5.1 Accrual

5.1.1 Full-time employees shall accrue one and one-quarter (1 1/4) days non-occupational sick leave for each full calendar month of continuous employment. Regular part-time employees shall accrue non-occupational sick leave on a pro-rated basis, in the ratio that their part-time employment bears to full-time employment.

5.1.2 An employee will not accrue sick leave credits for any calendar month in which they are on leave without pay, absent without pay, or on worker's compensation, for more than five (5) days.

5.1.3 New employees will be granted a maximum of the equivalent of 10 days of non-occupational sick leave the time of hire.

5.2 Use

5.2.1 Employees may use non-occupational sick leave when they are incapacitated from the performance of duties by personal sickness, injury or quarantine by public health authorities. Employees may also use a reasonable amount of non-occupational sick leave per fiscal year (if available) to provide care for an ill parent, spouse or child of the employee. This excludes sick leave usage for qualified and approved family and medical leave as per Town Policy # 312 Family and Medical Leave Policy and Procedures.

- 5.2.2 Non-occupational sick leave may be used for scheduled medical appointments for the treatment of existing medical conditions (e.g. dialysis or radiation).
- 5.2.3 Employees may use a reasonable amount of non-occupational sick leave for preventive medical or dental appointments. The Town Manager or department manager may require the employee to submit medical documentation by a medical provider to substantiate the use of sick leave for the purpose or preventive medical or dental appointments.
- 5.2.4 The employee's personal non-occupational sick leave bank will be charged the total number of hours absent from work because of non-occupational illness.
- 5.2.5 Employees receiving worker's compensation may be required to use non-occupational sick leave to supplement their worker's compensation payments.

5.3 Personal and Family Health Leave

- 5.3.1 Personal and Family Health Leave refers to the use of extended sick leave for family or personal medical reasons. Personal and Family Health Leave replaces the prior category of "Extended Sick Leave."
- 5.3.2 Eligible employees who are approved for extended leave in accordance with policy #312, Family and Medical Leave Policy and Procedures, may use their existing non-occupational sick leave accruals to substitute the employee's normal base rate of pay for the first four (4) weeks of the leave. Should the leave extend beyond four (4) weeks, Personal and Family Health Leave will provide 50% of the employee's normal base rate of pay for the following four (4) weeks of leave. Employees may use accrued paid time off to supplement the four (4) weeks paid at the 50% level. Should the leave exceed eight (8) weeks, Personal and Family Health Leave will grant 100% of the employee's normal base rate of pay for the remaining four (4) weeks of leave.
- 5.3.3 In addition to the criteria under policy #312 Family and Medical Leave policy and procedures, employees may be eligible for Personal and Family Health Leave as set forth in section 5.3.2 for the care of a domestic partner or any other relative residing with the employee at the time of illness, not to exceed 12 weeks total in a 12-month period.
- 5.3.4 In extenuating circumstances, the Town Manager may waive the 12-month/1,250 hours worked for the Town immediately before the leave requirement, as set forth in policy #312, Family and Medical Leave policy and procedures, and may grant Personal and Family Health Leave outside of the criteria described above, as requested by the employee and recommended by the Director of Human Resources.

5.4 Notification

- 5.4.1 An employee who wishes to use accumulated non-occupational sick leave must notify the work location and speak directly to their immediate supervisor/designee as early as possible on the first day of the absence.

5.4.2 Failure of the employee to provide such notification may be sufficient grounds to deny the use of non-occupational sick leave even if the employee is genuinely ill. The employee must be granted the opportunity to provide a satisfactory explanation as to why they did not call within the stated time-frame.

5.4.3 Except in emergency situations, the employee must call the work location on each day of the absence.

5.5 Suspected Abuse

5.5.1 Whenever a department manager has reason to believe that an employee is (or a group of employees are) abusing sick leave, the department manager shall require the employee(s) to provide written medical verification of illness as outlined in Section 5.6. Requests for medical verification should generally be made during or immediately following the absence in question.

5.5.2 Any number of facts might lead a department manager to suspect abuse. Some of the most common are: patterns of sick leave use, such as Mondays and Fridays; continued utilization of sick leave in increments of one day or less; advance notice given by the employee that they will be out sick on a given day; an employee who calls in sick yet comes into the office on personal business (; excessive utilization by employees who are terminating employment; absences immediately following a dispute with a supervisor or co-worker; an employee who calls in sick during inclement or beautiful weather, prior to, on or following a holiday, or on a day which the employee requested off but whose request was denied; and a group of employees who call in sick on a holiday or event day such as the opening day of baseball season.

56 Medical Verification

5.6.1 Medical verification of illness must be submitted to the Human Resources Department and be satisfactory in the validation of the medical condition. To be satisfactory, the information should include (but need not be limited to) the following: the date the employee was seen; the estimated time for which the employee (or family member) will be incapacitated; and a certification that the employee is unable to work on the day(s) for which verification is requested.

5.6.2 Medical verification documents must be signed by the health care provider who has examined the employee.

5.6.3 An employee who fails to provide medical verification within seven (7) calendar days of a request shall be denied payment for non-occupational sick leave for the relevant period and may be subject to disciplinary action.

5.7 Fitness for Duty

5.7.1 In order to ensure fitness to perform the essential functions of their positions, employees may be required to submit medical verification of their current ability to perform their essential job functions upon return to work following use of sick leave in excess of ten (10) consecutive work days, or after hospitalization or surgery.

5.8 Non-occupational Sick Leave Buy-Back

- 5.8.1 (a) Employees hired or promoted before July 1, 1994 who terminate employment with the Town by retirement, disability, or death shall be entitled to a cash payment upon termination at their current rate of pay for twenty-five percent (25%) of their personal non-occupational sick leave bank.
- (b) Employees hired or promoted between July 1, 1994 and April 1, 2008 who terminate employment with the Town by retirement, disability, or death shall be entitled to a cash payment upon termination at their current rate of pay for twenty-five percent (25%) of their personal non-occupational sick leave bank, and shall be subject to a 960 hour cap on the number of sick days to be used in calculating the 25% sick leave buy-back at retirement.
- (c) Employees hired on or after April 1, 2008, are not eligible to participate in the sick leave buy-back program.
- (d) For the purposes of this section, retirement shall be defined as receiving a pension check from the Needham Contributory Retirement System.

- 5.8.2 Full-time and regular part-time employees hired prior to July 1, 2024, excluding department managers, who have a non-occupational sick leave bank of not less than 30 days (225 hours) and who are at the two-week or three-week vacation accrual rate shall be eligible to convert non-occupational sick leave to vacation leave under the following circumstances:

<u>Sick Days used in Fiscal Year</u>	<u>Sick Days Traded for Vacation Days</u>
0 - 4 days (0 - 30 hours)	2 days (15 hours)
4+ - 5 days (30.1 - 37.5 hours)	1 day (7.5 hours)
5+ days (37.5 hours)	0 days (0 hours)

Under extraordinary circumstances, such as severe illness or work-related injury, the Town Manager may approve the conversion of sick days if the employee would otherwise qualify but for the circumstances in questions. Such approval will only be granted if the employee has at least 60 days in their non-occupational sick leave bank.

5.9 Exceptions

The Town Manager has the discretion to interpret and make exceptions to this policy in the best interest of the Town.



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

MEETING DATE: 7/30/2024

Agenda Item	Needham Center Project Working Group
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will recommend that the Board establish the Needham Center Working Group to provide input and feedback to the DPW, its consultants, and the Board on the Needham Center Project along Great Plain Avenue.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. Draft Charge and Composition – Needham Center Project Working Group	

Town of Needham

Needham Center Project Working Group

Charge & Composition

Type:	Ad hoc
Legal Reference:	Select Board Vote
Appointing Authority:	Select Board
Number of Voting Members:	Fifteen (15)
Term of Appointment	3 Years
Special Municipal Employee	Yes
Staff Support	Department of Public Works

Member	Seat	Year Appointed	Term Expiration
	Select Board Member		
	Planning Board Member		
	Finance Committee Member		
	Needham Community Revitalization Trust Fund Member		
	Mobility Planning and Coordination Committee Member		
	Climate Action Committee Member		
	Design Review Board Member		
	Transportation Safety Committee Member		
	Council of Economic Advisors Member		
	Needham Center Small Business Owner		
	Needham Center Restaurant Owner		

	Needham Center Property Owner		
	Resident At-Large		
	Resident At-Large		
	Director of Public Works or designee (ex- officio)		

Composition:

- One (1) member of the Select Board*
- One (1) member of the Transportation Safety Committee
- One (1) member of the Needham Revitalization Trust Fund Commission
- One (1) member of the Council of Economic Advisors
- One (1) member of the Planning Board
- One (1) member of the Finance Committee
- One (1) member of the Mobility Planning and Coordination Committee
- One (1) member of the Climate Action Committee
- One (1) member of the Design Review Board
- One (1) small business owner in Needham Center
- One (1) restaurant owner in Needham Center
- One (1) property owner in Needham Center
- Two (2) residents at large
- The Director of Public Works or Designee*

* Regular municipal employees serving on the Committee remain regular municipal employees, even though the committee members are designated as special municipal employees

Purpose: The purpose of the working group is to provide input and feedback to the Department of Public Works and its consulting engineers on the design and layout of the Needham Center/Great Plain Avenue project.

Charge: The charge of the working group is to:

- Meet regularly with Town staff and consulting engineers to provide input.
- Ensure that constituency needs and desires are considered.
- Report back to constituencies to ensure clear communication on progress.
- Help staff and consulting engineers narrow concept choices.
- Make recommendations to the Select Board on key milestones and decision points.
- Participate in community outreach efforts.
- Make recommendations for funding, as appropriate.

Charge Adopted: [DATE] **Charge Revised:**
SME Status Voted: [DATE]



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

MEETING DATE: 7/30/2024

Agenda Item	Goal Setting
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will continue its goal setting process that began on July 9 th .	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. Select Board Goal Setting Memo, Updated for 7/30/2024	



TOWN OF NEEDHAM
TOWN HALL
Needham, MA 02492

DRAFT

Location: Memorial Park Field House
Board Room
92 Rosemary Street
Needham, MA 02494

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

Date: Tuesday, July 9, 2024, 3:00 PM – 7:00 PM
Tuesday, July 30, 2024, 5:00 PM – 7:00 PM

Vision: Needham is a safe and welcoming town that people are proud to call home, where neighbors care, respect differences, and contribute to the global community.

Select Board Goal Statement
Adopted September 26, 2023

PURPOSE

The purpose of the Select Board Goals is to effect positive change, set policy direction for Town government, and guide the development of the budget.

GOAL #1: Healthy and Socially Thriving – Needham residents enjoy plentiful recreational, cultural, and educational opportunities in an environment that upholds human rights, celebrates diversity, and fosters a sense of connection among neighbors, thus strengthening their bond to the community they proudly call home. Needham:

- Cultivates a wide range of recreational, cultural, educational, civic, and social opportunities for all socioeconomic and age groups,
- Supports the physical and mental well-being of its community members,
- Fosters inclusion, diversity, and equity in order to become a culturally responsive, anti-racist, and anti-biased community, and
- Values public art.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
1	Identify ways to institutionalize community conversation around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences. (0-18 months)	A planning group has been established. The first event was led by the High School students on May 2, 2024. The planning group is meeting to plan the next event for Fall 2024.	Refer to HRC, NUARI, NDI, Resiliency Network and/or other community groups based on conversations.
2	Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees, measure progress. (0-18 months)	Topic surveys complete, curriculum and media being finalized. Target date will be September for new appointments. Using this data, community groups were directly solicited to pass along the Town's request for committee member applications in the Spring of 2024.	Operationalized.
3	Complete the Equity Audit, clarify objectives, and determine next steps. (0-18 months)	The Town received a \$50,000 Community Compact Grant for this project. The project will kick off this summer. The Town has partnered with a DEIB consultant to conduct employee focus groups, for the purpose of recommending impactful next steps in our DEIB strategy, more meaningful engagement in DEIB themes, and equity audit objectives.	Operationalized. Currently working with departments to scope the audit and define parameters.

4	Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement and NUARI principles. <i>(0-18 months)</i>	Staff drafted the curriculum outline and received feedback via survey from current Board/Committee Members. Orientation planned for Fall 2024.	Operationalized, to be executed in Fall 2024.
5	NUARI: Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement. <i>(Included in Initiative 1.4)</i>	Included in Initiative 4.	Operationalized, to be executed in Fall 2024.
6	Hold a public hearing and determine if the Town will change Columbus Day to Indigenous People's Day. <i>(0-18 months)</i>	Hearing held 11/28/2023, vote to change held 12/5/2023.	Complete.
7	Invite various identity network groups to meet with the Select Board and introduce the work they do and the community they serve. <i>(0-18 months)</i>	Staff will use data gleaned from surveys and committee recruitment outreach to engage with identity network groups, with the intent of using these conversations as segues to Select Board meeting discussions. A request for outreach was included in the solicitation of committee member applications.	0-18 Months. To be executed by attending identity network group meetings/events. Board to initiate outreach and indicate desire to meet with and participate in community events.
8	Develop a plan for a community observance of Juneteenth. <i>(18-36 months)</i>	A brief ceremony was held on June 19, 2024, and the Board will discuss this goal at its next goals workshop.	Operationalized. Staff to engage with Chairs on how to expand.
9	Implement Valor Act and consider aligning the administrative process for both the Valor Act and the Senior Corps programs. <i>(Operationalized FY 2023-24 Initiative)</i>	Staff will make a proposal in CY2024 Q4 for the Board's consideration.	Operationalized.
10	Conduct focus groups with BIPOC community	Focus groups were held in Fall 2023.	Operationalized. Continue to focus

	members to identify strategies for ensuring that all members of the community feel welcome as outlined in the NUARI vision statement and guiding principles. (Operationalized FY 2023-24 Initiative)		on engagement with BIPOC community and meet with NUARI following orientation sessions.
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GOAL #2: Economically Vital – Needham welcomes investment in local businesses and has a thriving local economy that contributes to a growing local tax base to support desirable community amenities and programs. Needham:

- Has a growth mindset and encourages business development and redevelopment,
- Supports an environment for creativity, innovation, and entrepreneurship,
- Promotes a well-educated, skilled, and diverse work force that meets employers' needs,
- Fosters a collaborative and resource-rich regional business climate,
- Attracts, sustains, and retains a diverse mix of businesses, entrepreneurs and jobs that support the needs of all community members, and
- Supports financial security and economic opportunity.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
11	Evaluate Chestnut Street Redevelopment (36+ months)	Deferred.	36+ months. Assessment to occur following outcome of MBTA Communities Law-related warrant article.

GOAL #3: Livable– Needham values diversity and a broad spectrum of housing options. The community is supported by well-maintained public infrastructure and desirable amenities that accommodate a variety of community needs. Needham:

- Promotes and sustains a secure, clean, and attractive place to live, work and play,
- Supports an increase of housing, including a variety of types and price points,

- Provides high-performing, reliable, affordable public infrastructure and Town services,
- Encourages and appropriately regulates sustainable development, and
- Supports and enhances neighborhood livability and accessibility for all members of the community.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
12 *	Work with the Planning Board on next steps related to the MBTA Community Housing Guidelines and the update to the Town's Affordable Housing Plan. Review updated demographics and impact on anticipated transit-oriented development and schools. <i>(0-18 months)</i>	The HONE Working Group submitted its final recommendations to Select Board & Planning Board on April 30th. The initial plan has been filed with EOHLC. October 21, 2024, STM is the target for Town Meeting Action.	0-18 months. Board will continue to work with the Planning Board and other relevant stakeholders upon state assessment of Town's proposal.
13	Identify funding for School Master Plan projects and participate in the planning process. <i>(0-18 months)</i>	The MSBA approved an Invitation for Eligibility for the Pollard project on December 13, 2023. Funding for feasibility was approved by the 2024 Annual Town Meeting.	Operationalized. The Board will continue to track progress, to include changes to cost/financing or set initiative to work with School Committee, Finance Committee, and PPBC to understand project and cost.
14	Evaluate RTS Service Delivery Model to guide long-term investment and review operational efficiencies in the short-term. <i>(0-18 months)</i>	After failing to receive bids within the allocated budget, DPW is working with a firm to conduct a survey. Once results are complete, viable options will be evaluated by a consultant. The target for	Operationalized. RTS Survey in work. Staff to report back to Board.

		survey completion is Fall/Winter 2024.	
15 *	Evaluate next steps for use of the Stephen Palmer Building. (0-18 months)	A survey has been drafted with Select Board and Park & Recreation Commission input, with targeted distribution in Fall 2024 following a stakeholder meeting, to include current residents.	0-18 Months. The Board will host resident engagement in Fall 2024. Staff will work to drafting feasibility scope.
16	Evaluate expansion of off-leash dog areas. (0-18 months)	Staff will provide concept plans based on the ARA Working Group recommendations by August 2024.	0-18 Months. Staff will develop concepts for Hillside and Mills, with potential for an off-leash area at Rosemary.
17	Support for the Needham Housing Authority redevelopment project. (0-18 months)	The Select Board, Planning Board, and CPC advanced articles to the 2024 Annual Town Meeting. All of the articles passed. The Town-Financed Community Housing Oversight Committee (T-CHOC) will oversee the allocated funds.	Complete.
18	Evaluate the role of the Affordable Housing Trust. (18-36 months)	Deferred.	0-18 months. The Board will invite the League of Women Voters to present their study on the Trust to a joint AHTF/SB meeting
19	Begin the Ridge Hill/Nike Assessment Phase 2 Project, including working with the Community Farm to decide on the long-term plan for the farm at the site as well as considering potential future uses of the site. (36+ months)	Deferred.	Removed.

20	Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and the 11th oldest in Needham. <i>(Operationalized FY 2023-24 Initiative)</i>	The Final Report is complete, and the By-law amendment was approved by the 2024 Annual Town Meeting. The By-law will become effective upon the approval of the Office of the Attorney General.	Complete.
21	Upgrade Town Seal to improve graphic quality and historical accuracy. <i>(Operationalized FY 2023-24 Initiative)</i>	The Needham Branding and Town Seal Committee was appointed by the Board and has been meeting since Fall 2023. The Governor has cut the funding allocated for this project in half under the 9C cuts. The Board has allocated ARPA funds to fund the remainder of the project. The Committee is working with a consultant to develop a brand logo and revised Town Seal.	Operationalized. The new seal is targeted for the 2025 Annual Town Meeting. Branding effort will conclude with selection and roll out by end of CY2024.
22	Identify opportunities for expanded active and passive recreation facilities including but not limited to an action sports park and additional boat ramps. <i>(Operationalized FY 2023-24 Initiative)</i>	Construction funding for reconstructed and expanded NHS tennis courts projects is in the permitting phase, with funds proposed for the October 21, 2024, Special Town Meeting. The Active Recreation Feasibility Study has been awarded to CHA Solutions Company. Their process began in early 2024 and is likely to run through the summer in order to deliver their suggestions before budget season in Fall 2024. Their focus is to find the best location for a skate park and pickleball courts.	Operationalized.

23	Maintain/repair the barn at Ridge Hill. (Operationalized FY 2023-24 Initiative)	The revised License for use of the barn by Needham Community Theater is complete (Select Board endorsement approved on 12/19/2023). Emergency repairs are on-going – discussions on the future of the property will be scheduled in 2024.	Complete.
24	Improve trailhead access to ensure clear and accessible access; consider creating a trails app. (Operationalized FY 2023-24 Initiative)	The Conservation and Park & Recreation Departments have reestablished the Town's Trail Stewards Program and have engaged Tighe & Bond, who designed uniform trail markers.	Operationalized.

GOAL #4: Accessible and Connected – In Needham, people can easily and affordably travel to their desired destinations without relying solely on cars. Needham:

- Supports a balanced transportation system that reflects effective land use, manages congestion, and facilitates strong regional multimodal connections,
- Offers and encourages a variety of safe, comfortable, affordable, reliable, convenient, and clean mobility options,
- Applies Complete Street principles to evaluate and prioritize bicycle and pedestrian safety,
- Coordinates with state and federal leaders to ensure access to safe, reliable, and efficient public transit,
- Provides effective infrastructure and services that enables people to connect with the natural and built environment, and
- Promotes transportation options to remain an age-friendly community.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
25	Update parking payment technologies to allow for credit card and/or app-based payments. (0-18 months)	The procurement of an app-based payment option has begun. Four bids were received with review of bids in June 2024.	Operationalized. RFP concluded, with vendor selected.
26	Ask the Planning Board to update parking	The Planning Department requested FY2025 funding	Complete.

	requirements in zoning at May 2024 Town Meeting. <i>(0-18 months)</i>	for technical assistance to inform a Planning Board zoning amendment on this topic. The funding request was approved.	
27	Pilot converting some on-street parking spaces for more active curb use (e.g., short customer visits, active loading areas). <i>(0-18 months)</i>	Deferred until after the app-based payment technology is in place and additional data has been collected.	18-36 months.
28	Update the Town's parking regulations and permit program (including permit rules, time/day regulations, and pricing). <i>(0-18 months)</i>	Deferred until after the app-based payment technology is in place.	18-36 months.
29*	Seek funding for noise reduction/Quiet Zone feasibility, design, and construction. <i>(0-18 months)</i>	Funding in the amount of \$750,000 for design was funded at the 2024 Annual Town Meeting. DPW is drafting procurement documents.	0-18 Months. Design funded, and process to proceed in FY2025.
30	Evaluate and make a final determination of the appropriate plan for Downtown Redesign Phase 2. <i>(0-18 months)</i> .	The Director of Public Works solicited design concepts from consulting engineers, and presentations were made to the Select Board this past winter. A design contract was awarded to Environmental Partners. The Town is currently defining the scope for Phase I of the project, to include community outreach and design of pilot. Phase I is expected to be implemented in CY2025.	Operationalized. DPW leading working group with Environmental Partners over Summer 2024. Town Manager will propose composition and charge for working group at 7/30/24 SB meeting.
31	Evaluate expansion of snow and ice removal efforts, including sidewalk plowing strategies. <i>(0-18 months)</i>	DPW will provide an update to the Board during FY2025.	0-18 months. DPW to provide update in pre-winter overview.

32	Evaluate funding options for the Rail Trail extension from High Rock Street to Needham Junction. (36+ months)	Deferred.	18-36 months. Discussions commenced with Town of Dover.
33	Evaluate future use of the rail corridor between Dover and Newton. (36+ months) (Included in 32 and 34)	Deferred.	Removed.
34	Evaluate the feasibility of a shared use way between Needham Heights and the City of Newton. (36+ months)	Deferred.	0-18 months. Town Manager will begin discussion with Newton and MassDot.
35	Implement the Parking Study. (Included in 25 and 28)		Removed.
36	Prioritize Funding for the Central Ave/Center St Bridge (<i>Operationalized FY 2023-24 Initiative</i>)	Funding for this project is included in the amended FY2025 TIP. Dover is taking the lead on designing a new bridge and has contracted with TEC to work the TIP process. It is anticipated this project will be approximately 5 years out and will have to be coordinated with MassDOT's project at Chestnut St.	Completed. Included in TIP, as requested by Dover.

GOAL #5: Safe – Needham is a welcoming and inclusive community that fosters personal and community safety. Needham:

- Provides public safety in a manner consistent with community values,
- Provides comprehensive advanced life support level care,
- Plans for and provides equitable, timely and effective services and responses to emergencies and natural disasters,
- Fosters a climate of safety in homes, businesses, neighborhoods, streets, sidewalks, bike lanes, schools, and public places, and
- Encourages shared responsibility, provides education on personal and community safety, and fosters an environment that is welcoming and inclusive.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
37	Actively monitor progress on the law enforcement recommendations that NPD Chief Schlittler presented to the Select Board on June 8, 2021. <i>(Operationalized FY 2023-24 Initiative)</i>	The Police Chief attended the March 26 2024 Select Board meeting to present the 2023 Annual Report.	Complete. Police Chief invited to provide at 2+ updates per year starting in FY2025.

GOAL #6: Responsibly Governed – Needham has an open and accessible Town government that fosters community engagement and trust while providing excellent municipal services. Needham:

- Models stewardship and sustainability of the Town’s financial, human, information, and physical assets,
- Invests in making Town-owned buildings safe and functional,
- Supports strategic decision-making with opportunities for engagement and timely, reliable, and accurate data and analysis,
- Enhances and facilitates transparency, accuracy, efficiency, effectiveness, and quality service in all municipal operations,
- Supports, develops, and enhances relationships between the Town and community and regional partners,
- Proactively reviews and updates Town policies and regulations and ensures compliance,
- Promotes collaboration between boards and committees,
- Values the local government workforce,
- Identifies and implements strategies to hire, support and retain diverse staff at every level of the organization, and
- Prioritizes acquisition of strategic parcels.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
38	Evaluate the need for a flag policy. <i>(0-18 months)</i>	The policy was approved at the 11/28/2023 Select Board meeting.	Complete.
39	Evaluate the possibility of developing a Community Master Plan. Develop an inventory of Town long-range plans and identify overlaps and conflicts, including other Boards of jurisdictions. <i>(0-18 months)</i>	Pending	0-18 months. Staff to create a inventory of existing master plans.

40	Establish process to do regular by-law charter review updates. <i>(0-18 months)</i>	The Select Board appointed a working group on 1/9/2024 to develop a proposal for Town Meeting. The proposed By-law amendment to implement the review process was approved at the 2024 Annual Town Meeting. This committee will be established in Q2 FY2025 following approval by the Attorney General.	Complete.
41	DPW phased renovation/construction. <i>(0-18 months)</i>	Funding for the design of Phase I of this project was approved at the 2024 Annual Town Meeting. Staff is performing a scope review in June 2024.	Operationalized. Design funding secured with work progressing.
42	Capital Facilities: CATH upgrades (including additional parking) and Library phased renovations. <i>(0-18 months)</i>	Projects requests were submitted in the FY 2025-2029 CIP. Design of the Library's Young Adult project was approved at the 2024 Annual Town Meeting. Funding for the rental of 13 additional parking spots from the MBTA next to the CATH was approved at the 2024 Annual Town Meeting. CATH upgrades are included in the most recent Capital Improvement Plan.	Library: Operationalized. Phase I in design. CATH: 0-18 months. COA to review prioritization of fitness room relative to other priorities.
43	Evaluate ways to increase minority and women-owned business participation in construction, building maintenance projects, and other Town programs. <i>(0-18 months)</i>	The PPBC will meet or exceed the MSBA standards for MBE & WBE participation on the design and construction of the Pollard project.	0-18 Months. Staff to begin study with the topic being added to upcoming

		This topic will be included in the Town's upcoming procurement manual.	procurement meeting in summer 2024.
44	Review and recodify the non-criminal disposition by-law (<i>Operationalized FY 2023-24 Initiative</i>)	The October 30, 2023, Special Town Meeting approved the By-law amendment that has been approved by the Attorney General. A correcting amendment was approved at the May 13, 2024, Special Town Meeting	Complete

GOAL #7: Environmentally Sustainable – Needham is a sustainable, thriving and equitable community that benefits from and supports clean energy; preserves and responsibly uses the earth's resources; and cares for ecosystems. Needham:

- Combats the climate crisis,
- Prioritizes sustainability, including transitioning from fossil fuels to clean, renewable energy,
- Encourages the efficient use of natural resources, and
- Protects and enhances the biodiversity and vitality of ecological systems.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Notes
45	Prioritize and implement the Climate Action Plan. (<i>0-18 months</i>)	The CAPC presented a draft plan on 12/19/2023, and a public hearing was held on 1/9/2024. The Select Board approved the composition and charge of the permanent committee (CAC) at its meeting on March 12, 2024 and approved the Climate Action Roadmap on May 14, 2024. A Sustainability Manager was hired in December 2023.	Complete
46	Identify parcel acquisition to comply with Land and Water	Pending	0-18 months. Ongoing effort.

	Conservation Fund requirements. <i>(0-18 months)</i>		
47	Evaluate adoption of net-zero building code; specialized opt-in code. <i>(0-18 months)</i>	The October 30, 2023 Special Town Meeting approved the adoption of the code.	Complete
48	Sponsor a tree summit. <i>(0-18 months)</i>	The Tree Summit was postponed from 2/7/2024. The Town Manager is convening a small working group to help determine next steps.	0-18 months. Further discussion on 7/30.
49	Explore development of a Town Electric Vehicle (EV) policy, i.e., the default position for fleet replacement should be EVs unless there is a compelling reason to use an alternative. <i>(18-36 months)</i>	The Sustainability Manager has started a process to identify what the potential policy may cover.	0-18 months. Staff identifying scope of policy, followed by drafting.
50	Recommend community energy aggregation <i>(Operationalized FY 2023-24 Initiative)</i>	Public comment on draft plan held 12/6/2023 to 1/5/2024. Comments were compiled and submitted to the DPU. The draft plan was validated and approved for submission by the Town working group on 1/8/2024. A required meeting with DOER occurred on 1/16/2024, followed by DPU Public hearing held on 3/14/2024. The proposal is currently awaiting review by the DPU.	Operationalized. Awaiting approval from DPU.
51	Review/establish electric vehicle charging rates <i>(Operationalized FY 2023-24 Initiative)</i>	The Select Board approved the rates at its 10/24/2023 meeting.	Complete.

August 3 & 4 Select Board Retreat - Items for Referral to Others

- Consider restriction of individual serving alcohol bottles – referred to the Board of Health on 8/15/2023
- Create a town wide bike route map to use as a planning tool - deciding intentionally on which roads we would like to have a bike lane, where we want to channel our bike traffic – referred to Mobility Committee 8/15/2023
- Explore opportunities to increase bike infrastructure as possible throughout the town – referred to Mobility Committee 8/15/2023
- Explore the creation of a mountain biker trail extending south from Kendrick Street and parallel to Greendale Ave. – referred to Mobility Committee 8/15/2023
- Evaluate the issue of bicycles on sidewalks – referred to Mobility Committee 8/15/2023
- Procure a level 3 charging station to enable electric school transportation and town vehicle fleet changes – Referred to the Climate Action Planning Committee on 8/15/2023

August 3 & 4 Select Board Retreat - Items referred to staff for budget consideration

- Explore increasing the budget for Town Tree Planting
- Arts
 - Increase NCAC funding in FY2025 Operating Budget
 - New arts goal after plan is complete
- Cooling Infrastructure (shade structures at Rosemary, playgrounds & playing fields, and on Town Common) **Discuss RRC shade and pool season duration.**
- Social Safety Net (increase funding for direct support)
- Food Insecurity (expand food insecurity remediation programs supported by the Town)

Discussion Items
Select Board Goals Setting FY2025 – 2026

GOAL #1: Healthy and Socially Thriving

- Equity and inclusion Roadmap (operationalized in equity audit)
- Create an action plan for transitioning all Town Buildings to having all-gender bathrooms.
 - Staff to survey Town facilities to see what options are for each
 - Then prioritization
 - Can start re-signing single stalls now
 - To add in design requirements for new buildings.
 - **0-18 Months**
- Launch a Citizens Academy to introduce Needham residents to all facets of local government
 - “Civics Academy”
 - **18-36 month**
- Establish clear guidelines for public art proposals for the Town of Needham, including an outline of the existing process for approval from the appropriate committees to develop a consistent public arts program to serve the Needham community.
 - **0-18 month**
 - Defining government view of art vs speech
 - Guidelines and process
- 1776 celebration
 - **Refer (start with Needham History Museum)**
- Town Hall Dance Party
 - **Operationalize ASAP**
 - September 8th

GOAL #2: Economically Vital

- Gather community data from Placer.ai to look at movement and time in location (duration) to target future businesses and amenities (parking lots, parks, etc.).
 - **Operationalize**
 - Deep discussion

GOAL #3: Livable

- Consider setting a production goal for affordable housing units. Map out multi-year strategies for how to achieve.
 - Tied to Affordable Housing Trust discussion (to be included in AHT initiative)
- Encourage and participate in the Planning Board’s large house review
 - **0-18 months**
- Stephen Palmer Transition Plan
 - Tied to other Stephen Palmer goal
- Consider leaf blower restrictions
 - **Refer (Start with Green Needham, to include ask for review and recommendation)**
- Explore renaming Hemlock Gorge to Nehoiden's Grant
 - **0-18 Months**

GOAL #4: Accessible and Connected

GOAL #5: Safe

GOAL #6: Responsibly Governed

- Collaborate with the Finance Committee about the Town's policies regarding the use of free cash and debt.
- Recruitment initiatives
- Sign Bylaw review
- Code of Conduct Review
- Policy updates
- Developing measurable metrics and targets for adopted goals
- Guidelines for staff to respond to ad-hoc queries from residents
- Data collection: processes in the Building Department/Assessor's office to collect information on residential energy efficiency changes (including permits to change out heating & cooling systems), charger installation, ADUs, tree removals etc.
- Implement successor agreements for expiring contracts
- Personnel
- Utilities
- Annual evaluation of Town Counsel
- Review voting locations

GOAL #7: Environmentally Sustainable

- Strengthen the Town's Stormwater bylaw
- Identify and implement strategies to protect the Town's tree canopy
- Create and adopt an EV-first policy that requires Town-owned and leased vehicle to adopt readily available EV technology at the time of replacement, where feasible.
- Develop and enact a Tree Preservation Bylaw covering the removal and restoration of trees on private land.
- Enable Commercial Property Assessed Clean Energy (PACE) by opt into MassDevelopment Program and develop supporting programs to drive participation.
- Establish a comprehensive Climate Communications Strategy to engage community members and organizations in the implementation of climate actions and continuous evolution of the Climate Action Roadmap.
- Consider further plastics reduction
- Consider bylaw regulating non-electric vehicles parking in EV charging spots

**Town of Needham
Select Board
Minutes for Tuesday, June 25, 2024
Select Board's Chamber and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Marianne Cooley, Cathy Dowd, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance and Katie King, Deputy Town Manager were also in attendance.
- 6:00 p.m. Public Comment Period:

No public comments were heard.
- 6:01 p.m. Public Hearing: Eversource Grant of Location – 19 Barrett Street:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 9 feet of conduit in Brookside Road. The reason for this work is to provide service to 19 Barrett Street. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.
- Motion by Ms. Dowd that the Board vote to approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Barrett Street. Second: Ms. Cooley. Unanimously approved 5-0.**
- 6:03 p.m. Public Hearing: Eversource Grant of Location – 90 Wyoming Avenue:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 10 feet of conduit in Wyoming Avenue. The reason for this work is to provide service to 90 Wyoming Avenue. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.
- Motion by Ms. Cooley that the Board vote to approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Wyoming Avenue. Second: Ms. Dowd. Unanimously approved 5-0.**

6:05 p.m. Public Hearing: Application for a New All-Alcohol License – Needbobcon Inc., d/b/a Conrad's
Presenter: Robert Conrad, Owner/Proposed Manager of Record – Needbobcon Inc., d/b/a Conrad's

Robert Conrad presented his application for a new Section 12 Restaurant All-Alcoholic Beverages License at 1257 Highland Avenue. Mr. Conrad noted that he has been in business since 1993. His restaurant will cater to families with a wide-ranging menu. There will be a smaller bar area with most of the restaurant being dining seating, some of which will be in a private function room. Mr. Conrad noted that there is always either a General Manager or Assistant General Manager on the premises. Select Board members emphasized the strictness of Needham's alcohol regulations and the associated penalties, as well as the requirement for carding individuals who appear to be under 40 years old.

Motion by Ms. Frail that the Board vote to approve the Section 12 Restaurant All-Alcohol License application submitted by Needbobcon Inc., d/b/a Conrad's include the appointment of Robert Conrad as Manager of Record, and if so approved, forward the application to the ABCC for review and final approval.

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

6:19 p.m. Public Hearing: Application for Change of Hours Amendment to an All-Alcohol License – Metrowest Dining LLC, d/b/a The Common Room
Presenters: Scott McCourt, LLC Manager – Metrowest Dining LLC, d/b/a The Common Room, Thomas Griffin, LLC Manager/Manager of Record – Metrowest Dining LLC, d/b/a The Common Room

Scott McCourt presented his application for a Change of Hours Amendment to the Section 12 Restaurant All-Alcoholic Beverages License for Metrowest Dining LLC, d/b/a The Common Room at 30 Dedham Avenue. Mr. McCourt requested an extension of service hours from 11 p.m. to midnight daily. Mr. McCourt explained that this would not necessarily be a regular occurrence, but for special events. A late night menu of appetizers will be served during this additional time.

Motion by Ms. Frail to approve the Change of Hours Amendment to the Section 12 Restaurant All-Alcohol License applications submitted by Metrowest Dining LLC, d/b/a The Common Room, and to provide an exception to Section 3.1.2.1 of the Town of Needham Regulations for the Sale of Alcoholic Beverages to permit sale of alcohol for on-premises consumption after 11 p.m.

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

6:24 p.m. Appointment Calendar and Consent Agenda:
Motion by Ms. Cooley that the Board vote to approve the Appointment Calendar and Consent Agenda.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

June 25, 2024 Appointments		
Committee	Full Name	Term Expire
Board Of Appeals	Jonathan D. Tamkin	6/30/27
Commission on Disabilities	Maureen Callahan	6/30/27
Commission on Disabilities	Masoomeh Rezaei	6/30/27
Commission on Disabilities	Carol E. Thomas	6/30/27
Commission on Disabilities	Karen Morales	6/30/27
Conservation Commission	Fred Moder	6/30/27
Council On Aging	Kathy Whitney	6/30/27
Council On Aging	Carol de Lemos	6/30/27
Council On Aging	Daniel Goldberg	6/30/27
Council On Aging	Lianne Relich	6/30/27
Design Review Board	Felix Zemel	6/30/27
Golf Course Advisory Committee	Victor Seidel	6/30/27
Golf Course Advisory Committee	Daniel Dain	6/30/27
Historical Commission	Gloria Greis	6/30/27
Historical Commission	Jeffrey Heller	6/30/27
Human Rights Committee	Maya Dabby	6/30/27
Human Rights Committee	Amelia Klein	6/30/27
Human Rights Committee	Gregory Dunn	6/30/27
Metropolitan Area Planning Council	Maurice P. Handel	6/30/27
Minuteman District School Committee	Jeffrey Stulin	6/30/27
MWRA Advisory Board	Michael Retzky	6/30/27
Needham Branding & Town Seal Committee	Theodora Eaton	6/30/25
Needham Branding & Town Seal Committee	Kevin Keane	6/30/25
Needham Branding & Town Seal Committee	Marshall Davis	6/30/25
Needham Branding & Town Seal Committee	Gloria Greis	6/30/25
Needham Branding & Town Seal Committee	Topher Cox	6/30/25
Needham Branding & Town Seal Committee	Cynthia Ganung	6/30/25
Needham Branding & Town Seal Committee	Amber Autumn Sun Orlando	6/30/25
Needham Branding & Town Seal Committee	Louise Miller	6/30/25
Needham Branding & Town Seal Committee	Kate Fitzpatrick	6/30/25
Needham Cmt. Revitalization Trust Fund	Jessica Batsevitsky	6/30/27
Needham Cmt. Revitalization Trust Fund	Carol de Lemos	6/30/27

Needham Cmt. Revitalization Trust Fund	Paul Good	6/30/27
Needham Community Television Dev Corp	Arnold Goldstein	6/30/27
Needham Community Television Dev Corp	Michael J. Greis	6/30/27
Needham Community Television Dev Corp	Jonathan D. Tamkin	6/30/27
Needham Council for Arts and Culture	Stephen Dornbusch	6/30/27
Solid Waste Disposal/Recycling Advisory	Jeffrey D. Heller	6/30/27
Solid Waste Disposal/Recycling Advisory	Wells Blanchard	6/30/27
Solid Waste Disposal/Recycling Advisory	Jeffrey P. Heller	6/30/27
Traffic Safety Committee	Barry McNeilly	6/30/27
Traffic Safety Committee	Tom Ryder	6/30/27
Traffic Safety Committee	Tyler Gabrielski	6/30/27
Youth Commission	Massiel Gallardo	6/30/27

CONSENT AGENDA

1.	Approve changes to vehicle expense reimbursement rates.
2.	Accept the following donations made to the Needham Community Revitalization Trust Fund: • \$18 from Sarah Fuhro • \$1 from The Potters School • \$100 from Amy Wyeth • \$1500 from The Exchange Club of Needham
3.	Approve and sign integrated collective bargaining agreement between the Town and the Needham Independent Town Workers Association.
4.	Approve a change of date request from Jessica Rice, Jog Your Memory 5K, Inc., to hold the road event “Jog Your Memory 5K.” on October 6, 2024 at 9:00 am – 11:00 am instead of September 15. The event and route have been approved by the following departments: Fire, Police, and Public Works.
5.	Approve 20B Exemption for the following individuals to engage in work with the Needham Park and Recreation Department: Charles Dowe, Elizabeth Vallatini, Natalie Rezende, and Tyrone Holley.
6.	Approve Open Session Minutes of June 11, 2024

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Katherine Calzada	9 Morton Street	Morton St, from Webster St end until Village Club	9/7/24	11am-3pm	9/8/24
Jen Bannon	61 Jarvis Circle	Jarvis Circle	9/14/24	3pm-9pm	9/15/24

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Volante Farms	Rose Tasting	Volante Farms, 292 Forest Street, Needham	6/29/2024

6:25 p.m. Public Hearing: Application for Multiple Amendments to an All-Alcohol License – Spiga LLC, d/b/a Spiga
Presenters: Francesco Iacovitti, Owner and Proposed Manager of Record – Spiga LLC, d/b/a Spiga, Thomas Miller, Applicant Counsel

Spiga LLC, d/b/a Spiga has applied for multiple amendments to their existing Section 12 Restaurant All-Alcoholic Beverages License at 18 Highland Circle. The amendments reflect proposed changes in LLC Managers, Change in Corporate ownership Interest, and Change of Manager to reflect Francisco Iacovitti's purchase of full ownership interest in the restaurant and proposed appointment as Manager of Record.

Mr. Miller noted that Mr. Iacovitti has been in the industry for more than ten years, in various roles, including supervising the sale and service of alcohol in various Section 12 establishments in Boston and surrounding suburbs. Mr. Iacovitti has been with the licensee since 2020 when he bought of a previous member of the corporation. Mr. Iacovitti is also TIPS certified.

Motion by Ms. Frail that the Board vote to approve the application for multiple amendments to a Section 12 Restaurant All-Alcohol License submitted by Spiga LLC, d/b/a Spiga including the appointment of Francesco Iacovitti as Manager of Record, and if so approved, forward the application to the ABCC for review and final approval.

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

6:32 p.m. Needham Council for Arts and Culture – 91 Chapel Mural:
Presenters: Joni Schockett, Needham Council for Arts and Culture Co-Chair, Heather Simmons, Needham Council for Arts and Culture Co-Chair, J.P. Cacciaglia, Economic Development Manager

Joni Schockett presented a request on behalf of the Needham Council for Arts and Culture to hire an artist to create a mural at 91 Chapel Street on the south side of the pedestrian walkthrough. Ms. Schockett reported that they have received permission from the owners of the building to paint a mural in that location and have followed the process for procuring an artist according to the guidance of the Mass Cultural Council. The NCAC will use the remaining ARPA funds totaling \$5,000 for this project and have the mural completed by the end of November. Discussion ensued regarding guidelines provided to the artist, what kind of message the mural will convey, and the process for selecting the artist.

Motion by Ms. Dowd that the Board vote to permit the NCAC to proceed with procurement of a mural for the side of 91 Chapel Street and utilize Massachusetts Cultural Council art procurement procedures alongside previous Town of Needham/Needham Council for Arts and Culture process to decide artist curation.

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

6:41 p.m.

CBD and Synthetic THC in Food and Other Products:

Presenter: Timothy McDonald, Director of Health and Human Services

Timothy McDonald presented to the Board about cannabidiol (CBD) and delta-8-tetrahydrocannabinol (THC) (Delta-8) and delta-10-THC (Delta-10), which products are legal for sale in the Commonwealth of Massachusetts, and which are not, and the impact in the Town of Needham. Mr. McDonald noted that this does not include marijuana or marijuana infused products regulated by the MA Cannabis Control Commission. There has been a proliferation of illegal products, mainly Delta-8 and Delta-10 in some Massachusetts communities and is a growing industry nationwide.

Mr. McDonald emphasized his concerns regarding Delta-8 and Delta-10 products from a public health perspective, specifically regarding the psychoactive and impairing nature of these substances, which are not researched, not regulated, often mislabeled, confused with hemp and CBD products, and are potentially widely availability to youth. Mr. McDonald reported that the surveys in the community showed that several retail establishments sold infused products.

Select Board members expressed concern regarding enforcement in Needham and how that compares to surrounding communities and the specific formulations of Delta-8 and Delta-10.

6:55 p.m.

Public Hearing: Proposed MBTA Needham Line Commuter Rail Service Modifications

Town staff and representatives of the Select Board Chair recently met with community partners, including representatives of the MBTA, to discuss a pilot program to reduce train horn noise while the quiet zone design is underway. The potential modification is an option developed by the Town and not a proposal initiated by the MBTA. The proposal would terminate the first and last trains on the Needham Line at Needham Junction Station as opposed to Needham Heights. On these two trains, there would be no service to Needham Center or Needham Heights Stations, eliminating the need for the train to sound its horn at the four grade crossings between Junction Station and Needham Heights. Chair Kevin Keane explained that the intent of this hearing is to understand the interest of the community in such a proposal prior to the Board's deciding whether or not to ask the MBTA to implement the pilot.

Dave Horrigan, 60 Sutton Road, commented on the issue of the train horn, emphasizing his belief that Needham Junction would be the least-suited station to serve as a terminal given the number of houses directly abutting the tracks. He argued that the MBTA must respond to the residents' concerns. He advocated for equitable, healthy, and quieter train service, highlighting that the first and last trains on the Needham transport very few riders, if any.

Sue Martin, 757 Highland Avenue, commented on the volume of the train horns, noting that some conductors appear to use the horn at a lower volume. Select Board members noted that the volume of the horns is federally mandated.

Rick Lunetta, 15 Oak Street, commented that the pilot program would be a positive step in the process, but would not want to see residents living near the Junction affected by the noise either. He requested a utilization review of riders between Hersey and Needham Heights. He proposed three temporary possibilities: 1) The MBTA repurpose its safety feature and allow its trains to return to South Station from Hersey without having first to pass by the Junction to trigger the mechanism; 2) After 8 p.m. and before 5:30 p.m. given the low utilization, the MBTA use a hybrid vehicle or small bus to carry riders from Hersey to the remaining three Needham stops; and 3) From 8 p.m. to 6:30 p.m. each whistle sequence is shortened and lowered while taking into consideration the federal regulations.

David Ruschka, 21 Rosemary Street, argued that the Town should not remove access to public transportation for those who live in, work in, and visit Needham.

Craig Idlebrook, 54 Gayland Road, expressed concerns about the trade-offs between the different options and argued for using concrete data in order to evaluate these options.

Dr. Marsha Fearing, 805 Highland Avenue, expressed her appreciation that the pilot program would reduce the noise pollution for the Town at large and also reduce selected idling in Needham Heights to make a more equitable distribution of this idling. She stated her support for the pilot program but emphasized this is not a permanent solution.

David Gennert, 37 Gayland Road, expressed concerns about air pollution in his backyard for his family. His concerns are specifically regarding carcinogenic particulate matter from idling engines and estimated that the proposed pilot would triple the amount of idling time of trains near this neighborhood.

Holly Horrigan, 60 Sutton Road, emphasized the low ridership of late train on the Needham Line. She supported the solution of using a shuttle to replace the late train between certain stops. She also questioned the potential permanence of this pilot program and what may be subsequent steps if this pilot program is implemented in a long term way. She also asked for clarification by what is meant by "stopgap pilot short-term solution."

Mike Swersky, 31 Gayland Road, emphasized how close he lives to the Junction and his disappointment that his neighborhood has been disregarded in his opinion as compared to the greater Needham community when considering air versus noise pollution respectively.

David Jordan, 21 Gayland Road, also expressed his concerns about air quality with particular regard to children as a vulnerable population. He noted that carbon dioxide monitors in his home go off at certain times as a result of the train idling. He also noted his house and those nearest him are affected by loitering activity that occurs behind Needham Junction late at night and in the early morning as well.

Ed Cosgrove, 17 Laurel Drive, highlighted that if this pilot program is implemented, individuals who would take the train at Needham Heights and Needham Center may drive to Needham Junction, therefore filling the parking lot more quickly and leading to individuals parking on surrounding residential streets.

Ian Grush, 164 Laurel Drive, commented that he is a daily rider of the early train and emphasized that there are others who rely on the early morning trains. He expressed that shuttles are not as reliable as the train and would not fit all the individuals who use the train at each stop.

Sherry Walker, 43 Gayland Road, expressed her appreciation for the access to public transportation and her support for the trains to idle behind Roche Brothers as was part of the plan when she originally moved to Needham.

Nicholas Lakasha, 1 Dartmouth Ave, expressed his opinion that service cuts cannot be performed without increasing other services, for example making Blue Bikes available. He pointed out that the 59 buses do not run very late either, which could be increased. He further advocated for extending the Orange Line to Needham Heights.

Bill Lenahan, 189 Nehoiden Street in Needham, asked how long the train idles at the Needham Heights at the moment.

James McLaughlin, 37 Cedar Springs Lane, recognized both the noise and pollution concerns. He emphasized his concern for the noise from trains. He posited that there are towns in Massachusetts that do not require trains to blow their horns at crossings. He has observed that conductors often blow the horn after they have passed the crossing, which also has other alerts in place for pedestrians.

Paul Baker, 57 Gayland Road, emphasized that Gayland Road and Laurel Drive is uphill and for this reason there is significant particulate matter drifting up the hill. He pointed out that there is also public housing directly across the street.

Ellen Baker, 57 Gayland Road, expressed her disappointment that this issue has become divisive in the Town when the goal is to protect all residents' health and access to public transportation.

Select Board members emphasized that this idea for the pilot program came from the Town and for this reason they have decided to hold a public hearing, but the MBTA is not present at this point.

8:02 p.m. Approve Sale of Bond Anticipation Note:
Presenters: David Davison, Deputy Town Manager/Director of Finance, Ellyse Glushkov, Town Treasurer/Collector

David Davison and Ellyse Glushkov provided the Board with the results of the bond anticipation note and discussed future borrowings. The Town received four bids on its bond anticipation note. All bids were competitive, with interest rates ranging from 3.718% to 4.282%. The bidder chosen was Piper Sandler & Co. with a rate of 4.25% with a premium of \$21,958 and a 3.178% net interest cost. The note will mature in December. Prior to going out to bid again, the Town will determine whether to permanently finance or extend into another note. Select Board members signed necessary documents. The Town Clerk was also present.

Motion by Ms. Cooley vote to approve the bond anticipation note financing with the motions as presented in the materials.
Second: Mr. Levy. Unanimously approved 5-0.

8:18 p.m. Set Water and Sewer Rates:
Presenters: Kate Fitzpatrick, Town Manager, David Davison, Deputy Town Manager/Director of Finance

Mr. Davison provided the Board with a review of the public hearing regarding water and sewer rates discussed at their prior meeting. The Water & Sewer Rate Structure Committee recommended Alternative G. Discussion ensued regarding the timing of these changes, challenges with technology shifting and staffing, and setting up the ability to set recurring payments. Mr. Levy asked about the possibility of delaying this change to October 1 as opposed to July 1 to remain on a quarter schedule in order to give residents time to adjust to these new rates.

Motion by Mr. Levy that the Board approve the water and sewer rates identified as Alternative G and that they be effective October 1, 2024; that the Board approve a Septage Disposal fee of \$85,000 per 1,000 gallons; and further that the Board approve the following other water & sewer service rates as presented.
Second: Ms. Frail. Unanimously approved 5-0.

8:39 p.m. Town Manager:

Dark Sky Legislation

Ms. Fitzpatrick discussed Senate Bill 2102, an act to improve outdoor lighting, conserve energy, and increase dark-sky visibility. Needham has continued work to be compliant with this bill since 2019, replacing street lighting with LEDs, installing controls and a central management system to enable individual streetlight dimming, and electricity use tracking. Ms. Fitzpatrick recommended that the Board consider Section 3 of the Bill, which requires that utility companies charge only for what is used to light streetlights, and/or to create a finer tariff table. Ms. Fitzpatrick explained that paying for the actual use of energy rather than the tariff rate would benefit Needham. Discussion included the logistics and cost of metering the streetlights and encouraging residents to adopt the dark sky practices as well.

Motion by Ms. Dowd that the Board vote to authorize the Town Manager to submit a letter of support of Senate Bill 2102.

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

Executive Session Minutes

Ms. Fitzpatrick recommended that the Board vote to approve the revision to the Policy Regarding Executive Session Minutes.

Motion by Mr. Levy that the Board vote to approve the revision to the Policy Regarding Executive Session Minutes.

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

Town Manager Report

- The next Select Board meeting is the Annual Goals Workshop on July 9 in the afternoon.

8:47 p.m. Board Discussion:

Committee Reports

Joshua Levy noted that there is currently scheduling occurring for the Stormwater By-Law Working Group.

Kevin Keane reported that the Needham Branding & Town Seal Committee will open their survey for residents to vote in the upcoming weeks.

8:50 p.m. Adjourn:

Motion by Mr. Levy that the Board adjourn the Select Board meeting of Tuesday, June 25, 2024.

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

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

The next Select Board meeting is scheduled for Tuesday, July 9, 2024, at 3:00 p.m.

**Town of Needham
Select Board
Minutes for Tuesday, July 9, 2024
Select Board's Chamber and
Via ZOOM**

<https://www.youtube.com/watch?v=waFfCQI6BHs>

- 3:00 p.m. **Call to Order:**
A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Clerk Cathy Dowd, Marianne Cooley, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, DTM/Finance, Katie King, DTM/Operations, and Myles Tucker, Support Services Manager, were also in attendance.
- 3:00 p.m. **Public Comment Period:**
Mr. Dan Goldberg, a member of the Council of Aging, discussed the current status of the fitness room at the Center at the Heights and desire to swap it for a game room, as well as his desire for the Center to increase parking, accept credit cards, install a retractable awning for the sun deck, and provide improvements to the kitchen.
- 3:10 p.m. **Goals Setting**
The Board discussed goals set for FY2024 & FY2025 and made the following recommendations.

FY2024-2025 Initiatives	Description	Status	Goals Meeting Discussion
1	Identify ways to institutionalize community conversation around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences. <i>(0-18 months)</i>	A planning group has been established. The first event was led by the High School students on May 2, 2024. The planning group is meeting to plan the next event for Fall 2024.	Refer to HRC, NUARI, NDI, Resiliency Network and/or other community groups based on conversations.
2	Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees,	Topic surveys complete, curriculum and media being finalized. Target date will be September for new appointments. Using this data, community groups were directly solicited to	Operationalized.

	measure progress. <i>(0-18 months)</i>	pass along the Town's request for committee member applications in the Spring of 2024.	
3	Complete the Equity Audit, clarify objectives, and determine next steps. <i>(0-18 months)</i>	The Town received a \$50,000 Community Compact Grant for this project. The project will kick off this summer. The Town has partnered with a DEIB consultant to conduct employee focus groups, for the purpose of recommending impactful next steps in our DEIB strategy, more meaningful engagement in DEIB themes, and equity audit objectives.	Operationalized. Currently working with departments to scope the audit and define parameters.
4	Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement and NUARI principles. <i>(0-18 months)</i>	Staff drafted the curriculum outline and received feedback via survey from current Board/Committee Members. Orientation planned for Fall 2024.	Operationalized, to be executed in Fall 2024.
5	NUARI: Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement. <i>(Included in Initiative 1.4)</i>	Included in Initiative 4.	Operationalized, to be executed in Fall 2024.
6	Hold a public hearing and determine if the Town will change Columbus Day to Indigenous People's Day. <i>(0-18 months)</i>	Hearing held 11/28/2023, vote to change held 12/5/2023.	Complete.
7	Invite various identity network groups to meet with the Select Board and introduce the work they do and the community they serve. <i>(0-18 months)</i>	Staff will use data gleaned from surveys and committee recruitment outreach to engage with identity network groups, with the intent of using these conversations as	0-18 Months. To be executed by attending identity network group meetings/events. Board to initiate outreach and

		segues to Select Board meeting discussions. A request for outreach was included in the solicitation of committee member applications.	indicate desire to meet with and participate in community events.
8	Develop a plan for a community observance of Juneteenth. (18-36 months)	A brief ceremony was held on June 19, 2024, and the Board will discuss this goal at its next goals workshop.	Operationalized. Staff to engage with Chairs on how to expand.
9	Implement Valor Act and consider aligning the administrative process for both the Valor Act and the Senior Corps programs. (Operationalized FY 2023-24 Initiative)	Staff will make a proposal in CY2024 Q4 for the Board's consideration.	Operationalized.
10	Conduct focus groups with BIPOC community members to identify strategies for ensuring that all members of the community feel welcome as outlined in the NUARI vision statement and guiding principles. (Operationalized FY 2023-24 Initiative)	Focus groups were held in Fall 2023.	Operationalized. Continue to focus on engagement with BIPOC community and meet with NUARI following orientation sessions.

11	Evaluate Chestnut Street Redevelopment (36+ months)	Deferred.	36+ months. Assessment to occur following outcome of MBTA Communities Law-related warrant article.
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12 *	Work with the Planning Board on next steps related to the MBTA Community Housing Guidelines and the update to the Town's Affordable Housing Plan.	The HONE Working Group submitted its final recommendations to Select Board & Planning Board on April 30 th . The initial plan has been filed with EOHLC. October 21, 2024, STM is the	0-18 months. Board will continue to work with the Planning Board and other relevant stakeholders
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	Review updated demographics and impact on anticipated transit-oriented development and schools. <i>(0-18 months)</i>	target for Town Meeting Action.	upon state assessment of Town's proposal.
13	Identify funding for School Master Plan projects and participate in the planning process. <i>(0-18 months)</i>	The MSBA approved an Invitation for Eligibility for the Pollard project on December 13, 2023. Funding for feasibility was approved by the 2024 Annual Town Meeting.	Operationalized. The Board will continue to track progress, to include changes to cost/financing or set initiative to work with School Committee, Finance Committee, and PPBC to understand project and cost.
14	Evaluate RTS Service Delivery Model to guide long-term investment and review operational efficiencies in the short-term. <i>(0-18 months)</i>	After failing to receive bids within the allocated budget, DPW is working with a firm to conduct a survey. Once results are complete, viable options will be evaluated by a consultant. The target for survey completion is Fall/Winter 2024.	Operationalized. RTS Survey in work. Staff to report back to Board.
15 *	Evaluate next steps for use of the Stephen Palmer Building. <i>(0-18 months)</i>	A survey has been drafted with Select Board and Park & Recreation Commission input, with targeted distribution in Fall 2024 following a stakeholder meeting, to include current residents.	0-18 Months. The Board will host resident engagement in Fall 2024. Staff will work to drafting feasibility scope.
16	Evaluate expansion of off-leash dog areas. <i>(0-18 months)</i>	Staff will provide concept plans based on the ARA Working Group recommendations by August 2024.	0-18 Months. Staff will develop concepts for Hillside and Mills, with potential for an off-leash area at Rosemary.

17	Support for the Needham Housing Authority redevelopment project. <i>(0-18 months)</i>	The Select Board, Planning Board, and CPC advanced articles to the 2024 Annual Town Meeting. All of the articles passed. The Town-Financed Community Housing Oversight Committee (T-CHOC) will oversee the allocated funds.	Complete.
18	Evaluate the role of the Affordable Housing Trust. <i>(18-36 months)</i>	Deferred.	0-18 months. The Board will invite the League of Women Voters to present their study on the Trust to a joint AHTF/SB meeting
19	Begin the Ridge Hill/Nike Assessment Phase 2 Project, including working with the Community Farm to decide on the long-term plan for the farm at the site as well as considering potential future uses of the site. <i>(36+ months)</i>	Deferred.	Removed.
20	Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and the 11th oldest in Needham. <i>(Operationalized FY 2023-24 Initiative)</i>	The Final Report is complete, and the By-law amendment was approved by the 2024 Annual Town Meeting. The By-law will become effective upon the approval of the Office of the Attorney General.	Complete.
21	Upgrade Town Seal to improve graphic quality and historical accuracy.	The Needham Branding and Town Seal Committee was appointed by the Board and has been meeting since Fall	Operationalized. The new seal is targeted for the 2025 Annual

	<i>(Operationalized FY 2023-24 Initiative)</i>	2023. The Governor has cut the funding allocated for this project in half under the 9C cuts. The Board has allocated ARPA funds to fund the remainder of the project. The Committee is working with a consultant to develop a brand logo and revised Town Seal.	Town Meeting. Branding effort will conclude with selection and roll out by end of CY2024.
22	Identify opportunities for expanded active and passive recreation facilities including but not limited to an action sports park and additional boat ramps. <i>(Operationalized FY 2023-24 Initiative)</i>	Construction funding for reconstructed and expanded NHS tennis courts projects is in the permitting phase, with funds proposed for the October 21, 2024, Special Town Meeting. The Active Recreation Feasibility Study has been awarded to CHA Solutions Company. Their process began in early 2024 and is likely to run through the summer in order to deliver their suggestions before budget season in Fall 2024. Their focus is to find the best location for a skate park and pickleball courts.	Operationalized.
23	Maintain/repair the barn at Ridge Hill. <i>(Operationalized FY 2023-24 Initiative)</i>	The revised License for use of the barn by Needham Community Theater is complete (Select Board endorsement approved on 12/19/2023). Emergency repairs are on-going – discussions on the future of the property will be scheduled in 2024.	Complete.
24	Improve trailhead access to ensure clear and accessible access; consider creating a trails app. <i>(Operationalized FY 2023-24 Initiative)</i>	The Conservation and Park & Recreation Departments have reestablished the Town's Trail Stewards Program and have engaged Tighe & Bond, who designed uniform trail markers.	Operationalized.

25	Update parking payment technologies to allow for credit card and/or app-based payments. <i>(0-18 months)</i>	The procurement of an app-based payment option has begun. Four bids were received with review of bids in June 2024.	Operationalized. RFP concluded, with vendor selected.
26	Ask the Planning Board to update parking requirements in zoning at May 2024 Town Meeting. <i>(0-18 months)</i>	The Planning Department requested FY2025 funding for technical assistance to inform a Planning Board zoning amendment on this topic. The funding request was approved.	Complete.
27	Pilot converting some on-street parking spaces for more active curb use (e.g., short customer visits, active loading areas). <i>(0-18 months)</i>	Deferred until after the app-based payment technology is in place and additional data has been collected.	18-36 months.
28	Update the Town's parking regulations and permit program (including permit rules, time/day regulations, and pricing). <i>(0-18 months)</i>	Deferred until after the app-based payment technology is in place.	18-36 months.
29*	Seek funding for noise reduction/Quiet Zone feasibility, design, and construction. <i>(0-18 months)</i>	Funding in the amount of \$750,000 for design was funded at the 2024 Annual Town Meeting. DPW is drafting procurement documents.	0-18 Months. Design funded, and process to proceed in FY2025.
30	Evaluate and make a final determination of the appropriate plan for Downtown Redesign Phase 2. <i>(0-18 months)</i> .	The Director of Public Works solicited design concepts from consulting engineers, and presentations were made to the Select Board this past winter. A design contract was awarded to Environmental Partners. The Town is currently defining the scope for Phase I of the	Operationalized. DPW leading working group with Environmental Partners over Summer 2024. Town Manager will propose composition and charge for working group at 7/30/24 SB meeting.

		project, to include community outreach and design of pilot. Phase I is expected to be implemented in CY2025.	
31	Evaluate expansion of snow and ice removal efforts, including sidewalk plowing strategies. (0-18 months)	DPW will provide an update to the Board during FY2025.	0-18 months. DPW to provide update in pre-winter overview.
32	Evaluate funding options for the Rail Trail extension from High Rock Street to Needham Junction. (36+ months)	Deferred.	18-36 months. Discussions commenced with Town of Dover.
33	Evaluate future use of the rail corridor between Dover and Newton. (36+ months) (Included in 32 and 34)	Deferred.	Removed.
34	Evaluate the feasibility of a shared use way between Needham Heights and the City of Newton. (36+ months)	Deferred.	0-18 months. Town Manager will begin discussion with Newton and MassDot.
35	Implement the Parking Study. (Included in 25 and 28)		Removed.
36	Prioritize Funding for the Central Ave/Center St Bridge (Operationalized FY 2023-24 Initiative)	Funding for this project is included in the amended FY2025 TIP. Dover is taking the lead on designing a new bridge and has contracted with TEC to work the TIP process. It is anticipated this project will be approximately 5 years out and will have to be coordinated with MassDOT's project at Chestnut St.	Completed. Included in TIP, as requested by Dover.

37	Actively monitor progress on the law enforcement	The Police Chief attended the March 26 2024 Select	Complete. Police Chief invited to
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	recommendations that NPD Chief Schlittler presented to the Select Board on June 8, 2021. <i>(Operationalized FY 2023-24 Initiative)</i>	Board meeting to present the 2023 Annual Report.	provide at 2+ updates per year starting in FY2025.
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38	Evaluate the need for a flag policy. <i>(0-18 months)</i>	The policy was approved at the 11/28/2023 Select Board meeting.	Complete.
39	Evaluate the possibility of developing a Community Master Plan. Develop an inventory of Town long-range plans and identify overlaps and conflicts, including other Boards of jurisdictions. <i>(0-18 months)</i>	Pending	0-18 months. Staff to create a inventory of existing master plans.
40	Establish process to do regular by-law charter review updates. <i>(0-18 months)</i>	The Select Board appointed a working group on 1/9/2024 to develop a proposal for Town Meeting. The proposed By-law amendment to implement the review process was approved at the 2024 Annual Town Meeting. This committee will be established in Q2 FY2025 following approval by the Attorney General.	Complete.
41	DPW phased renovation/construction. <i>(0-18 months)</i>	Funding for the design of Phase I of this project was approved at the 2024 Annual Town Meeting. Staff is performing a scope review in June 2024.	Operationalized. Design funding secured with work progressing.
42	Capital Facilities: CATH upgrades (including additional parking) and Library phased renovations. <i>(0-18 months)</i>	Projects requests were submitted in the FY 2025-2029 CIP. Design of the Library's Young Adult project was approved at	Library: Operationalized. Phase I in design.

		the 2024 Annual Town Meeting. Funding for the rental of 13 additional parking spots from the MBTA next to the CATH was approved at the 2024 Annual Town Meeting. CATH upgrades are included in the most recent Capital Improvement Plan.	CATH: 0-18 months. COA to review prioritization of fitness room relative to other priorities.
43	Evaluate ways to increase minority and women-owned business participation in construction, building maintenance projects, and other Town programs. <i>(0-18 months)</i>	The PPBC will meet or exceed the MSBA standards for MBE & WBE participation on the design and construction of the Pollard project. This topic will be included in the Town's upcoming procurement manual.	0-18 Months. Staff to begin study with the topic being added to upcoming procurement meeting in summer 2024.
44	Review and recodify the non-criminal disposition by-law <i>(Operationalized FY 2023-24 Initiative)</i>	The October 30, 2023, Special Town Meeting approved the By-law amendment that has been approved by the Attorney General. A correcting amendment was approved at the May 13, 2024, Special Town Meeting	Complete

45	Prioritize and implement the Climate Action Plan. <i>(0-18 months)</i>	The CAPC presented a draft plan on 12/19/2023, and a public hearing was held on 1/9/2024. The Select Board approved the composition and charge of the permanent committee (CAC) at its meeting on March 12, 2024 and approved the Climate Action Roadmap	Complete
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		on May 14, 2024. A Sustainability Manager was hired in December 2023.	
46	Identify parcel acquisition to comply with Land and Water Conservation Fund requirements. <i>(0-18 months)</i>	Pending	0-18 months. Ongoing effort.
47	Evaluate adoption of net-zero building code; specialized opt-in code. <i>(0-18 months)</i>	The October 30, 2023 Special Town Meeting approved the adoption of the code.	Complete
48	Sponsor a tree summit. <i>(0-18 months)</i>	The Tree Summit was postponed from 2/7/2024. The Town Manager is convening a small working group to help determine next steps.	0-18 months. Further discussion on 7/30.
49	Explore development of a Town Electric Vehicle (EV) policy, i.e., the default position for fleet replacement should be EVs unless there is a compelling reason to use an alternative. <i>(18-36 months)</i>	The Sustainability Manager has started a process to identify what the potential policy may cover.	0-18 months. Staff identifying scope of policy, followed by drafting.
50	Recommend community energy aggregation <i>(Operationalized FY 2023-24 Initiative)</i>	Public comment on draft plan held 12/6/2023 to 1/5/2024. Comments were compiled and submitted to the DPU. The draft plan was validated and approved for submission by the Town working group on 1/8/2024. A required meeting with DOER occurred on 1/16/2024, followed by DPU Public hearing held on 3/14/2024. The proposal is currently awaiting review by the DPU.	Operationalized. Awaiting approval from DPU.

51	Review/establish electric vehicle charging rates (<i>Operationalized FY 2023-24 Initiative</i>)	The Select Board approved the rates at its 10/24/2023 meeting.	Complete.
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The Board discussed adding new goals including:

- Create an action plan for transitioning all Town Buildings to having all-gender bathrooms.
- Launch a Civics Academy to introduce Needham residents to all facets of local government
- Establish clear guidelines for public art proposals for the Town of Needham, including an outline of the existing process for approval from the appropriate committees to develop a consistent public arts program to serve the Needham community
- Town Hall Dance Party
- Gather community data from Placer.ai to look at movement and time in location (duration) to target future businesses and amenities (parking lots, parks, etc.).
- Encourage and participate in the Planning Board's large house review
- Explore renaming Hemlock Gorge to Nehoiden's Grant

6:58 p.m. Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board meeting of Tuesday, July 9th, 2024.

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

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

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

The next Select Board meeting is scheduled for Tuesday, July 30, 2024, at 5:00 p.m.



TOWN OF NEEDHAM
OFFICE OF THE TOWN CLERK

1471 Highland Avenue, Needham, MA 02492

Louise L. Miller, J.D.
Town Clerk
Registrar of Voters

Tel: 781-455-7500 ext. 216
Email: LMiller@NeedhamMa.gov

July 17, 2024

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

Dear Members of the Select Board:

I request two votes from the Select Board at your next meeting regarding the State Primary Elections taking place on September 3, 2024: (1) the assignment of a police detail to each polling location in Needham, of which there are five, and at Town Hall after the polls have closed; (2) the early voting hours and location.

Police Detail at Polling Locations and at Town Hall after Close of Polls

Under Massachusetts General Laws Chapter 54, Section 72, the Select Board, in consultation with its election officers and registrars shall detail a sufficient number of police officers or constables for each building that is a polling place. The purpose of the law is to protect the election officers and supervisors from any interference with their duties and to aid in enforcing election laws. Police officers uphold the election laws and the safety of the workers and voters on election day. There are two shifts on election day staffed by police officers as follows:

1. the morning shift arrives at the Town Clerk's Office at 6:00 AM to pick up both the regular and absentee ballots, the ImageCast Tabulators, and supply cases to take to the polling location.
2. The afternoon shift arrives at each precinct location to relieve the first police officer. After the polls close, that officer brings back to Town Hall the ballots (both used and unused), the ImageCast Tabulator, and the supply case.
3. At 8:00 PM an additional police officer is assigned to staff the Town Hall while election results are tabulated.

Because the selection of police officers who will be working at the polls on election day depends upon their availability just prior to each Election, I would recommend that the Select Board vote to detail one police officers to each polling location and one at Town Hall to be assigned by Police Chief John Schlittler.

Early Voting Hours and Location

Under Massachusetts General Laws Chapter 54, Section 25B(b)(2)(ii), the Town is required to hold in person early voting from the tenth through the 4th day preceding the State Primary Elections: August 24-August 30. The weekday hours must coincide with the Town's business hours. We will still be operating



TOWN OF NEEDHAM
OFFICE OF THE TOWN CLERK

1471 Highland Avenue, Needham, MA 02492

on summer hours the week of August 24-August 30. In addition, the Town is required to offer at least 6 early voting hours on the weekend. The last day to register to vote for the State Primary Elections is August

24, 2024. The Town Clerk's Office will be available for voter registration from 9:00 am to 5:00 pm. We will run early vote in parallel with the voter registration, satisfying the statutory early vote requirement for the weekend.

Under Massachusetts General Laws Chapter 54, Section 25B(b)(4), the Town will have a single voting location at the Town Hall, which is where the Town Clerk's office is located. The Early Vote Schedule would be as follows:

In-Person Early Vote at Needham Town Hall:
Saturday August 24, 2024 – 9:00 AM to 5:00 PM
Monday August 26, 2024 – 8:00 AM to 5:00 PM
Tuesday August 27, 2024 – 8:00 AM to 6:00 PM
Wednesday August 28, 2024 - 8:00 AM to 5:00 PM
Thursday August 29, 2024 – 8:00 AM to 5:00 PM
Friday August 30, 2024 – 8:00 AM to 12:30 PM

Designation and Posting Requirements for Early Voting Hours and Location

Under Massachusetts General Laws Chapter 54, Section 25B(b)(5), the early voting hours and location must be designated no later than 14 days prior to the start of in-person early voting and must be posted no later than 5 days prior to the start of in-person early voting.

Please let me know if you have any questions.

Sincerely,

Louise Miller

Cc: Kate Fitzpatrick, Town Manager
John Schlittler, Police Chief
Board of Registrars
Helen Atkinson, Assistant Town Clerk



TOWN OF NEEDHAM
OFFICE OF THE TOWN CLERK

1471 Highland Avenue, Needham, MA 02492

Louise L. Miller, J.D.
Town Clerk
Registrar of Voters

Tel: 781-455-7500 ext. 503
Email: LMiller@NeedhamMa.gov

July 17, 2024

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

Dear Members of the Select Board:

Pursuant to M.G.L. chapter 54, section 12, I am enclosing a list of all election workers recommended for appointment by the Select Board for 2024-2025. The wardens, clerks, inspectors, and tellers, required under M.G.L. chapter 54, section 12, are as recommended on the list attached. Should any vacancy occur during the year in the warden or clerk position, the vacancy will be filled by the Board of Registrars to ensure the proper continuity of elections.

Please let me know if you have any questions.

Sincerely,

Louise Miller

Cc: Kate Fitzpatrick, Town Manager
Board of Registrars
Helen Atkinson, Assistant Town Clerk

Election Workers 2024 - 2025

Last Name	First Name	St #	Street Name	Town	State	Zip Code	Title	Party
Aaron	Ruth M.	31	Glover Road	Needham	MA	02494	Inspector	D
Amsbary	Elizabeth G.	19	Cimino Road	Needham	MA	02494	Inspector	D
Anderson	John C.S.	58	Whittier Road	Needham	MA	02492	Clerk	D
Anderson	Myra	58	Whittier Road	Needham	MA	02492	Warden	D
Avedikian	Isabel	148	Valley Road	Needham	MA	02492	Inspector	U
Bailit	Julie E.	33	Perry Drive	Needham	MA	02492	Inspector	D
Baltin	Kenneth S.	69	Norwich Road	Needham	MA	02492	Inspector	D
Barnet	Deborah J.	226	Webster Street	Needham	MA	02494	Inspector	U
Belkin	Elaine J.	41	Highland Court	Needham	MA	02492	Inspector	U
Benner	Kimberly C.	22	Fuler Brook Avenue	Needham	MA	02492	Warden	D
Bergen	Philip S.	255	Madison Street	Dedham	MA	02026	Inspector	U
Blomberg	Stephen E.	310	Harris Avenue	Needham	MA	02492	Warden	U
Brailey	Barbara N.	229	High Rock Street	Needham	MA	02492	Clerk	U
Brain	Anne	4305	Pennington Drive	Walpole	MA	02081	Clerk	D
Brooks	Dorothy G.	217	Broadmeadow Road	Needham	MA	02492	Inspector	U
Burns	Moy T.	563	Chestnut Street	Needham	MA	02492	Inspector	D
Carey	Patricia	1202	Greendale Avenue #103	Needham	MA	02492	Warden	U
Charton	Susan	13	Morgan Drive, #304	Natick	MA	01760	Inspector	D
Ciesielski	Kenneth J.	1938	Washington Street, #403	Newton	MA	02466	Inspector	U
Cincotta	Sandra	22	Stacey Street	Natick	MA	01760	Clerk	U
Connolly	Jean M.	88	Gayland Road	Needham	MA	02492	Inspector	U
Cullen	Laura V.	133	Grant Street	Needham	MA	02492	Inspector	U
Cummings	Margaret A.	27	South Street	Needham	MA	02492	Inspector	D
Cummings	Lawrence R.	27	South Street	Needham	MA	02492	Warden	U
Dangel	Robert S.	28	Hewitt Circle	Needham	MA	02494	Clerk	U
Dinell	Maryanne	36	Eaton Road	Needham	MA	02492	Inspector	U
Durda	Paul J.	149	Laurel Drive	Needham	MA	02492	Inspector	D
Ecsedy	David	20	Holland Terrace	Needham	MA	02492	Inspector	D
Ecsedy	Claire Dee	20	Holland Terrace	Needham	MA	02492	Inspector	D
Grady	Timoth J.	186	Elmwood Road	Needham	MA	02492	Inspector	U
Greene	Janyce	190	Pine Grove Street	Needham	MA	02494	Inspector	D
Greene	Payson L.	190	Pine Grove Street	Needham	MA	02494	Inspector	U
Hadley	Cynthia A.	933	Greendale Avenue	Needham	MA	02492	Inspector	D
Hall	Theresa A.	51	Bonwood Road	Needham	MA	02492	Clerk	U
Haney	Margaretta	183	Elmwood Road	Needham	MA	02492	Inspector	-
Hart	Elizabeth	154	Hillside Avenue #1	Needham	MA	02494	Clerk	D
Hart	Samuel	154	Hillside Avenue #1	Needham	MA	02494	Warden	U
Haslip	Nancy C.	43	Whitman Road	Needham	MA	02492	Inspector	U
Herrick	Walter D.	131	Pine Grove Street	Needham	MA	02494	Clerk	U
Higgins	Paula S.	159	Hillcrest Road	Needham	MA	02492	Inspector	D
Jacques	Katherine P.	41	Hancock Road	Needham	MA	02492	Warden	D
Jacques	Steven N.	41	Hancock Road	Needham	MA	02492	Warden	D
Johnson	Anne C.	87	Taylor Street	Needham	MA	02492	Clerk	U
Katz	Sharon	12	McCulloch Street	Needham	MA	02494	Inspector	D
Kelly	Mary (Lee).	401	Hunnewell Street	Needham	MA	02494	Inspector	U

Election Workers 2024 - 2025

Klepadlo	Shirley J.	23	Blake Street	Needham	MA	02492	Inspector	U
Kordas	Mary R.	34	Mackintosh Avenue	Needham	MA	02492	Inspector	U
Larsen	Shawn Z.	145	Broadmeadow Road	Needham	MA	02492	Inspector	D
Lawless	Richard T.	159	Hillcrest Road	Needham	MA	02492	Inspector	D
Leacock	Constance E.	778	Greendale Avenue	Needham	MA	02492	Inspector	D
Leonard	Constance B.	463	Great Plain Avenue	Needham	MA	02492	Inspector	U
Loderick	Kenneth J.	63	Whiting Way	Needham	MA	02492	Clerk	U
MacFate	Ann	421	Greendale Avenue	Needham	MA	02494	Clerk	D
Madsen	Fabienne A.	45	Walnut Street	Needham	MA	02492	Inspector	R
Mather	Marcia	85	Grove Street, #110	Wellesley	MA	02482	Warden	U
McCabe	Joseph	93	Garden Street	Needham	MA	02492	Inspector	D
McNally	Leonora	778	Greendale Avenue	Needham	MA	02492	Inspector	D
Mercer	Elizabeth	67	Mayo Avenue	Needham	MA	02492	Inspector	U
Nelken	Leslie H.	100	Gay Street	Needham	MA	02492	Inspector	D
Ogilvie	Judith S.	47	Powers Street	Needham	MA	02492	Inspector	D
O'Keeffe	Kathleen J.	51	Alden Road	Needham	MA	02492	Inspector	U
Parks	Elaine	17	Blacksmith Drive	Needham	MA	02492	Inspector	D
Poness	Evelyn	72	Marked Tree Road	Needham	MA	02492	Clerk	D
Quagliaroli	Judith F.	41	Edgewater Drive	Needham	MA	02492	Inspector	U
Rempis	Deborah T.	865	Central Avenue #E304	Needham	MA	02492	Inspector	U
Reulbach	James E.	96	Bradford Street	Needham	MA	02492	Clerk	L
Rogers	Karen	53	Stivaletta Drive	Dedham	MA	02026	Inspector	U
Rovner	Gerald C.	48	Cynthia Road	Needham	MA	02494	Clerk	D
Schaller	Colleen F.	24	Avon Circle	Needham	MA	02494	Warden	U
Schvimer	Theodore A.	865	Central Avenue #A317	Needham	MA	02492	Inspector	D
Shah	Kalpana M.	168	Linden Street, Apt B	Needham	MA	02492	Inspector	U
Shapiro	Stacie	12	Pine Grove Street	Needham	MA	02494	Inspector	D
Sherman	Ann	53	Oxbow Road	Needham	MA	02492	Inspector	D
Siegel	Mary Clare	27	Grant Street	Needham	MA	02492	Clerk	U
Singer	Barry	144	Evelyn Road	Needham	MA	02494	Clerk	U
Smookler	Arlene	174	Pine Grove St	Needham	MA	02494	Inspector	U
Sullivan	Mary B.	75	Audrey Avenue	Needham	MA	02492	Inspector	D
Tamir	Ina	22	Aletha Road	Needham	MA	02492	Inspector	D
Tedoldi	M. Kathleen	13	Maple Street	Needham	MA	02492	Warden	U
Tirrell	Joan M.	389	Manning Street	Needham	MA	02492	Clerk	U
Toolan	Edie A.	10	Beaufort Avenue	Needham	MA	02492	Inspector	D
Tormey	Timothy B.	160	Stratford Road	Needham	MA	02492	Inspector	R
Traub	Julie	17	Hasenfus Circle	Needham	MA	02494	Inspector	R
Venditti	Judith	6	Lindbergh Avenue	Needham	MA	02492	Inspector	U
Walsh	Ann M.	900	Greendale Avenue #12	Needham	MA	02492	Inspector	U
Weinstein	Jane	26	Tillotson Road	Needham	MA	02494	Inspector	U
Wolfe	Cynthia	191	Fox Hill Road	Needham	MA	02492	Inspector	U
Woodward	Natalie S.	213	Rock Street, #K5	Norwood	MA	02062	Inspector	D
Zander	Arno M.	178	Thornton Road	Needham	MA	02492	Inspector	U

**WARRANT FOR THE
STATE PRIMARY
The Commonwealth of Massachusetts
TUESDAY, SEPTEMBER 3, 2024**

Norfolk, ss.

To either of the Constables of the Town of Needham

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to meet at their respective voting places in said Town, namely:

PRECINCT A - Center at the Heights - 300 Hillside Ave.
PRECINCT B - Center at the Heights - 300 Hillside Ave.
PRECINCT C - Newman School - 1155 Central Ave. - Gym
PRECINCT D - Newman School - 1155 Central Ave. - Gym
PRECINCT E - Needham Golf Club - 49 Green St.

PRECINCT F - Rosemary Rec. Complex - 178 Rosemary St
PRECINCT G - Rosemary Rec. Complex - 178 Rosemary St.
PRECINCT H - Needham Golf Club - 49 Green St.
PRECINCT I - Town Hall, 1471 Highland Ave - Powers Hall
PRECINCT J - Town Hall, 1471 Highland Ave - Powers Hall

**ON TUESDAY, THE THIRD DAY
OF SEPTEMBER, 2024**

From 7:00 A.M. to 8:00 P.M. for the following purposes:

To cast their votes in the State Primary for the candidates of Political Parties for the following offices:

SENATOR IN CONGRESS	For this Commonwealth
REPRESENTATIVE IN CONGRESS	Fourth District
COUNCILLOR	Second District
SENATOR IN GENERAL COURT	For Norfolk, Worcester, and Middlesex District
REPRESENTATIVE IN GENERAL COURT	Thirteenth Norfolk District
CLERK OF COURTS	Norfolk County
REGISTER OF DEEDS	Norfolk District
COUNTY COMMISSIONER	Norfolk County

**The Polls Will Be Open From
7:00 A.M. to 8:00 P.M.**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.
Given under our hands this 30th day of July, A.D. 2024.

_____	Kevin J. Keane, Chair
_____	Heidi R. Frail, Vice Chair
_____	Catherine Reid Dowd, Clerk
_____	Joshua W. Levy, Member
_____	Marianne B. Cooley, Member
	<i>Select Board of Needham</i>

A true copy,
ATTEST _____ 2024
Constable (month) (day)