SELECT BOARD AGENDA
Regular Meeting
6:00 p.m. March 11, 2025

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

Originally Posted: March 7, 2025 at 11:56 a.m.
Revised: March 11, 2025 at 3:00 p.m.

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://needham-k12-ma-us.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Webinar ID: 826 0101 3229
Passcode: 652800
One tap mobile: +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.

	6:00	Public Comment Period Residents are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board's policy on public participation in meetings can be found here.
1.	**6:00**	Public Hearing: Proposed Warrant Articles – Plastics Ban (Additional Presenter) • Kathy Raiz, Green Needham • Max Woolf, Charles River Chamber • Jay Spencer, French Press LLC
2.	**6:30**	Public Hearing: Eversource Grant of Location – 239 Manning Street (Administrative Correction) • Joanne Callender, Eversource Energy
3.	**6:35**	Director of Public Works • South St Water Main and BMP Project • Needham Center Project Interrelationship • Non-Essential Outdoor Water Use Restriction • Solid Waste Update
4.	**7:15**	Town Manager • Accept and Refer Zoning • Open Special Town Meeting Warrant • 2025 Annual Town Meeting Warrant Update • Town Manager Report
5.	**7:45**	Board Discussion • Town Manager Search Update • Committee Reports
6.	**8:00**	Executive Session • Exception 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel (Fire Chief); and • Exception 3: to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

APPOINTMENT CALENDAR

1.	Paula Jacobson	Envision Needham Center Working Group Term Exp: 6/30/2027

2.	Susan Mullaney	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027
3.	Marianne Cooley	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027
4.	Ali Blauer	Stephen Palmer Reuse Development Committee Term Exp: 6/30/2027

CONSENT AGENDA *Supporting Documents in Agenda Packet

1.*	Approve Open Session Minutes of February 11, 2025 and Executive Session Minutes of February 25, 2025.
2.	Approve a request from Gloria Greis, Executive Director of Needham History Center & Museum, to hold the road event "Needham 2 Arlington" in Needham. The event is scheduled for Saturday, April 19, 2025, starting at 8:45 a.m. The event and route have been approved by the following departments: Fire, Police, and Public Works
3.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • $200 from Plugged In Band Program, Inc.
4.	Move the Regular Meeting of the Select Board scheduled for April 9, 2025 to April 15, 2025.

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Needham Oral Surgery and Implant Center	Needham Oral Surgery Open House	117 Chestnut Street	4/03/2025

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Plastics Ban Proposed Warrant Articles (Additional Presenter)
Presenter(s)	Kathy Raiz, Green Needham Max Woolf, Charles River Chamber Jay Spencer, French Press LLC

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

At its meeting on February 11, 2025, the Board agreed to hold a public hearing to determine whether to sponsor plastic ban articles in the 2025 Annual Town Meeting Warrant, as follows:

1. Single Use Plastic Ban – Black Plastic: As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic.

2. "Skip the Stuff": As proposed, this Bylaw would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.

2.	**VOTE REQUIRED BY SELECT BOARD**

N/A – Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Amend General Bylaws/Single Use Plastic Ban – Black Plastic
b. Amend General Bylaws/Skip the Stuff
c. Memorandum on Town Survey Re: Proposed Bylaws
d. Survey Results

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

1. Adding a new Section 3.__ to read as follows:

SECTION 3.__ BLACK PLASTIC KITCHENWARE

3.__.1 **Definitions.**

a) “Dishware and Containers” means all containers, bowls, plates, trays, cartons, cups, condiments/sauce cups, lids, film wrap and other items on or in which prepared foods and beverages are packaged or directly placed.

b) "Flatware" refers to forks, spoons, knives, and serving utensils. This includes, but is not limited to, larger spoons, forks, and tongs that retailers or consumers may use to serve prepared foods.

c) “Food or Beverage Establishment” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.

d) “Prepared Food” means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served, sold or otherwise provided to a consumer. For the purposes of this bylaw, prepared food does not include food packaged outside of the Town of Needham.

e) “Plastic" means material made from or comprising organic polymers from plant extracts or fossil fuels, whether the material is processed, reprocessed, re-used, recycled or recovered. Polymers are any of various complex organic compounds produced by polymerization—a process in which small molecules combine to make a very large chainlike molecule. Polymers can be molded, extruded, cast into various shapes and films, or drawn into filaments and then used as textile fibers.

f) "Retail Sales Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, wholesale suppliers, restaurants, pharmacies, food or ice cream trucks, private membership clubs, convenience

stores, grocery stores, supermarkets, liquor stores, seasonal and temporary businesses.

g) "Single-use" means food and beverage serviceware that

1) is not reusable,
2) is designed to be used once and then discarded,
3) is not designed for repeated use and sanitizing.

3.__.2 Regulated Conduct.

(a) Food, Beverage and Retail Sales Establishments are prohibited from dispensing Prepared Food, condiments, sauces, or beverages to any person in Single-use Dishware and Containers made from black plastic.

(b) Food, Beverage and Retail Sales Establishments are prohibited from providing Single-use Flatware made from black plastic to any person.

(c) The Town of Needham is prohibited from dispensing Prepared Food, condiments, sauces, or beverages to any person in Single-use Dishware and Containers made from black plastic.

(d) The Town of Needham is prohibited from providing Single-use Flatware made from black plastic to any person.

3.__.3 Effective Date.

This by-law shall take effect on January 1, 2026.

3.__.4 Regulations.

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

3.__.5 Severability.

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

2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

3.__	Black Plastic Kitchenware	$100	Per Day	Director of Health and Human Services or Designee

Additional information

Black plastic kitchenware is often made from recycled electronic waste, which can contain unregulated amounts of toxic chemicals including heavy metals and flame retardants. These chemicals can migrate into food, especially when heated, and pose a hazard to human health. A 2024 study conducted by scientists from Toxic Free Future and Vrije Universiteit Amsterdam published in Chemosphere found high levels of cancer-causing, hormone-disrupting flame retardant chemicals in a variety of household products made with black plastics including food serviceware, kitchen utensils, and toys.

In addition, black plastics are not recyclable due to their color. Although black plastic makes up 15% of all plastic waste (largely single-use food containers), the vast majority is not recycled because the technology used by recycling facilities to sort plastics cannot “see” the color black. As a result of this failure, most black plastic items end up in our landfills, incinerators, or littered in our environment after just one single use.

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

1. Adding a new Section 3.__ to read as follows:

SECTION 3._ PROHIBITED USE AND DISTRIBUTION OF CERTAIN FOOD AND BEVERAGE SERVICEWARE AND SINGLE-USE ITEMS (AKA SKIP-THE-STUFF)

3._.1 Definitions.

a) "Accessories" means any food and beverage serviceware items that are not dishware and containers. The term "accessories" as used in this section includes, but is not limited to, straws, forks, spoons, knives, chopsticks, stirrers, splash guards, cocktail sticks, toothpicks, condiment packages, and napkins.

b) "Condiment" means a single-use packet containing relishes, spices, sauces, confections, or seasonings, that requires no additional preparation, and that is used with food or beverages, including, but not limited to, ketchup, mustard, mayonnaise, soy sauce, sauerkraut, salsa, syrup, jam, jelly, butter, salad dressings, salt, sugar, sugar substitutes, pepper, and chile pepper.

c) "Food or Beverage Establishment" means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.

d) "Food and Beverage Serviceware" means all containers, bowls, plates, trays, cartons, cups, lids, on or in which prepared foods and beverages are packaged or directly placed. It also includes forks, knives, spoons, and other utensils that are used to serve or eat prepared foods or beverages.

e) "Full Service Food Establishment" means a food establishment where customers are seated at a table either by waitstaff or by themselves, and where orders are taken and served by waitstaff at the table.

f) "Online Food Ordering Platform" means the digital technology provided on a website or mobile application through which a consumer can place an order for pick-up or delivery of Prepared Food. Such platforms include those operated directly by a Food Establishment, by companies that provide delivery of Prepared Meals to consumers, and by online food ordering systems that connect consumers to a Food Establishment directly.

g) "Retail Sales Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, wholesale suppliers, restaurants, pharmacies, food or ice cream trucks, private membership clubs, convenience stores, grocery stores, supermarkets, liquor stores, seasonal and temporary businesses.

h) “Reusable” refers to food and beverage service ware that will be used multiple times in the same form by a food establishment. Such products are intended to be washed multiple times in a commercial dishwasher and to retain their form and function over multiple usage and washing cycles.

i) “Single Item Dispenser” means bulk dispensers that only dispense one item at a time.

j) “Single-use” means food and beverage serviceware that

1) is not reusable,
2) is designed to be used once and then discarded, or
3) is not designed for repeated use and sanitizing.

3.__2 Regulated Conduct.

1. Food, Beverage, or Retail Sales Establishments may not automatically provide Single-use Accessories, including in takeout orders, whether orders are placed online, via phone, or in person. Single-use Accessories may be provided only upon the request of the consumer either directly or in response to an inquiry by the food establishment. Single-use Accessories, including plastic forks, spoons and knives, may not be wrapped in plastic or offered as bundled sets. Food, Beverage or Retail Sales Establishments may have Single-use Accessories available at self-service stations. The self-service station may include a Single Item Dispenser.

2. Online Food Ordering Platforms must provide Food, Beverage or Retail Sales Establishments with a method to list each Single-Use Accessory and Condiment that is offered by the Food, Beverage, or Retail Sales Establishment, such that customers can specifically request the Single-Use Accessories and Condiments that they wish to have included with their order.

   If Online Food Ordering Platforms are unable to provide Food, Beverage or Retail Sales Establishments with a method to list each Single-Use Accessory and Condiment that is offered by the Food, Beverage or Retail Establishment such

that customers can specifically request the Single-Use Accessory and Condiment that they wish to have included with their order, then the default will be set to exclude all Single-Use Accessories and Condiments from the order. Customers may request Single-Use Accessories and Condiments at the time of pick-up, or Food, Beverage or Retail Sales Establishments may provide self-service stations.

3. Full Service Food Establishments shall utilize only Reusable Food and Beverage Serviceware for dine-in customers.

3.__.3 Effective Date.

This by-law shall take effect on January 1, 2026.

3.__.4 Regulations.

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

3.__.5 Severability.

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

2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

3.__	Prohibited Use and Distribution of Certain Food and Beverage Serviceware and Single-use Plastic Items (AKA Skip-the-Stuff)	$100	Per Day	Director of Health and Human Services or Designee

Additional Information

The purpose of this bylaw is to reduce the overall environmental impact of the Town of Needham, its residents, and its businesses. Single-use plastic has a significant impact on the environment through its carbon footprint, waste management, pollution and more. This bylaw serves to protect the public health, welfare and environment, advance solid waste reduction, protect waterways, and reduce the carbon footprint of the Town's businesses and residents.

The Charles River Business Chamber and local restaurants generally support this initiative, as it can reduce business costs and unnecessary waste.

Office of the Town Manager
1471 Highland Avenue
Needham, MA 02492
781-455-7500
www.needhamma.gov

Date: March 5th, 2025
To: Select Board Members
From: JP Cacciaglia, Economic Development Manager
Re: Black Plastic Survey

Following the Select Board meeting discussing the regulation of single-use black plastic containers, a short survey was crafted and emailed out to restaurants in town to solicit feedback on the proposed regulation. The survey had 14 respondents and while that is a lower than desirable number, the concerns were consistent with most of the respondents. One of the more interesting comments came from a health care provider bringing up issues with dexterity issues some patients find with different types of containers that drive their choice in purchasing container type and style.

Restaurants in town do rely on black plastic containers, some comments were that they handle hot and saucy foods better and have less chance of leaking during transport; some do supplement their packaging with paper or reusable materials when viable alternatives are available. The results did show businesses reorder their supplies fairly frequently, with most having less than a month's supply on hand; if the by-law is adopted they will not be burdened with a large amount of plastic stock, if they are provided a few months lead time.

Approximately 30% of the respondents were unaware that black plastic containers are not recyclable. However, 50% reported they did know of supply issues with various types of container choices that would impact their ability to switch to white containers. When making purchasing decisions, restaurant owners prioritized cost, durability, and ease of use, over recyclability and reuse.

64% reported it would cost them more, 7% said the cost would be about the same. In the additional comments section one response mentioned a 3x the cost increase while another said between 30% and 50% increase. Supply chain disruptions were noted by 50% of the respondents on smaller than 4oz containers.

There were no comments about the "skip the stuff" provision.

I went to Restaurant Depot in town to look at supply and type of containers. I will note this is one supplier of many that provides containers to restaurants. On the day I visited, Restaurant Depot did have an assortment of different styles and types of containers that were in both black, clear, foil and paper, as well as deli containers in an assortment of sizes. On many containers there is an increase in cost on moving from black to white/clear or other types of containers depending on the type of container. Smaller sizes (1-4oz) had some choices where the Black/White/Clear were the same cost, while larger sizes could be up to 50%+ more expensive. The survey results are attached, along with the comments from the open-ended question at the end of the survey.

Responses Overview

Active

Responses	Average Time	Duration
14	06:20	18 Days

1. Business Name

10
Responses

Latest Responses
"N/A - Fear of retaliation from health dept"
"Volante Farms"
...

2. What type of take-out containers do you currently stock?

14
Responses

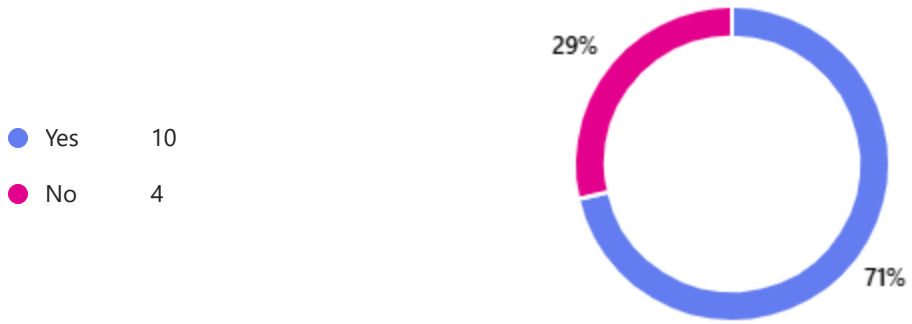
Latest Responses
"Mixture of plastic and biodegradable"
"Black, White, Compostable"
"Biodegradable plastic"
...

3. How often do you reorder your take-out container supply?

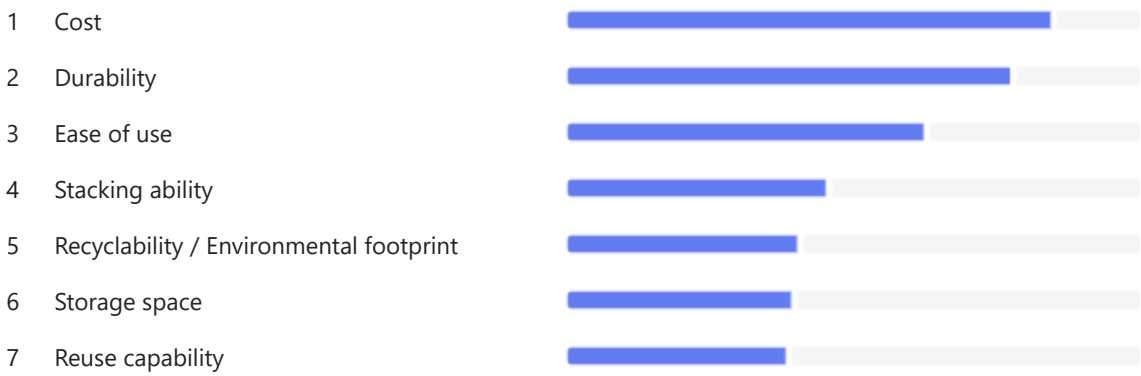
14
Responses

Latest Responses
"2 or 3 weeks"
"Weekly"
"1x week"
...

4. Are you aware that black plastic containers are not recyclable?

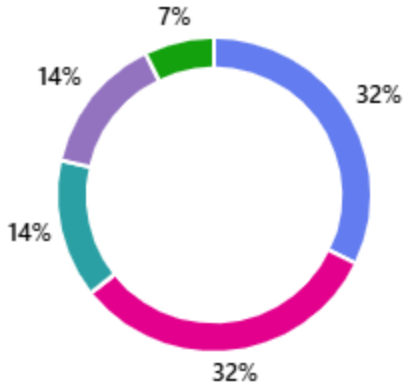


5. When you purchase containers, please rank the importance in making your decision with the top answer being most important



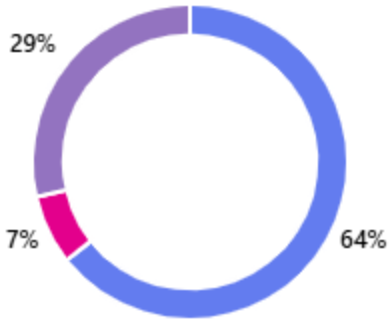
6. What impact(s) will a black plastic ban have on your business? (check all that apply)

Increase in cost to purchase compliant types of containers	9
Worse food quality for take-out	9
Slower order processing	4
None / No Change	4
Other	2



7. Converting from black to white or clear plastic take-out containers would?

Cost my business more	9
Cost about the same	1
Cost my business less	0
Not Sure	4



8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that ma y impact your ability to switch?

Yes	7
No	7

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

Yes	7
No	7

10. Do you have any other feedback on the regulation of black plastic containers?

7

Responses

Latest Responses

"Cost for biodegradable is 30-50% higher, food quality suffe... "

"See above. Our situation is unique compared to a traditiona..."

• • •

View results

Respondent

1 Anonymous

01:49
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

There will be a public hearing at the Select Board Meeting on March 11, 2025, at 6:00pm located in Needham Town Hall to discuss these proposed black plastic container changes. The Select Board will also be discussing a “skip the stuff” regulation during the meeting and public hearing. The “skip the stuff” proposal would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.

If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

2. What type of take-out containers do you currently stock? *

Black plastic containers

3. How often do you reorder your take-out container supply? *

Monthly

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Durability

2 Cost

3 Ease of use

4 Reuse capability

5 Stacking ability

6 Storage space

7 Recyclability / Environmental footprint

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [x] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- (●) Yes
- ( ) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

[ ]

View results

Respondent

2 Anonymous

11:06
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Blue on highland

2. What type of take-out containers do you currently stock? *

Black plastic microwavable

3. How often do you reorder your take-out container supply? *

Weekly

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Reuse capability

3 Durability

4 Ease of use

5 Recyclability / Environmental footprint

6 Stacking ability

7 Storage space

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- (●) Yes
- ( ) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

Is there a max oz weight for this regulation

View results

Respondent

3 Anonymous

03:17
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

There will be a public hearing at the Select Board Meeting on March 11, 2025, at 6:00pm located in Needham Town Hall to discuss these proposed black plastic container changes. The Select Board will also be discussing a “skip the stuff” regulation during the meeting and public hearing. The “skip the stuff” proposal would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.

If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Cappella

2. What type of take-out containers do you currently stock? *

Black plastic for hot food and paper for cold food

3. How often do you reorder your take-out container supply? *

2 times a week

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Durability

3 Ease of use

4 Stacking ability

5 Storage space

6 Reuse capability

7 Recyclability / Environmental footprint

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [x] Slower order processing
- [ ] None / No Change
- [x] Another headache to find a replacement

7. Converting from black to white or clear plastic take-out containers would? *

- [x] Cost my business more
- [ ] Cost about the same
- [ ] Cost my business less
- [ ] Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- [x] Yes
- [ ] No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- [x] Yes
- [ ] No

10. Do you have any other feedback on the regulation of black plastic containers?

Clear plastics can. Not handle hot sauce foods at all. They melt. White plastics are twice the cost as black. They are not no good alternatives to black to go

View results

Respondent

4 Anonymous

02:00
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

There will be a public hearing at the Select Board Meeting on March 11, 2025, at 6:00pm located in Needham Town Hall to discuss these proposed black plastic container changes. The Select Board will also be discussing a “skip the stuff” regulation during the meeting and public hearing. The “skip the stuff” proposal would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.

If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Cook

2. What type of take-out containers do you currently stock? *

Reusable paper, reusable plastics

3. How often do you reorder your take-out container supply? *

Once a week

4. Are you aware that black plastic containers are not recyclable? *

- ○ Yes
- ◉ No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Reuse capability

3 Durability

4 Recyclability / Environmental footprint

5 Stacking ability

6 Ease of use

7 Storage space

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [x] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- (●) Yes
- ( ) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

[ ]

View results

Respondent

5 Anonymous

06:10
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

There will be a public hearing at the Select Board Meeting on March 11, 2025, at 6:00pm located in Needham Town Hall to discuss these proposed black plastic container changes. The Select Board will also be discussing a "skip the stuff" regulation during the meeting and public hearing. The "skip the stuff" proposal would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.

If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

2. What type of take-out containers do you currently stock? *

black plastic hot, paper clear cold

3. How often do you reorder your take-out container supply? *

about 2 weeks

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Durability

2 Cost

3 Ease of use

4 Stacking ability

5 Storage space

6 Reuse capability

7 Recyclability / Environmental footprint

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- (●) Yes
- ( ) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

cost is 3x, clear plastic will melt for hot food, paper containers leak quickly for sauces when hot

View results

Respondent

6 Anonymous

03:58
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Beth Israel Deaconess Needham

2. What type of take-out containers do you currently stock? *

Clear plastic clam shells and black plastic bowls and squaresa

3. How often do you reorder your take-out container supply? *

Every other week

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Ease of use

2 Cost

3 Stacking ability

4 Durability

5 Storage space

6 Reuse capability

7 Recyclability / Environmental footprint

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- (●) Yes
- ( ) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

I feel like a lot of regulations have been proposed to regulate plastic usage in food establishments, which are already working with paper thin margins. Continously adding regulations to food establishments is going to make Needham a town where restaurants don't want to open, or stay in business. What other businesses can ship in to do their part with sustainability. I feel like food establishments are the low hanging fruit so they are constantly being charged to do more, but again with the profit margins this seems wholely unfair. Luckily at the hospital profit is not really the end game of the business, but we are limited in what we can get through our vendors. We need to make sure the products are durable for transportation for people with disabilities, and also not too challenging to open if people have dexterity issues.

View results

Respondent

7 Anonymous

02:35
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

2. What type of take-out containers do you currently stock? *

Recyclable Cardboard containers

3. How often do you reorder your take-out container supply? *

once every 3 months or so

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Durability

2 Cost

3 Recyclability / Environmental footprint

4 Storage space

5 Ease of use

6 Reuse capability

7 Stacking ability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [ ] Increase in cost to purchase compliant types of containers
- [ ] Worse food quality for take-out
- [ ] Slower order processing
- [x] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- ○ Cost my business more
- ○ Cost about the same
- ○ Cost my business less
- ◉ Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ○ Yes
- ◉ No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- ○ Yes
- ◉ No

10. Do you have any other feedback on the regulation of black plastic containers?

[ ]

View results

Respondent

8 Anonymous

04:01
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Abbott's Frozen Custard

2. What type of take-out containers do you currently stock? *

Paper and clear plastic

3. How often do you reorder your take-out container supply? *

Quarterly

4. Are you aware that black plastic containers are not recyclable? *

- (selected) Yes
- No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Recyclability / Environmental footprint

2 Stacking ability

3 Durability

4 Ease of use

5 Cost

6 Storage space

7 Reuse capability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [ ] Increase in cost to purchase compliant types of containers
- [ ] Worse food quality for take-out
- [ ] Slower order processing
- [x] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- ( ) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- (•) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ( ) Yes
- (•) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- ( ) Yes
- (•) No

10. Do you have any other feedback on the regulation of black plastic containers?

View results

Respondent

9 Anonymous

02:13
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Need 'Em Cookies

2. What type of take-out containers do you currently stock? *

Clear plastic

3. How often do you reorder your take-out container supply? *

Three times a year

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Ease of use

2 Cost

3 Durability

4 Storage space

5 Reuse capability

6 Recyclability / Environmental footprint

7 Stacking ability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [ ] Increase in cost to purchase compliant types of containers
- [ ] Worse food quality for take-out
- [ ] Slower order processing
- [x] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- ( ) Cost my business more
- (●) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ( ) Yes
- (●) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- ( ) Yes
- (●) No

10. Do you have any other feedback on the regulation of black plastic containers?

I support regulating the use of black plastic containers. Thank you.

View results

Respondent

10 Anonymous

02:51
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

The James

2. What type of take-out containers do you currently stock? *

Black plastic and brown boxes

3. How often do you reorder your take-out container supply? *

Weekly

4. Are you aware that black plastic containers are not recyclable? *

- ○ Yes
- ◉ No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Reuse capability

3 Stacking ability

4 Recyclability / Environmental footprint

5 Durability

6 Ease of use

7 Storage space

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- (●) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- ( ) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ( ) Yes
- (●) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- (●) Yes
- ( ) No

10. Do you have any other feedback on the regulation of black plastic containers?

[ ]

View results

Respondent

11 Anonymous

02:43
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Baker's Best Catering

2. What type of take-out containers do you currently stock? *

Larger size black, white and clear bowls and platters. Smaller size microwavable black plastic containers and lids.

3. How often do you reorder your take-out container supply? *

Daily

4. Are you aware that black plastic containers are not recyclable? *

- ○ Yes
- ◉ No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Durability

2 Ease of use

3 Storage space

4 Cost

5 Recyclability / Environmental footprint

6 Reuse capability

7 Stacking ability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [x] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- ○ Cost my business more
- ○ Cost about the same
- ○ Cost my business less
- ◉ Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ◉ Yes
- ○ No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- ○ Yes
- ◉ No

10. Do you have any other feedback on the regulation of black plastic containers?

[ ]

View results

Respondent

12 Anonymous

05:43
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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If you would like to provide written comment or are unable to attend, written comments may be emailed to selectboard@needhamma.gov.

Please feel free to pass this survey on to other Needham based restaurants.

Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

2. What type of take-out containers do you currently stock? *

Biodegradable plastic

3. How often do you reorder your take-out container supply? *

1x week

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Storage space

3 Durability

4 Stacking ability

5 Recyclability / Environmental footprint

6 Ease of use

7 Reuse capability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [ ] Increase in cost to purchase compliant types of containers
- [ ] Worse food quality for take-out
- [ ] Slower order processing
- [x] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- [x] Cost my business more
- [ ] Cost about the same
- [ ] Cost my business less
- [ ] Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- [ ] Yes
- [x] No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- [ ] Yes
- [x] No

10. Do you have any other feedback on the regulation of black plastic containers?

View results

Respondent

13 Anonymous

03:01
Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

Volante Farms

2. What type of take-out containers do you currently stock? *

Black, White, Compostable

3. How often do you reorder your take-out container supply? *

Weekly

4. Are you aware that black plastic containers are not recyclable? *

- (●) Yes
- ( ) No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Cost

2 Ease of use

3 Durability

4 Recyclability / Environmental footprint

5 Stacking ability

6 Storage space

7 Reuse capability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [ ] Increase in cost to purchase compliant types of containers
- [ ] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [x] For us it will likely not make a large impact on price HOWEVER it is highly unlikely that this v

7. Converting from black to white or clear plastic take-out containers would? *

- ( ) Cost my business more
- ( ) Cost about the same
- ( ) Cost my business less
- (●) Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- ( ) Yes
- (●) No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- ( ) Yes
- (●) No

10. Do you have any other feedback on the regulation of black plastic containers?

> See above. Our situation is unique compared to a traditional restaurant as it is only a portion of what we do.

View results

Respondent

14 Anonymous

37:23

Time to complete

Needham Restauranter,

The Town of Needham is actively reaching out to gather feedback on proposed regulations concerning black plastic carry-out containers. As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic. The purpose of the survey is to determine how your business currently utilizes black plastic take-out containers and how you may be impacted by the proposed regulations.

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Thank you, and we are looking forward to your comments on these proposed changes.

1. Business Name

N/A - Fear of retaliation from health dept

2. What type of take-out containers do you currently stock? *

Mixture of plastic and biodegradable

3. How often do you reorder your take-out container supply? *

2 or 3 weeks

4. Are you aware that black plastic containers are not recyclable? *

- ○ Yes
- ◉ No

5. When you purchase containers, please rank the importance in making your decision with the top answer being most important *

1 Durability

2 Cost

3 Ease of use

4 Stacking ability

5 Storage space

6 Recyclability / Environmental footprint

7 Reuse capability

6. What impact(s) will a black plastic ban have on your business? (check all that apply) *

- [x] Increase in cost to purchase compliant types of containers
- [x] Worse food quality for take-out
- [ ] Slower order processing
- [ ] None / No Change
- [ ] Other

7. Converting from black to white or clear plastic take-out containers would? *

- [x] Cost my business more
- [ ] Cost about the same
- [ ] Cost my business less
- [ ] Not Sure

8. Are you aware of any supply chain issues related to black vs clear / white take-out containers that may impact your ability to switch?

- [ ] Yes
- [x] No

9. Are you aware of any supply chain issues related to black vs. clear / white take-out containers smaller than 4 oz that may impact your ability to switch?

- [ ] Yes
- [x] No

10. Do you have any other feedback on the regulation of black plastic containers?

Cost for biodegradable is 30-50% higher, food quality suffers as biodegradable tend to absorb liquid and moisture over time. Additionally with one type we tried when the customer ate from the container with a utensil the container started to flake into the food. We try to use biodegradable when available but cost and quality are still the most important thing. The constant new regulations in Needham are very difficult as they are a moving target and are unsustainable long term, the town motto should be regulation, tax, additional fee then repeat quarterly. The tariffs are also an unknown cost at this time.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Public Hearing: Eversource Grant of Location – 239 Manning Street (Administrative Correction)
Presenter(s)	Joanne Callender, Eversource Representative

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Eversource Energy requests permission to install approximately forty feet of conduit in Manning Street. The reason for this work is to provide service to 239 Manning 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.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately forty feet of conduit in Manning Street.

3.	**BACK UP INFORMATION ATTACHED**

a. DPW Review Sheet
b. Letter of Application
c. Petition
d. Order
e. Petition Plan
f. Notice Sent to Abutters
g. List of Abutters

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

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

TO: 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: 2/25/2025 REVIEWER: R.a.w.

SITE LOCATION: #239 MANNING ST. UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

A Sidewalk/Grass Strip Crossing Only Peer Review _____

(B) Work Within Paved Road Perpendicular Crossing Peer Review tar

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

Peer Review _____ Div. Head Review _____

D Other Peer Review _____ Div. Head Review _____

- [x] Petition Plan Consistent with Field Review
- [x] Diameter of Conduit 3"
- [x] Depth of Conduit
- [x] Utility Conflicts YES
- [x] Crossing Perpendicular to Road
- [x] Public Road
- [x] Double Pole NO
- [x] Old Pole Removed N/A
- [x] Cables Transferred to New Pole NO
- [x] New Riser on Pole NO
- [x] Visible Trench Patch across Road/Sidewalk NO
- [ ] Abutters List Complete
- [x] Photos Included

Department Head _____

COMMENTS:

THIS ONE LOOKS GOOD NO WORK IN ROAD/POLE AS OF YET. IT IS A PERPENDICULAR CROSSING WITH POSSIBLE UTILITY CONFLICTS IN ROAD.

The application is complete pending a public hearing. tar 3/3/25

EVERSOURCE ENERGY

180 Calvary Street
Waltham, Ma 02453

February 20, 2025

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Manning Street
Needham, MA
W.O.# 19590492

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 40 feet of conduit in Manning Street.

The reason for this work is to provide service to #239 Manning Street.

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

Very truly yours,

Richard M. Schifone

Richard M. Schifone
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 tranmission of electricity for lighting, heating or power under the public way or ways of the Town thereinafter 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:

Manning Street - **Westerly from pole 88/21, at the intersection of Manning Street and Upland Road, install approximately 40 feet of conduit.**

W.O.# 19590492

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 January 8, 2025** 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 _____ 2025 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 _____, 2025 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 January 8, 2025,** and filed herewith, under the following public way or ways of said Town:

Manning Street - **Westerly from pole 88/21, at the intersection of Manning Street and Upland Road, install approximately 40 feet of conduit.**

W.O.# 19590492

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

By: *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 20th day of February 2025

Town of **NEEDHAM** Massachusetts

Received and filed _____2025

_____

N:\SHARED-mmgs-vf02\CIMAGE\BASELINS\NEE\NEE-MANNINAC.dwg

NAD 1983

#232 MANNING ST

#236 MANNING ST

APPROX ℄

UPLAND RD

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

BSW
CONC SW
GC
GRASS
WATER
88/21
JO-VZ
CONC SW
GRASS
GC
WATER
WG
GAS
GG
GC
CONC SW
BSW
CONC SW
GRASS
GC
WATER
CBS
DMH
SMH
DRAIN
SEWER
4" GAS
DRAIN
SEWER
4" GAS
EOP
G
G
EOP
GRASS
GG
GG
GRASS
BIT SW
DWY
BIT SW
BSW
BSW

MANNING ST

APPROX. PT.
OF PICKUP

#247 MANNING ST

#233 MANNING ST

APPROX ℄

#239 MANNING ST

APPROX ℄

SECTION - 1

STREET SURFACE

APPROX. DEPTH 2'-6"

SECTION OF PROPOSED LINE

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

FIGURE - 1

0 20 40

SCALE IN FEET

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# 11-25	NSTAR ELECTRIC d/b/a EVERSOURCE
Ward #	1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Work Order # 19590492	
Surveyed by: VT	*Plan of* #239 MANNING STREET
Research by: GR	NEEDHAM
Plotted by: VT	Showing PROPOSED CONDUIT LOCATION
Proposed Structures: GR	
Approved: K. RICE	Scale 1"=20' Date JANUARY 8, 2025
P#	SHEET 1 of 1

LOT COVERAGE:

BUILDING FOOTPRINT = 1,957 S.F.
LOT COVERAGE = 1,957 S.F. / 7,835 S.F. = 25%

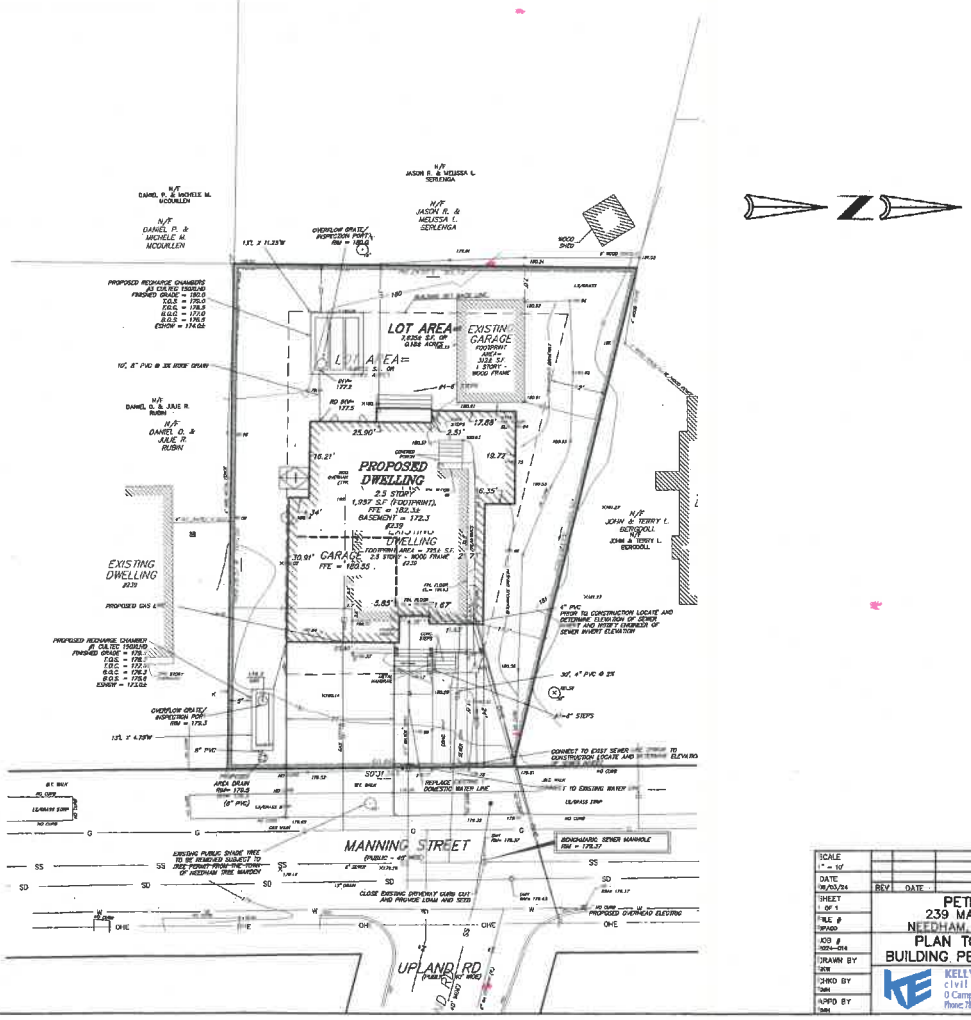
MAXIMUM FLOOR AREA RATIO = 7,835 S.F. x 0.38 = 2,977 S.F.
GROUND FLOOR = 1,435 S.F.
SECOND FLOOR = 1,541 S.F.
TOTAL FAR = 2,976 SF < 2,977 S.F. MAX
(GARAGE = 522 S.F.)

DRAINAGE CALCULATION:

BUILDING AREA = 1,957 S.F.
DRIVEWAY AREA = 533 S.F.
PATIO AND STAIRS AREA = 231 S.F.
TOTAL IMPERVIOUS AREA = 2,721 S.F.

REQUIRED RECHARGE VOLUME = 2721 S.F. X 1"
= 227 CU.FT.

PROVIDED RECHARGE VOLUME
= 262 CU.FT. CULTEC CHAMBERS



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

COPYRIGHT (C) by KELLY ENGINEERING GROUP, INC.
All Rights Reserved

SCALE 1" = 10'			
DATE 06/03/24	REV	DATE	REVISION	BY
SHEET 1 OF 1			
FILE # 19203-01A			
JOB # 19203-01A			
DRAWN BY DEW			
CHKD BY DMH			
APPD BY DMH			

PETRINI CORP.
239 MANNING STREET
NEEDHAM, MASSACHUSETTS
PLAN TO ACCOMPANY
BUILDING PERMIT APPLICATION

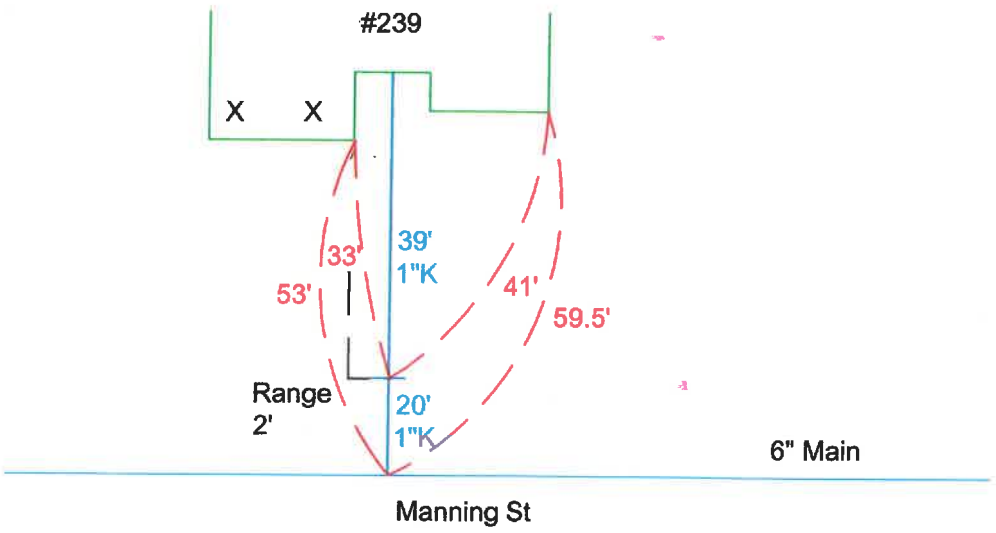
KELLY ENGINEERING GROUP
civil engineering consultants
0 Campanelli Drive, Braintree, MA 02184
Phone: 781-843-4333 www.kellyengineeringgroup.com

COMMONWEALTH OF MASSACHUSETTS
STEVEN M. HORSFALL
No. 41908
REGISTERED PROFESSIONAL ENGINEER

Steven M. Horsfall
Digitally signed by Steven M. Horsfall
Date: 2024.06.13 09:23:00 -04'00'

SHEET NO.
1

Service No: 1628 Location: 239 Manning St
Date: 9-30-24 Contractor: Petrini
Service: 1" K Size of Main: 6"
Remarks: XXXXXXXXXXX
XXXXXXXXXXX



#239

TOWN OF NEEDHAM
HOUSE C

9-30-24 THIS CARD IS VOID
NEW HOUSE
NEW CARD IN PROCESSING

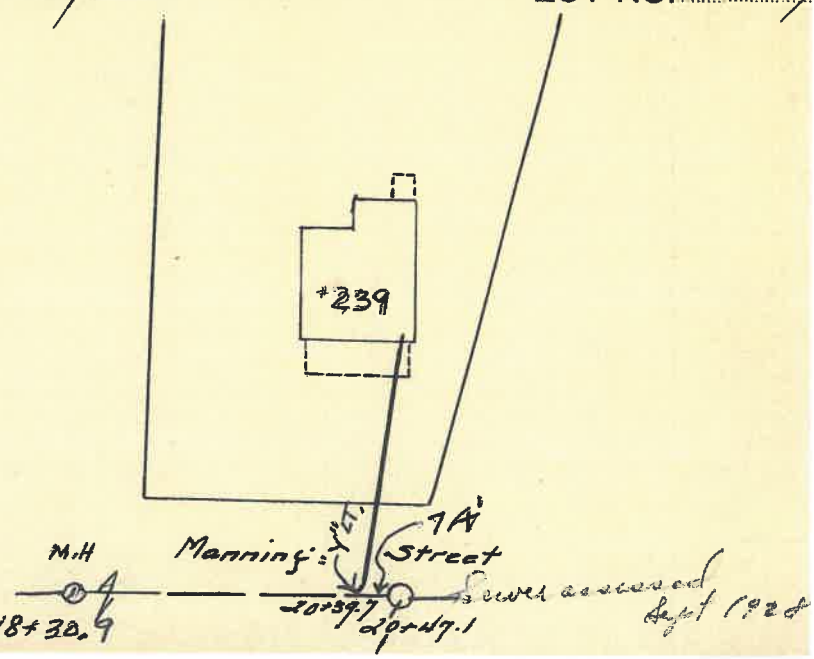
APP. NO. 122 NO. Manning

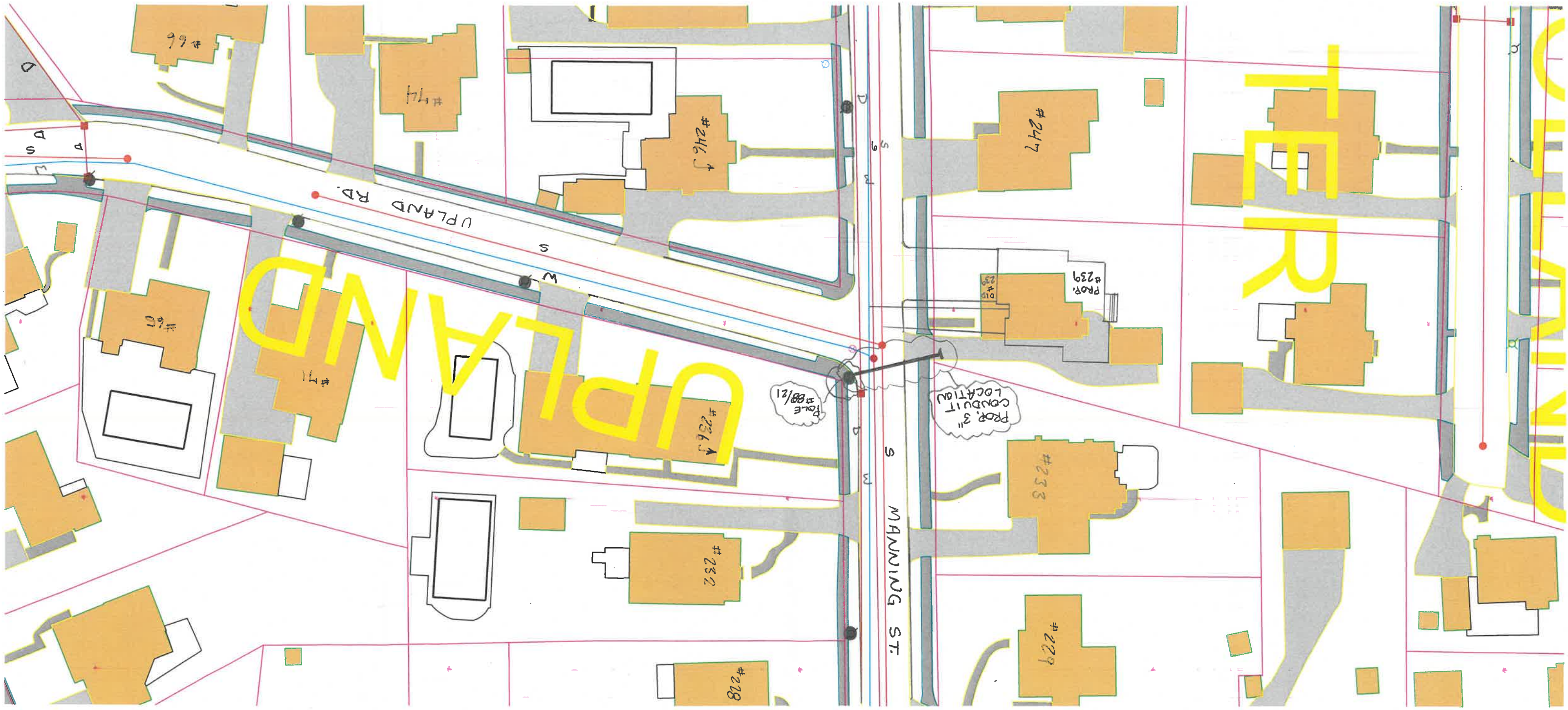
ESTIMATE 60.00 COST 59.34 REFUND .66 DATE Nov. 25, '31

Length to St. Line	20
St. Line to B'l'd'g	30
Total Length	50
Depth at Main	6.5
" " St. Line	6.0
" " B'l'd'g	5.5
Ave. Depth	6.0
Kind of Soil	Coarse gravel
Ledge	
Depth of Gr. Water	
Work Started	Nov. 25, '31
" Finished	" 25, "
Plumbing Conn.	

P. S. 4

PLAN NO. 37 LOT NO. 4




UPLAND RD.
S MANNING ST.
UPLAND
#66
#74
#241
#247
#71
#61
#226
#232
#233
#229
#228
PROP. 3" CONDUIT LOCATION
POLE #88/21
PROP. #239
DIP #239

N

1" = 40'

SALES
PETRINI
RAM
1500

NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:30 p.m. on Tuesday, March 11, 2025, in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492 and via Zoom** upon petition of Eversource Energy dated February 20, 2025, to install approximately forty feet of conduit in Manning Street. The reason for this work is to provide service to 239 Manning Street.

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://needham-k12-ma-us.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Passcode: 652800
Webinar ID: 826 0101 3229

Dated: March 4, 2025

239 MANNING ST

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/054.0-0059-0000.0	WAYSHAK, MARC CHARLES &	WAYSHAK, STEPHANIE MANN	9 HOLLAND TERR	NEEDHAM	MA	02492-
199/054.0-0072-0000.0	STEELE, MARK +	STEELE, LINDA	232 MANNING ST	NEEDHAM	MA	02492-
199/054.0-0053-0000.0	FALES, MICHAEL E. & DANIEL J. TRS		246 MANNING ST	NEEDHAM	MA	02492-
199/054.0-0070-0000.0	BERGDOLL, JOHN &	BERGDOLL, TERRY L	233 MANNING ST	NEEDHAM	MA	02492-
199/054.0-0071-0000.0	COWLEY, STEPHANIE A		236 MANNING ST	NEEDHAM	MA	02492-
199/054.0-0068-0000.0	KEEFE, NICHOLAS D. &	KEEFE, CLAIRE	15 HOLLAND TERR	NEEDHAM	MA	02492-
199/054.0-0069-0000.0	O'NEAL, ONITA F. & DAWKINS,SHIRLEY	O'NEAL REVOCABLE TRUST	239 MANNING ST	NEEDHAM	MA	02492-
199/054.0-0102-0000.0	SERLENGA, JASON &	SERLENGA, MELISSA	334 BROOKLINE ST	NEEDHAM	MA	02492-
199/054.0-0057-0000.0	RUBIN, DANIEL O. &	RUBIN, JULIE R	247 MANNING ST	NEEDHAM	MA	02492-

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

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	South St Water Main and BMP Project
Presenter(s)	Carys Lustig, Director of Public Works Justin Savignano, Assistant Town Engineer

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Director of Public Works, Carys Lustig, and Assistant Town Engineer, Justin Savignano, will provide an update and overview of the impacts of the watermain replacement project and associated BMPs for stormwater that will require the removal of 15 trees on South St. This presentation is in advance of the hearing with the Planning Board and Tree Warden under the Town's Scenic Road Act.

2.	**VOTE REQUIRED BY SELECT BOARD**

N/A – Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Application Packet for Public Hearing with Planning Board under the Scenic Road Act – 1/31/2025

TOWN OF NEEDHAM
MASSACHUSETTS

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

PLANNING BOARD

APPLICATION FOR PUBLIC HEARING UNDER THE SCENIC ROAD ACT

Name of Applicant: Justin Savignano-Needham Engineering

Address of Applicant: 500 Dedham Ave Needham MA

Location of Property Subject to Scenic Road Act:
Address: South Street
Assessor's Map and Parcel Number: Map 209, 211, 207 Parcel 199, 209, 211, 207

Description of Proposed Activity Subject to Scenic Roads Act:
As part of the 16" water main project on South Street. The town is installing multiple BMP's to treat storm water runoff. At (2) proposed locations trees will need to be removed to accomodate the syste Also at 1115 Street (2) pine trees are in conflict with the location of the 16" water main

Purpose of Proposed Activity:
Removal of trees on South Street at (2) proposed BMP locations and to accomodate the replacement of the 16" water Main. Removal of trees in the path of the existing 16" water main

This application shall be accompanied by a filing fee of $250.00 and a deposit in the amount determined by the Planning Board sufficient to cover advertising, notification and other costs for the public hearing.

Applicant Signature: [signature] Date: 1/31/25

Kate Fitzpatrick 2/10/2025

For Planning Department Use:

Application accepted this 11 day of Feb, 2025 as duly submitted under the rules and regulations of the Planning Board, by [signature]

TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023

Town of Needham
Planning Board
Needham MA, 02492

January 31st, 2025

Attn: Lee Newman, Planning Director

Re: Needham Engineering Department.
Scenic Road Application for Town Tree Removal
South Street Needham MA

Dear Mrs. Newman,

Please accept this letter as confirmation that the Needham Engineering Department is applying for a public hearing under the scenic road act. As part of the South Street 16" water main replacement the town is installing stormwater BMP's along the route to treat the localized stormwater runoff before it reaches the adjacent resource areas. Two of the proposed locations have existing trees that need to be removed to accommodate the subgrade new structures. Prior to starting the project and recently this past fall we were in communications with the conservation department and the parks and forestry division who both had no objection to the proposed work. In addition to the two BMP locations, there are two large pine trees located at 1115 South Street to the right of the driveway for the property. As part of a mitigation plan, we proposed a two-to-one replacement of any live trees affected by this project. The final location of the new planting will be coordinated with conservation and the parks and forestry department this coming spring of 2025.

Attached are the project plans that identify the location along with pictures of the current conditions where the proposed work is being done. The first location identified at BMP # 4, between 1285 and 1307 South Street, has nine (9) trees to be removed. The second location is identified at BMP #5, across from 12 Fisher Street, where there are four (4) trees to be removed. All trees are within the public road right of way and have been vetted by the parks & forestry division, along with the conservation commission. The proposed trees were all identified as either invasive, dead or dying in need of removal at the time of our site visit. Also attached as Exhibit A, is a street view location of the two (2) pine trees at 1115 South Street.

Therefore, please accept this letter as a formal request to remove the said thirteen (15) trees, as well as the necessary hearing relative thereto, to be held simultaneously with the pending Scenic Road hearing with the Planning Board.

Please do not hesitate to let me know if you have any questions or require anything further. Your courtesy and cooperation are appreciated.

Sincerely,

Justin Savignano
Assistant Town Engineer

February 6, 2025

Exhibit A

1115 South Street *(2 Pine Trees to be Removed)*

Note:
The notes and photos regarding existing trees in relation to the proposed BMPs were added to the existing plans in December of 2024 for planning purposes. The information provided is not intended to be part of the original Contract Documents (planset) for the project.

Approximately nine (9) trees to be removed

Photo taken facing North West

Photo taken facing North

Photo taken facing North West

BMP - 4 North

CONNECT 6" TEMPORARY BYPASS FEED DIRECTLY TO HYDRANT

CONNECT NEW 16" DI WATER MAIN TO NEW 16" GATE VALVE, FURNISH & INSTALL NEW GATE VALVE WITH COUPLINGS AND FITTINGS AS NECESSARY TO CONNECT NEW 16" DI WATER MAIN, DELIVER EXIST GATE VALVE TO DPW

CHARLES RIVER STREET

EXISTING HMA BERM TO REMAIN. REPAIR AS NEEDED (TYP)

INSTALL 45° DI BEND

INSTALL 16" GATE VALVES (TYP. FOR 2)

REMOVE AND DISPOSE EXISTING HYDRANT. INSTALL NEW HYDRANT ASSEMBLY AND REPAIR AREA.

SEE SHEET BMP-4 FOR BMP RETROFIT

INSTALL 2" SERVICE

SEE SHEET BMP-5 FOR BMP RETROFIT (OFF SHEET)

SOUTH STREET

100' WETLAND BUFFER LIMIT

EXISTING HYDRANT. HYDRANT D REPAIR AREA.

MATCHLINE SEE SHEET 11

INSTALL CATCH BASIN EROSION CONTROL PROTECTION IN ALL CATCH BASINS WITHIN PROJECT AREA (TYP.)

INSTALL 16" X 8" TEE 8" GATE VALVE & 8" DI PIPE. CTE 8" WATER MAIN WITH SOLID SLEEVE COUPLING, AND BENDS AS NECESSARY. ALL JOINTS RESTRAINED (TYP.)

INSTALL 1" TYPE K COPPER DOMESTIC SERVICE WITH NEW CURB STOP (TYP) (UNLESS OTHERWISE INDICATED)

INSTALL 6" TEMPORARY

BURY TEMPORARY BYPASS PIPING AT DRIVEWAY CROSSING. RESTORE DRIVEWAY APRONS IN KIND. (TYP)

WILSON LANE

CRESTVIEW ROAD

INSTALL 16" X 8" TEE, 8" GATE VALVE & 8" DI PIPE. CTE 8" WATER MAIN WITH SOLID SLEEVE COUPLING, AND BENDS AS NECESSARY. ALL JOINTS RESTRAINED (TYP.)

Photo taken facing South

BMP - 4 South

Photo taken facing South East

BMP-4 (South)

Photo taken facing South

Photo Taken Facing South East

Note for BMP-4 (South):

Trees have already been cleared within the vicinity of BMP. Brush to be cleared.
.

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY: EKY
DESIGNED BY: EKY
CHECKED BY: NJC

REGISTERED PROFESSIONAL

PREPARED BY: BETA www.BETA-Inc.com

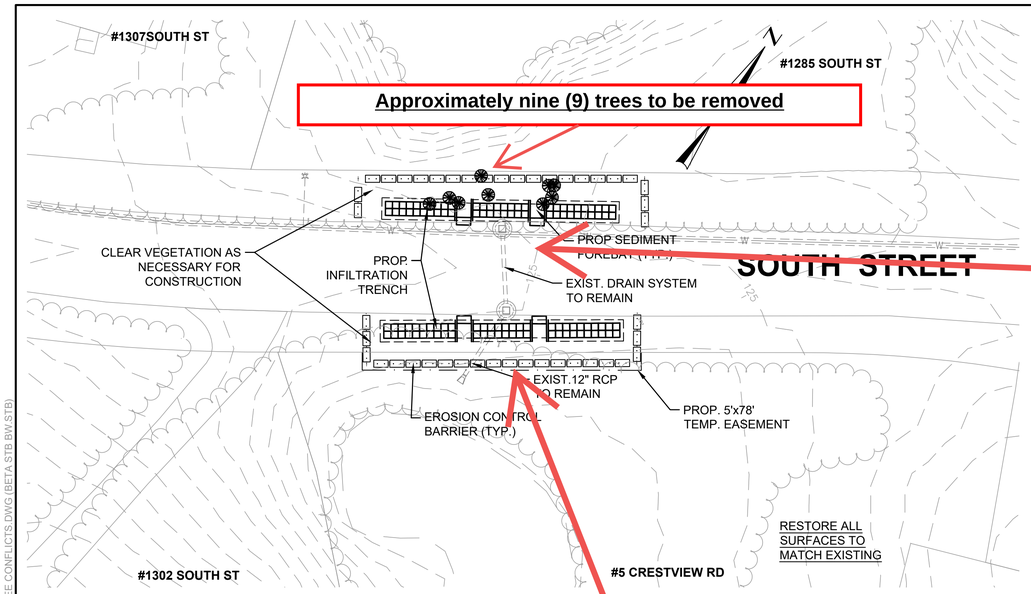
SUBCONSULTANT

SCALE: 40 0 40 80 — SCALE IN FEET: 1"=40'
UNLESS OTHERWISE NOTED OR CHANGED BY REPRODUCTION

TITLE
Town of Needham, Massachusetts
SOUTH STREET WATER MAIN REPLACEMENT
CHARLES RIVER STREET

BETA JOB NO. 10181
ISSUE DATE FEBRUARY 2024
SHEET NO. 10

2/15/2024 10:52 AM \\BETA-INC.COM\MAENVENG\NEEDHAM, MA\10181 - SOUTH ST 16 INCH WATER MAIN\DRAWINGFILES\PLANSET\10181 SOUTH STREET WATER MAIN.DWG (BETA STB BW.STB)

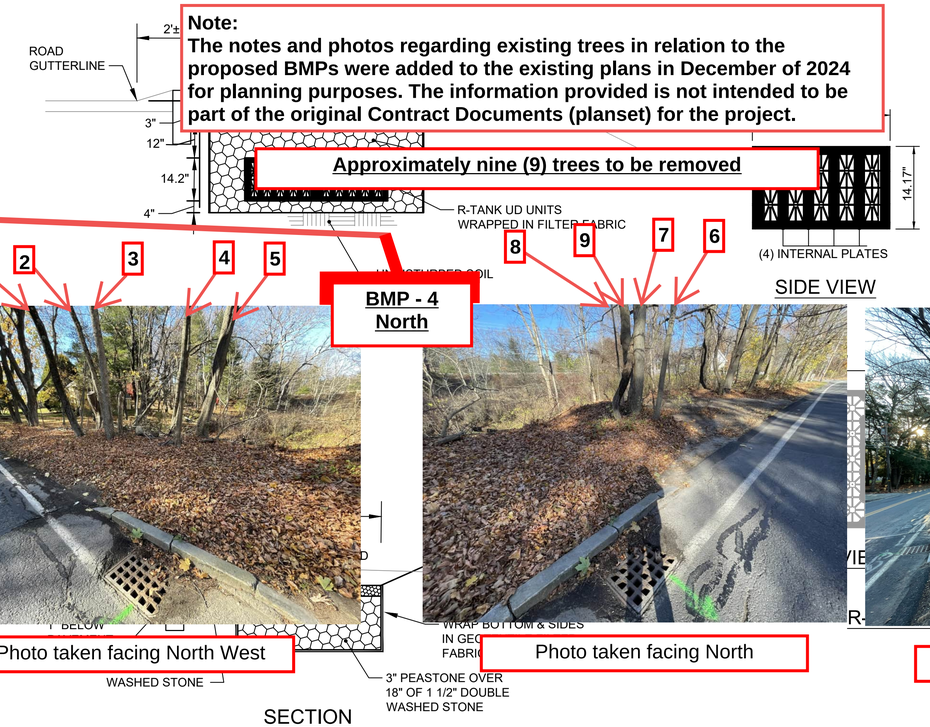


SITE PLAN - 1285 SOUTH ST

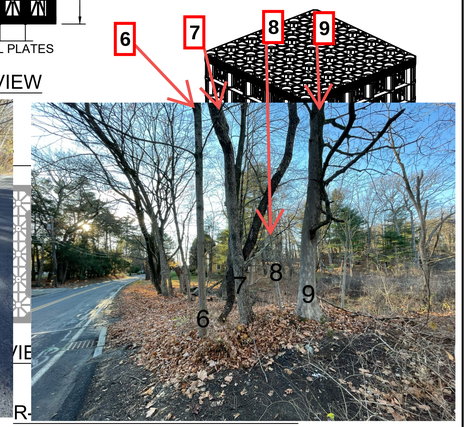
1" = 20'

1. TOPOGRAPHIC INFORMATION GATHERED FROM RECORD DATA AND GENERALLY CONFIRMED WITH FIELD OBSERVATION BUT MAY NOT BE ACCURATE. CONTRACTOR SHALL CONFIRM PRIOR TO CONSTRUCTION.
2. TOWN TO MARK RIGHT-OF-WAY (ROW) LINE IN FIELD PRIOR TO COMMENCING WORK TO CONFIRM WORK IS WITHIN ROW.

Note:
The notes and photos regarding existing trees in relation to the proposed BMPs were added to the existing plans in December of 2024 for planning purposes. The information provided is not intended to be part of the original Contract Documents (planset) for the project.



SECTION



NOT TO SCALE

Photo taken facing North West

Photo taken facing South

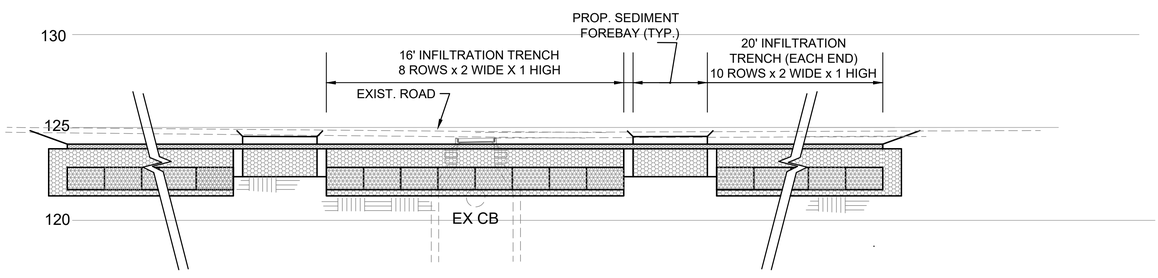
BMP - 4 South

Photo taken facing South East

SECTION

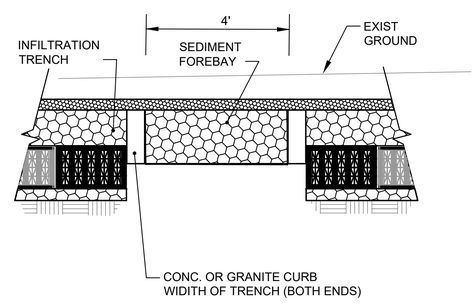
1" = 4'

Trees have already been cleared within the vicinity of BMP. Brush to be cleared.

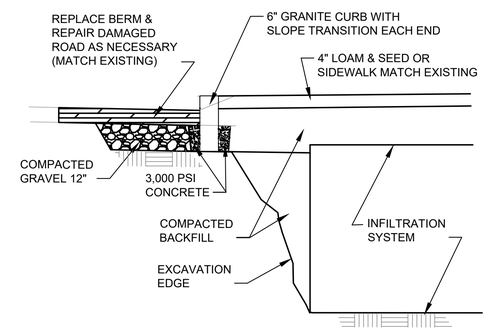


PROFILE (BOTH SIDES OF STREET)

1" = 4'



PROFILE



ROADWAY EDGE SUPPORT

NOT TO SCALE

PLOAD CALCULATIONS:
WATERSHED AREA= 2.33 ac.
IMPERVIOUS AREA= 0.70 ac.
LAND USE: LOW DENSITY RESIDENTIAL
PLOAD RATE = 1.52 LB/AC/YR
PERVIOUS AREA= 1.63 ac.
LAND USE: OPEN HSG B
PLOAD RATE = .12 LB/AC/YR
WATERSHED AREA PLOAD = 1.26 LB/YR

PLOAD REDUCTION:
BMP TYPE: TRENCH
INFILTRATION RATE: 1.02
STORAGE PROVIDED: 1,089 CF
DEPTH OF FLOW TREATED = 0.4 INCHES
PLOAD REDUCTION = 73%
PLOAD REDUCTION = 0.92 LB/YR

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY: DTW
DESIGNED BY: PFP
CHECKED BY: PFP

REGISTERED PROFESSIONAL

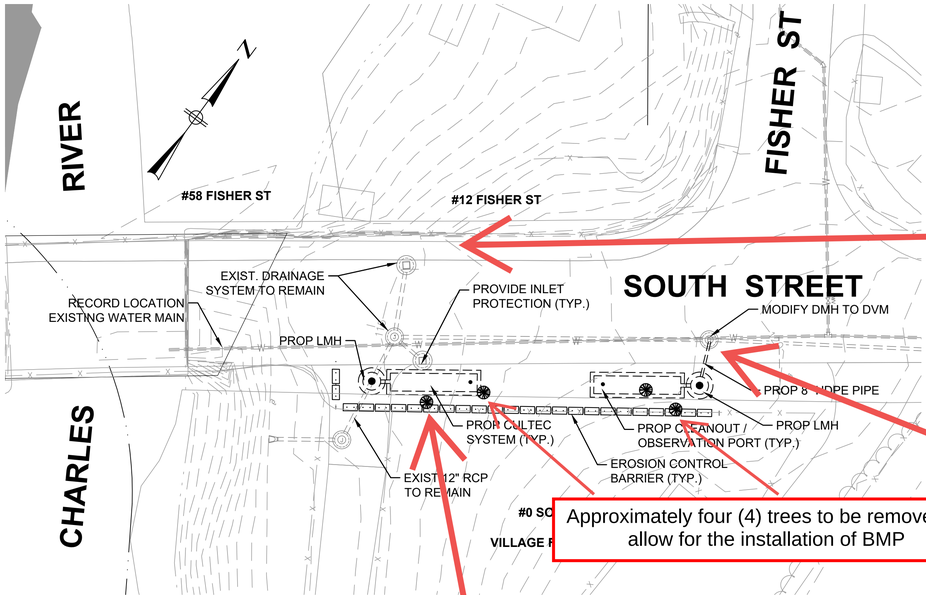
PREPARED BY: BETA www.BETA-Inc.com

SUBCONSULTANT

SCALE: AS SHOWN
UNLESS OTHERWISE NOTED OR CHANGED BY REPRODUCTION

TITLE
Town of Needham, Massachusetts
SOUTH STREET WATER MAIN REPLACEMENT
BMP RETROFIT SS30 - 1285 SOUTH STREET

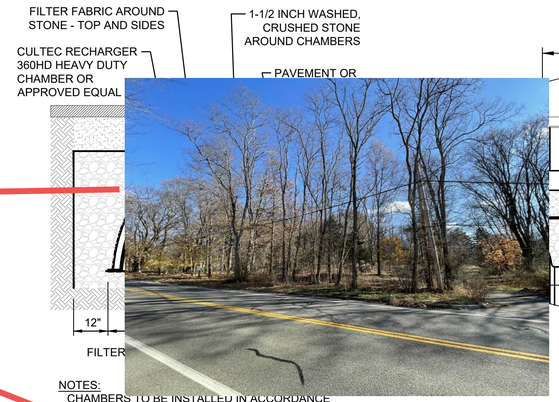
BETA JOB NO. 10181
ISSUE DATE FEBRUARY 2024
SHEET NO. BMP-4



Approximately four (4) trees to be removed to allow for the installation of BMP

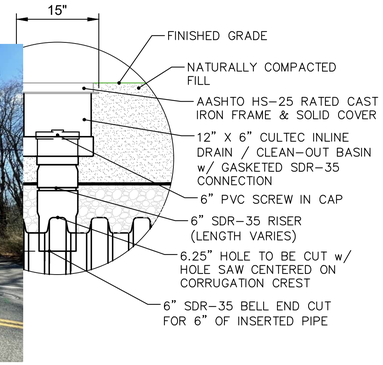
SITE PLAN - VILLAGE FALLS PARK
1" = 20'

1. TOPOGRAHIC INFORMATION GATHERED FROM RECORD DATA AND GENERALLY CONFIRMED WITH FIELD OBSERVATION BUT MAY NOT BE ACCURATE. CONTRACTOR SHALL CONFIRM PRIOR TO CONSTRUCTION.
2. TOWN TO MARK RIGHT-OF-WAY (ROW) LINE IN FIELD PRIOR TO COMMENCING WORK TO CONFIRM WORK IS WITHIN ROW.

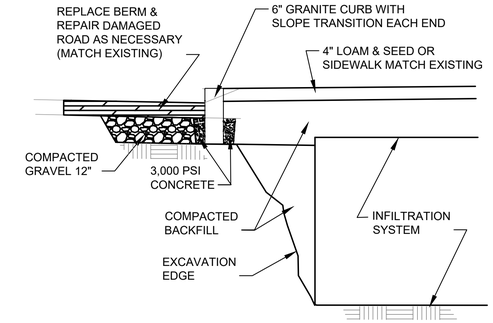


NOTES:
CHAMBERS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS

LEACHING CHAMBER SYSTEM
NOT TO SCALE

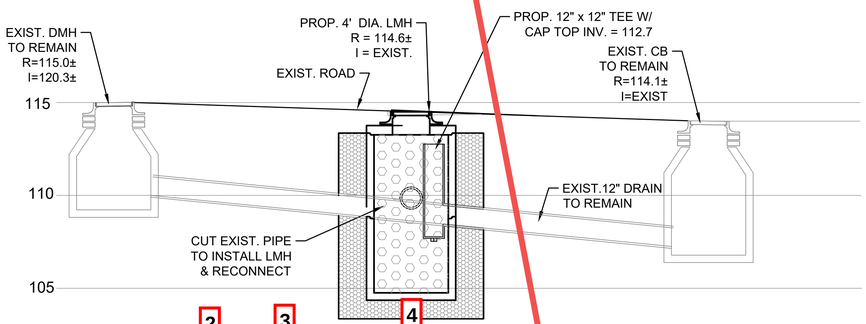


CLEAN OUT/OBSERVATION PORT
NOT TO SCALE



ROADWAY EDGE SUPPORT
NOT TO SCALE

LEACHING CHAMBER SYSTEM



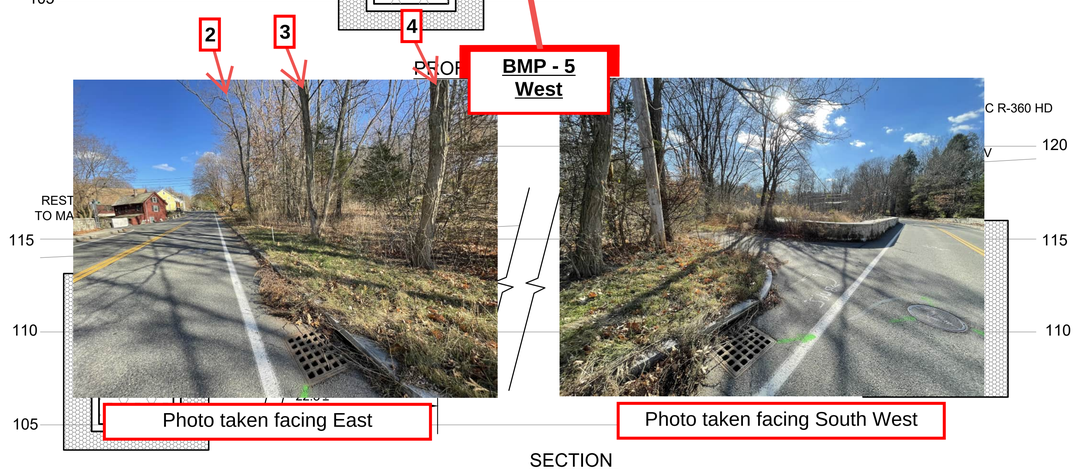


Photo taken facing East

Photo taken facing South West

SECTION
1" = 4'

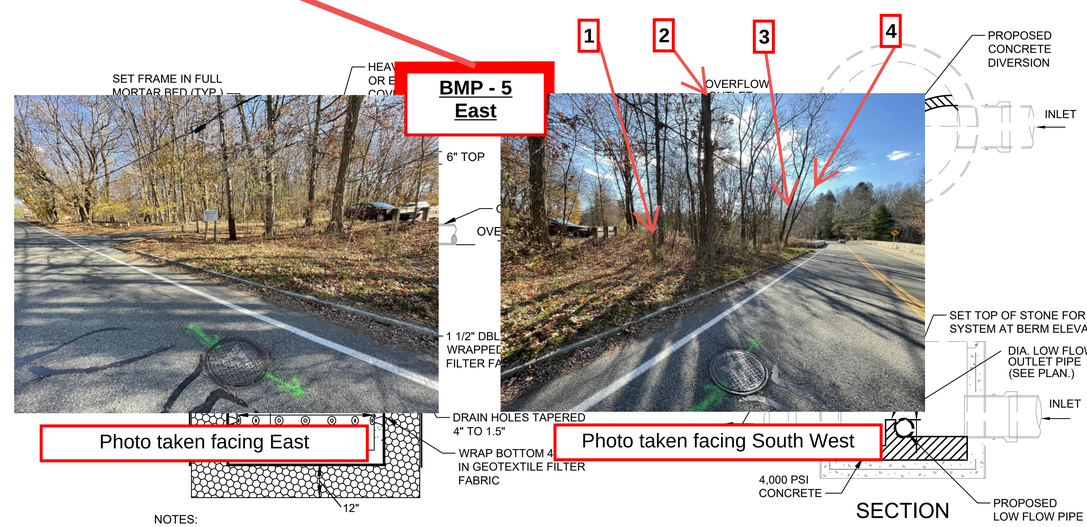


Photo taken facing East

Photo taken facing South West

SECTION

NOTES:

TO MODIFY A DRAIN MANHOLE

ION MANHOLE (DVM)
NOT TO SCALE

Note:
The notes and photos regarding existing trees in relation to the proposed BMPs were added to the existing plans in December of 2024 for planning purposes. The information provided is not intended to be part of the original Contract Documents (planset) for the project.

PLOAD CALCULATIONS:
WATERSHED AREA= 2.29 ac.
IMPERVIOUS AREA= 0.80 ac.
LAND USE: LOW DENSITY RESIDENTIAL
PLOAD RATE = 1.52 LB/AC/YR
PERVIOUS AREA= 1.49 ac.
LAND USE: OPEN HSG A
PLOAD RATE = .03 LB/AC/YR
WATERSHED AREA PLOAD = 1.26 LB/YR

PLOAD REDUCTION:
BMP TYPE: TRENCH
INFILTRATION RATE: 8.27
STORAGE PROVIDED: 1,264 CF
DEPTH OF FLOW TREATED = 0.4 INCHES
PLOAD REDUCTION = 94%
PLOAD REDUCTION = 1.19 LB/YR

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY: DTW
DESIGNED BY: PFP
CHECKED BY: PFP
REGISTERED PROFESSIONAL
PREPARED BY: BETA www.BETA-Inc.com
SUBCONSULTANT
SCALE: AS SHOWN
UNLESS OTHERWISE NOTED OR CHANGED BY REPRODUCTION

TITLE
Town of Needham, Massachusetts
SOUTH STREET WATER MAIN REPLACEMENT
BMP RETROFIT SS17 - VILLAGE FALLS PARK

BETA JOB NO. 10181
ISSUE DATE FEBRUARY 2024
SHEET NO. BMP-5

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Needham Center Project Interrelationship
Presenter(s)	Carys Lustig, Director of Public Works Tyler Gabrielski, Director of Streets and Transportation

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Director of Public Works, Carys Lustig, and Tyler Gabrielski, Director of Streets and Transportation, will present the background and current status of the four projects that are all converging in the Needham Center Area.

1. Highland Ave Reconstruction – TIP
2. MBTA Quiet Zone Upgrades
3. Envision Needham Center
4. Bottleneck Grant Needham Center

2.	**VOTE REQUIRED BY SELECT BOARD**

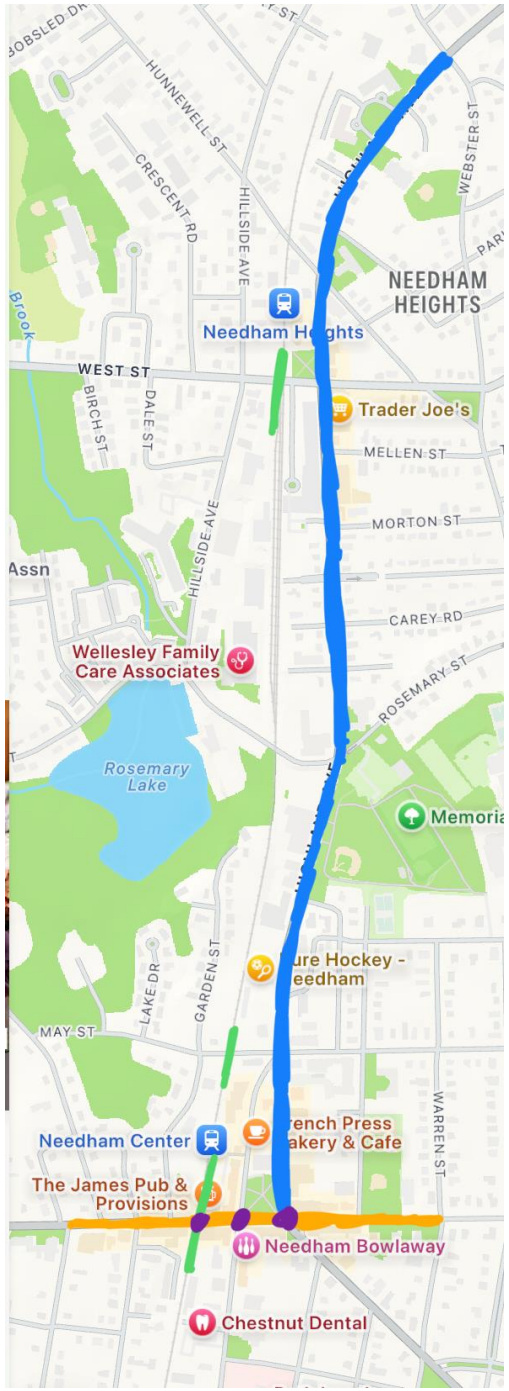
N/A – Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Power Point – Needham Center Project Interrelationship

Projects

- Blue – Highland Ave Reconstruction Project – TIP
- Green – Quiet Zone Locations
- Yellow – Envision Needham Center
- Purple – Bottleneck Grant



Highland Ave Reconstruction

- What
  - This will be a total redesign of Highland Ave from Webster St to Dedham Ave. This will include the road profile, intersection improvements, multi-mode improvements, and drainage improvements.
  - The costs of this project is approximately $17 million. The Town will pay the costs of design, but the costs for construction will be covered by the TIP if it is accepted into program. Preconference's have shown that there is strong interest in the project.
- Why
  - The Town has 4 intersections in this area that need upgrading.
  - West at Hillside which is adjacent to this project will also be included which is a high hazard crash area identified by the Commonwealth.
  - The Height Business area has not had any updates.
  - The are adjacent to Memorial Park has been identified as a concern for pedestrians and motorists with frequent crossing at all locations.
  - The corridor has many stormwater management issues that the current drainage infrastructure cannot manage.

Quiet Zone

- What
  - Upgrading the 5 at grade crossings in Needham so that they meet compliance to eliminate the mandatory horn crossing at each intersection.
  - 3 intersections will be upgraded with 4 way gates and 2 intersections will have a separated median. This median will be temporary if constructed before the Envision Needham Center project and then will be improved as part of that project.
- Why
  - Concerns expressed by citizens about the quality of life and sleep related to horns that are now more frequent and over the weekend and has become a Select Board Goal.
  - Enhanced safety upgrades at these intersections where the MBTA has no capital plan for improvement.

Envision Needham Center

- What
  - Redesign of Needham Center on Great Plain Ave from Linden St to Warrant St to improve the flow of traffic, improve pedestrian safety and walkability, provide bike amenities, improve the economic vitality of the downtown, and allow for more sidewalk utilization such as pocket parks and outdoor dining.
  - The design work is being funded out of CH 90. The Town had spent years savings CH 90 money specifically for this project. The funding for the pilot implementation to test out these concepts will be provided by a federal grant – Safe Streets for All. Once the pilot concepts are proven out the Town will contract for design and construction. Funding will likely come from a variety of local, state, and federal sources.
- Why
  - This was identified by the Select Board for over a decade as a high priority goal.
  - The center of Town has been identified as an area that is not conducive to pedestrians walking around which is valuable for economic vitality.
  - There are still some flow issues in the intersections of the downtown.
  - Provide for more outdoor dining that has become popular.
  - Improve drainage in Needham Center which has experienced stormwater management issues.
  - Provide greater pedestrian safety in the downtown where there have been pedestrian and vehicle accidents.

Bottleneck Grant

- What
  - Improved signal coordination between GPA/Dedham/Highland, GPA/Chapel/Chestnut, and the MBTA pre-signal on GPA using camera technology.
  - The design and construction is being paid for by the State's Bottleneck Reduction Grant.
- Why
  - While these intersections were significantly improved in 2017 there are still some traffic flow and coordination issues that could be improved.
  - The mixed system of cameras and loops have caused the system to be out of sync.
  - Traffic turn movements can be updated based on real in field conditions.
  - It is likely that some or all of the signal infrastructure will be preserved through the Envision Needham Center redesign.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Non-Essential Outdoor Water Use Restriction
Presenter(s)	Carys Lustig, Director of Public Works Michael Retzky, Superintendent of Water, Sewer, and Drains

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Director of Public Works, Carys Lustig, and the Superintendent of Water, Sewer, and Drains, Michael Retzky, will provide an update of the Town's compliance with the new condition of the Water Management Act registration requirements that require the Town's compliance by April 8, 2025. This condition requires the Town to implement non-essential outdoor water use restrictions during times of drought as declared by the Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs.

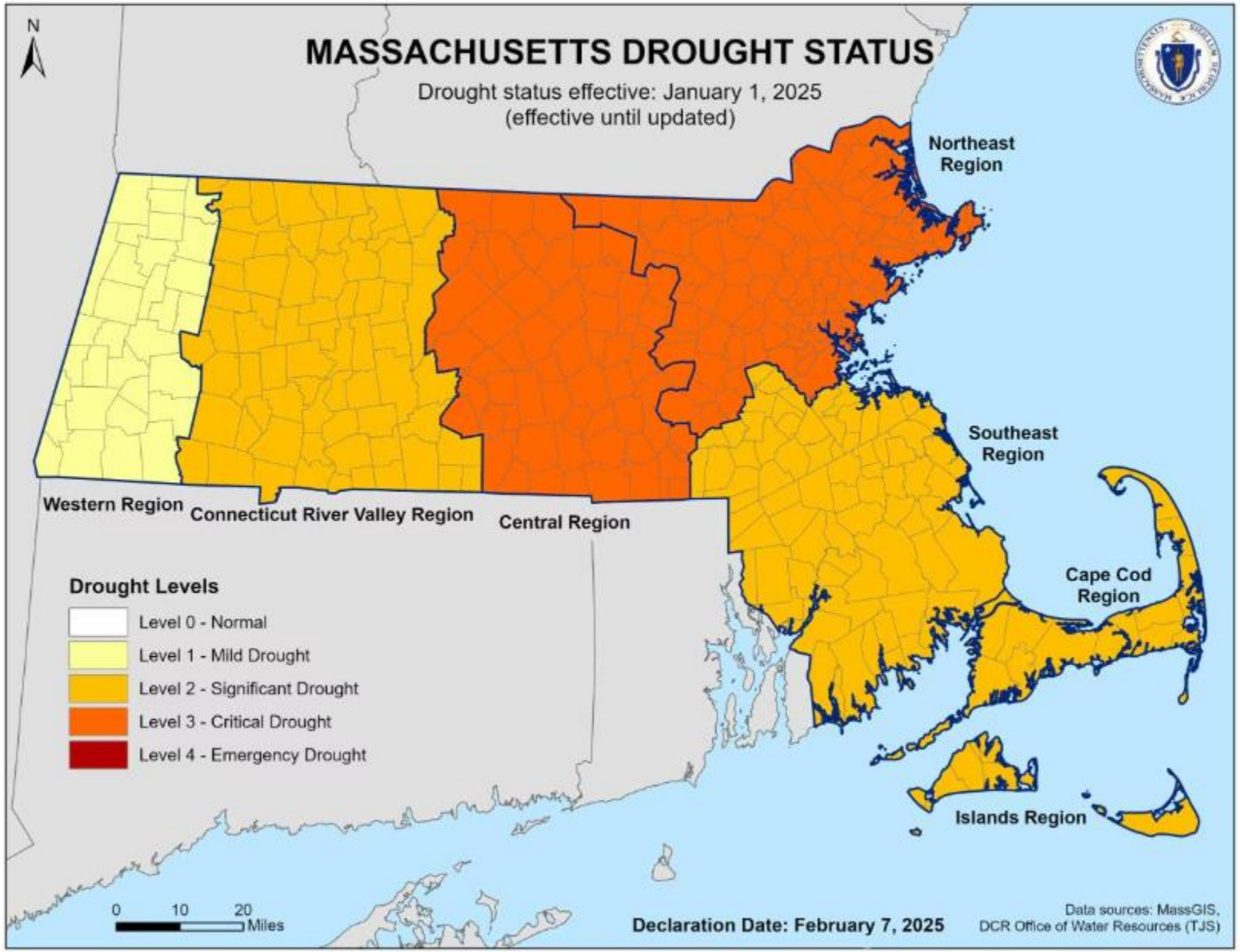
2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board delegate their authority to declare an emergency non-essential water use restriction as set forth in the General Bylaws 2.2.5.5.2 to the Town Manager in accordance with the Town's Water Management Act registration.

3.	**BACK UP INFORMATION ATTACHED**

a. Power Point – Drought Conditions and Non-Essential Water Use
b. Letter from MassDEP dated 4/12/2024

Current Drought Status



General By-Law

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

8.2.2.8 Select Board Regulations

C. Water Emergencies; Violations (Sub-Section 2.2.5.5) Enforcement Agent: Any DPW Supervisor First violation: Written Warning Second violation (issued within the same calendar year): $50 Third violation (issued within the same calendar year): $200 Fourth and subsequent violations (issued within the same calendar year): $300 Each day of violation shall constitute a separate offense.

Requirements

- Nonessential outdoor water use shall mean those uses that are not required:
  1. for health or safety reasons;
  2. by regulation;
  3. for the production of food and fiber;
  4. for the maintenance of livestock; or 5. to meet the core functions of a business.

- Nonessential outdoor water uses that are subject to mandatory restrictions include:
  - irrigation of lawns via sprinklers or automatic irrigation systems;
  - washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
  - washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

From the Massachusetts Drought Management Plan, December 2023

Exemptions

- Exceptions to nonessential outdoor water uses are:
  - irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
  - irrigation with harvested and stored stormwater runoff.
- The following outdoor water uses are subject to review and approval by The Town [or Water District], through its Board of Water Commissioners [or Selectmen or Water District Commissioners] or their designee:
  - irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM;
  - irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
  - irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
  -
  - filling of privately owned outdoor pools.

From the Massachusetts Drought Management Plan, December 2023

Table 9: State Guidance on Nonessential Outdoor Water-Use Restrictions at Various Drought Levels

State Drought Condition (by Region)	Nonessential Outdoor Water-Use Restrictions
Level 1 (Mild Drought)	1 day per week watering, after 5 p.m. or before 9 a.m. (to minimize evaporative losses)
Level 2 (Significant Drought)	Limit outdoor watering to hand-held hoses or watering cans, to be used only after 5 p.m. or before 9 a.m.
Level 3 (Critical Drought)	Ban on all nonessential outdoor water use
Level 4 (Emergency Drought)	Ban on all nonessential outdoor water use

From the Massachusetts Drought Management Plan, December 2023

Status of Regulation

- Town is working with other approximately 20 other communities to challenge standing of regulation
- Next hearing will be at Appeal Court on April 14th
- Need to implement until and unless overturned

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

April 12, 2024

Subject: Water Management Registration Requirements for PWS Registrants During Drought

Dear Registrants Under the Water Management Act (WMA):

I am contacting you with a reminder that the renewed WMA Registration Statements issued on April 8, 2023, require Public Water Supply (PWS) Registrants to implement nonessential outdoor water use restrictions during times of drought. As we approach the one-year anniversary of the issuance of the renewed registrations, please keep in mind that implementation of restrictions whenever a drought is declared in your area is to begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The original 24-month grace period was provided to give all public water suppliers and municipalities a reasonable and realistic timeframe for adopting authority to implement and enforce the restrictions.[1] If your water district, water & sewer commission, or municipality does not have the authority in place to implement and enforce outdoor watering restrictions, now is the time to ensure such authority is in place before April 8, 2025.

MassDEP has developed the Model Outdoor Water Use Bylaw/Ordinance to help municipalities and water districts implement seasonal conservation of water supplied by public water systems (PWS). The Model Bylaw also includes options for regulating private wells and in-ground irrigation systems. The model bylaw can be found at https://www.mass.gov/info-details/model-water-use-restriction-bylawordinance-update.

The restrictions will be triggered when the Secretary of the Executive Office of Energy and Environmental Affairs declares a drought for the drought region, county, or watershed where your withdrawals are located. MassDEP will notify registered PWSs via an emailed letter containing details of drought declarations. You may have received these updates in recent years when a drought has been declared in Massachusetts.

The required nonessential outdoor water use restrictions are summarized as follows:

---

[1] The Registration itself does not give registrants authority to implement the required nonessential outdoor water use restrictions and issue fines or penalties to those who do not comply.

- Municipal water authorities (water districts, water & sewer commissions, etc.) operating under state legislative authority (*e.g.*, Chapter 40N, Model Water & Sewer Commissions), can adopt rules and regulations quickly.
- For municipal suppliers governed by a City Council, adopting an ordinance takes months, but typically less than a year.
- Water suppliers in towns that must adopt bylaws typically bring a proposed bylaw before town meeting. After a bylaw is approved at town meeting, it must be reviewed and approved by the Attorney General. In this case, adopting enforcement authority can take more than one year.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.

b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.

c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.

d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

e) Public Water Suppliers (PWS) that impose mandatory water use restrictions are required to notify MassDEP within 14 days of implementing such restrictions. MassDEP also requests that PWSs provide notification when imposing voluntary water use restrictions. A MassDEP Notification of Water Use Restriction form can be found at https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses.

Please consult your Registration Statement or MassDEP's regulations at 310 CMR 36.03 for a definition of nonessential outdoor water use.

For Registrants who **also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use**, the conditions in the permit, including all applicable deadlines for implementation, supersede the condition in the Registration Statement requiring implementation of restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

Registrants who **also hold a Water Management Act permit that does <u>not</u> include conditions requiring restrictions on nonessential outdoor water use,** must comply with the condition on restricting nonessential outdoor water use in the Registration Statement.

Attached you will find an example of the type of map and guidance that MassDEP will send to all PWSs when a drought is declared by the Secretary. If you have any questions or concerns about this requirement, or about the requirement to have implementation and enforcement authority in place prior to the April 8, 2025 deadline, please contact Beth McCann of the Water Management Program at elizabeth.mccann@mass.gov or at (857) 262-3205.

Very truly yours,

Duane LeVangie

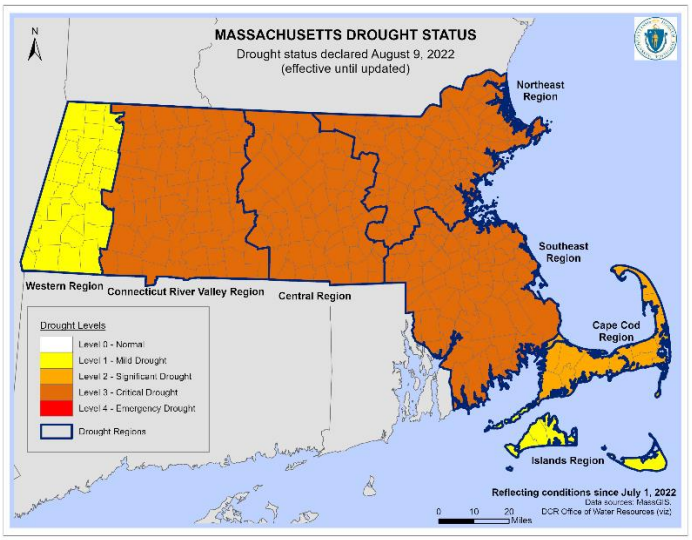
Duane LeVangie
Water Management Program Chief

Cc: Jennifer Pederson, MWWA
Julia Blatt, Mass Rivers Alliance

Sample Map and Summary Guidance for Public Water Suppliers When Drought is Declared

Below is a sample of the type of map that is prepared and distributed when drought is declared by the Secretary of Energy and Environmental Affairs.

For details on your region and Massachusetts current Drought Status go to: Drought Status | Mass.gov.



Level 3 (Critical Drought)

All nonessential outdoor water uses should be banned.

Level 2 (Significant Drought)

All nonessential outdoor water uses banned, except that water of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.

Level 1 (Mild Drought)

Limit outdoor watering to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Solid Waste Update
Presenter(s)	Carys Lustig, Director of Public Works Matthew DeMarrais, Superintendent of Solid Waste & Recycling

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Director of Public Works, Carys Lustig, and Superintendent of Solid Waste and Recycling, Matthew DeMarrias, will provide an update of the Town's contract with Wheelabrator that is set to expire in June of 2028. The Town is working with the consortium that originally negotiated this contract twenty years ago to revamp the group and start renegotiations for a successor agreement.

2.	**VOTE REQUIRED BY SELECT BOARD**

N/A – Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Power Point – Solid Waste Update

Fiscal Year	Tipping Fee/Ton
2002	$76.55
2003	$79.47
2004	$82.02
2005	$84.18
2006	$86.80
2007	$89.12
2008	$91.93
2009	$69.10
2010	$69.20
2011	$70.87
2012	$72.48
2013	$74.01
2014	$74.81
2015	$75.66
2015	$64.00
2016	$64.00
2017	$66.00
2018	$66.87
2019	$68.18
2020	$68.97
2021	$69.82
2022	$70.07
2023	$75.52
2024	$77.78
2025	$79.92
Projected 2026	$81.73

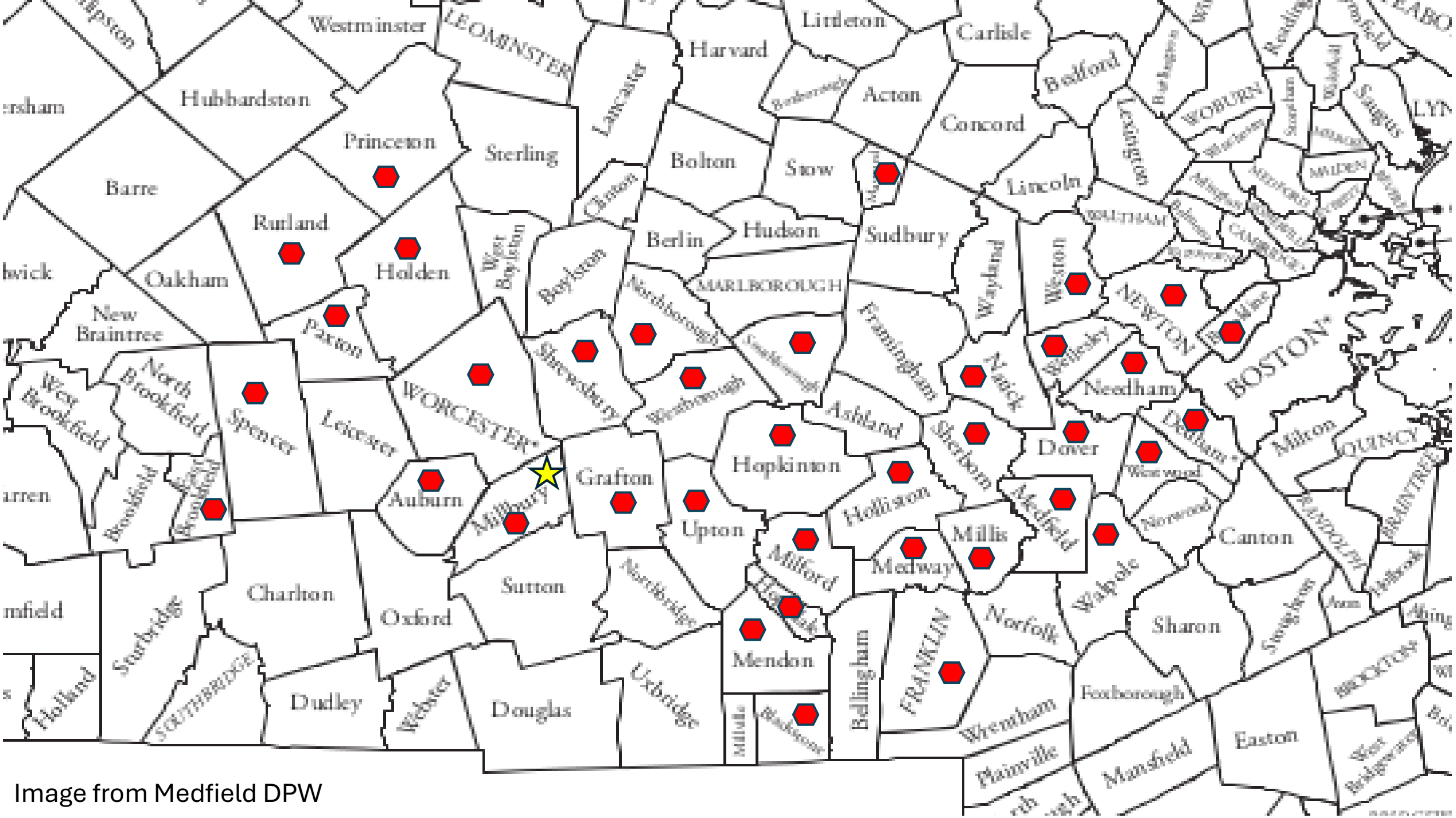


Image from Medfield DPW

Other Bids to Compare

- Newton/Brookline Bid – approximately $100 ton for Millbury under their own separate side agreement
- Wellesley Bid - $101 for a local landfill that has received closing extensions
- Current Food Waste Tipping for collection at the RTS $120/ton
  - MSW including hauling is approximately $103.70/ton

Next Steps

- Clarity on who will participate
- Select subcommittee to negotiate
- Agree on legal firm for representation
- Reach out to Millbury facility for openness to negotiate
- Determine how many year to negotiate
- May require a standing committee if shorter term agreement

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

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

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

At its meeting of February 25, 2025, the Planning Board voted to place the following articles on the warrant for May 13, 2025 Special Town Meeting:

(1) Article 1: Amend Zoning By-Law – Flood Plain District; and (2) Article 2: Amend Zoning By-Law – Map Change to Flood Plain District.

Under State law, the Select Board has 14 days to accept the proposed amendments and refer them to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to accept the proposed zoning articles:

- Article 1: Amend Zoning By-Law – Flood Plain District
- Article 2: Amend Zoning By-Law – Map Change to Flood Plain District

for referral to the Planning Board for its review, hearing, and report.

3.	**BACK UP INFORMATION ATTACHED**

a. Transmittal Letter from Lee Newman, Director of Planning and Community Development dated February 26, 2025
b. Proposed Warrant Article 1
c. Proposed Warrant Article 2
d. M.G.L. c. 40A Section 5

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

February 26, 2025

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

Re: Zoning Articles for 2025 Special Town Meeting

Dear Ms. Fitzpatrick:

The Planning Board, at its meeting of February 25, 2025, voted to place the following two articles on the warrant for the May 2025 Special Town Meeting: (1) Article 1: Amend Zoning By-Law – Flood Plain District; and (2) Article 2: Amend Zoning By-Law – Map Change to Flood Plain District. Accordingly, please find attached the above-named articles as approved by the Planning Board for inclusion in the warrant of the 2025 Special Town Meeting.

As you know, the Select Board will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Select Board act on the enclosed articles at its next meeting of Tuesday, March 11, 2025, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Thursday, March 27, 2025.

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

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT

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

1. Delete Section 2.3.1 in its entirety and replace it with the following:

   2.3.1

   All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Division.

2. Delete Section 3.3 Uses in the Flood Plain District in its entirety and replace it with the following:

   3.3 Uses in the Flood Plain District

   The purpose of the Flood Plain District is to:

   (a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;
   (b) Protect the health and safety of persons and property against the hazards of flooding;
   (c) Preserve and maintain the ground water table for water supply purposes;
   (d) Protect the community against detrimental use and development of lands adjoining such water courses;
   (e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;
   (f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
   (g) Ensure public safety through reducing the threats to life and personal injury;
   (h) Eliminate new hazards to emergency response officials;
   (i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
   (j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
   (k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
   (l) Reduce damage to public and private property resulting from flooding waters.

   The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The flood plain management regulations found in this Flood Plain District section shall take precedence over any less restrictive conflicting local laws, rules or regulations.

3. Insert a new Section 3.3.1 to read as follows:

3.3.1 Designation of Town Floodplain Administrator

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

4. Insert a new Section 3.3.2 to read as follows:

3.3.2 Definitions Applicable in Flood Plain District

The following definitions shall be applicable in the Flood Plain District.

Development – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Floodway – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of

Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

5. Delete Section 3.3.3 Uses Requiring A Special Permit and insert in its place the following:

3.3.3 Special Permit Required for all Proposed Development in Flood Plain District

A special permit from the Board of Appeals is required for:

(a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

(b) Any driveway and walkway ancillary to uses otherwise permitted by this section.

(c) Tennis courts or other uses requiring a similarly prepared surface.

(d) Water and sewer pumping stations.

(e) Any use not expressly permitted or prohibited.

(f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.

(g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

6. Delete the introductory paragraph of Section 3.3.4 Special Permit Criteria and replace it with the following:

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:

7. Insert in Section 3.3.5 General Provisions Relating to Flood Plain District the following new subsections to read as follows:

(f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial

improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(g) In A Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

• NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

• NFIP Program Specialist
Federal Emergency Management Agency, Region I

(i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

8. Delete Section 3.3.6(c) and insert in its place the following:

(c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation
  251 Causeway Street, 8th floor, Boston, MA 02114
- NFIP Program Specialist
  Federal Emergency Management Agency, Region I

9. Insert new Section 3.3.7 to read as follows:

3.3.7 <u>Variances</u>

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

10. Insert a new Section 3.3.8. to read as follows:

3.3.8 <u>Disclaimer</u>

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

11. Re-number all sections within Section 3.3 in appropriate numerical order to account for the insertion of new Sections 3.3.1 and 3.3.2 as provided for above.

or take any other action relative thereto.

INSERTED BY:
FINANCE COMMITTEE RECOMMENDS:

<u>ARTICLE 2:</u> **AMEND ZONING BY-LAW – MAP CHANGE TO FLOOD PLAIN DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to revise the boundaries of the Flood Plain District so that the District now comprises the following:

(a) All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0018F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F, and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025.

(b) All that land along or sloping toward that portion of Rosemary Brook between Rosemary Lake and Central Avenue that is at or below the following elevations: (i) Ninety (90) feet above mean sea level upstream of West Street; and (ii) Eighty-eight (88) feet above mean sea level between West Street and Central Avenue.

(c) All that land along or sloping toward that portion of Rosemary Brook between Central Avenue and the Needham-Wellesley town line that is at or below an elevation of eighty-five (85) feet above mean sea level.

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS:

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

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

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

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

sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

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

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

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-

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

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

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

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the

attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

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

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

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Call for and Open Special Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

The Town Manager will ask the Board to call for a Special Town Meeting to be held on Monday, May 12, 2025 and to open the warrant for that meeting. The Board is scheduled to close the warrant on March 25, 2025.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to call for and open the warrant for the May 12, 2025 Special Town Meeting.

3.	**BACK UP INFORMATION ATTACHED**

a. Draft May 12, 2025 Special Town Meeting Warrant – 3/11/2025
b. Memo to the Select Board from Myles Tucker, Support Services Manager, Re: Proposed Senior and Veteran Property Tax Work-Off Program
c. Department of Revenue Informational Guideline Release Re: Affordable Housing Tax Exemption

TOWN OF NEEDHAM

SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 12, 2025

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft - 3/11/2025

Draft - 3/11/2025

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE TWELFTH DAY OF MAY 2024

At seven thirty o'clock in the afternoon, then and there to act upon the following articles, viz.:

FINANCE ARTICLES

ARTICLE X: APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING

To see if the Town will vote to raise and/or transfer and appropriate $195,516 for the purpose of funding and supporting public, educational, and government (PEG) programming provided by the Needham Channel, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *The purpose of this article is to appropriate funds to make payments to the Needham Channel during the year. Included in every cable bill from the cable operators is a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account (Public, Educational, and Governmental (PEG) Access and Cable Related Fund) created pursuant to the provisions of Massachusetts General Laws Chapter 44, section 53F¾ and approved at the May 8, 2023 Special Town Meeting under Article 10, and are to be used to support local cable programming for the Town's PEG channels. These funds will be used to continue these informational and educational services, which may include, but are not limited to, equipment purchases, contracted services, construction services, and labor expenses.*

ARTICLE X: APPROPRIATE FOR INTERSECTION IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of $30,000 for the purpose of funding intersection improvements at Kendrick Street and Fourth Avenue, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Draft - 3/14/2025

ARTICLE X: AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT

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

1. Delete Section 2.3.1 in its entirety and replace it with the following:

2.3.1

All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Division.

2. Delete Section 3.3 Uses in the Flood Plain District in its entirety and replace it with the following:

3.3 Uses in the Flood Plain District

The purpose of the Flood Plain District is to:

(a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;
(b) Protect the health and safety of persons and property against the hazards of flooding;
(c) Preserve and maintain the ground water table for water supply purposes;
(d) Protect the community against detrimental use and development of lands adjoining such water courses;
(e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;
(f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
(g) Ensure public safety through reducing the threats to life and personal injury;
(h) Eliminate new hazards to emergency response officials;
(i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
(j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
(k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
(l) Reduce damage to public and private property resulting from flooding waters.

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The flood plain management regulations found in this

Draft - 3/11/2025

Flood Plain District section shall take precedence over any less restrictive conflicting local laws, rules or regulations.

3. Insert a new Section 3.3.1 to read as follows:

3.3.1 <u>Designation of Town Floodplain Administrator</u>

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

4. Insert a new Section 3.3.2 to read as follows:

3.3.2 <u>Definitions Applicable in Flood Plain District</u>

The following definitions shall be applicable in the Flood Plain District.

<u>Development</u> – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

<u>Floodway</u> – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

<u>Functionally Dependent Use</u> – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

<u>Highest Adjacent Grade</u> – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

<u>Historic Structure</u> – means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

Draft - 3/11/2025

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of

Draft - 3/11/2025

Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

5. Delete Section 3.3.3 Uses Requiring A Special Permit and insert in its place the following:

3.3.3 Special Permit Required for all Proposed Development in Flood Plain District

A special permit from the Board of Appeals is required for:

(a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

(b) Any driveway and walkway ancillary to uses otherwise permitted by this section.

(c) Tennis courts or other uses requiring a similarly prepared surface.

(d) Water and sewer pumping stations.

(e) Any use not expressly permitted or prohibited.

(f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.

(g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

6. Delete the introductory paragraph of Section 3.3.4 Special Permit Criteria and replace it with the following:

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:

7. Insert in Section 3.3.5 General Provisions Relating to Flood Plain District the following new subsections to read as follows:

(f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential

Draft - 3/11/2025

structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(g) In A Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

• NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

• NFIP Program Specialist
Federal Emergency Management Agency, Region I

(i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

8. Delete Section 3.3.6(c) and insert in its place the following:

(c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation
  251 Causeway Street, 8th floor, Boston, MA 02114
- NFIP Program Specialist
  Federal Emergency Management Agency, Region I

9. Insert new Section 3.3.7 to read as follows:

3.3.7 <u>Variances</u>

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

Draft - 3/11/2025

10. Insert a new Section 3.3.8. to read as follows:

3.3.8 <u>Disclaimer</u>

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

11. Re-number all sections within Section 3.3 in appropriate numerical order to account for the insertion of new Sections 3.3.1 and 3.3.2 as provided for above.

or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

<u>Article Information:</u>

<u>ARTICLE X</u>: AMEND ZONING BY-LAW – MAP CHANGE TO FLOOD PLAIN DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to revise the boundaries of the Flood Plain District so that the District now comprises the following:

(a) All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0018F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F, and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025.

(b) All that land along or sloping toward that portion of Rosemary Brook between Rosemary Lake and Central Avenue that is at or below the following elevations: (i) Ninety (90) feet above mean sea level upstream of West Street; and (ii) Eighty-eight (88) feet above mean sea level between West Street and Central Avenue.

(c) All that land along or sloping toward that portion of Rosemary Brook between Central Avenue and the Needham-Wellesley town line that is at or below an elevation of eighty-five (85) feet above mean sea level.

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

<u>Article Information:</u>

Draft - 3/11/2025

GENERAL ARTICLES

ARTICLE X: **TOWN HALL SATURDAY HOURS**

To see if the Town will vote to rescind its vote under Article 36 of the May 1, 2023 Annual Town Meeting that Town Hall remain closed on Saturdays; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The 2023 Annual Town Meeting voted pursuant to Massachusetts General Law Chapter 41, Section 110A that Town Hall would be deemed closed on Saturdays, which had the effect of moving the last day of voter registration for Town Elections from a Saturday to a Friday. Since the Town is required to remain open on Saturday for State and Federal elections, the Town Clerk has determined that allowing voter registration for Town elections on Saturday as appropriate will reduce potential confusion.

ARTICLE X: **ACCEPT M.G.L. c.59, §5O – PROPERTY TAX EXEMPTION FOR AFFORDABLE HOUSING UNITS**

To see if the Town will vote to accept the provisions of M.G.L. c.59, §5O, which allows the Select Board to establish a property tax exemption for Class One residential property that is (i) rented at an affordable housing rate, (ii) rented on a yearly basis, and (iii) occupied year-round by a person or persons whose household income does not exceed an amount to be established, which shall not be more than 200% of the area median income; and to provide that said exemption will first be available in FY2026; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information:

ARTICLE X: **ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 59 SECTION 5K – PROPERTY TAX PROGRAM FOR PEOPLE OVER THE AGE OF 60**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5K, to allow the Select Board to establish a program for persons over 60 to volunteer to provide services to the Town in exchange for a reduction of their real property tax obligations; to allow, for qualifying persons physically unable to provide such services, that an approved representative may provide the services in their stead; to allow for the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year; and to provide that this program will first be available in FY2026;

or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Draft - 3/11/2025

Article Information:

ARTICLE X: ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 59 SECTION 5N – PROPERTY TAX PROGRAM FOR VETERANS

To see if the Town will vote to adjust the exemption provided for in M.G.L. Chapter 59, Section 5N, which allows the Select Board to establish a program for veterans and spouses of veterans that are deceased or have service-connected disabilities to volunteer to provide services to the Town in exchange for a reduction of their real property tax obligations, to allow for persons physically unable to provide such services to have an approved representative provide the services in their stead; to allow for the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year; and to provide that said the program with these adjustments will first be available in FY2026;

or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: AMEND GENERAL BY-LAWS – REVOLVING FUNDS

To see if the Town will vote to amend the General Bylaws by inserting a new Section 2.2.7.5.12 – Energy Efficiency and Clean Energy Capital Program Revolving Fund as follows:

"2.2.7.5.12 Energy Efficiency and Clean Energy Capital Program Revolving Fund

Fund Name: There shall be a separate fund called the Energy Efficiency and Clean Energy Capital Program Revolving Fund authorized for use by the Department of Public Works.

Revenues: The Town accountant shall establish the Energy Efficiency and Clean Energy Capital Program Revolving Fund as a separate account and credit to the fund all of the receipts from State, Federal, and utility energy efficiency, renewable energy and electrification rebates, incentives, and tax credits.

Purposes and Expenditures: The Town Manager may expend on an annual basis and up to the spending limit authorized by Town Meeting for the purposes of funding capital projects related to energy efficiency, renewable energy, and electrification.

Fiscal Years: The Energy Efficiency and Clean Energy Capital Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2026."

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

RESERVE ARTICLES

Draft - 3/11/2025

ARTICLE X: APPROPRIATE TO CAPITAL EQUIPMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of June 30, 2024 was $1,202,393.

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

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

Given into our hands at Needham aforesaid this 25th day of March 2025.

Kevin Keane, Chair
Heidi Frail, Vice Chair
Catherine Dowd, Clerk
Marianne B. Cooley, Member
Josha Levy, Member

Select Board of Needham

Draft - 3/11/2025

A TRUE COPY
Attest:
Constable:

Draft - 3/11/2025

MEMORANDUM

TO:	Select Board
CC:	Kate Fitzpatrick, Town Manager; Katie King, Deputy Town Manager; David Davison, Deputy Town Manager/Director of Finance; Tim McDonald, Director of Health and Human Services; Tatiana Swanson, Director of Human Resources; LaTanya Steele, Director of Aging Services; Cecilia Simchak, Deputy Director of Finance; Christopher Heep, Town Counsel
FROM:	Myles Tucker, Support Services Manager
SUBJECT:	Proposed Senior and Veteran Property Tax Work-Off Program
DATE:	March 11, 2025

Background

The May 2014 Annual Town Meeting adopted MGL Chapter 59, Section 5N (Section 5N) allowing the Town to implement a program that allows certain eligible veterans to work off a portion of their property tax bill through service to the Town.

The Town currently operates a work-off program for eligible older residents, the Senior Corps. This program is independently managed by the Town. MGL Chapter 59, Section 5K (Section 5K) provides an alternative framework for like-programs.

The Select Board adopted a FY2025-26 goal to implement the Valor Act. Staff have met over the course of 2024 and 2025 to meet this goal and to explore options to streamline/integrate the existing Senior Corps program into the implemented Valor Act program.

These programs are separate from, and in addition to, other property tax relief programs the Town offers.

Discussion

Program Descriptions:
MGL Chapter 59, Section 5K and Section 5N both provide avenues for property tax relief for an eligible population (residents over 60 and veterans, respectively) who provide community service hours to the Town. Both programs require this community service to be additive (i.e. not work normally assigned to paid staff) and allows Town Meeting to set local criteria for program administration. Such criteria may include income caps – a current aspect of Needham's Senior Corps program.

The current Senior Corps operates in a manner very similar to Section 5K. Through Town Meeting action, Section 5K can be adopted by the Town and administered in a manner consistent with other communities with minimal disruption to current program participants or administrators. Town Counsel has opined that the Town is able to continue with its current practice of setting in place income caps and minimum residency requirements on program participation.

The current Senior Corps program had six participants in FY2024.

Local Options Available for Sections 5K and 5N

Since adopting Section 5N in 2014, the statute has changed to allow for municipalities to opt into the following provisions:

1. Permit qualifying veterans unable to complete the work-off hours themselves to designate another individual to do the work in their stead. This change will increase the opportunity for disabled veterans to access the program's benefits.
2. Cap the annual benefit at either a fixed dollar amount ($1,500) or a fixed amount of hours (125 hours compensated at the existing minimum wage).

Per Town Counsel, these new aspects are not automatically applicable to Needham and require additional Town Meeting action.

Funding

If adopted, the consolidated program will be funded by the Overlay under the same provisions as abatements and exemptions. The Town's FICA obligation will be funded under Townwide Expenses.

Employment Status

Sections 5K and 5N specify the employment status and pay requirements for participants in either program. Participants will not be considered employees for the purposes of state taxes and workers' compensation, though they will be subject to federal taxation and eligible for unemployment. Participants will also be bound by state ethics laws and the Town is required to indemnify them in the conduct of their authorized activities.

Program Restrictions

The Town is permitted to apply restrictions to programs administered in accordance with Sections 5K and 5N.

The Town may choose to administer the program with participation limits based on (but not limited to):

- income
- available funding;
- available work across Town departments; and
- outstanding taxes owed by potential participants.

The current Senior Corps program requires participants to meet an income threshold ($45,000 and $60,000 annual income for one- and two-person households, respectively). Many other Needham housing-related programs tie participation to an applicant's income being at or below 80% of area median income (AMI). If used, this will create an evergreen participation metric.

Administrative restrictions may be changed without action by Town Meeting and are subsequently simpler to adjust as required.

Administration

The current process for administering the Senior Corps will be used to implement both Sections 5K and 5N as a consolidated program.

- Aging Services:
    - Develop, distribute, and manage the intake of applications.

        - For Section 5N applicants, send applications to West Suburban Veterans District for eligibility verification.
    - Coordinate with Human Resources to onboard participants and ensure completion of tax documents.
    - Solicit and vet work assignments from departments and assign participants to department supervisors.
    - Collect work certification (to include total hours worked in the program year – November 1 through October 31) from department supervisors on an annual basis.
    - Submit work certification to Accounting Division in November.
- West Suburban Veterans District
    - Verify eligibility for Section 5N applicants.
- Human Resources Department
    - Assign the applicant to the correct employment status.
        - Includes processing W4 and other required Federal tax forms.
- Accounting Division
    - Receive certified hours from Aging Services.
    - Calculate gross abatement, net abatement, tax withholding, and Town FICA contribution.
    - Transmit gross and net abatements tax and withholding amounts to Assessing Division.
    - Once approved by Board of Assessors, generate and transmit abatement checks to Treasurer's Office.
    - Produce and provide participant tax forms.
- Assessing Division
    - Present gross and net abatements for program on an annual basis to the Board of Assessors.
    - Transmit approved abatements to Accounting Division.
- Treasurer's Office
    - Receive checks from Assessing Division and apply abatement to fourth quarter tax bill.

Proposal

Staff propose that the Town:

1. Adopt Section 5K (Seniors) with both the delegated work-off and fixed hour (vs. fixed dollar) options;
2. Modify previously adopted Section 5N (Veterans) to accept the delegated work-off and fixed hour (vs. fixed dollar) options ; and
3. Establish and administer the two programs in a consolidated manner.

The adoption of 5K and modification of 5N require action by Town Meeting, which can be accomplished at the May 12, 2025 Special Town Meeting. If adopted, the program will be administered jointly as described.

Appendix

Comparison of Senior Corps, Approved 5N Program (2014 ATM Approved), Proposed Joint 5K/5N Program

Program Details	Needham Senior Corps (Current)	M.G.L. c.59, Section 5K - persons over age 60 (not adopted)	M.G.L. c.59, Section 5N – Veterans (as adopted in 2014)	Joint Section 5K & 5N Program (Proposed)	Notes
Veteran Status	None	None	Veteran or Spouse of Serviced - Connected Disabled or Deceased Veteran	Same as 5N for those not Eligible for Age-Restricted Program	Non-discretionary
Max # of hours	100	May be Capped	May be Capped	125	Discretionary
Income Cap	Yes - income does not exceed $45K for 1 person or $60K for 2 people	May be Capped	May be Capped	80% AMI (based on household size)	Discretionary
Pay	Minimum wage	Minimum Wage	Minimum Wage	Minimum Wage	Non-discretionary
Maximum Relief	100 Hours of Volunteer Service Paid at Minimum Wage	Default: $2,000 per tax year Town Meeting may vote to "allow the maximum reduction of real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than $1500".	$1,500 per tax year	125 Hours of Volunteer Service Paid at Minimum Wage ($1,875 annually for 2025)	Discretionary
Funding Source	Warrant Article	Discretionary	Discretionary	Overlay	Discretionary

Residency Requirement	Current Needham Resident of Five Years	May be Set	May be Set	Current Needham Resident Who Lives in Property	Discretionary
Property Owner Status	Yes or spouse of homeowner; One person per household	Program Eligible for Property Owners	Program Eligible for Property Owners	Program Eligible for Property Owners	Non-discretionary
Other Criteria	Applicant must directly pay their own property tax bill, not indirectly through another organization or entity (condo association)	Not Specified. "…towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section."	Not Specified. "…towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section."	Participants must be current on local taxes.	Discretionary
Taxable Income	Not Specified	Yes Federal, No State	Yes Federal, No State	Yes Federal, No State	Non-discretionary
Age Requirement	Over 60 or Disabled	Over 60	None	Same as 5K for those not Eligible for Veterans Program	Non-discretionary
Delegated Workload	No	Town Meeting may vote to "allow an approved representative, for persons physically unable to provide such services to the city or town"	Town Meeting may vote to "allow an approved representative, for persons physically unable to provide such services to the city or town"	Yes	Discretionary

Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Informational Guideline Release

Municipal Finance Law Bureau
Informational Guideline Release (IGR) No. 24-4
March 2024

AFFORDABLE HOUSING PROPERTY TAX EXEMPTION

(G.L. c. 59, § 5O)

This Informational Guideline Release (IGR) informs local officials about a new local option affordable housing property tax exemption. It also explains local standards and procedures that may be adopted relative to the exemption.

Topical Index Key:

Abatements and Appeals
Exemptions

Distribution:

Assessors
Collectors
Treasurers
Accountants and Auditors
Selectmen/Mayors
City/Town Managers/Exec. Secys.
Finance Directors
City/Town Councils
City Solicitors/Town Counsels

Municipal Finance Law Bureau
Informational Guideline Release (IGR) No. 24-4
March 2024

AFFORDABLE HOUSING PROPERTY TAX EXEMPTION

(G.L. c. 59, § 5O)

SUMMARY:

This Informational Guideline Release (IGR) informs local officials about a new local option, affordable housing property tax exemption. The exemption was created by section 3 of "AN ACT TO IMPROVE THE COMMONWEALTH'S COMPETITIVENESS, AFFORDABILITY AND EQUITY," which was signed into law on October 4, 2023. St. 2023, c. 50. For municipalities that accept it, this new tax exemption would apply to the property of residential unit owners who rent their units to income-qualifying persons at affordable rates on a year-round, annual basis.

GUIDELINES:

I. LOCAL ACCEPTANCE

A. Acceptance

Acceptance of G.L. c. 59, § 5O is by vote of the municipality's legislative body, subject to charter. G.L. c. 4, § 4. Following acceptance, the board of selectboard of a town; the town council of a municipality having a town council form of government; the city manager, with the city council's approval, in a city with a plan D or E form of government; or the mayor, with the city council's approval, in all other cities may establish the parameters of the affordable housing property tax exemption. This includes all of the locally determined amounts noted in Section II below, any other restrictions or regulations consistent with the intent of the law and any local rules and procedures. A municipality may also adopt ordinances or by-laws to implement the provisions of the exemption.

B. Effective Date

The acceptance vote should explicitly state the fiscal year in which the exemption will first be available, the first of which can be fiscal year 2025.

C. Revocation

Acceptance may be revoked, but the city or town must wait until at least three years after acceptance. Revocation is also by vote of the legislative body, subject to charter. G.L. c. 4, § 4B.

D. Notice of Acceptance or Revocation

The city or town clerk should notify the Municipal Databank that G.L. c. 59, § 5O has been accepted or revoked as soon as possible after the vote takes place.

II. SCOPE OF ABATEMENT

A. Residential Ownership

Applicants, including the trustees of a trust, must be the assessed owner of the property on which the tax to be abated is assessed and must own the property on the applicable July 1 exemption qualification date.

This exemption only applies to class one residential units. The unit is not required to be subject to an affordability restriction, but it may have one. Additionally, an accessory dwelling unit that meets the qualifications is eligible to receive the exemption.

B. Domicile

The applicant does not have to be domiciled on their property to qualify unless the municipality adopts a local rule requiring this.

C. Exemption Amount

The amount of the exemption will be determined locally but cannot be more than the tax otherwise due on the parcel (based on its assessed full and fair cash value), multiplied by the square footage of the qualifying housing units and divided by the total square footage of the structure located on the parcel.

For example, based on full and fair cash value, the tax obligation of a three-unit home is $12,000. Each of the three units is 900 square feet. If only one of the units qualifies for the exemption, then the property owner would receive an exemption equal to 1/3 (900/2700) of the locally determined amount. As such, in this example, the maximum exemption amount would be $4,000 for that unit.

Otherwise, if a property for which an applicant seeking an exemption is assessed by an income approach to value, then fair market rent must be assumed for all units.

D. Exemption Criteria

Residential unit owners must rent their units to income-qualifying persons at an affordable rate in order to qualify for exemption. The affordable housing rate is determined by the city or town but must be in accordance with the United States Department of Housing and Urban Development's (HUD) guidance and regulations.

Additionally, the occupants must have an annual household income that does not exceed the amount set by the city or town; provided, however, that said income shall not be more than 200 percent of the area median income. HUD income limits are available online here.

For example, a municipality determined that the gross occupant income shall not exceed 80 percent of area median income. The municipality further determined that the affordable rate shall not exceed 30 percent of the actual occupant's monthly household income. An application is submitted for an occupant household of one. The relevant area median income limit for a household of one within the statistical area in which the municipality lies was $82,950. Under the established guidelines of the municipality as set forth above, an occupant income of $82,950 meets the income requirement, and rent no higher than $24,885 annually meets the affordable rate requirement.

Further, the unit(s) in question must be rented on an annual basis and be occupied by qualifying persons for the entirety of the applicable fiscal year. If a unit is occupied as such by successive but separate annual leases to qualifying persons, without a significant gap between said leases, the unit is still eligible for exemption.

There are no age-related criteria for qualifying renters.

E. Applications to Assessors

To be considered for this exemption, applicants must submit STF 5O, attached below, annually to the local assessors. The applications must include, but are not limited to, a signed lease or leases evidencing an annual rental agreement (including material terms of the lease, such as the rental amount and coverage for the 12 months of the entire fiscal year at issue) with proof of the household income of the occupying person(s) as established through federal and state income tax returns. The application must be filed with the assessors on or before the abatement deadline date, which is the due date of the first actual tax bill.

Any abatements granted shall be charged against the overlay account. As such, the assessors should factor in the amounts needed to fund the exemption when determining overlay needs each year.

III. ADOPTION OF LOCAL RULES

As noted above, the board of selectmen or select board of a town; the town council of a municipality having a town council form of government; the city manager, with the

city council's approval, in a city with a plan D or E form of government; or the mayor, with the city council's approval, in all other cities may establish the parameters of the affordable housing property tax exemption. This includes all of the locally determined amounts noted in Section II above, any other restrictions or regulations consistent with the intent of the law and any local rules and procedures. A municipality may also adopt ordinances or by-laws to implement the provisions of the exemption.

A municipality should adopt rules to determine:

- The maximum amount of the exemption;
- The annual occupant household income limit;
- The affordable housing rate of rent;
- The domiciliary requirements of the owner, if any; and
- Any other restrictions or regulations consistent with the intent of the law it elects to implement.

State Tax Form 5O

Revised 12/2023

The Commonwealth of Massachusetts

Assessors' Use only
Date Received
Application No.
Parcel Id.

_____

Name of City or Town

FISCAL YEAR _____ APPLICATION FOR AFFORDABLE HOUSING EXEMPTION
General Laws Chapter 59, § 5O

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION
(See General Laws Chapter 59, § 60)

Return to: Board of Assessors

Must be filed with assessors not later than due date of first actual (not preliminary) tax payment for fiscal year.

INSTRUCTIONS: Complete all sections fully. Please print or type.

A. IDENTIFICATION OF OWNER.

Name of Owner/Applicant: _____

Telephone Number: _____

Email Address: _____

Legal residence (domicile) on July 1, _____

_____
No. Street City/Town Zip Code

Location of property: _____

Mailing address (if different)

_____

No. of dwelling units: 1 ☐ 2 ☐ 3 ☐ 4 ☐ Other ____

Did you own the property on July 1,_____ Yes ☐ No ☐

B. IDENTIFICATION OF RENTER/LESSEE.

Name of Renter/Lessee: _____

Telephone Number: _____

Email Address: _____

Legal residence (domicile) on July 1, _____

_____
No. Street City/Town Zip Code

Mailing address (if different)

_____
No. Street City/Town Zip Code

Did the Renter/Lessee live in the property on July 1, Yes ☐ No ☐

If no, did another qualifying Renter/Lessee live in the property on July 1? Yes ☐ No ☐

Does the Renter/Lessee intend on living at the property through June 30, Yes ☐ No ☐

If no, will another qualifying Renter/Lessee live in the property through June 30? Yes ☐ No ☐

Please supplement this application within 30 days of any change of Renter/Lessee.

Is the Renter/Lessee subject to an annual lease? Yes ☐ No ☐

How much rent is being charged (monthly)? _____

Are there any other charges being made upon the Renter/Lessee (whether included in the rental agreement or not)? If so, please identify the charges and the respective amounts. _____

Please attach a copy of the signed lease(s) to this application.

Other information (as required by the local assessors):

C. RENTER/LESSEE ANNUAL HOUSEHOLD INCOME. Copies of Renter/Lessee's federal and state income tax returns, and other documentation, may be requested to verify income.

	All Household Members
Number of persons in the household	
Total gross income from all persons	

D. PARCEL INFORMATION.

How many units on are the parcel	
Total square footage of the structure located on the parcel	
Total square footage of qualifying housing units	

E. SIGNATURE. Sign here to complete the application**.**

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, this return and all accompanying documents and statements are true, correct and complete.

Signature of Owner Applicant Date

If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Ownership ☐	GRANTED ☐	Assessed Tax	$ _____
Occupancy ☐	DENIED ☐	Prorated Exemption Amount	$ _____
Income ☐	DEEMED DENIED ☐	Adjusted Tax	$ _____
Rate ☐		Board of Assessors	
Date Voted/Deemed Denied	_____	_____	
Certificate No.	_____	_____	
Date Cert./Notice Sent	_____	_____	
		Date:	

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

TAXPAYER INFORMATION ABOUT THE AFFORDABLE HOUSING EXEMPTIONS

PERSONAL EXEMPTIONS. You may be eligible to reduce all or a portion of the taxes assessed on your real property if you meet the qualifications described herein for the affordable housing exemption allowed under Massachusetts law.

More detailed information about the qualifications for this exemption may be obtained from your board of assessors.

WHO MAY FILE AN APPLICATION. You may file an application if you meet all qualifications as of July 1. You may also apply if you are the personal representative of the estate, or trustee under the will, of a person who qualified for a personal exemption on July 1.

WHEN AND WHERE APPLICATION MUST BE FILED. Your application must be filed with the assessors on or before the date the first installment payment of the actual tax bill mailed for the fiscal year is due, unless you are a mortgagee. If so, your application must be filed during the last 10 days of the abatement application period. Actual tax bills are those issued after the tax rate is set. Applications filed for omitted, revised or reassessed taxes must be filed within 3 months of the date the bill for those taxes was mailed. THESE DEADLINES CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN ABATEMENT AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE. TO BE TIMELY FILED, YOUR APPLICATION MUST BE (1) RECEIVED BY THE ASSESSORS ON OR BEFORE THE FILING DEADLINE OR (2) MAILED BY UNITED STATES MAIL, FIRST CLASS POSTAGE PREPAID, TO THE PROPER ADDRESS OF THE ASSESSORS ON OR BEFORE THE FILING DEADLINE AS SHOWN BY A POSTMARK MADE BY THE UNITED STATES POSTAL SERVICE.

PAYMENT OF TAX. Filing an application does not stay the collection of your taxes. In some cases, you must pay all preliminary and actual installments of the tax when due to appeal the assessors' disposition of your application. Failure to pay the tax when due may also subject you to interest charges and collection action. To avoid any loss of rights or additional charges, you should pay the tax as assessed. If an exemption is granted and you have already paid the entire year's tax as exempted, you will receive a refund of any overpayment.

ASSESSORS DISPOSITION. Upon applying for an exemption, you may be required to provide the assessors with further information and supporting documentation to establish your eligibility. The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether an exemption has been granted or denied.

APPEAL. You may appeal the disposition of your application to the Appellate Tax Board, or if applicable, the County Commissioners. The appeal must be filed within 3 months of the date the assessors acted on your application, or the date your application was deemed denied, whichever is applicable. The disposition notice will provide you with further information about the appeal procedure and deadline.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	2025 Annual Town Meeting Warrant Update
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Town Manager will update the Board on updates to the 2025 Annual Town Meeting Warrant.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
a. 2025 Annual Town Meeting Warrant Draft 2/21/2025 b. Draft Status of Articles	

TOWN OF NEEDHAM

2025 ANNUAL TOWN MEETING WARRANT

ELECTION: TUESDAY, APRIL 8, 2025

BUSINESS MEETING: MONDAY, MAY 5, 2025

7:30 P.M.

JAMES HUGH POWERS HALL

NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 3/11/2025

Draft 3/11/2025

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

WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 8, 2025
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the Constables in the Town of Needham in said County, Greetings:

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

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

on TUESDAY, THE EIGHTH DAY OF APRIL 2025

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

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Select Board Member for a term of three years;
Three School Committee Members for a term of three years;
One Moderator for a term of three years;
One Town Clerk for a term of three years;
Two Park and Recreation Commissioners for a term of three years;
One Assessor for a term of three years;
One Commissioner of Trust Funds for a term of three years;
Two Needham Public Library Trustees for a term of 3 years;
Two Memorial Park Trustees:
One Veteran for a term of three years;
One Non-Veteran for a term of three years;
Two Board of Health Members for a term of three years;
One Planning Board Member for a term of five years; and
One Needham Housing Authority Member for a term of five years
Eight Town Meeting Members for Precinct A for a term of three years
Eight Town Meeting Members for Precinct B for a term of three years
Eight Town Meeting Members for Precinct C for a term of three years
Eight Town Meeting Members for Precinct D for a term of three years

ff 3/11/2025

Eight Town Meeting Members for Precinct E for a term of three years
Eight Town Meeting Members for Precinct F for a term of three years
Eight Town Meeting Members for Precinct G for a term of three years
Eight Town Meeting Members for Precinct H for a term of three years
Two Town Meeting Members for Precinct H for a term of one year
Eight Town Meeting Members for Precinct I for a term of three years
One Town Meeting Member for Precinct I for a term of one year
Eight Town Meeting Members for Precinct J for a term of three years

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in Powers Hall on Monday, May 5, 2025 at seven thirty o'clock in the afternoon, then and there to act upon the following articles, viz.:

Warrant for the Annual Town Meeting
Monday, May 5, 2025 at 7:30 p.m. at Needham Town Hall

ARTICLE 2: **COMMITTEE AND OFFICER REPORTS**

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

HUMAN RESOURCES ARTICLES

ARTICLE 3: **ESTABLISH ELECTED OFFICIALS' SALARIES**

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2025, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	$[Amount]
Select Board, Chair	$1,800
Select Board, Others	$1,500

INSERTED BY: Human Resources Advisory Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The annual stipends for the members of the Select Board have remained unchanged since 1977.

ARTICLE 4: **APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum

Draft 3/11/2025

necessary to fund the cost items contained in the agreement for fiscal year 2026; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:
HUMAN RESOURCES ADVISORY BOARD RECOMMENDS THAT:

Article Information:

ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement for fiscal year 2026; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:
HUMAN RESOURCES ADVISORY BOARD RECOMMENDS THAT

Article Information:

FINANCE ARTICLES

ARTICLE 6: APPROPRIATE FOR CLASSIFICATION AND COMPENSATION STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of $120,000 for the purpose of conducting a classification and compensation study for municipal personnel, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

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

Article Information:

ARTICLE 7 APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

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

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

Draft 3/11/2025

Article Information: The Property Tax Assistance Program helps elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received $11,730 in FY2024.

ARTICLE 8: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of $1,000,000 for the purpose of funding the Public Facilities Maintenance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that $500,000 be transferred from Free Cash and $500,000 be raised from the Tax Levy; or take any other action relative thereto.

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

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

ARTICLE 9: APPROPRIATE FOR FORESTRY MANAGEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of $222,600 for the purpose of funding a forestry management program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 10: APPROPRIATE FOR CLIMATE ACTION PROGRAM INITIATIVES

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Draft 3/11/2025

ARTICLE 11: **APPROPRIATE FOR FINANCIAL APPLICATIONS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $1,999,995 for the purpose of updating the Town's financial applications, to be spent under the direction of the Town Manager, and to meet this appropriation that $1,423,170 be transferred from Free Cash and $576,825 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 12: **APPROPRIATE FOR OPIOID PROGRAMMING**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $108,783 for the purpose of funding a Peer Recovery Coach, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Opioid Settlement Stabilization Fund; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 13: **APPROPRIATE THE FY2026 OPERATING BUDGET**

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of $4,245,792, from Overlay Surplus in the amount of $350,000, from Amounts Reserved for Debt Exclusion Offsets in the amount of $21,723, and $1,362,957 to be raised from CPA Receipts; and further that the Town Manager is authorized to make transfers from line item 9 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted as shown on pages ##-##.

ARTICLE 14: **APPROPRIATE THE FY2026 SEWER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2026, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Draft 3/11/2025

Sewer Enterprise
FY2026

Line #	Description	FY2024		FY2025		FY2026	
		Expended	FTE	Current Budget	FTE	Recommended	FTE
201A	Salary & Wages	$1,130,463	11.0	$1,218,870	11.0	$1,275,049	11.0
201B	Expenses	$478,008		$866,539		$904,663	
201C	Capital Outlay	$0		$96,000		$134,000	
201D	MWRA Assessment	$7,084,841		$7,445,411		$7,445,411	
201E	Debt Service	$493,424		$670,000		$700,000	
202	Reserve Fund	Transfers Only		$35,000		$35,000	
TOTAL		**$9,186,736**	**11.0**	**$10,331,820**	**11.0**	**$10,494,123**	**11.0**
FY2026 Budget Percentage Change from FY2025 Budget							1.6%

and to meet this appropriation that [Amount] be raised from Sewer Enterprise Fund receipts, $881,784 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund, and [amount] be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

ARTICLE 15: APPROPRIATE THE FY2026 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2026, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise
FY2026

Line #	Description	FY2024		FY2025		FY2026	
		Expended	FTE	Current Budget	FTE	Recommended	FTE
301A	Salary & Wages	$1,350,580	17.0	$1,672,073	17.0	$1,771,597	17.0
301B	Expenses	$1,416,885		$1,689,997		$1,704,771	
301C	Capital Outlay	$40,000		$57,100		$46,984	
301D	MWRA Assessment	$1,887,130		$1,212,985		$1,212,985	
301E	Debt Service	$1,249,009		$1,460,000		$1,550,000	
302	Reserve Fund	Transfers Only		$75,000		$75,000	
TOTAL		**$5,943,603**	**17.0**	**$6,167,155**	**17.0**	**$6,361,337**	**17.0**
FY2026 Budget Percentage Change from FY2025 Budget							3.1%

and to meet this appropriation that [amount] be raised from Water Enterprise Fund receipts and [amount] be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information:

ARTICLE 16: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2026 beginning on July 1, 2025 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Law Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2025 Spending Limit	FY2026 Spending Limit
Public Facility Use	Public Works Department	$250,000	$250,000
Tree Replacement	Public Works Department	$25,000	$25,000
School Transportation	School Committee	$819,000	$819,000
Home Composting	Public Works Department	$3,000	$3,000
Water Conservation	Public Works Department	$10,000	$10,000
Immunization Program	Health and Human Services Department	$125,000	~~$150,000~~ $125,000
Traveling Meals	Health and Human Services Department	$100,000	$100,000
Needham Transportation Program	Health and Human Services Department	$10,000	$10,000

Draft 3/11/2025

Revolving Fund	Department, Board, Committee, Agency, or Officer	FY2025 Spending Limit	FY2026 Spending Limit
Aging Services Programs	Health and Human Services Department	$75,000	$100,000
Youth Services Programs	Health and Human Services Department	$5,000	$5,000
Memorial Park Activities	Memorial Park Trustees	$4,100	$4,100

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with M.G.L Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting. There are no proposed changes to current annual spending limits.

ARTICLE 17: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation for FY2026 is [amount]. Unless circumstances require otherwise, this Chapter 90 allocation will be directed towards infrastructure projects, such as the Marked Tree Road reconstruction project and Central Avenue at Great Plain Avenue intersection improvements.

Draft 3/11/2025

ARTICLE 18: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT (THE "BASE COMPLIANCE PLAN)

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

1. By amending Section 1.3, Definitions by adding the following terms:

   Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

   MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

   3.17 Multi-family Overlay District

   3.17.1 Purposes of District

   The purposes of the Multi-family Overlay District include, but are not limited to, the following:

   (a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
   (b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
   (c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

   Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

   3.17.2 Scope of Authority

   In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Overlay District, the terms of the Multi-family Overlay District shall apply.

   If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning

Draft 3/11/2025

bylaws applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

(a) A-1
(b) B
(c) ASB-MF
(d) CSB
(e) HAB
(f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building and that complies with the requirements of M.G.L. c.40A, §3A and the rules and requirements thereunder.

Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which parking spaces are accommodated on multiple stories; a parking space area that is underneath all or part of any story of a structure; or a parking space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Draft 3/11/2025

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board.

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

(a) Multi-family housing.

3.17.4.2 Accessory Uses

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

(a) Parking, including surface parking and structured parking on the same lot as the principal use.

(b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements
The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.1 Minimum Lot Area and Frontage, Subsection 4.4.4 Front Setback, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.2 Front and Side Setbacks.

	A-1	B	ASB-MF	CSB	HAB	IND

Draft 3/11/2025

Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15 [e,]	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 [a, b]	10 [a, c]	20 (side) [a, b,d]	20 [a, b]	20 [a, b]

(a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.

(b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.

(c) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.

(d) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.

(e) Seventy percent (70%) of the main datum line of the front facade of the building shall be set back no more than 15 feet, except that periodic front setbacks greater than fifteen (15) feet are allowed if activated by courtyards, landscaping, drive aisles, amenity areas, or other similar site design features that enhance the streetscape. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board if less than seventy percent (70%) of the main datum line front facade of the building is set back 15 feet.

3.17.5.2 Building Height Requirements

Draft 3/11/2025

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, Subsection 4.4.3 Height Limitation, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.4 Height Limitation.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**
Maximum Building Height (stories)	3.0	3.0	3.0 [c]	3.0	3.0	3.0
Maximum Building Height (ft) [a,b]	40	40	40 [c]	40	40	40

(a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, stair overruns, elevator overruns, mechanical equipment, roof parapets, architectural screening, or other ornamental features of buildings, which features (i) are in no way used for living purposes; (ii) do not occupy more than 25% of the gross floor area of the building and (iii) do not project more than 15 feet above the maximum allowable height.

(b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

(c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for a height of four stories and 50 feet, provided that the fourth story along Highland Avenue and West Street incorporates one or more of the following design elements: (i) a pitched roof having a maximum roof pitch of 45 degrees; (ii) a fourth story recessed from the face of the building by a minimum of 12 feet; and/or (iii) such other architectural design elements proposed by the Applicant and approved by the Planning Board during the Special Permit process.

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**

Draft 3/11/2025

Floor Area Ratio (FAR)	0.50	N/A	1.3[b, c]	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre[a]	18	N/A	44[d]	18	N/A	N/A

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an FAR of up to 1.7.

(c) In the ASB-MF subdistrict, the following shall not be counted as floor area for purposes of determining the maximum floor area ratio: (i) interior portions of a building devoted to off-street parking; (ii) parking garages, structured parking or deck/rooftop parking that are screened from Highland Avenue as required by Section 3.17.6 inclusive of any waiver thereof and from West Street in a manner compatible with the architecture of the building. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board to exclude additional areas from floor area for purposes of determining the maximum floor area ratio.

(d) In the ASB-MF subdistrict, Multi-family housing may exceed the maximum of 44 dwelling units per acre by special permit.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.5.5 Use of Dwelling Units

Consistent with the Executive Office of Housing and Livable Communities' Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, and notwithstanding anything else contained in the Zoning By-Law to the contrary, Multi-family housing projects shall not be required to include units with age restrictions, and units shall not be subject to limit or restriction concerning size, the number or size of bedrooms, a cap on the number of occupants, or a minimum age of occupants.

3.17.6 Off-Street Parking

(a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.

Draft 3/11/2025

(b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.

(c) In the ASB-MF subdistrict, the façade(s) of all parking garages, structured parking and deck/rooftop parking visible from Highland Avenue shall be designed to be generally indistinguishable from the façade(s) of the residential portion of the building(s), and shall allow no view of parked vehicles from Highland Avenue except where such view is intermittent and incidental to the operation of the parking area, such as a view afforded by the opening of an automated garage door.

(d) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.

(e) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.

(f) The minimum number of bicycle parking spaces shall be one space per dwelling unit.

(g) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

(a) Notwithstanding anything in the Zoning By-Law outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.

(b) Buildings shall be designed with due regard to their relationship to open spaces, existing buildings, and community assets in the area.

(c) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.

(d) The site shall be designed so that all collection and storage areas for residential refuse shall be internal to the building(s), or otherwise shall not be visible from any public way and appropriately screened from abutting properties, and adequate management and removal of refuse shall be provided for.

(e) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.

(f) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.

(g) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.

(h) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.

Draft 3/11/2025

(i) There shall be adequate water, sewer, and utility service provided to serve the project.

(j) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.

(k) Pedestrian and vehicular movement within and outside the project site shall be protected, through selection of egress points, provision for adequate sight distances, and through reasonable mitigation measures for traffic attributable to the project.

(l) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8" trunk diameter or larger, and the volume of earth cut and fill.

(m) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.

(n) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies in writing to the Building Commissioner that the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

(o) Construction activity shall be consistent with Section 3.8 of the General By-Laws and any reasonable conditions on construction activity that are warranted at a particular site and included in the applicable site plan approval, including but not limited to hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, and erosion and to protect existing vegetation to be preserved on the site.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

(a) 4.3.2 Driveway Openings

(b) 4.3.3 Open Space

(c) 4.3.4 Building Location, with the substitution of "Multifamily Dwelling" for "apartment house."

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

(a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

Draft 3/11/2025

Special Development Standards for the ASD-MF Subdistrict of the Multi-Family Overlay District:

(a) Multi-family housing in the ASD-MF subdistrict shall employ existing curb cuts on Highland Avenue and West Street to the extent feasible. Existing curb cuts may be improved, reconstructed and modified. Additional curb cuts may be added subject to site plan review.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Affordable Housing Development Standards

Affordable Units shall be:

(a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;

(b) Dispersed throughout the development;

(c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;

(d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

(e) Distributed proportionately among unit sizes; and

(f) Distributed proportionately across each phase of a phased development.

(g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

Draft 3/11/2025

3.17.9 Site Plan Review

3.17.9.1 Applicability

Site Plan Review, as provided for in this Section 3.17, is required for all Multi-family housing projects within the Multi-family Overlay District. Notwithstanding any other provision contained in the Zoning By-Law, except as expressly provided for in this Section 3.17, Multi-family housing projects are not subject to site plan or special permit review pursuant to Section 7.

3.17.9.2 Submission Requirements

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

(a) Locus plan;

(b) Location of off-site structures within 100 feet of the property line;

(c) All existing and all proposed building(s) showing setback(s) from the property lines;

(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;

(e) Existing and proposed contour elevations in one-foot increments;

(f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;

(g) Driveways and access to site, including width of driveways and driveway openings;

(h) Facilities for vehicular and pedestrian movement;

(i) Drainage;

(j) Utilities;

(k) Landscaping including trees to be retained and removed;

(l) Lighting;

(m) Loading and unloading facilities;

(n) Provisions for refuse removal; and

(o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer and including, if applicable, recommended traffic mitigation measures based on the traffic attributable to a particular project.

Draft 3/11/2025

3.17.9.3 Timeline

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide any written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be performed expeditiously and in general shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

(a) the Applicant has submitted the information as set forth in Subsection 3.17.9.2 Submission Requirements; and

(b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, the development standards contained in Subsection 3.17.7 Development Standards, and Subsection 3.17.8.2 Affordable Housing Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.8 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics

Draft 3/11/2025

illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

3.17.11 Special Permits

In those specific occasions where this Section 3.17 authorizes relief in the form of a special permit only, applications shall be reviewed and decided by the Planning Board in accordance with Section 7.5.2.

4. By amending the first sentence of Section 7.6.1, Special Permit Granting Authority, to add Section 3.17 to the list of Sections for which the Planning Board is the Special Permit Granting Authority, so that this sentence reads as follows:

   The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.16, 3.17, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8 and 7.4 of this By-Law.

5. By amending the first paragraph of Section 7.7.2.2, Authority and Specific Powers, to add site plan reviews under Section 3.17 to the jurisdiction of the Design Review Board, so that this paragraph reads as follows:

   The Design Review Board shall review requests for site plan review and approval submitted in accordance with Section 3.17 Multi-family Overlay District, Section 7.4 Site Plan Review and requests for special permits in accordance with Section 4.2.11 Planned Residential Development, Section 4.2.10 Flexible Development and Section 6.11 Retaining Walls and, for a minor project that only involves a change in the exterior facade of a building in the Center Business District, shall review and may approve such facade change.

6. By amending Section 7.7.3, Procedure, by inserting in the second paragraph, after the second sentence, a new sentence to read as follows:

   Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17.

   so that this paragraph reads as follows:

   Within twenty (20) days of receipt of a Design Review application, the Design Review Board shall hold a meeting, to which the applicant shall be invited, for the purpose of conducting a review of the proposed project or activity. Within fifteen (15) days of the meeting, a preliminary design review report shall be sent to both the applicant and to the Planning Board, when a special permit is required under Sections 7.4, 4.2.11 and 4.2.10. Within fifteen (15) days of the meeting, a final advisory design review report shall be sent both to the applicant and to the Planning Board, when a site plan review is required under Section 3.17. However, if the proposed project or activity involves only a building permit or sign permit from the Building Commissioner, or is a "Minor Project" under Site Plan Review (all as described in Subsection 7.7.2.2), no preliminary report is required and the written advisory report of the Design Review Board to the applicant and the Building Commissioner shall be a final report.

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDED THAT:

Draft 3/11/2025

<u>Articles Information</u>: The MBTA Communities Law, M.G.L. c.40A, §3A was passed by the Massachusetts Legislature in January 2021. This statute states:

(a) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27 of chapter 23B.

(c) The executive office of housing and livable communities, in consultation with the executive office of economic development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

The law was intended as a means to address the Commonwealth's housing shortage and the impact that shortage was having on the state's ability to compete for business and talent, ensure our residents can live affordably regardless of their income, and to better link housing, jobs, and transportation to address climate change and help reduce greenhouse gas emissions.

For purposes of the law, Needham is categorized as a commuter rail community. Commuter rail communities are required to comply with the law by July 14, 2025. To meet its compliance requirements, Needham's MBTA Communities districts and zoning must meet the following criteria: (1) The districts must have a minimum total land area of 50 acres. (2) 45 acres must be located within a half-mile of any of Needham's commuter rail stations. (3) One district must be at least 25 acres in size. (4) No single district can be less than 5 acres in size. (5) The zoning capacity of the districts must meet or exceed 1,784 units. (6) 1,606 of those units must be within a half-mile of any of Needham's commuter rail stations. (7) The districts must have zoning that allows for an average of at least 15 dwelling units per acre.

In response to the MBTA Communities Law, the Multi-family Overlay District is being presented to Town Meeting. The Multi-family Overlay District (presented under Articles 1 and 2), adheres very closely to the underlying zoning district boundaries and dimensional standards found in Needham's current Zoning By-Law. This Multi-family Overlay District is intended to meet the minimum compliance requirements of the MBTA Communities Law and proposes zoning that would allow for a total of 1,870 units. The compliance metrics under the MBTA Communities Law for the Multi-family Overlay District are noted in the table below.

	Needham Requirement	***Multi-family Overlay District***
Acreage included in proposed zoning (net)	*50*	*100.3*

Draft 3/11/2025

Unit capacity allowed by right	*1,784*	*1,870*
Average residential density allowed in overlay district (units/acre)	*15*	*18.6*
Percent in Transit Area	*90%*	*93%*

The Multi-family Overlay District is presented under Articles X and X of this warrant as follows. Article X: Multi-family Overlay District creates a Multi-Family Overlay District. Article 2: Map Change for Multi-family Overlay District implements the zoning map change by describing the geographical area of the Multi-family Overlay District anticipated under Article 1. A detailed description of the 2 articles follows.

Article X, in combination with Article X, proposes to create the "Multi-family Overlay District." Article X lays out the regulatory framework for the new district while Article X describes its geographical boundaries.

This Article proposes the creation of a new zoning district called the "Multi-family Overlay District (MFOD)". The proposed zoning amendments would add a new Section 3.17 to the Zoning By-Law for the purpose of establishing the Multi-family Overlay District. The purposes of this new overlay district include providing for multi-family housing as of right consistent with the requirements of the MBTA Communities Law. The proposed amendments will allow for multi-family housing within the overlay district that adheres very closely to the underlying zoning district boundaries and dimensional standards found in Needham's current Zoning By-Law. The overlay district will include multiple sub-districts (titled A-1, B, ASB-MF, CSB, HAB and IND), each of which will have its own set of applicable density and dimensional requirements as itemized in tables contained in the proposed amendments. The proposed amendments include parking standards, development standards, affordability requirements, and a process for site plan review that will apply to multi-family housing projects within the new overlay district. The proposed amendments also include revisions to Section 1.3 (Definitions) and Section 7.4 (Design Review) of the Zoning By-Law to address the addition of the new overlay district.

Since Article 1 involves the creation of an overlay district, property owners will have the option of developing multi-family housing subject to the requirements of the new zoning. They will also retain the option of using and/or developing property under the rules applicable in the pre-existing, underlying zoning district. The Multi-family Overlay District creates additional choices by placing alternative provisions to those which already exist. The Multi-family Overlay District's key provisions are summarized below.

Designation of the District

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district: A-1, B, ASB-MF, CSB, HAB, and IND. A complete description of the geographical boundaries for the Multi-family Overlay District and the A-1, B, ASB-MF, CSB, HAB and IND sub-districts to be contained within the Multi-family Overlay District can be found in Article 2.

Purpose of District

The purposes of the Multi-family Overlay District include, but are not limited to, the following: (a) providing multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A; (b) supporting vibrant neighborhoods by encouraging multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and (c) establishing

Draft 3/11/2025

controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

Definitions

New terms that appear in the package of zoning amendments but not elsewhere in the zoning bylaw are presented in alphabetical order as follows: affordable housing; as of right; compliance guidelines; EOHLC; multi-family housing; open space; parking, structured; parking, surface; residential dwelling unit; Section 3A; site plan review authority; special permit granting authority; sub-district; subsidized housing inventory (SHI) and work force housing unit.

Permitted Uses

In the Multi-family Overlay District, multi-family housing is permitted as a matter of right. The following uses are considered accessory as of right to any multi-family housing use: (a) Parking, including surface parking and structured parking on the same lot as the principal use; and (b) Any uses customarily and ordinarily incident to Multi-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

Lot Area and Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**
Minimum Lot Area (square feet)	*20,000*	*10,000*	*10,000*	*10,000*	*10,000*	*10,000*
Minimum Lot Frontage (feet)	*120*	*80*	*80*	*80*	*80*	*80*
Minimum Front Setback (feet) from the front property line	*25*	*10*	*Minimum 10* *Maximum 15* [e,]	*20 feet for buildings with frontage on Chestnut Street* *10 feet for all other buildings*	*20*	*25*
Minimum Side and Rear Setback (feet)	*20*	*10* [a, b]	*10* [a, c]	*20 (side)* [a, b,d]	*20* [a, b]	*20* [a, b]

(a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.

Draft 3/11/2025

(b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.

(c) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure; and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.

(d) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.

(e) Seventy percent (70%) of the main datum line of the front facade of the building shall be set back no more than 15 feet, except that periodic front setbacks greater than fifteen (15) feet are allowed if activated by courtyards, landscaping, drive aisles, amenity areas, or other similar site design features that enhance the streetscape. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board if less than seventy percent (70%) of the main datum line front facade of the building is set back 15 feet.

Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below.

	A-1	***B***	***ASB-MF***	***CSB***	***HAB***	***IND***
Maximum Building Height (stories)	*3.0*	*3.0*	*3.0* [c]	*3.0*	*3.0*	*3.0*
Maximum Building Height (ft) [a,b]	*40*	*40*	*40* [c]	*40*	*40*	*40*

(a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, stair overruns, elevator overruns, mechanical equipment, roof parapets, architectural screening, or other ornamental features of buildings, which features (i) are in no way used for living purposes; (ii) do not occupy more than 25% of the gross floor area of the building and (iii) do not project more than 15 feet above the maximum allowable height.

(b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow;

Draft 3/11/2025

and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

(c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for a height of four stories and 50 feet, provided that the fourth story along Highland Avenue and West Street incorporates one or more of the following design elements: (i) a pitched roof having a maximum roof pitch of 45 degrees; (ii) a fourth story recessed from the face of the building by a minimum of 12 feet; and/or (iii) such other architectural design elements proposed by the Applicant and approved by the Planning Board during the Special Permit process.

Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable.

	A-1	***B***	***ASB-MF***	***CSB***	***HAB***	***IND***
Floor Area Ratio (FAR)	*0.50*	*N/A*	*1.3[b, c]*	*0.70*	*0.70*	*0.50*
Maximum Building Coverage (%)	*N/A*	*25%*	*N/A*	*N/A*	*N/A*	*N/A*
Maximum Dwelling Units per Acre[a]	*18*	*N/A*	*44[d]*	*18*	*N/A*	*N/A*

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board for an FAR of up to 1.7.

(c) In the ASB-MF subdistrict, the following shall not be counted as floor area for purposes of determining the maximum floor area ratio: (i) interior portions of a building devoted to off-street parking; (ii) parking garages, structured parking or deck/rooftop parking that are screened from Highland Avenue as required by Section 3.17.6 inclusive of any waiver thereof and from West Street in a manner compatible with the architecture of the building. In the ASB-MF subdistrict, the Applicant may apply for a Special Permit from the Planning Board to exclude additional areas from floor area for purposes of determining the maximum floor area ratio.

(d) In the ASB-MF subdistrict, multi-family housing may exceed the maximum of 44 dwelling units per acre by special permit.

Draft 3/11/2025

Off-Street Parking

Multi-family housing projects will be required to provide a minimum of one parking space per dwelling unit in all subdistricts. Parking areas must be designed and constructed in accordance with the current Zoning By-Law parking plan and design requirements.

In the ASB-MF subdistrict, the zoning regulates the visibility of parking structures from Highland Avenue and West Street. In the ASB-MF subdistrict, the façade(s) of all parking garages, structured parking and deck/rooftop parking visible from Highland Avenue must be designed to be generally indistinguishable from the façade(s) of the residential portion of the building(s), and shall allow no view of parked vehicles from Highland Avenue except where such view is intermittent and incidental to the operation of the parking area, such as a view afforded by the opening of an automated garage door.

Affordable Housing

The Multi-family Overlay District requires affordable housing in developments with six or more dwelling units. In such cases, not fewer than 12.5% of housing units constructed shall be set aside as deed restricted affordable housing units for those households with an income at or below 80% of the area median income that applies to subsidized housing in the Town of Needham. For purposes of calculating the number of affordable housing units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit consistent with Needham's existing zoning. Setting the affordability requirement at 12.5% is intended to help Needham stay above the state requirement under M.G.L. c.40B, §§20-23 that 10% of a town's housing stock qualify as affordable. Lastly, the Town's Economic Feasibility Analysis (EFA) indicates that the 12.5% set aside included in the proposed zoning will not render multi-family housing projects uneconomic. The Town is required to make this showing to EOHLC in support of any local zoning requiring that more than 10% of multi-family housing units be affordable.

Site Plan Review

The proposed zoning provides for site plan review, to be performed by the Planning Board, of all multi-family housing projects within the Multi-family Overlay District. The requirement in §3A that multi-family housing be allowed "as of right" means that the proposed zoning cannot require other forms of zoning relief such as special permits or variances. See Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act §4 ("To comply with Section 3A, a multi-family zoning district must allow multi-family housing 'as of right,' meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval.")

Pursuant to Massachusetts case law, the Planning Board cannot deny a site plan review application for a by-right use that complies with the zoning (including the permissible number of units, building dimensions, height, setbacks and development standards). However, the Board can apply reasonable conditions on the project, which may include modifying lighting, adding fencing, reviewing stormwater design for compliance with applicable standards, and adjusting the parking layout and other structural elements on the site plan. When performing site plan review for a use allowed by right, conditions can also be used to shape a project, but cannot go so far as to unreasonably interfere with or effectively prohibit the project.

All projects will need to comply with the development standards of the Mult-Family Overlay District, Building Code, Fire Code, Health Code, Department of Public Works regulations, state and local wetlands and other environmental regulations. The applicant will be required to demonstrate availability of adequate water, sewer, and utilities to serve a project. The Town is under no obligation to make investments in public infrastructure to make an individual project viable.

Development Standards

Draft 3/11/2025

The Multi-family Overlay District establishes development standards for the Planning Board to consider when conducting site plan review. The following matters are to be considered: (a) provision of adequate water, sewer, and utility service to the project; (b) protection of pedestrian and vehicular movement within the project site, through the selection of egress points, provision for adequate site distances, and through reasonable mitigation measures for traffic attributable to the project; (c) adequacy of the arrangement of parking and loading spaces in relation to the proposed use; (d) control of off-site light over-spill through controlled luminaires selection, position, and mounting height; (e) adequacy of the methods of disposal of refuse and other wastes resulting from the use of the site; and (f) limitations on construction activities, such as but not limited to, the hours during which construction activity may take place, the movement of heavy equipment on or off the site, measures to control dirt, dust, erosion and to protect existing vegetation on the site.

Design Guidelines
The Planning Board may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable.

ARTICLE 19: AMEND ZONING BY-LAW – MAP CHANGE FOR MULTI-FAMILY OVERLAY DISTRICT (THE "BASE COMPLIANCE PLAN")

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

(a) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

(b) Place in the CSB Subdistrict of the Multi-family Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the

Draft 3/11/2025

intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

(c) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane

Draft 5/11/2026

Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

(d) Place in the CSB Subdistrict of the Multi-family Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A to the point of beginning.

(e) Place in the B Subdistrict of the Multi-family Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

(f) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the

Draft 3/11/2025

intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue: southerly by the westerly sideline of Oakland Avenue to the point of beginning.

(g) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less; northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

(h) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the intersection with the westerly sideline of M.B.T.A; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

Draft 3/11/2025

(i) Place in the ASB-MF Subdistrict of the Multi-family Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

(j) Place in the HAB Subdistrict of the Multi-family Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

(k) Place in the IND Subdistrict of the Multi-family Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less;

Draft 3/11/2025

southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

(l) Place in the A-1 Subdistrict of the Multi-family Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16)

Draft 3/11/2025

feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDED THAT:

Article Information: This Article describes the geographical area of the Multi-family Overlay District. The proposed zoning amendments would amend the Zoning By-Law and the Zoning Map to add the Multi-family Overlay District and the A-1, B, ASB-MF, CSB, HAB and IND sub-districts to be contained within the Multi-family Overlay District. These amendments to the Zoning Map accompany the proposed set of zoning amendments under Article X for purposes of complying with the MBTA Communities Law. The Multi-family Overlay District contains approximately 100.3 acres.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 20: APPROPRIATE FOR ON-GOING COLLECTIONS STORAGE UPGRADES/NEEDHAM HISTORY CENTER & MUSEUM

To see if the Town will vote to raise and/or transfer and appropriate the sum of $46,712 for on-going collections storage upgrades at the Needham History Center and Museum, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Historic Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Draft 3/11/2025

ARTICLE 21: **NEEDHAM TRAIL SIGNAGE IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $104,000 for trail signage improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from [source]; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 22: **APPROPRIATE FOR EAST MILITIA HEIGHTS DEVELOPMENT - CHARLES RIVER CENTER**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $3,500,000 for East Militia Heights Development by the Charles River Center, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from [source]; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 23: **APPROPRIATE FOR PRESERVATION OF SEABEDS WAY & CAPTAIN ROBERT COOK DRIVE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $5,600,000 for the preservation of Seabeds Way and Captain Robert Cook Drive, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from [source]; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 24: **ACTION PARK & PICKLEBALL COURTS DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $300,000 for the design of an action sports park and pickle ball courts, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from [source]; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Draft 3/11/2025

ARTICLE 25: **ELIOT SCHOOL GROUNDS RENOVATION DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $69,900 for the design of the Eliot School grounds renovation project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum to be transferred from [source]; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 26: **APPROPRIATE FY2026 CPA BUDGET AND RESERVES**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2026 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

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

Reserves:

B. Community Preservation Fund Annual Reserve:	$	1,223,043
C. Community Housing Reserve:	$	876,000
D. Historic Resources Reserve:	$	0
E. Open Space Reserve	$	438,000

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

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

Draft 3/11/2025

appropriation for Community Housing. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Fund.

CAPITAL ARTICLES

ARTICLE 27: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of $4,558,050 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Library Technology	$54,000	
Community Services	Trail Resurfacing and Improvements	$75,000	
General	General Government Technology Replacements	$896,000	
General	Town Copier Replacement	$28,000	
General	Town Facility Replacement Furniture and Office Fixtures	$40,000	
Public Safety	LIFEPAK 35 Defibrillator/Monitor	$62,842	
Public Safety	Personal Protective Equipment	$103,958	
Public Works	Building Management System Upgrades	$229,000	
Public Works	HVAC Upgrades	$80,000	
Public Works	Specialty Equipment	$28,000	
Public Works	Stormwater Quality Improvements (NPDES)	$500,000	
Public Works	Sustainable Building Retrofit Program	$100,000	
Schools	School Copiers	$60,000	
Schools	School Furniture	$25,000	
Schools	School Technology	$577,875	

Draft 3/11/2025

Transportation Network	Transportation Safety Committee Improvements (Traffic Improvements)	$100,000	
Multiple	Fleet Program	$1,598,375	
	Total	**$4,558,050**	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Library Technology
Unless circumstances require otherwise, this request is for the replacement of staff laptops/tablets, upgrade of the public scan station, and the replacement of the Community Room Central Processing Unit (CPU).

Trail Resurfacing and Improvements
This request is for repairs and maintenance of the Bay Colony Rail Trail. The 1.7-mile stretch of the trail from the Charles River Peninsula to High Rock was constructed in 2016. Since that time, the stone dust surface has worn down, becoming uneven and experiencing drainage issues. This project includes removing all loose materials and installing new fill to make the path safer and maintain accessibility. Drainage issues will be addressed and preventative measures will be taken to reduce deterioration in areas that are prone to puddling and erosion.

General Government Technology Replacements
This funding request is for the replacement of technology assets across Town departments, to include network infrastructure replacement, twelve exterior security cameras at the Center at the Heights (CATH), audio-visual equipment at the CATH (Conference Room 1 and Activity Room 2), and door access controllers at all Town buildings.

Town Copier Replacements
The funding request is for two (2) copiers in the following locations: Town Hall Mail Room and Rosemary Recreation Center Main Floor.

Town Facility Replacement Furniture and Office Fixtures
This funding request is for the replacement of furniture in Town Hall and the Public Services Administration Building. These facilities were equipped with new furniture when they reopened and opened in 2011 and 2010 respectively. In FY2025, task and conference chairs were replaced. In FY2026, target furniture for replacement will be non-ergonomic work set-up, to include procurement of standing desks. .

Lifepak 35 Defibrillator/Monitor
This funding request will replace lifesaving hardware for public safety personnel. The Physio Lifepak 35 (LP35) is the industry standard cardiac defibrillator/monitor that the Department will use on frontline rescues, upgrading from the current Lifepak 15. The average lifespan for this piece of equipment is estimated to be about five years.

Personal Protective Equipment
This funding request will replace Personal Protective Equipment (PPE) – known as "bunker gear" – for 20% of all firefighting personnel on an annual basis. This is to ensure the life span of the equipment does

Draft 3/11/2025

not exceed the 10-year guideline. All line personnel now have two sets of PPE available. By having a second set of PPE, fire personnel are able to clean one set after an incident while remaining in service for other emergencies. Properly maintaining PPE helps ensure its expected longevity and can significantly reduce long term health risks faced by personnel.

Building Management System Upgrade

The Town maintains a Building Management System (BMS) to manage the heating, ventilation, and air conditioning (HVAC) for all major facilities throughout Town. This system consists of internal sensors in the HVAC components and a back-end software product that allows Building Maintenance staff to review and diagnose HVAC issues both remotely and on-site. This request is to upgrade and standardize all of the existing systems so that the Town is only maintaining one system. The new system will simplify the hardware and software in each building, and take advantage of newer and more robust technologies. Unless circumstances require otherwise, the updates will be conducted at the Newman School and the Rosemary Recreational Complex.

HVAC Upgrades

This request is for design phase of Needham High School HVAC system improvements. The roof and accompanying rooftop HVAC units 17 and 18 at the High School have sections ranging from three years old to 25 years old. The roof section over the auditorium is the oldest section with the oldest RTUs, which are failing more often and working less efficiently than the others on the building, wasting energy and requiring more costly maintenance. The design will determine the best way to replace the equipment with modern units and components that are more efficient and require less frequent repairs

DPW Specialty Equipment

This request is for large equipment that fits the definition of capital but is not included in the fleet request because the equipment is not a registered vehicle. Specialty equipment proposed for FY2026 is for a Dynapac Roller ($28,000) for the Streets and Transportation Division.

Stormwater Quality Improvements (NPDES)

This funding request is for the identification of opportunities for stormwater quality improvements. Such opportunities are vital for the Town to achieve full compliance with federal stormwater standards.

Sustainable Building Retrofit Program

This funding request is for lighting upgrade projects at the Broadmeadow School, converting their existing outdated lighting to high-efficiency LED systems, in addition to other sustainable building retrofit projects as funding allows. Similar projects have been successfully completed in the past few years at the Pollard, Newman, Mitchell, and Hillside schools, and these projects would be modeled on those. Building Maintenance plans to continue these lighting upgrade projects at all Town and School buildings wherever feasible to reduce energy consumption and to take advantage of state programs that subsidize their cost. Any funds available will be used to supplement grant funding that may become available to assist in identifying plans and best practices on how to sustainability update the Town's buildings.

School Copiers

This funding request is to replace three copiers in the following locations: Newman Main Office, Newman Lower Level, NHS Grade Level Office, and High Rock Main Office. School photocopiers in all school buildings are used both by administrative and teaching staff. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at seven years, although planned replacement ages range from five to nine years, depending on use. It is important to replace machines regularly, even if they have not yet reached maximum copy allowances, given the additional operating expense associated with servicing and maintaining older equipment, as well as the

Draft 3/11/2025

difficulty in obtaining replacement parts. This analysis also assumes that copiers are re-deployed around the District as needed, to better match projected usage with equipment capacity.

School Furniture
This funding request is a recurring capital item to replace furniture in poor and fair condition and to provide new classroom furniture as needed for new enrollment or replacement purposes.

School Technology
This funding request is a recurring capital item to fund the School Department technology replacement program. This program funds replacement of desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The FY2026 School Technology request includes $113,000 for network security and $464,875 for infrastructure replacement.

Transportation Safety Committee Projects
This request is for funding construction-related transportation safety projects and interventions in response to resident petitions, including roadway geometry changes, accessibility ramps, crosswalks, flashing LED pedestrian signs, speed radar signs, "Stop", "School Zone", and "Children Playing" signs, and other pedestrian improvements. In 2023, the committee transitioned from the Traffic Management Advisory Committee (TMAC) to the Transportation Safety Committee (TSC), which has a wider scope and range of interventions.

General Fund Core Fleet Replacement

Unit	Existing	Division	Year	Replacement	Amount
143	Volvo L90H Loader	DPW Streets and Transportation	2019	Loader	$434,910
579	Ford Explorer Interceptor	Police Department	2014	Equinox AWD	$41,181
Bus 1	Blue Bird School Bus	Needham Public Schools	2017	School Bus (Electric)	$375,437
C-02	Chevy Tahoe	Fire Department	2021	Public Safety Response Vehicle	$108,627
R-04	Ford E450 Ambulance	Fire Department	2017	Ambulance	$638,220

ARTICLE 28: APPROPRIATE FOR ELIOT SCHOOL BOILER REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of $560,000 for the purpose of replacing the Eliot School boiler, to be expended under the direction of the Permanent Public Building Committee and the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

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

Draft 3/11/2025

Article Information: This article will fund the construction phase of the Eliot School boiler replacement project. The new boilers will be high efficiency condensing boilers and replace older units suffering increasingly frequent and expensive repairs.

ARTICLE 29: APPROPRIATE FOR LIBRARY RENOVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of $2,386,000, for the purpose of renovating the young adult area at the Needham Public Library, including all costs incidental or related thereto; said amount to be expended under the direction of the Permanent Public Building Committee and the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund the construction phase of the Young Adult Area redesign. The construction would implement the results of the design phase, which was funded in FY2025. This project will create an expanded and enclosed young adult area on the second floor, which will provide a more appropriate space for Needham's teen population, while supporting other patrons' seeking quiet spaces.

ARTICLE 30: APPROPRIATE FOR NEEDHAM HIGH SCHOOL STAIR REPAIR

To see if the Town will vote to raise and/or transfer and appropriate the sum of $1,040,000, for Needham High School stair repairs, to be expended under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund the construction phase of the Needham High School stair repair project. This project would include a comprehensive repair of the exterior staircase at the High School, closing gaps between the risers and treads, restoring the structural integrity of the brick railings with new masonry, patching holes and/or spreading new concrete across the apron, and generally restoring the structure to its original specification and safe functionality.

ARTICLE 31: NEWMAN SCHOOL THEATRICAL LIGHTING, SOUND, AND RIGGING REPAIRS

To see if the Town will vote to raise and/or transfer and appropriate the sum of $1,812,820 for the purpose of upgrading the Newman School theatrical lighting, sound and rigging equipment, including all costs incidental or related thereto; said amount to be expended under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

Draft 3/11/2025

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund repairs at the Newman School Auditorium, including items ranging from electrical safety improvements, updated microphone systems, orchestra inputs, improved speaker system, updated AV inputs, replacement of lighting systems with LED infrastructure, and modernized rigging.

ARTICLE 32: CENTER AT THE HEIGHTS RENOVATION DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of $395,000 for Center at the Heights Renovation Design, to be expended under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund the design of three projects at the Center at the Heights: the expansion of the kitchen, expansion of fitness facilities, and modification of the rear entrance to an accessible entrance way. The kitchen renovation will allow the CATH to produce a higher volume of meals to augment current and future programming for seniors and, if necessary, to support the Traveling Meals program. The fitness room expansion, accomplished by swapping the current fitness room with the existing game room, will allow the CATH to meet current fitness programming and service demand that is not met by the existing set-up. The rear entry modifications will add accessibility features to the doorway most proximate to a majority of handicapped accessible parking spaces.

ARTICLE 33: APPROPRIATE FOR PUBLIC WORKS FACILITEIS IMPROVEMENTS/COGSWELL BUILDING

To see if the Town will vote to raise and/or transfer and appropriate the sum of $19,600,000 for Public Works Facility Improvements and the Cogswell Building Expansion, including all costs incidental or related thereto; said amount to be expended under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; that the Town Manager is authorized to apply for, accept and expend any federal or state aid, utility energy efficiency, renewable energy and electrification rebates, incentives, tax credits or any other available aid for the project, which shall be expended in addition to the amount appropriated by this vote; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund the continued phased plan to upgrade DPW facilities Townwide. This phase includes the construction of a new fleet maintenance facility as an expansion of the Jack Cogswell Building to will house the Fleet Maintenance Division, including fleet storage and the equipment and facilities needed for their daily operations.

Draft 3/11/2025

ARTICLE 34: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of $5,069,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This request is for the Public Works Infrastructure Program which allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts.

Street Resurfacing
The Town aims to resurface 17 lane miles (or 120,000 square yards) per year, either through traditional milling and paving, micro surfacing, or rubber chip seal surface treatments, as appropriate. The cost per lane mile for resurfacing is currently $134,000 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is $110,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately $6.19 per square yard. Target funding for street resurfacing in FY2026 is [amount].

Sidewalk Program
Contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be $469,500, and contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be $505,190. These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. Target funding for the sidewalk program in FY2026 is [amount].

ADA Ramp Upgrades
The Town is mandated by federal law to install new or upgrade existing curb ramps to Americans with Disabilities Act (ADA) standards whenever making a significant alteration to the roadway. On average, a curb ramp upgrade costs $9,000, with some streets having as many as 10-15 ramp locations. These costs include granite curbing, sidewalk rehabilitation of the adjacent area, and incidentals, such as the relocation of existing drainage features. In a typical year the Resurfacing Program's projects impact approximately 50 curb ramps. This funding will be used to ensure compliance with state and federal disability laws and improve access across the Town's sidewalk network. Target funding for the ADA Ramp Upgrades in FY2026 is [amount].

Intersection Improvements
This request is for improvements at the Central Avenue and Great Plain Avenue intersection. There have been challenges with maintaining an appropriate traffic flow through this intersection since it was constructed in the 1990s, mainly due to property size limitations. There is a historic property on one corner that limits the design. The existing intersection design also does not provide the ideal traffic patterns for multiple modes of transportation. This project would include geometric improvements and a replacement/improvement of the traffic signal system. The new traffic signal system would feature modern technology that is better able to control the flow of traffic through the intersection, reducing traffic back-ups. This request is for the construction phase of the project – the design phase was funded in FY2023. Target funding for Intersection Improvements for FY2026 is [amount.

Draft 3/11/2025

ARTICLE 35: **APPROPRIATE FOR QUIET ZONE CONSTRUCTION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $3,500,000, for the purpose of quiet zone construction, including all costs incidental or related thereto; said amount to be expended under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund the construction phase of the Quiet Zone project, involving the installation of Supplemental Safety Measures at five at-grade crossings to establish a Quiet Zone for Needham. Funding for the design phase of this project was approved in FY2025

ARTICLE 36: **APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $195,000 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Cook's Bridge Sewer Pump Station Replacement	$195,000	
		$195,000	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The existing steel canister-style pump station at Milo's-Cook's Bridge is beyond its designed life cycle. Pump and mechanical failures are leading to emergency shutoffs more frequently, and replacement parts are no longer made in the existing sizes and shapes. The capacity of the pumps and the sewer force main needs to be re-evaluated to determine current flow and system capacity upgrades to handle the current volume of sewage flowing to this location. This article is to fund the design and construction of a new sewer pump station and force main that will be more efficient to operate and require less maintenance.

ARTICLE 37: **APPROPRIATE FOR INFILTRATION AND INFLOW**

To see if the Town will vote to raise and/or transfer and appropriate the sum of $1,000,000 for the sewer infiltration and infill program, to be spent under the direction of the Town Manager, and to meet this appropriation that [source]; or take any other action relative thereto.

INSERTED BY: Select Board

Draft 3/11/2025

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This article will fund an Infiltration and Inflow (I/I) conditions assessment, and the development and initial implementation of DPW's mitigation program. The Town of Needham is under Administrative Orders from the DEP to identify and remove I/I in its existing sewer systems. To do so, the Department of Public Works requires the services of an engineering consultant to collect and analyze existing data and I/I mitigation efforts, perform location testing, monitor flows, map and prioritize sections of the wastewater network, and assist with securing supplementary funding from the MWRA.

ARTICLE 38: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of $977,985 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Water Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Water	Charles River Water Treatment Plan HVAC Upgrades	$405,000	
Water	Water Distribution System Improvement Master Plan	$250,000	
Water	Water Distribution System Improvements Design	$49,500	
Water	Water Core Fleet	273,485	
Total		$977,985	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Charles River Water Treatment Plan HVAC Upgrades
This funding will allow for upgrade of the dehumidification systems at the Water Treatment Plant. Future phases will be requested next year to complete these upgrades. The Charles River Water Treatment Plant is over 20 years old. The heating, ventilation, and air conditioning (HVAC) controls are at the end of their useful life. This article will be used to implement the designed options for a dehumidification system and additional electrification of the HVAC systems. The Water Treatment Plant is the second highest user of energy in Town and so any upgrades will include increased energy efficiency modifications.

Water Distribution System Improvement Master Plan
This article will fund a master plan to study and prioritize potential water distribution system improvements. The existing master plan is outdated and does not reflect current needs, priorities or federal and state regulations. The Town is now obligated to develop and maintain Risk and Resilience Assessments (RRAs) to safeguard public water infrastructure from natural or human-caused hazards such as floods, hurricanes, or contamination event.

Water Distribution System Improvements Design

Draft 3/11/2025

This article will fund the design phase of replacing approximately 500 linear feet of 8-inch water main on Mills Road from Sachem Road to Davenport Road and Mayo Avenue from Harris Avenue to Great Plain Avenue.

Water Core Fleet

	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
160	Wach Utility	DPW Water	2013	Specialty Equipment Trailer	96,717
26	Ford F250 Super Duty XL	DPW Water	2018	Work Truck Class 3	92,503
27	Ford F150 Super Duty XL	DPW Water	2018	Pickup (Electric)	84,265

ARTICLE 39: APPROPRIATE FOR WATER SERVICE CONNECTIONS

To see if the Town will vote to raiser and/or transfer and appropriate the sum of $500,000 for the water service connection program to be spent under the direction of the Town Manager and to meet this appropriation that said sum will be transferred from [source]; or take any other action relative thereto.

Article Information: This request is for funding to develop a plan to document and identify all known and unknown water service pipe materials and their locations, confirm the unknown services through test pit excavation, and remove old lead or plastic service connections wherever they exist, replacing them with new copper service piping. Services identified for replacement could range from supply mains into residential homes just prior to the water meters.

ARTICLE 40: RESCIND DEBT AUTHORIZATIONS

To see if the Town will vote to rescind the authorization to borrow, which was approved at a prior Town Meeting, where the purpose of the borrowing is no longer required nor necessary:

[INSERT TABLE]

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

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

GENERAL & COMMITTEE ARTICLES

ARTICLE 41: AMEND GENERAL BY-LAWS – CONTRACT PROCEDURES

Draft 3/11/2025

To see if the Town will vote to amend Section 2.1.3 (Contract Procedures) of the General By-Laws by:

1. Deleting the line that reads "Purchase of oil and fuel . . . . . 5" and inserting in its place "Purchase of energy resources, electricity, fuel, propane and natural gas, and oil . . . . . 5"; and

2. Deleting the line that reads "Software License and/or Maintenance Agreements . . . 10" and inserting in its place "Software license, maintenance and/or hosting agreements . . . 10";

or take any other action relative thereto.

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

Article Information:

~~ARTICLE 42:~~ ~~AMEND GENERAL BY-LAWS – REVOLVING FUNDS~~

~~To see if the Town will vote to amend Section 2.2.7.5.7 – Immunization Program Revolving Fund by deleting the section in its entirety and inserting in place thereof the following:~~

~~"2.2.7.5.7 Clinical Services Program Revolving Fund~~

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

~~Revenues – The Town accountant shall establish the Clinical Services Program Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the immunization, vaccination, disease testing, and other clinical programs.~~

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

~~Fiscal Years – The Clinical Services Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017."~~

~~INSERTED BY: Select Board~~
~~FINANCE COMMITTEE RECOMMENDS THAT:~~

~~*Article Information:*~~

ARTICLE 43: ACCEPT M.G.L. c.59, §5 CLAUSES TWENTY-SECOND I AND TWENTY-SECOND J (VETERAN'S PROPERTY TAX EXEMPTIONS)

To see if the Town will vote to accept the provisions of M.G.L. c.59, §5 clause Twenty-second I, to allow abatements granted to those qualifying pursuant to clause Twenty-second, Twenty-second A, Twenty-

Draft 3/11/2025

second B, Twenty-second C, Twenty-second E or Twenty-second F to be increased annually by an amount equal to the increase in the cost of living as determined by the Consumer Price Index for such year; and to accept the provisions of M.G.L. c.59, §5 clause Twenty-second J and to grant an additional exemption of [_____] per cent to those qualifying for an exemption pursuant to clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E or Twenty-second F; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 44: INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE

To see if the Town will vote to increase the maximum base upon which the retiree cost of living (COLA) is calculated from $16,000 per year to $18,000 per year in accordance with Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010; or take any other action relative thereto.

INSERTED BY: Retirement Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to increase the base amount upon which the retiree Cost-of-Living Adjustment is paid. MGL, Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010 allows a Contributory Retirement Board, with the approval of Town Meeting, to increase the base amount upon which the Cost-of-Living adjustment paid to retirees is calculated. An increase of the base from $12,000 to $14,000 was approved at the 2015 Annual Town Meeting, and an increase from $14,000 to $16,000 was approved at the 2022 Annual Town Meeting. If approved, this article would increase the maximum COLA a retiree can receive from $480 per year to $540 per year even if their pension exceeds $18,000. The decision to grant a COLA and at what amount is made annually by vote of the Needham Contributory Retirement Board and, absent legislative action, is capped at 3% per year.

INSERTED BY: Retirement Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

TOWN RESERVE ARTICLES

ARTICLE 45: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of $23,725 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Draft 3/11/2025

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of June 30, 2024 was $1,202,393.

ARTICLE 46: APPROPRIATE TO CAPITAL FACILITY FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of $380,000 to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. The 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital items at times when ordinary funding sources are limited or not available. This fund was repurposed and redesigned as the Capital Equipment Fund (CEF) under Article 14 of the October 21, 2024 Special Town Meeting. The purpose of the CEF is to allow the Town to reserve funds to use for capital equipment when ordinary funding sources are unavailable, but when purchases should not be delayed. Use of the monies in the Fund may only be approved by Town Meeting appropriation. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The balance in the fund as of June 30, 2024 was $2,120,562.

ARTICLE 47: APPROPRIATE DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Debt Service Stabilization Fund as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that [source]; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may

Draft 3/11/2025

appropriate into the fund and by a two-thirds vote appropriate from the fund. The Debt Service Stabilization Fund (DSSF) was approved under Article 14 of the November 2, 2015 Special Town Meeting. The intent of this fund is to set aside funds to be available, when necessary, to pay certain debt obligations. This fund is intended to be part of the Town's overall planning strategy for addressing capital facility needs, particularly over the next five years. The fund provides added flexibility to maintain the Town's capital investment strategy by smoothing out the impact of debt payments in years when the debt level is higher than is typically recommended. The fund may also be beneficial at times when interest rates are higher than expected. The fund is designed to ensure that monies are not depleted in a single year, and that the amount available for appropriation is known before the budget year begins. The amount appropriated into the Fund will stay with the fund and will be used to manage the Town's reliance on debt. The balance in the fund as of June 30, 2024 $2,376,992.

CITIZENS PETITIONS

ARTICLE 48: CITIZENS' PETITION – LEAF BLOWERS

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

1. Adding a new Section 3.14 to read as follows:

Section 3.14 LEAF BLOWER CONTROL

3.14.1 Purpose. The reduction of noise caused by gas-powered leaf blowers is the primary purpose of this Leaf Blower Control By-law. Reduction of air pollution due to combustion of gasoline and oil-based fuels is a secondary benefit.

3.14.2 Definitions.

"Leaf Blower"- Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including cleaning of downspouts and gutters.

"Gas-powered leaf blower" – A leaf blower powered by gas or gas and oil.

"Electric-powered leaf blower" – A leaf blower powered by attaching a cord to an electricity source or rechargeable batteries.

"Commercial landscaper" – A person or entity that receives compensation to utilize landscaping equipment on another's property.

"Resident" – The legal owner of record of real property operating on their own property; tenants operating on the property for which they hold a lease; and condominium associations operating on condominium property.

"Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.

"Town" shall mean the Town of Needham, Massachusetts.

3.14.3 Limitations on Use.

Draft 3/11/2025

a. Effective January 1, 2026, the use of gas-powered leaf blowers is prohibited between May 15 and September 30. This prohibition applies to commercial landscapers, residents and property managers. Electric-powered leaf blowers may be operated during this time.

b. The provisions of this bylaw shall not apply to the Department of Public Works or its agents performing work on Town property.

3.14.4 Penalties and Enforcement.

a. The Director of Health and Human Services and any designated agent within the Public Health Division shall be responsible for enforcing this bylaw. The Public Health Division may take notice of any date- and time-stamped photo or video submitted by a Needham resident, accompanied by a sworn statement attesting to the authenticity of such photo or video, showing a violation of this bylaw.

b. Non-criminal dispositions as provided for in Section 8.2.2 shall be assessed against the owner of the property on which the violation occurs.

3.14.5 Regulations.

a. The Director of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this bylaw in order to aid in emergency operations or clean-up associated with storms. In the event of issuing a temporary waiver, the Director of Public Works shall post a notice on the Town of Needham's internet home page and make other good faith efforts to notify the public.

3.14.6 Severability.

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

2. Inserting in the table contained in Section 8.2.2 (Non-Criminal Disposition), in appropriate numerical order, a new row to read as follows:

3.14_	Leaf Blower Control	Warning – 1st Offense $100 – each subsequent	Per Offense	Director of Health and Human Services or Designee

INSERTED BY: David Rudolph, et. al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 49: CITIZENS' PETITION – NUCLEAR DISARMAMENT

Draft 3/11/2025

Moved, that Town Meeting adopt the following Resolution, or take any other action in relation thereto:

WHEREAS, the May, 2019 Needham Town Meeting passed an article calling upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to implement the national "Back from the Brink" platform, which calls on our federal leaders to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons and to take immediate steps to prevent nuclear war by actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals, renouncing the option of using nuclear weapons first, ending the President's sole, unchecked authority to launch a nuclear attack, taking U.S. nuclear weapons off hair-trigger alert, and canceling the plan to replace its entire arsenal with enhanced weapons; and

WHEREAS, there are now specific bills filed in the Massachusetts Senate and the U.S House of Representatives that make the same proposals as the article passed by the May, 2019 Needham Town Meeting; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage; and

WHEREAS, there is a high probability that a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species; and

WHEREAS, even the use of a tiny fraction of the more than 12,000 weapons currently in existence would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modem standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, decimating food production and putting 2 billion people at risk of starvation; and

WHEREAS, despite the notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions nuclear-armed states have proceeded to the brink of using these weapons, and their use was narrowly averted; and

WHEREAS, the Russian invasion of Ukraine, the repeated threats to use nuclear weapons and Communist China's plans to increase its arsenal have dramatically increased the danger of nuclear war; and
WHEREAS, although it is the federal government and not the state or municipal governments which have jurisdiction over matters relating to nuclear weapons, it has been shown that local policies can lead the way to important and necessary changes at the federal level and even internationally; and

WHEREAS, the Commonwealth of Massachusetts played a leading role in ending the nuclear arms race with the Soviet Union in the 1980s, by adopting a Nuclear Freeze resolution and encouraging other states to follow our example; and

WHEREAS, over 40 years later it is not a "freeze" of nuclear weapons that is needed to save the Commonwealth, and the world, from the unthinkable catastrophe of a nuclear war or a nuclear accident but the complete elimination of these weapons_, in line with the Treaty on the Prohibition of Nuclear Weapons, which entered into force as international law on January 22, 2021; and

WHEREAS, Twenty other cities and towns in Massachusetts, the legislatures of California and Oregon, the Maine State Senate, the New Jersey Assembly, and the Rhode Island Assembly and Senate have passed

Draft 3/11/2025

resolutions similar to Needham's to take action to protect their citizens from the existential threat of nuclear war.

Be it RESOLVED, that Needham Town Meeting urges our State Senator, Rebecca Rausch and our State Representative, Josh Tarsky, to cosponsor Senate Resolution [SD. 669] (number to be replaced with permanent # to be assigned in February), which states that it shall henceforth be the policy of the General Court of the Commonwealth of Massachusetts to pursue whatever measures may be found necessary and appropriate to protect the citizens of the Commonwealth from the existential threat posed by nuclear weapons and to contribute in whatever ways it can, as a Commonwealth, towards the total elimination of these weapons from all countries, in line with the Treaty on the Prohibition of Nuclear Weapons. Resolution [SD. 669] urges all Massachusetts members of the House of Representatives to co-sponsor [the bill which will soon be filed by Massachusetts Congressman Jim McGovern in place of last session's H.Res. 77] (words in brackets to be replaced by new bill # after it has been filed), which calls upon the United States federal government to adopt the policy provisions of the "Back from the Brink" platform. [Resolution SD. 669] also calls on the US Senators from Massachusetts to introduce a companion resolution in the United States Senate; and

Be it further RESOLVED that Needham Town Meeting urges our representative in the US House, Jake Auchincloss, to cosponsor [Congressman McGovern's bill to be filed in place of last session's H.Res. 77,] and

Be it further RESOLVED that copies of this article be transmitted by the Needham Town Clerk with a request for reply to our state senator and state representative, to our US Representative and Senators, the President and Vice President of the United States, the Speaker and Minority Leader of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate, and the Governor of the Commonwealth.

INSERTED BY: Joseph McCabe, et. al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 50: OMNIBUS

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

INSERTED BY: Select Board

Draft 3/11/2025

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

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

Given into our hands at Needham aforesaid this 11th day of February 2025.

_____
Kevin Keane, Chair

_____
Heidi Frail, Vice Chair

_____
Catherine Dowd, Clerk

_____
Marianne Cooley, Member

_____
Joshua Levy, Member

SELECT BOARD OF NEEDHAM

A TRUE COPY
Attest:
Constable:

Draft 3/11/2025

TOWN MEETING
Status of Articles 3/11/2025

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
	ANNUAL TOWN MEETING							
1	ANNUAL TOWN ELECTION							
2	COMMITTEE AND OFFICER REPORTS							
3	ESTABLISH ELECTED OFFICIALS' SALARIES							
4	APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION							
5	FUND COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION							
6	APPROPRIATE FOR CLASSIFICATION AND COMPENSATION STUDY			Adopt				
7	APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM			Adopt				
8	APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM			Adopt				
9	APPROPRIATE FOR FORESTRY MANAGEMENT							
10	APPROPRIATE FOR CLIMATE ACTION PROGRAM INITIATIVES							

TOWN MEETING
Status of Articles 3/11/2025

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
11	APPROPRIATE FOR FINANCIAL APPLICATIONS							
12	APPROPRIATE FOR OPIOID PROGRAMMING							
13	APPROPRIATE THE FY2026 OPERATING BUDGET							
14	APPROPRIATE THE FY2026 SEWER ENTERPRISE FUND BUDGET			Adopt				
15	APPROPRIATE THE FY2026 WATER ENTERPRISE FUND BUDGET			Adopt				
16	SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS							
17	AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS							
18	AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT (THE “BASE COMPLIANCE PLAN)							
19	AMEND ZONING BY-LAW – MAP CHANGE FOR MULTI-FAMILY OVERLAY DISTRICT (THE “BASE COMPLIANCE PLAN”)							
20	APPROPRIATE FOR ON-GOING COLLECTIONS STORAGE UPGRADES/NEEDHAM HISTORY CENTER & MUSEUM							

TOWN MEETING
Status of Articles 3/11/2025

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
21	NEEDHAM TRAIL SIGNAGE IMPROVEMENTS							
22	APPROPRIATE FOR EAST MILITIA HEIGHTS DEVELOPMENT - CHARLES RIVER CENTER							
23	APPROPRIATE FOR PRESERVATION OF SEABEDS WAY & CAPTAIN ROBERT COOK DRIVE							
24	ACTION PARK & PICKLEBALL COURTS DESIGN							
25	ELIOT SCHOOL GROUNDS RENOVATION DESIGN							
26	APPROPRIATE FY2026 CPA BUDGET AND RESERVES							
27	APPROPRIATE FOR GENERAL FUND CASH CAPITAL							
28	APPROPRIATE FOR ELIOT SCHOOL BOILER REPLACEMENT			Adopt				
29	APPROPRIATE FOR LIBRARY RENOVATION							
30	APPROPRIATE FOR NEEDHAM HIGH SCHOOL STAIR REPAIR							
31	NEWMAN SCHOOL THEATRICAL LIGHTING, SOUND, AND RIGGING REPAIRS							

TOWN MEETING
Status of Articles 3/11/2025

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
32	CENTER AT THE HEIGHTS RENOVATION DESIGN							
33	APPROPRIATE FOR PUBLIC WORKS FACILITEIS IMPROVEMENTS/COGSWELL BUILDING							
34	APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE							
35	APPROPRIATE FOR QUIET ZONE CONSTRUCTION							
36	APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL							
37	APPROPRIATE FOR INFILTRATION AND INFLOW							
38	APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL							
39	APPROPRIATE FOR WATER SERVICE CONNECTIONS							
40	RESCIND DEBT AUTHORIZATIONS							
41	AMEND GENERAL BY-LAWS – CONTRACT PROCEDURES							
~~42~~	~~AMEND GENERAL BY-LAWS – REVOLVING FUNDS~~							
42	ACCEPT M.G.L. c.59, §5 CLAUSES TWENTY-SECOND I AND TWENTY-SECOND J							

TOWN MEETING
Status of Articles 3/11/2025

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
	(VETERANS'PROPERTY TAX EXEMPTIONS)							
43	INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE							
44	APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND							
45	APPROPRIATE TO CAPITAL FACILITY FUND							
46	APPROPRIATE DEBT SERVICE STABILIZATION FUND							
47	CITIZENS' PETITION – LEAF BLOWERS							
48	CITIZENS' PETITION – NUCLEAR DISARMAMENT							
49	OMNIBUS							
	SPECIAL TOWN MEETING							
1								
2								
3								
4								
5								
6								
7								

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Town Manager will update the Board on issues not covered on the agenda.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
None	

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Town Manager Search Process
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
Board members may wish to discuss the status of the search process. This will be a standing item for the next several months.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
None	

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
Board members may report on the progress and/or activities of their Committee assignments.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
None	

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 3/11/2025

Agenda Item	Executive Session
Presenter(s)	

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Exception 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel (Fire Chief); and

Exception 3: to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

2.	**VOTE REQUIRED BY SELECT BOARD**

Move that the Select Board enter into executive session pursuant to:

Exception 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel (Fire Chief); and

Exception 3: To discuss strategy with respect to collective bargaining with the Needham Police Union where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

[the chair so declares].

not to return to Open Session prior to adjournment.

3.	**BACK UP INFORMATION ATTACHED**

None

Town of Needham
Select Board
Minutes for Tuesday, February 11, 2025
Select Board Chambers 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, Cathy Dowd, Marianne Cooley, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance, Katie King, Deputy Town Manager, and Susan Metropol, Recording Secretary were also in attendance.

6:01 p.m. Public Comment Period:

Steve Volante, 75 Central Ave, Volante Farms, commented that he supports the "Skip the Stuff" Bylaw. He also commented that the plastic water bottle ban is challenging for restaurants. The biggest issue is cost to profit margins for businesses. Green Needham's data collection from the previous year reported an approximate $2,000 decrease for businesses if they were to ban plastic water bottles. Mr. Volante noted that this is a large cost for any fast casual restaurant to absorb.

Hedy Jarras, 320 Chestnut Street, owner of Sweet Tomatoes Pizza, commented regarding her concern about the plastic water bottle ban and the effect on profit margins for small businesses. She expressed that it should be the consumer's choice whether they would like to consume water from a plastic container.

Greg Reibman, President of the Charles River Regional Chamber, commented on the three Bylaws proposed. The Chamber supports the "Skip the Stuff" Bylaw, noting that it is good for restaurants and for the environment. However, the Chamber asks that there be enough time for restaurants to adjust. The Chamber also supports the Black Plastic Ban Bylaw with the exception of containers that are 4 ounces or smaller since they are not recyclable. Finally, the Chamber does not support the Plastic Bottle Ban Bylaw. He noted that the cost is too much for small businesses to absorb; canned water can cost restaurants five times as much as plastic. He concluded by listing reasons the Chamber is opposed to a plastic bottle ban.

Barry Pollack, 15 Pandolf Lane, commented on how the Town can work towards healing from the division following the Special Election on the MBTA Communities Act. He noted that active listening needs to be emphasized in future processes. He requested that the Board have interactive forums for these important issues in the future. He also requested that the Board unanimously oppose any amendment from the floor or otherwise before Town Meeting.

Jeff Polak, Director of Operations, Coca-Cola Beverages Northeast, commented that he has worked at Coca-Cola for 38 years and they employ about 400 Massachusetts residents. He emphasized Coca-Cola's investments in the community and their facility. He expressed Coca-Cola's opposition to the proposal that would ban plastic bottles in Needham. He stated that this ban would threaten jobs and hurt local businesses who would face a significant revenue loss as a result of consumers taking their business to other towns. Mr. Polak added that Coca-Cola believes there are more creative solutions than banning an easily recyclable item in the recycling stream. He noted that bottles and caps are fully recyclable, and their 20-ounce products are now sold in plastic bottles that are made from 100% recycled plastic. Mr. Polak urged the Board to engage with all relevant stakeholders to protect our environment without harming our local economy.

Frank Ding, 89 Linden Street, commented on the issue of Chinese Communist Party and perceived attacks on human rights and freedom. Mr. Ding urged the Board to raise awareness of these alleged attacks and their impact on opinion, freedom of speech, religious liberty, and the democratic process.

6:23 p.m. Public Hearing: Verizon Cable License Ascertainment:
Presenter: Myles Tucker, Support Services Manager

A public hearing was held by the Needham Select Board in its capacity as cable license issuing authority following a request by Verizon New England Inc. ("Verizon") to initiate the cable license renewal process. The current license expires on August 14, 2027. The purpose of this public hearing was to assess future cable-related needs and interests and review the performance of Verizon under its current license. This ascertainment hearing is required by Federal law.

Michael Greis, 384 Webster Street, Chair of the Needham Cable Television Development Corporation, commented that he has been part of this process for many years, and he hopes that Verizon will continue to invest in Needham so that the Needham Channel can continue to provide the services that Needham residents want.

Marc Mandel, Executive Director, Needham Channel, added that Verizon has been a capable and responsive partner. He hopes that Verizon maintains support in terms of operational capital and capital equipment.

Mr. Levy asked about public access fees and whether they are passed on to customers. Mr. Mandell responded that Verizon is legally allowed to pass a certain portion of the cost to the subscriber, but it is largely held by them. Ms. Frail asked about Town communications and how this collaboration could be utilized to improve communication with residents.

6:34 p.m. Public Hearing: Eversource Grant of Location – 111 Windsor Road:

Presenter: Joanne Callender, Eversource Energy

Eversource Energy requested permission to install approximately 46 feet of conduit in Windsor Road. The reason for this work is to provide service to 111 Windsor 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.

Motion by Ms. Frail that the Board vote to approve and sign a petition from Eversource Energy to install approximately 46 feet of conduit in Windsor Road.
Second: Ms. Dowd. Unanimously approved 5-0.

6:36 p.m. Public Hearing: Application for a New All-Alcohol Beverages License – North Hill Needham, Inc. d/b/a North Hill
Presenters: Thomas Miller, Esq., McDermott, Quilty, Miller & Hanley LLP – Applicant Counsel, Briana Tucker, Proposed Manager of Record – North Hill Needham, Inc. d/b/a North Hill, Bethany Mercer, Director of Operations – North Hill Needham, Inc. d/b/a North Hill

North Hill Needham, Inc. d/b/a North Hill has applied for a new Section 12 Continuing Care Retirement Community All-Alcohol Beverages License at 865 Central Avenue, Needham, MA. The applicant requested the appointment of Briana Tucker as Manager of Record. There are currently 14 All-Alcohol On-Premises licenses available.

Mr. Miller presented the application and credentials and background information on the reasons for application, citing the programing to enhance the lives of North Hill residents for socializing and leisure. Mr. Miller noted that part of the application includes a self-service tap wall, which is not new to the Town or the Commonwealth. Mr. Miller assured that this will function in compliance with the ABCC and the Town. It will be monitored continuously by a TIPS-certified individual when in operation to ensure safe operation and is only activated by an RFID unique to each user with a limit of two drinks per 24-hour period.

Mr. Miller introduced Briana Tucker, who he noted has been with North Hill for more than two years and has been a director of dining for almost a decade in other locations. She is experienced in these environments and meets the requirements for a Manager of Record and is TIPS certified.

Discussion ensued among Board members and presenters regarding the spaces where alcohol will be served, the hours of operation, and the process for ensuring consumers are of legal age.

Mark Miskin, 860 Central Avenue, commented that he lives across the street from the entrance to North Hill. He expressed his safety concerns for those who live, drive, and walk on Central Avenue. He asked if there is a drink limit in the dining facility. Ms. Tucker responded that there is a limit of one drink accompanying a meal in the dining venues.

Motion by Ms. Frail that the Board vote to:

1. Move to find that the issuance of an on-premises liquor license, pursuant to Section 12 of Chapter 138 of the General Laws, to North Hill Needham Inc, d/b/a North Hill, located at 865 Central Avenue, with Brianna Tucker as the manager of record, will not be detrimental to the educational and spiritual activities of schools and churches within a five hundred feet radius of the establishment;

2. Move to issue said license to North Hill Needham Inc, as outlined in the application and subject to the rules and regulations of the ABCC and the following Sections of the Town of Needham Regulations for the Sale of Alcohol Beverages: 2, 3, 5.3, 5.4, 6, excepting Section 6.2 and substituting the phrase "Continuing Care Retirement Community" for the phrase "club and veterans' organization", and 10; and

3. Authorize the Town Manager to send written notice of this decision to the applicant pursuant to Section 16C and the ABCC pursuant to Section 16B.

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

7:00 p.m. DPW Phase I – Schematic Design Update:
Presenters: Hank Haff, Director, Build Design & Construction Department, Ken Sargent, Sr. Project Manager, BDCD, Carys Lustig, Director, Public Works, Shane Mark, Assistant Director, Public Works, Tyler Cofelice, Project Manager, Weston & Sampson Engineers, Mike Richard, Discipline Leader, Facilities Group, Weston & Sampson Engineers

Town staff and representatives from Weston & Sampson provided an updated on the addition to the Jack Cogswell Building at the RTS to house the DPW Fleet Maintenance Division. Hank Haff presented an overview of the design process thus far, including the process that led to four different options for design. Mr. Haff noted that Phase 1 of Option 4 is the topic of this discussion, which is the addition to the Jack Cogswell Building for Fleet Maintenance.

Mr. Cofelice presented on the design for this project. This includes the Cogswell Building, renovation of the last bay in the storage garage, and the Fleet Maintenance Addition. He also provided an overview of both the exterior and interior spaces, with the goal of making the building a net zero building. Requirements include permits from the Planning Board (Site Plan Special Permit and Design Review

Board) and the Conservation Commission (Notice of Intent). Permits will also be required for the geothermal wells through the Board of Health. The anticipated project costs come to a total of $19.6 million, in addition to two bid alternates for rooftop solar and converting the current existing storage garage to an air source heat pump or electric heat. There are approximately $1.7 million worth of grants potentially applicable to the project through State, Federal, and Green Communities grants. The proposed schedule is to have bids in hand by October 2025.

Discussion ensued regarding some of the design choices for the Fleet Maintenance Addition, alternate potential plans for funding, and the effects of potential tariffs on funding. Mr. Levy expressed concern about cost of this project, and Ms. Lustig responded by emphasizing the priority for this project due to safety concerns for staff and operations.

7:31 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

1.	Wooseong Kwon	Mobility Planning and Coordination Committee Term Exp: 6/30/2027

CONSENT AGENDA

1.	Approve Open Session Minutes of January 21, 2025
2.	Approve a Common Victualler license application for Needbobcon, Inc. d/b/a Conrad's Restaurant
3.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • $3,200 from Lois Sockol
4.	Accept the following donation made to Needham Youth & Family Services: • $300 from the Patrick C. Forde Memorial Fund, Inc. toward future community programming
5.	Accept the following donations made to Needham Public Health Division for Needham's Gift of Warmth program: • $100 from Bruce Howell • $500 from Nick Morris-Kliment, Christ Episcopal Church • $150 from Peter Atallah • $100 from Alyssa Kence • $1,000 from Rachel Busby • $100 from Ramin Abrishamian
6.	Accept the following donations made to the Needham Aging Services Division: • $100 from Viktor Goldmakher • $250 from Ellen Knizeski

	• $75 from The Committee to Elect Michael W. Morrissey
7.	Approve the donation and dedication of the following celebration benches to be placed by the Needham Community Revitalization Trust Fund as proposed during the January 28, 2025 meeting of the Select Board: • John E. Goodfellow, USMC Bench at Amity Path, valued at $3,100 • Elin Soderholm Bench at Avery Common, valued at $3,150
8.	Approve and Sign Water Sewer Abatement 1336
9.	Request the assignment of Police Officers to 2025 Annual Town Election polling places and to Town Hall at the close of polls, and to delegate selection of Police Officers to the Chief of Police.
10.	Approve Early Voting Hours for the 2025 Annual Town Election as listed: • Saturday, March 29, 2025: 9:00 AM – 5:00 PM • Monday, March 31, 2025: 8:00 AM – 5:00 PM • Tuesday, April 1, 2025: 8:00 AM – 6:00 PM • Wednesday, April 2, 2025: 8:00 AM – 5:00 PM • Thursday, April 3, 2025: 8:00 AM – 5:00 PM • Friday, April 4, 2025: 8:00 AM – 12:30 PM

7:32 p.m. Eversource Gas Proposed Winter Work:
Presenters: Carys Lustig, Director of Public Works

Ms. Lustig presented the request on behalf of Eversource to change the location of winter work from three locations in Town to Parish Road due to leak concerns on Parish Road. Ms. Lustig reiterated that DPW has been clear with Eversource that they cannot conduct work on two active work sites at a time.

7:35 p.m. Plastic Warrant Articles:
Presenters: Kathy Raiz, Green Needham, Rob Fernandez, Green Needham

Kathy Raiz, 84 Wildwood Drive, and Rob Fernandez, 19 Bradford Street, representatives of Green Needham, asked the Board to sponsor some or all of three proposed General Bylaws at the May 12, 2025 Special Town Meeting, as an alternative to their being filed as Citizens' Petitions:

1. "Skip the Stuff": As proposed, this Bylaw would prohibit establishments from providing single-use utensils or condiments, unless the customer has asked for them.
2. Single Use Plastic Ban – Black Plastic: As proposed, this Bylaw would prohibit establishments from using or providing utensils, dishes, or containers made from black plastic.
3. Single Use Plastic Ban – Water Bottles: As proposed, this Bylaw would prohibit the sale of plain water in plastic bottles that are one liter or smaller.

Ms. Raiz provided further information about each of the three Bylaws. Board members asked questions of Ms. Raiz and Mr. Fernandez about the cost differences for business owners between black and other plastic, where consumers will be able to buy water if stores decide against selling aluminum water bottles, and what they believe motivates consumer behavior where posed with a choice between water in an aluminum bottle that is more expensive or a soda in a plastic bottle that is less expensive. Following discussion, the motions below were made.

Motion by Mr. Levy that the Board vote to sponsor the "Skip the Stuff" Bylaw, subject to revisions to be made by Town Counsel.
Second: Ms. Frail. Unanimously approved 5-0.

Motion by Ms. Dowd that the Board vote to sponsor the Single Use Plastic Ban – Black Plastic Bylaw, subject to revisions to be made by Town Counsel and conditional upon the results of the Public Hearing.
Second: Ms. Frail.

Ms. Cooley noted her hesitation in supporting this ban and recognized the difficulty for restaurant-owners to attend public hearings in the evenings during their primary time of business. Ms. Frail suggested that these stakeholders submit feedback in written form.

Unanimously approved 5-0.

8:17 p.m. Town Manager:

<u>Close 2025 Annual Town Meeting Warrant</u>
Ms. Fitzpatrick recommended that the Board vote to close the warrant for the 2025 Annual Town Meeting. Ms. Fitzpatrick highlighted the following items:

- Community Preservation Act: all items are being included at this point; CPC representatives will present to the Select Board at the meeting on February 25 for their required consultation.
- General Bylaws: amends the contracting period for oil and fuel for five years to include electricity, fuel, propane, natural gas, and oil. This will work to ensure best pricing for these energy resources.
- Software Licensing and Maintenance Agreements: extend to 10 year agreements.
- Health Department and Board of Health: have asked that the Immunization Program Revolving Fund be changed to a Clinical Services Program Revolving Fund for costs associated with medical countermeasures, distribution, disease testing, and other clinical programs.
- Provisions of the HERO Act: Town staff will be presenting to the Select Board. These provisions would expand the availability of some exemptions for veterans.
- Proposal of a Capital Equipment Fund Article at the Special Town Meeting

- Recommendation to the Select Board to consider an Energy Efficiency Rebate Revolving Fund in the Special Town Meeting that would allow the Town to utilize rebates to spend them back on energy efficient programs.
- Two Citizens' Petitions:
    - Leaf Blowers
    - Nuclear Disarmament

Mr. Levy commented on the Town's current debt and asked to discuss this at an upcoming Select Board meeting. He also commented that there were several articles that he would like further information on for Town Meeting. Discussion ensued regarding whether more specificity is needed.

Motion by Mr. Levy that the Board vote to close the warrant for the 2025 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

Ms. Cooley noted that Accessory Dwelling Units (ADUs) are expected to be discussed at the Fall Town Meeting following work on behalf of the Planning Board related to a provision regarding Site Plan Review.

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

Stephen Palmer Development Review Committee

The October 21, 2024 Special Town Meeting appropriated funding for a consultant to evaluate the potential redevelopment of the Stephen Palmer Building. Ms. Fitzpatrick reported that at the Special Town Meeting in October, the Town received appropriation for two studies: 1) Planning study to determine a plan for the relocation of tenants and 2) Redevelopment proposal to coordinate stakeholders to determine the best use of the site and/or building. Ms. Fitzpatrick recommended that the Board appoint a committee to help facilitate this work.

Town Manager Report

- Consistent with the Board's policy, Ms. Fitzpatrick released Executive Session minutes from September 11, 2023.
- The Town was notified by the Town of Dover that they received approval to design the Central Avenue/Centre Street Bridge. MassDOT is assisting with some of the design costs.
- Ms. Fitzpatrick also reported that the Town was notified on Friday, February 7 that the Town has achieved interim compliance with EOHLC with regards to the MBTA Communities Act.

8:38 p.m. Board Discussion:

Tree Preservation Planning Committee Recommended Appointment

The Board discussed the recommended appointment of Oscar Mertz to serve on the Tree Preservation Planning Committee. Mr. Mertz was recommended by the Large

House Review Study Committee to serve as its representative on the Tree Preservation Planning Committee. Mr. Levy expressed his concern that this appointment appears political due to the fact that this individual is a candidate in a contested race upcoming in April. Discussion ensued among Board members regarding this particular appointment and the potential to review policy to examine situations like this in the future.

Motion by Ms. Cooley that the Board vote to appoint Oscar Mertz as the Large House Study Group representative to the Tree Preservation Planning Committee for a term to expire on June 30, 2026.
Second: Ms. Dowd. Approved 4-1, with Mr. Levy opposed.

Future Select Board Goals
The Board discussed potential future initiatives to be added to the Select Board goals this summer. Mr. Levy raised the Noise Bylaw and outlined the reasons to revisit this.

Town Manager Search Process
Board members discussed the status of the search process. Mr. Keane noted that the deadline for applications is Friday, February 14.

Committee Reports
Mr. Levy reported on the Stormwater Bylaw Working Group. The group discussed the Alder Brook design for rehabilitation to reduce phosphorus running into Alder Brook and therefore less into the Charles River. This would also hopefully remediate some of the flooding in that area. This would be a six-phase project, with Phase 1 involving a reconfiguration of the DeFazio lot and contouring of the surface to lead water into the stream. There is no identified funding for construction at this time.

Ms. Frail reported that the Tree Preservation Planning Committee is working on scheduling its first meeting now that the Committee is complete.

Ms. Dowd reported that T-CHOC met and discussed Linden Chambers. The Seabeds Way and Captain Cook Drive project is no longer eligible for the kind of funding that was anticipated. Ms. Dowd noted that the Committee will wait to see what the Community Preservation Committee and Town Meeting votes and will oversee it following these outcomes.

Mr. Keane reported that Community Conversations is planning their next event for conversations on race. He also attended three of the four Envision Needham tours. The MWRA Tunnel Information Session was successful and a beneficial opportunity for residents to ask questions and receive detailed answers.

8:58 p.m. Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board Special Meeting of Tuesday, February 11, 2025.
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, February 25, 2025, at 6:00 p.m.

A video recording of the February 11, 2025 Select Board meeting can be found at https://www.youtube.com/watch?v=SEe_Tg-BzFo&ab_channel=TownofNeedhamMA or at https://www.needhamchannel.org/2025/02/needham-select-board-2-11-25/.