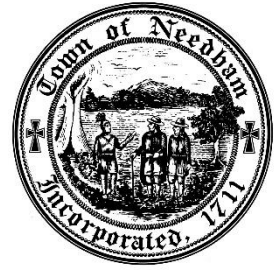


**SELECT BOARD AGENDA
Regular Meeting
7:00 p.m. September 24, 2025**



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

Originally Posted: September 19, 2025 at 11:45 a.m.

Revised: September 24, 2025 at 10:00 a.m.

Second Revised: September 24, 2025 at 1:00 p.m.

Pursuant to An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, 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=OE82V1MxQnJUZHVVXZjFNbWJXRFJoQT09>

Webinar ID: 826 0101 3229

Passcode: 652800

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

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

	7:00	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.	7:00	Introduce Director of Administration and Finance, Public Services Carys Lustig, Director of Public Works
2.	7:15	Public Hearing: Proposed Amendments to Stormwater By-Law and Accompanying Draft Regulations (Updated Presenter and Updated Supporting Documents) Stormwater By- Law Working Group
3.	7:45	Needham Heights Banner Program Paul Good, Needham Community Revitalization Trust Fund Committee Chair
4.	8:00	Trails Initiative Update - Dave Herer, Conservation Commission Chair - Deb Anderson, Director of Conservation
5.	8:30	Proposed Updates to Alcohol Regulations Myles Tucker, Support Services Manager
6.	9:00	Town Manager - Introduce Deputy Town Manager - Senior and Veteran Property Tax Work-Off – Proposed Rules and Procedures - Display Policy - Quiet Zone Update - Positions on Warrant Articles (Added Supporting Document) (Edited Supporting Document) - Town Manager Report
7.	9:45	Board Discussion Committee Reports
8.	9:50	Executive Session Exception 6: To discuss the purchase, exchange, lease or value of real property – Stephen Palmer Building, 83 Pickering Street, Needham, MA.

APPOINTMENT CALENDAR

1.	Shane Mark	Mobility Planning and Coordination Committee Term Exp: 6/30/2028
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CONSENT AGENDA *Supporting Documents in Agenda Packet

1.*	Approve Open Session Minutes of September 9, 2025 Special Meeting and September 19, 2025 Special Meeting.
2.	Accept the following donation made to Needham Public Health Division: \$1,000 from an anonymous donor for Needham's Traveling Meals program
3.	Accept the following donation made to Needham Park and Recreation: \$50 from Claire Blum for tree plantings
4.	Accept the following donations made to the Kate Fitzpatrick Professional Development Trust Fund: \$700 from Margaret Merriss \$100 from Kendra Stewart \$100 from Heather Geyer \$100 from Shannon Flanagan Watson \$100 from Opal Mauldin-Jones
5.*	Approve the Calendar Year 2026 Licensing Fee Schedule
6.*	Approve updated charge and composition for the Town Financed Community Housing Oversight Committee
7.	Authorize the Town Manager to designate David Davison and Elizabeth LaRosee as Acting Town Manager in accordance with Section 20A (b) of the charter, for periods not to exceed two weeks.
8.*	Approve partial road closure of Pickering Street (from Great Plain Avenue to just before the entrance of the Walgreens Parking Lot) from 8:30 a.m. to 4:00 p.m. during the Needham Harvest Fair on Sunday, October 5, 2025.
9.	Approve a request from Brad Fernandes, Needham Running Club to hold the road event "Needham Running Club New Year's Day 5K" in Needham. The event is scheduled for Thursday, January 1, 2026 starting at 11:00 a.m. The event and route have been approved by the following departments: Fire, Police, and Public Works.
10. *	Approve Water & Sewer Abatement #1353

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Alex Orquiza	44 Bennington St	Bennington St between Concord & Hight St/Greendale Ave	9/13/25	4:30-9pm	9/20
Amy Cardillo	62 Bradford Street	Cleveland Ave between Webster & Bradford St.	9/28/25	1pm-4pm	10/12
Alanna Friel	4 Broad Meadow Rd	Broad Meadow Road from Greendale Ave to Broad Meadow School	10/5/25	3:30-8pm	N/A
Lois Bacon	29 Harding Road	29 Harding Road	10/18/25	2pm-7pm	N/A
Liz Lawlor	76 Howland Street	End of Pleasant St near intersection of Howland St.	10/19/25	4pm-7pm	10/26
Yakov Shapiro	208 Valley Road	Between 208 and 221 Valley Road	10/25/25	2pm-5pm	10/26

Alison Premo	354 Brookline Street	Brookline St from Manning to Webster St including Fairlawn St cul de sac	10/26/25	3:30-6pm	N/A
Michael Droney	10 Great Plain Terr	10 Great Plain Terrace	10/31/25	5pm-9pm	11/1



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

MEETING DATE: 9/24/2025

Agenda Item	Introduce Director of Administration and Finance, Public Services
Presenter(s)	Carys Lustig, Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Director of Public Works will introduce Michelle Provencal-Jones, newly appointed Director of Administration and Finance, Public Services.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Resume for Michelle Provencal-Jones	

Michelle Provencal-Jones

Professional Summary

Dynamic and detail-oriented leader with over 10 years of public sector experience, specializing in financial management, budgeting, procurement, personnel leadership, and technology systems implementation within Public Works departments. Adept at managing complex projects, streamlining operations, and building collaborative relationships across all organizational levels. Proven ability to lead cross-functional teams, manage large budgets, and implement innovative solutions that improve operational efficiency and service delivery. Dedicated to fostering inclusive workplace environments that promote equity and professional growth.

Core Competencies

- Financial Development, Oversight & Budgeting (Operating, Capital, & Grants)
- Procurement & Vendor Management
- Enterprise Technology Systems Implementation
- Project Management & Business Process Improvement
- Union Contract Negotiations and Financial Implications
- Personnel Leadership & Interpersonal Relationship Building
- Expertise in MUNIS (HR, Payroll, Accounting, Permitting)
- Customer Service Excellence & Public Outreach

Professional Experience

Natick Department of Public Works & Facilities

Business & Special Project Manager

November 2016 – Present

- Oversee the Administration Division, managing customer service, payroll, accounts payable, budget tracking, engineering permits, and water/sewer billing operations.
- Develop and administer operating and capital budgets, coordinating closely with Finance teams and division supervisors to ensure alignment with organizational goals.
- Lead procurement and vendor contract management, ensuring compliance with Massachusetts procurement laws and town policies.
- Administer \$35M+ salary and expense budgets, including Water & Sewer Enterprise funds, and manage grant funding and reimbursement programs (e.g., DOE, Chapter 90, MEMA, FEMA).
- Successfully implemented enterprise systems, including UKG Workforce Central (time and attendance), Brightly Asset Essentials and OpenGov (permitting), improving efficiency and reporting accuracy.

- Supported \$15M+ in snow and emergency grants in MEMA/FEMA COVID-19 relief funding.
- Acted as a trusted advisor and leader for staff at all levels, resolving issues, mentoring employees, and driving process improvements.
- Administer MDOT CDL Drug & Alcohol Testing
- Conducted public outreach initiatives to educate residents on recycling, trash, and snow/ice removal programs.

Key Achievements:

- Solely managed the implementation of UKG WFC for 90+ employees, streamlining time management and attendance tracking.
- Designed and implemented financial procedures for roadway improvement programs, ensuring accurate reporting and fund tracking.
- Acted as a key liaison for union contract negotiations and implementation, supporting laborers, clerical staff, and supervisors.

Millis Town Hall – Building Department

*Building Department Assistant
April 2012 – November 2016*

- Processed building, electrical, gas, and plumbing permits using MUNIS, ensuring compliance with local regulations.
- Managed monthly accounts receivable/payable and bi-monthly payroll processing for department staff.
- Delivered exceptional customer service to contractors and homeowners, assisting with permits and inquiries.

Millis Town Hall – Council on Aging

*Department Assistant
October 2013 – June 2016*

- Conducted statistical analysis of transportation data to optimize services for the senior community.
- Managed financial transactions, including donations, accounts receivable, and payroll.
- Planned and tracked trips while ensuring accurate financial and operational records.

Polaroid Corporation

Senior Information Systems Analyst

- Led a team of developers in implementing IT and manufacturing support systems, including helpdesk solutions.
- Defined data models, created reports, and managed system testing and user training, delivering effective solutions for stakeholders.

Sunlife Financial

Senior Systems Analyst

- Developed system and program specifications for DB2 and CICS customization of insurance packages, ensuring seamless system integration.

CSC Partners

Senior Consultant (Project Leader / Sr. Programmer Analyst)

- Managed multiple projects, including internal billing systems and external web-based product tracking systems.
- Delivered customized solutions for clients through roles as project manager, business analyst, programmer, and QA specialist.

Education & Certifications

- M.S. Systems Rensselaer Polytechnic Institute
- B.S. Computer Applications Worcester Polytechnic Institute
- Training in Project Management, Enterprise Systems, and Business Analysis

Technical Skills

- **Enterprise Systems:** Kronos Workforce Central, OpenGov, MUNIS (HR, Payroll, Accounting, Permitting)
- **Tools:** Microsoft Office Suite (Excel, Word, PowerPoint, Project), Google Workspace
- **Programming Tools:** VB6, PowerBuilder, SQL, and Data Modeling

Community Involvement

- Active participant in public outreach campaigns, focusing on recycling, trash collection, and snow/ice removal education.
- Advocate for fostering inclusive workplaces that prioritize equity and diversity.

References

- Furnished upon request



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

MEETING DATE: 9/24/2025

Agenda Item	Public Hearing: Proposed Amendments to Stormwater By-Law
Presenter(s)	Stormwater By- Law Working Group (Updated Presenter)

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Stormwater By-Law Working Group will provide a brief summary of the proposed Stormwater By-Law Update and draft Stormwater Regulations. The Select Board will then hear from members of the public and other interested parties relative to the proposed update to the Stormwater By-Law, currently included in the October 20, 2025 Special Town Meeting Warrant.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Information Sheet – Stormwater By-Law Update b. Draft Stormwater By-Law Update (Updated Document) c. Draft Stormwater Regulations (Edited Supporting Document)	

Proposed Amendments to the Stormwater Management By-Law

Purpose of the Article

This article proposes amendments to the town's existing Stormwater Management By-Law to strengthen the management of stormwater runoff and improve water quality and quantity controls. The updates are intended to address current environmental challenges, reduce flooding risks, and ensure compliance with state and federal water quality requirements.

Summary of Changes

1. Strengthened Stormwater Controls

The updated by-law includes new language addressing runoff quantity, clarifies existing provisions, and increases the required recharge standard from 1" to 1.5" of runoff capture. It also provides more specific requirements for stormwater management in new construction and large-scale redevelopment projects. Applicants will be required to take additional steps to reduce runoff and ensure that any runoff is properly treated before entering local waterways. These measures will help reduce pollution and prevent flooding.

2. Clearer Guidelines for Erosion and Sediment Control

The revised by-law provides clearer guidelines for managing erosion and sediment during construction and specifies the types of projects subject to the Stormwater By-Law. These improvements will help prevent soil, dirt, and debris from washing into storm drains and water bodies, protecting aquatic life and water quality.

3. Post-Construction Maintenance

The updated by-law requires long-term maintenance of stormwater management systems. Property owners will be responsible for regularly inspecting and maintaining these systems to ensure continued proper function and to prevent future stormwater issues. In addition, applicants must record the existence of stormwater controls with the Registry of Deeds.

4. Stormwater Regulations

If approved, the by-law will be accompanied by a Stormwater Regulations document outlining the standards, specifications, and methods for compliance. This document will be presented to the Select Board following Town Meeting for review and adoption. A draft of the regulations has been posted publicly to assist residents in evaluating the proposed by-law updates before the vote.

5. Non-Compliance

To strengthen enforcement, the by-law now includes clearer consequences for violations. This language specifies penalties for property owners or developers who fail to comply with stormwater management requirements, ensuring effective implementation of the new standards.

Why This Matters

These changes are necessary to better manage stormwater runoff and safeguard the health and safety of our community. With more intense storms and heavier rainfall in recent years, proactive measures are needed to protect water quality and reduce flooding. By updating the Stormwater Management By-Law, the town will improve resilience, enhance environmental health, and ensure Needham's continued compliance with its NPDES Permit obligations.

ARTICLE 7

STORMWATER

SECTION 7.1 GENERAL

7.1.1 Purpose

The purpose of this by-law is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the Town of Needham. It supports compliance with State and Federal statutes and regulations related to stormwater discharges, including the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. This is accomplished by establishing minimum requirements and procedures to address the adverse impacts of soil erosion, sedimentation, construction site runoff, post-development stormwater runoff, and nonpoint source pollution associated with new development and redevelopment projects.

Quality

The U.S. Environmental Protection Agency (EPA) has identified sedimentation from land disturbance activities and polluted runoff from land development and redevelopment as significant sources of water pollution, affecting drinking water supplies, natural habitats, and recreational resources. Regulating activities that disturb land and generate runoff is essential to protect water bodies and groundwater resources, safeguard public health, safety, and welfare, and preserve wetlands and other natural resources.

Quantity

The Town of Needham has identified stormwater management as a critical component to help mitigate flooding occurrences and severity by setting standards that minimize runoff from public and private properties. Properties that are altered by activities such as new construction, increased impervious surfaces or other alterations of surface grades may strain capacity within the townwide drain system and may result in increased/adverse runoff to neighboring properties. The Stormwater By-Law also seeks to avoid potential damage to public property, private property, and infrastructure.

7.1.2 Objective

The purpose of this by-law shall be achieved through the following objectives:

General

- a) Establish the legal authority necessary to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring, and enforcement.
- b) Promote infiltration and recharge of groundwater.
- c) Authorize the Town to monitor and enforce the efficacy of infiltration infrastructure.
- d) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- e) Promote best practices and foster public participation through education and increased awareness of stormwater management.

Quality

- a) Ensure compliance with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the EPA, the Massachusetts Stormwater Standards—regardless of a property's proximity to wetlands or other resource

areas—and the 1996 Memorandum of Understanding (MOU) between the Town of Needham and the EPA.

- b) Prevent and correct illicit connections and discharges.
- c) Support the administration of the Stormwater Assessment Fee.

Quantity

- a) Address stormwater capacity challenges affecting the Needham community.
- b) Support the preservation of trees/tree canopy subsequent to land disturbance activity.
- c) Review and approval of Stormwater Control Measures (SCMs) designed to mitigate or prevent runoff to abutting properties and resource areas, prevent soil erosion and sedimentation resulting from construction site stormwater runoff and manage soil grading activities.

SECTION 7.2 DEFINITIONS

For purposes of this by-law, the following terms shall have the following definitions, unless the context clearly states otherwise.

Alter Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site. (including tree and vegetation removal)

Applicant Any person or entity requesting a Permit.

Application Standard form for application as issued by the Permitting Authority and any other documentation, which shall include, but shall not be limited to, plans, charts, drawings, specifications, narratives, or any other documents or pieces of information required by applicable federal, state or local laws, rules and/or regulations, submitted in connection with a permit, as applicable, and as defined in the regulations promulgated by the Department of Public Works in support of this by-law.

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

Clearing Any activity that removes the vegetative surface cover.

Designated Agent Any person or entity designated by the DPW Director to assist in the administration, implementation or enforcement of this by-law and its regulations.

Development Any construction or activity that disturbs or alters a parcel of land.

Erosion The wearing away of the ground surface by natural or artificial forces and the subsequent detachment and transportation of soil.

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

Existing Lawn Grass area which has been maintained or mowed in the previous two years.

Grading Changing the level or shape of the ground surface.

Grubbing The act of clearing ground surface by digging or grinding up roots and stumps.

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

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

Impervious Surface/Cover An impervious surface is an area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, driveways (including paving, concrete, stone, gravel and dirt), parking lots, paved walkways, pools, patios, sports courts, and other similar non-porous areas.

Infiltration The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

Land-Disturbing Activity or Land Disturbance Any activity, including, without limitation, clearing, grubbing, grading, digging, cutting, removal of vegetation or trees, excavation, placement of fill, resurfacing and construction that causes a change in the position or location of soil or a change in the pattern of drainage and/or infiltration of water. This may include the demolition of existing structures and site features, along with any site preparation required for new construction.

Lot A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed or on a recorded plan.

Low Impact Development (LID) A comprehensive land planning and engineering design strategy that seeks to maintain a Site's pre-development ecological and hydrological function through the protection, enhancement, or mimicry of natural processes. LID systems and practices emphasize reduction of effective imperviousness and conservation, and use of existing natural Site features integrated with distributed small-scale Stormwater controls to result in the treatment, infiltration, evapotranspiration, and/or use of Stormwater close to its source.

Low Permeability Soil Low Permeability Soil refers to how easily water or other liquids can flow through a soil. It's a key factor in how well a soil drains and how easily it allows water to pass through. Examples include, but are not limited to clay, silt, ledge or hardpan.

Massachusetts Stormwater Management Standards The Standards issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and the Massachusetts Clean Waters Act M.G.L. c. 21, §§ 23-56, and any successor statutory provision.

Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4) The system of conveyances designed or used for collecting or conveying Stormwater, including, without limitation, any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

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

New Construction Refer to the Needham Zoning By-Law or the Needham Wetlands Protection Regulations as applicable.

Normal Maintenance Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

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

Owner A person or entity with a legal or equitable interest in property.

Permittee The person or entity who holds a permit.

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

Plot Plan A plot plan (also known as a site plan) is a scaled drawing that shows the layout of a property, including the location of existing and proposed structures, property lines, setbacks, easements, driveways, walkways, utilities, topography, and drainage features.

Point Source Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Pollutant A pollutant is any substance or material that, when introduced into the environment—particularly air, water, or soil—can cause harm to ecosystems, human health, or the natural balance of the environment. Pollutants may be chemical, biological, or physical in nature and can originate from both natural sources and human activities. Common examples of pollutants include sediment, nutrients such as nitrogen and phosphorus, heavy metals, oils and grease, pesticides and herbicides, bacteria and viruses, trash and debris, light and even excess heat, which is considered thermal pollution.

Pre-Construction All activity in preparation for construction.

Pre-Development The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

Post-Development The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

Qualified Soil Evaluator A professional who can demonstrate to the permitting authority, the necessary experience/credentials or a Massachusetts Registered Professional Engineer with expertise in soils to

perform soil evaluations specifically for stormwater management purposes, including infiltration feasibility.

Recharge The process by which water from precipitation, surface water, or other sources infiltrates into the ground and replenishes underground aquifers or groundwater supplies.

Reconstruction The process of rebuilding or significantly restoring a structure, feature, or area that has been damaged, removed, or deteriorated. This typically involves replacing or reconfiguring existing elements to match or improve upon the original condition.

Redevelopment The process of altering, improving, or repurposing previously developed land or property. It typically involves the demolition, renovation, or replacement of existing structures and infrastructure to accommodate new uses or to bring the property into compliance with current standards and regulations.

Runoff The portion of water from precipitation, such as rain or melting snow, or from human activities like irrigation, that flows over the land surface instead of soaking into the ground. This occurs when the soil is saturated, the surface is impervious (such as pavement or rooftops), or the water is applied faster than it can infiltrate.

Sediment Solid particles of soil, sand, silt, or clay that are eroded from the land and transported by wind, water, or ice.

Sedimentation The process by which sediment is transported by water, wind, or ice and eventually settles out of suspension, accumulating in a new location. Runoff carries eroded materials into waterways, detention basins, or storm drains, where the particles settle to the bottom.

Site Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

Soil A natural, unconsolidated mixture of mineral particles, organic matter, air, and water that forms the upper layer of the Earth's surface. The composition of soil can vary widely based on location, climate, and organic content, affecting its texture (sand, silt, clay), fertility, permeability, and drainage capacity.

Stormwater Water that originates from precipitation events, such as rain, snow, or hail, which flows over the ground surface and into natural or man-made drainage systems.

Stormwater Control Measure (SCM) Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" SCMs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Non-structural" SCMs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

Stormwater Management The use of SCMs designed to control or reduce the quantity, rate, and quality of stormwater runoff; to promote groundwater recharge; to prevent erosion and sedimentation; to protect water quality; and to minimize impacts on adjacent properties, infrastructure, and natural resources. Stormwater Management includes planning, designing, implementing, and maintaining measures to manage runoff from precipitation events, including rain and snowmelt.

Stormwater Regulations Policies and rules that govern the design, implementation, and maintenance of systems and practices to control stormwater runoff and its impacts on water quality, flooding, and infrastructure.

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

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

Wetlands Freshwater wetland, marsh, bog, wet meadow and swamp as defined in M.G.L. c. 131, §40, the Town of Needham Wetland Protection By-Law, or any successor statutory provision.

SECTION 7.3 AUTHORITY

The Stormwater By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the Federal Clean Water Act (found at 40 CFR 122.34 published in the Federal Register on December 8, 1999, as amended). No change to the aforementioned regulations should affect the validity of this by-law.

7.3.1 Permitting Authority

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

7.3.2 Emergency Suspension of Storm Drain System Access

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

SECTION 7.4 APPLICABILITY

7.4.1 Activities Subject to the Stormwater By-Law

Anyone proposing construction or land work that meets any of the following thresholds must comply with this by-law:

- New construction or project that increases existing impervious surface. (See Stormwater Regulations for applicability parameters.)
- Construction or alteration of drainage systems.
- Change in grading or existing water flow resulting in additional surface water being shed onto other properties, public infrastructure, or natural resources.
- New construction or additions increases existing impervious and also require approval under one or more of the following:
 - Needham Wetland Protection By-Law (Conservation Commission)
 - Zoning By-Law (Board of Appeals)
 - Subdivision Regulations (Planning Board)
 - Other permitting authorities identified in this by-law.

No construction or land disturbance activities that meet one or more of these thresholds may commence prior to obtaining approval pursuant to this by-law.

7.4.2 Stormwater Management and Erosion Control

Activities subject to the Stormwater By-Law shall not be segmented or phased to avoid compliance. All land disturbances—including those not requiring a permit—must incorporate Stormwater Management and Erosion Control measures to ensure that the activity does not increase stormwater runoff or introduce pollutants to roadways or adjacent properties.

The relevant permitting authority, with guidance from the Department of Public Works (DPW), shall review each project for compliance with this by-law. Any permits issued must include a statement confirming that the project meets the requirements of this by-law. This does not limit the authority of any permitting board to enforce more stringent standards under its own by-laws, rules, or regulations.

The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed. Projects involving only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.4.3 Modification of Stormwater Plan

The applicant, or an agent thereof, shall obtain the approval of the permitting authority prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the permit. Applicant shall request in writing a change or modification to the original submission. Once the permitting authority has acknowledged receipt of request in writing, approval or rejection of the requested change or modification will be noted on the plot plan within thirty (30) calendar days.

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

7.4.4 No Approval Required

For activities listed below, provided erosion control measures are used, and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- Repair, replacement or reconstruction of an existing driveway, patio, pool, and other improvements so long as it does not increase impervious square footage and remains in the same location.
- Restoration of existing lawn areas without lot grading.
- Approved temporary structures.

SECTION 7.5 ADMINISTRATION

The Stormwater By-Law is administered and enforced by the DPW Director. When work is subject to this by-law and applicants are seeking a related permit or approval from the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, they must demonstrate compliance with the by-law and its regulations to the applicable permitting authority.

If a proposed activity is subject to the Stormwater By-Law but is not otherwise subject to review by the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, the applicant must submit the project for review through a Street Permit application prior to beginning any work. This process ensures that activities such as grading or other land disturbances—especially those that may not involve traditional construction—are reviewed for compliance with the Stormwater By-Law and its regulations.

The applicable permitting authority may accept the application as compliant, accept it with conditions, or reject it—based on input from the DPW Engineering Department or in accordance with applicable state or federal laws and regulations. If the application is rejected, the applicant may submit a revised plan demonstrating compliance.

The DPW Director may take action to enforce the provisions of this by-law, as may the Building Commissioner or Conservation Agent if requested by the DPW Director.

SECTION 7.6 REGULATIONS

The Select Board shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this by-law, after conducting a public hearing to receive public comment.

7.6.1 Purpose

The purpose of accompanying regulations is to provide detailed guidance for the implementation and administration of this by-law. The regulations establish specific standards, procedures, definitions, and technical requirements necessary to achieve the objectives of the Stormwater By-Law, including but not limited to performance standards, design criteria, review processes, and compliance measures.

7.6.2 Massachusetts Stormwater Handbook

The DPW Director and/or their designee will utilize the criteria, specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook to execute the provisions of this by-law. Unless otherwise specified in the Stormwater Regulations, SCMs that are designed, constructed, and maintained in accordance with the design and sizing criteria in the Massachusetts Stormwater Handbook will be presumed to be protective of Massachusetts water quality standards.

SECTION 7.7 STORMWATER ASSESSMENT

The Town of Needham is subject to a federal requirement to reduce the amount of pollution from stormwater runoff discharging to local waterways, including substantial phosphorous reduction requirements of runoff into the Charles River. As a result, to meet federal and state permit obligations, the Town must increase its investment in stormwater infrastructure management. In May 2023, the Needham Select Board approved a Stormwater Mitigation Assessment Fee Program, charged through water/sewer billing, which is designed to spread the cost of this public service through a formula based on impervious cover on each property resulting in a tiered fee structure that reflects the potential contribution to stormwater runoff.

7.7.1 Stormwater Mitigation Assessment

The Department of Public Works (DPW) has long been responsible for operating, maintaining, and improving the Town's drainage system, which includes miles of pipeline and thousands of catch

basins, manholes, and water quality treatment practices. A well-functioning drainage system keeps roads passable and protects public health and private property. Stormwater management has expanded to include water quality considerations under the Clean Water Act. Stormwater management activities in Needham have historically been funded primarily through the General Fund (tax revenue).

A Stormwater Mitigation Assessment that generates revenue through fees is a more equitable way to support funding for this necessary work. Revenue is collected from all properties (including tax-exempt) and is dedicated to stormwater-specific costs.

7.7.2 Municipal Authority

Massachusetts municipalities are authorized under Massachusetts General Laws to establish a stormwater management authority, empowering them to charge fees to property owners, just as traditional utilities are allowed to charge fees for electricity, drinking water, and sewer services (MGL Chapter 40 Section 1A, Chapter 40A Section 5, Chapter 44 Section 53F-1/2, and Chapter 83 Section 16).

SECTION 7.8 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

The DPW Director and/or their designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges. No person or entity shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.8.1 Regulated Activities

In order to protect the Town of Needham's water resources and comply with the requirements of the NPDES program, the following activities are regulated to prevent and eliminate illicit discharges to the MS4 and ensure proper connection to municipal infrastructure.

7.8.1.1 Illicit Connections

No person or entity shall connect any pipe, swale, drain, or other appurtenance to the Town of Needham's Sanitary Sewer System or MS4, or perform any modification, repair, rehabilitation, or replacement work on either system, without first obtaining an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.8.1.2 Illicit Discharges

No person or entity shall discharge, or allow to be discharged, any pollutant or non-stormwater substance to the MS4 or any part of the stormwater system, either directly or indirectly. No person or entity shall allow any pipe, swale, or other point source to discharge directly, prior to filtration, onto a public way unless prior authorization is obtained through the Department of Public Works.

7.8.1.3 Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the DPW Director.

7.8.2 Allowable Non-Stormwater Discharges

The following non-stormwater discharges are exempt from the prohibition, provided that the source is not a significant contributor of a pollutant to the MS4 drain system or the waters of the Commonwealth:

- a) Water line flushing
- b) Landscape irrigation

- c) Foundation and footing drains
- d) Air conditioning condensation
- e) Water from crawl space pumps
- f) Lawn watering
- g) Individual residential car washing
- h) Dechlorinated swimming pool discharges
- i) Street and sidewalk wash water
- j) Discharges from firefighting activities
- k) Flows from wetland resource areas
- l) Rising ground waters
- m) Uncontaminated ground water (groundwater that is free of pollutants)
- n) Discharges from potable water sources
- o) Discharges necessary to protect public health, safety, welfare or the environment.

7.8.3 Detection and Elimination

Upon identification of an illicit discharge or illegal connection, the responsible party shall be notified and required to eliminate the discharge or connection in a timely manner as directed by the Permitting Authority.

If the responsible party fails to act, the Town may take necessary enforcement actions, including but not limited to fines, cease and desist orders, or performing corrective work at the property owner's expense.

SECTION 7.9 PERMITS

7.9.1 Applications

All activities subject to the Stormwater By-Law must include Stormwater Management and Erosion Control provisions.

The applicable permitting authority shall review and approve the Stormwater Management and Erosion Control Plan prior to issuing any permit. The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed.

Projects that involve only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.9.2 Fees

Fees may be established by the Select Board to pay for expenses if it is determined that an outsourced professional or expert consultation is necessary to adequately evaluate a proposed project. This may include retaining a registered professional engineer or other qualified consultant to advise the permitting authority on one or more aspects of the submitted plans.

If such consultation is required, the applicant may be required to pay the associated review fees in advance. The applicant may also be responsible for ongoing consultant costs, if necessary for the duration of the project, through an account established in accordance with M.G.L. c. 44, §53G, or any successor statutory provision.

7.9.3 Permit Amendments

If the permitting authority determines that material changes or alterations to an approved project plan are significant, the applicant may be required to submit a new application. Minor adjustments, such as those made to address field conditions or similar non-substantial changes, generally do not require a new application. The applicant may revise and resubmit an application as needed to meet the objectives and comply with the requirements of this by-law.

7.9.4 Non-Compliance

Any person who fails to comply with the conditions of an issued permit, including an approved Erosion and Sedimentation Control Plan, Operations and Maintenance Plan, or any order issued under the Stormwater By-Law, shall be considered in violation and subject to enforcement action.

SECTION 7.10 STORMWATER MANAGEMENT AND EROSION CONTROL PLAN REQUIREMENTS

7.10.1 Low Impact Development (LID)

The Town of Needham supports, encourages, and anticipates the use of Low Impact Development (LID) practices wherever possible or practicable, as a preferred approach to managing stormwater and preserving site-specific ecological and hydrological functions. Applicants are expected to incorporate LID principles into their site planning process.

7.10.2 Regulated Activities

Any construction or land disturbance activity regulated under this by-law shall require the preparation and submission of a Stormwater Management and Erosion Control Plan. The purpose of the Plan is to ensure that adequate measures are in place to manage stormwater runoff, minimize erosion, and prevent sedimentation both during and after construction. The Plan must demonstrate that the proposed activity will not result in adverse impacts to abutting properties, public infrastructure, or natural resources, and that it complies with the performance standards and design criteria outlined in the Stormwater Regulations. The permitting authority shall review all submitted plans for completeness and conformance with the requirements of the Stormwater By-Law prior to approval.

7.10.3 Exempt Activities

The following activities shall be exempt from the requirement to submit a Stormwater Management and Erosion Control Plan under this by-law:

- a) Emergency activities necessary to protect public health or safety as determined by the authority having jurisdiction;
- b) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this by-law.

7.10.4 General Requirements

If authorized by the Owner or other party in control of the property, the permitting authority, its designee, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as deemed reasonably necessary to determine compliance with the permit.

7.10.4.1 Pre-Construction

A Stormwater Management and Erosion Control Plan along with soil testing results from a qualified soil evaluator shall be submitted as part of a Plot Plan or independently with an application for a Building Permit, Street Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any activity subject to this by-law.

7.10.4.2 Construction

The Stormwater Management and Erosion Control plan shall include construction-period measures such as a dewatering plan during and after construction to prevent the discharge of silt or sediment to the MS4, roadway, wetland resources or abutting properties. The Permitting Authority or its designee may perform inspections as necessary at various stages of the project to verify and document compliance with the issued permit.

7.10.4.3 Post-Construction

For all projects subject to this by-law, the Stormwater Management and Erosion Control Plan shall include post-construction measures designed to provide a minimum combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall over the total impervious area of the site, including all buildings and other impervious surfaces.

Projects subject to this by-law requiring approval from the Conservation Commission, Planning Board, or Zoning Board of Appeals, the plan shall also include stormwater runoff quality controls. These controls must incorporate structural and/or non-structural Stormwater Control Measures (SCMs) that are designed to remove pollutants from stormwater prior to infiltration into the ground, in accordance with the Massachusetts Stormwater Handbook.

The purpose of these post-construction measures is to minimize or prevent increases in stormwater volume and peak flow to the MS4, and to reduce the pollutant load entering the MS4 and receiving waters.

7.10.4.4 Low-Permeability Soils

In cases where low-permeability soils are present, the DPW Director may, in consultation with the Engineering Division and Permitting Authority, authorize modifications that are consistent with the intent of this by-law. The applicant must conduct and submit soil testing results that describe soil types and groundwater elevations.

7.10.4.5 Operation and Maintenance Plan

An Operation and Maintenance (O&M) Plan shall be submitted with any application for a Building Permit, Street Permit, or application to the Planning Board, Board of Appeals, or Conservation Commission pursuant to this by-law. The O&M Plan must be designed to ensure year-round compliance with this by-law and remain effective throughout the life of the system. The Plan must be recorded with the Registry of Deeds, and proof of recording must be submitted to the permitting authority. Annual inspection and maintenance records for all stormwater control measures (SCMs) shall be made available to the DPW and Permitting Authority upon request.

7.10.4.6 As-Built Drawing

At the completion of any project subject to the Stormwater By-Law, as-built drawings must be submitted and shall include all stormwater management systems as constructed. These drawings must be prepared, signed, and stamped by a Massachusetts Registered Professional Engineer. The as-built drawings shall accurately reflect the final configuration, elevations, dimensions, and materials of all stormwater infrastructure, including but not limited to infiltration systems, drainage pipes, manholes, catch basins, and outfalls.

The as-built drawings must accompany the certified as-built Plot Plan, which is required to be stamped by a Massachusetts Registered Land Surveyor. Together, these documents provide verification that the stormwater management systems have been constructed in accordance with the approved plans and comply with the requirements of this by-law and associated regulations.

7.10.4.7 Design Criteria

Infiltration and other stormwater management systems shall be designed in accordance with SCMs as outlined in the Massachusetts Stormwater Handbook and the Stormwater Regulations. For building additions that increase the existing impervious footprint by 25% to 50%, infiltration is required for the newly constructed area. For additions that increase the impervious footprint by more than 50%, infiltration is required for the entire impervious area, including both the addition and the existing structure.

For properties containing 4,000 square feet or less of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5") of rainfall. Impervious surfaces beyond the roof—such as driveways, decks, and patios—may be directed to the same infiltration system or managed separately using other acceptable methods such as rain gardens, drainage trenches or swales, detention basins, or other SCMs.

For projects resulting in more than 4,000 square feet of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5") of rainfall over the total impervious area, including roofs, driveways, patios, decks, and other hardscapes. In addition, the applicant must demonstrate compliance with the Massachusetts Stormwater Standards, specifically Standard 2 (Peak Rate Attenuation) and Standard 3 (Recharge).

In the absence of any other law, by-law or regulation, the Applicant shall plant on the project property three 2" caliper or larger, native trees for each required infiltration chamber system or designed drywell shown in the proposed plan.

Projects subject to this by-law requiring approval by the Conservation Commission, Zoning Board of Appeals, or Planning Board must also comply with the applicable requirements and approvals of the relevant Permitting Authority. Applicant must demonstrate compliance with the Massachusetts Stormwater Standards for Stormwater Management and Erosion Control measures.

Erosion and sediment controls must be designed to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance or construction activities.

There shall be no change to the existing conditions of abutting properties or public ways from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, displacement, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection By-Law.

When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the DPW Director and/or their designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.11 ENFORCEMENT

The DPW Director and/or their designee is authorized to oversee and review all matters relating to stormwater management within the Town of Needham. The DPW Director, or their designee, shall administer and enforce the Stormwater By-Law and Stormwater Regulations, including orders, violation

notices, and enforcement orders. The Director may pursue all applicable civil and criminal remedies and penalties.

7.11.1 Written Order

The DPW Director and/or their designee may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include, but are not limited to, the following:

- a. A requirement to cease and desist until there is compliance with the Stormwater By-Law;
- b. Elimination of illicit connections or discharges to the MS4;
- c. Maintenance, installation or performance of additional Erosion and Sedimentation control measures;
- d. Monitoring, analyses, and reporting; and/or
- e. Remediation of contamination, erosion and/or sedimentation resulting directly or indirectly from the permitted activity.

7.11.2 Appeal of Determination

Any person or entity aggrieved by a decision of the DPW Director and/or their designee under a provision of this Stormwater By-Law may submit a letter of appeal to the Select Board who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.11.3 Injunctive Relief

If a person violates the provisions of this by-law, or any regulation, permit, notice, or order issued thereunder, the DPW Director or their designee, with the approval of the Select Board, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

TOWN OF NEEDHAM **STORMWATER REGULATIONS**

SECTION 1 GENERAL PROVISIONS

These stormwater regulations are promulgated by the Needham Select Board pursuant to the authority granted under Section 7 of the General By-Laws of the Town of Needham (“Stormwater By-Law”).

The purpose of these regulations is to provide guidance in the implementation of the Stormwater By-Law, and to promote the removal of pollutants from stormwater, to encourage recharging of stormwater, to develop methods to maintain functional operation of stormwater, to utilize best management practices, to improve stormwater quality prior to discharging to a water body, and to education property owners. These regulations are intended to enable the Town of Needham to meet or exceed the minimum standards stipulated in the Stormwater By-Law, the Memorandum of Understanding (MOU) between the Town of Needham and the Environmental Protection Agency (EPA) (dated June 1996), the Massachusetts Stormwater Standards, and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) requirements issued by the EPA.

These regulations may be revised periodically in order to remain consistent with other State, Federal, or local Laws, regulations, or policies.

The Stormwater Regulations establish specific standards, procedures, definitions, and technical requirements necessary to achieve the objectives of the Stormwater By-Law, including but not limited to performance standards, design criteria, review processes, and compliance measures.

Stormwater control measures that are designed, constructed, and maintained in accordance with the design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

SECTION 2 DEFINITIONS

For the purposes of these Regulations, refer to the definitions contained in the Stormwater By- Law.

SECTION 3 AUTHORITY

The Regulations have been adopted by the Town of Needham in accordance with the Stormwater By-Law.

Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of Needham Zoning By-Law, Wetlands Protection By-Law, Subdivision Control Law or any other Regulations adopted thereunder.

3.1. Permitting Authority

For the purposes of these regulations, the term “Authority” refers to the municipal board, commission, or department responsible for issuing permits for construction and/or land-disturbing activities. This includes, but is not limited to:

- Planning Board – for development and site plan approvals;
- Conservation Commission – for work affecting wetlands or other resource areas;

- Department of Public Works (DPW) – for work affecting roadways, drainage systems, and public infrastructure;
- Building Department – for building permits and related inspections;
- Zoning Board of Appeals (ZBA) – for variances or special permits involving construction or land disturbance.

Each Permitting Authority retains its respective jurisdiction and shall review applications and enforce compliance with applicable local, state, and federal regulations.

3.2. Fees

The Town of Needham may review and recommend revisions to fees in relation to permitting, professional services, etc.

3.3. Emergency Suspension of Storm Drain System Access

The Town of Needham may suspend municipal storm drain system access if in the opinion of the Reviewing Authority or applicable department or committee, there is an actual or threatened discharge that presents an imminent risk to public health, safety, the environment, or the proper functioning of the storm drain system.

3.4. New and Existing Storm Drain Connections

The Stormwater By-Law and associated Regulations shall not apply to existing, previously approved infrastructure, including, but not limited to, small drainage connections installed prior to the effective date of these Regulations.

Any construction, redevelopment, or alteration of a property that results in a new or modified connection, or an increase in flow, to the municipal stormwater system will be subject to review and approval in accordance with the requirements of the Stormwater By-Law and Regulations in effect at the time of construction. A connection to municipal infrastructure will only be permitted when all practicable on-site infiltration options have been demonstrated to be infeasible. In such cases, the proposed connection requires review and approval by the DPW.

SECTION 4 APPLICABILITY

4.1. Activities Subject to the Stormwater By-Law

- A. All activities that involve the disturbance or removal of 100 cubic yards or more of soil, or that involve a change in grading requiring the addition of 100 cubic yards or more of soil.
- B. Building construction that increases impervious surface (like existing pavement or roofs) by more than 25% of the existing impervious footprint.
- C. Projects that increase impervious surface on a parcel by 500 sq ft or more.
- D. Construction or alteration of the Town of Needham Drainage system such as connecting to town drainage assets through small diameter drains and subdivision connections.
- E. Landscaping work, such as re-grading, retaining walls, etc. that have the potential to increase or change the flow of water from a parcel to the surrounding area in any way.
- F. Any permanent land disturbance or construction activity within 10 ft of the property line.

4.2. Activities Exempt from the Stormwater By-Law

- A. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
- B. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- C. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the abutters;
- D. Normal maintenance and improvement of land in agricultural or aquacultural use; and
- E. Disturbance of land or redevelopment that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Standards and Stormwater Handbook and the Town of Needham Stormwater Management Regulations as reflected in a valid Order of Conditions issued by the Conservation Commission.
- F. Disturbance of land or redevelopment that are subject to jurisdiction under a special permit or approval of a subdivision plan through the Town Zoning Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Standards and Stormwater Handbook and the Town of Needham Stormwater Management Regulations as reflected in a valid decision issued by the Planning Board or Zoning Board of Appeals.

4.3. Modification of Stormwater Plan

Applicants may submit minor modifications to a Stormwater Plan during the review process to address technical comments or to ensure compliance with the requirements of the

Stormwater By-Law and Stormwater Regulations. Minor modifications may be approved at the discretion of the Reviewing Authority without requiring a new application.

Any modifications deemed by the Reviewing Authority to constitute a major change—such as, but not limited to, alterations in the overall site layout, proposed drainage system, or stormwater management practices—shall require the applicant to submit a new application in accordance with the procedures set forth herein.

SECTION 5 ADMINISTRATION

- 5.1.** The Building Department shall have administrative responsibility, with input and comment from the Engineering Division, for ensuring compliance with stormwater management requirements in connection with the permitting of residential and commercial building construction activities.
- 5.2.** The Engineering Division shall have administrative responsibility for ensuring compliance with stormwater management requirements in connection with the permitting of projects not involving building construction, through the issuance of Street Permits.
- 5.3.** The Conservation Department shall have administrative responsibility for ensuring compliance with stormwater management requirements in connection with the permitting of activities, whether construction-related or otherwise, that occur within jurisdictional wetlands or within the associated buffer zone.
- 5.4.** The Planning and Zoning Department shall have administrative responsibility for ensuring compliance with stormwater management requirements in connection with projects subject to its jurisdiction.

SECTION 6 REGULATIONS

[Reserved]

SECTION 7 STORMWATER ASSESSMENT

[Reserved]

SECTION 8 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

Section 7.8 of the Stormwater By-Law identifies prohibited activities, regulated activities, and exemptions related to compliance with the Illicit Discharge Detection and Elimination (IDDE) Program. The purpose of the IDDE Program is to prevent the discharge of sanitary waste into the storm drain system. Because stormwater discharges are not treated, any waste entering the system is released directly into the surrounding environment. Sanitary waste poses significant health risks to both people and animals, potentially causing illness and disease. Accordingly, discharges of stormwater, groundwater, or runoff into the sanitary sewer system are prohibited, as they can overwhelm the sewer system, resulting in overflows into the storm drain system or directly into the environment, where they also pose public health risks.

- 8.1.** Project plans shall identify all sanitary sewer connections from the subject property and confirm that they are not connected to any stormwater drain system. The applicant shall

also identify and confirm that all connections from the property to the stormwater drain system are free from pollutants or consists of clean sump pump discharges.

- 8.2.** Any connections to the stormwater system that does not meet the requirements of the Stormwater By-Law and/or Regulations shall be eliminated and disconnected from the stormwater drain system by the applicant within 30 calendar days unless an alternate schedule has been defined and approved by the DPW.
- 8.3.** For any project seeking connection to Town infrastructure, the applicant shall provide an Illicit Discharge Compliance Statement verifying that no illicit discharges exist on the site and that measures are in place to prevent any illicit discharges from entering the stormwater management system. Illicit discharges include, but are not limited to, wastewater and stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease. The statement shall be consistent with the requirements of the MassDEP Stormwater Management Standards and shall be submitted as part of the permitting process.
- 8.4.** Any observed or suspected illicit discharge may be reported by Town employees, members of the community, or the public at large. Reports can be submitted in several ways:
- i. Online Reporting Form
Through SeeClickFix on the Town website at www.needhamma.gov.
 - ii. Email Reporting
DPW Administration at DPWAdmin@Needhamma.gov.
 - iii. In-Person Reporting
DPW Administration office at 500 Dedham Avenue during business hours.
 - iv. Mail Submission
A letter addressed to DPW Administration office at 500 Dedham Avenue.
- All reported or suspected illicit discharges into the MS4 shall be promptly investigated by the appropriate Town staff. If mitigation is deemed necessary, the responsible parties will be notified and required to implement corrective actions.
- 8.5.** The process for investigating a reported or suspected illicit discharge into the MS4 is outlined in the Needham Illicit Discharge Detection and Elimination Plan, which is available on the Town website or by request from the Engineering Division.

SECTION 9 PERMITS

Permits are issued by the municipal board, committee or department with authority for issuing permits for construction and/or land disturbing activities. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

9.1. Fees

See Regulations 3.2.

9.2. Permit Amendments

Permits are issued based on the approved project plan. Any changes to the approved plan must be reviewed and approved by the Permitting Authority before implementation on site. See Regulation 4.3 for additional details.

SECTION 10 STORMWATER MANAGEMENT AND EROSION CONTROL PLAN REQUIREMENTS

10.1. Low Impact Development (LID)

Applicants should first consider incorporating Low Impact Development (LID) design practices into the site planning process to the maximum extent practicable. The goal is to minimize stormwater impacts, preserve natural hydrology, and promote on-site infiltration and treatment. LID practices may include, but are not limited to, the following:

A. Site Design and Planning

- Minimizing land disturbance and clearing;
- Preserving existing vegetation, topography, and natural hydrologic features;
- Clustering development to reduce impervious surface area;
- Reducing roadway widths and driveway lengths where feasible;
- Utilizing permeable or porous pavement materials.

B. Stormwater Management Practices

- Installing bioretention areas, including rain gardens;
- Using vegetated swales and filter strips for stormwater conveyance and treatment;
- Incorporating infiltration trenches, dry wells, or subsurface infiltration systems;
- Installing green roofs or rooftop gardens;
- Capturing and reusing stormwater through rainwater harvesting systems or cisterns.

C. Landscaping and Vegetation

- Preserving and enhancing tree canopy cover;
- Using native, non-invasive, and drought-tolerant plant species;
- Applying soil amendments to improve infiltration capacity;
- Diverting stormwater from paved surfaces to adjacent green spaces or landscaped areas.

D. Construction and Post-Construction Controls

- Limiting compaction of soils during construction;
- Stabilizing disturbed soils promptly with vegetation or other erosion control measures;
- Implementing sediment control practices to protect downstream resources.

E. Documentation and Justification

Project plans shall document all Low Impact Development (LID) measures considered and provide reasoning for all measures considered but not implemented. The Reviewing Authority may require additional information or modifications to the proposed plan to

promote the use of LID strategies and ensure their application to the maximum extent practicable.

10.2. Regulated Activities

Prior to the commencement of any construction or project that qualifies as an applicable activity, as defined in Section 4 of these Regulations, a Stormwater Management and Erosion Control Plan, stamped by a Massachusetts-registered Professional Engineer, and an Operation and Maintenance (O&M) Plan, signed by the property owner, shall be submitted for all activities subject to the Stormwater By-Law. No land disturbance shall occur until these plans have been reviewed and approved by the Reviewing Authority.

10.3. Exempt Activities

[Reserved]

10.4. General Requirements

A. Pre-Construction Requirements

i. Design Standards

- A plot plan shall be submitted prior to construction. Refer to Appendix A: Preparation of Plans and Specifications for detailed requirements.
- Post-construction measures shall, at a minimum, provide a combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall over the total impervious area of the site, including all buildings and other impervious surfaces.
- Compliance shall be demonstrated through pre- and post-development hydrologic and hydraulic analyses, drainage calculations, and supporting documentation prepared, stamped, and certified by a qualified professional engineer and submitted to the Permitting Authority for review and approval, if required.

ii. Runoff Quality and Pretreatment Requirements

- For commercial projects and large residential projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural stormwater control measures (SCMs) consistent with the Massachusetts Stormwater Handbook to increase groundwater recharge and remove pollutants from stormwater.
- Stormwater runoff collected from rooftops may be recharged directly into the ground without pretreatment.
- Stormwater runoff from impervious areas, greater than 500 square feet, subjected to motor vehicles or other potential sources of contamination shall be pretreated prior to infiltration or recharge to remove sediment, suspended solids, oils, volatile organic compounds (VOCs), and other contaminants that could impact groundwater quality.

iii. Landscaping and Tree Planting Requirements

- In the absence of any other applicable law, by-law, or regulation, the Stormwater Management and Erosion Control Plan shall include the planting of three (3) native trees, each with a minimum caliper of two (2) inches or greater, for every required infiltration chamber system or designed drywell installed to achieve the combined volumetric capacity.
- iv. During project design, soil testing shall be conducted by a qualified soil evaluator, and the results shall be submitted and incorporated into the design plans for review and evaluation by the Permitting Authority. At a minimum, soil testing results shall provide information on the following criteria:
- Elevation of test pits
 - Soil texture, classification (USDA classification) and horizons
 - Soil permeability and infiltration rates based on RAWLS tables
 - Depth to seasonal high groundwater
 - Depth to refusal

The Permitting Authority may require additional testing or information based on site-specific conditions to ensure compliance with the objectives of the Stormwater By-Law.

B. Construction Requirements

i. Dewatering Plan

- A dewatering plan shall be submitted with the project permit application. The plan shall describe methods for managing groundwater and surface water during construction, including pumping, settling, and discharge procedures.
- All dewatering activities must minimize erosion and prevent sediment-laden water from entering the MS4, wetlands, or neighboring properties.

ii. Erosion and Sediment Controls

- Temporary erosion and sediment control measures, such as silt fences, sediment basins, stabilized construction entrances, or other stormwater control measures (SCMs), shall be installed and maintained for the duration of construction.
- Stormwater runoff velocities must be minimized as much as possible. The removal of existing vegetative cover during development and the resulting increase in impermeable surface area after development will increase both the volume and velocity of runoff. These increases must be considered when providing for erosion control.
- Erosion control measures that minimize site disturbance shall be chosen and are based on site conditions.
- Erosion control measures are to be installed and maintained in accordance with the manufacturer's specifications and good engineering practices to perform as intended.

- Replacement control materials shall be kept on-site to allow for the repair or replacement of erosion control measures that are damaged or displaced during construction, by wildlife or human activity, or as a result of weather events.
- Prior to the commencement of any land-disturbing activities, areas of the site designated for protection shall be clearly marked with tape, signs, or orange construction fencing, as applicable, to alert workers to restricted areas. These physical markers should be inspected on a weekly basis by the contractor and/or their designee to ensure visibility and effectiveness. Documentation of these inspections is required to be maintained throughout project duration and be provided to the Permitting Authority upon request.

iii. Monitoring and Maintenance

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under the Stormwater By-Law and promulgated Regulations, and may make or cause to be made such examinations, surveys or sampling as the Director of Public Works or their designee deems reasonably necessary.

- Construction Inspections
 - a. The Applicant shall notify the Permitting Authority at least three (3) business days (Saturdays, Sundays and legal holidays excluded) before each of the following events with the purposes of scheduling construction inspections:
 1. Erosion and Sedimentation control and tree protection measures are in place and stabilized. Purpose of inspection is to assess overall effectiveness of protecting resources;
 2. Site Clearing and rough Grading have been substantially completed;
 3. Pre-bed: rough final grading/soil bedding prior to placement of any underground recharge or stormwater conveyance structure. Purpose of inspection is to ensure adequate separation of the stormwater system from ground water and presence of approved soil type;
 4. Bury Inspection: prior to backfilling of any underground recharge or stormwater conveyance structure. Purpose of inspection is to ensure installation is correct per approved plans;
 5. Final grading has been substantially completed.

The Permitting Authority may require, throughout construction, the submission of periodic inspections and reporting by the Applicant as dictated by site conditions.

- b. Sedimentation and erosion control measures identified in the Stormwater Management and Erosion Control Plan must be observed to ensure proper operation. Discharge locations must be inspected to verify that erosion control measures are effectively preventing significant impacts to the MS4 or receiving

waterbodies. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent practicable.

- c. Areas where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. SCMs must be inspected daily and maintained promptly to ensure continued effectiveness. Any failure or breach must be corrected immediately to prevent sediment discharge and may require notification to the Permitting Authority.

- **Compliance with Applicable Standards**

All measures shall be designed, installed, and maintained in accordance with the latest Massachusetts Stormwater Handbook, local Stormwater By-Law, and other applicable standards.

C. Post-Construction Requirements

- i. **General Performance Standards**

For all projects subject to the Stormwater By-Law, the Stormwater Management and Erosion Control Plan shall include measures designed and implemented to prevent or minimize increases in stormwater volumes and flows to the MS4, as well as pollutant loading to the MS4 and receiving waters.

Post-construction conditions shall not result in changes to existing conditions on abutting properties or public ways due to increased volume or peak rate of stormwater runoff, erosion, silting, flooding, displacement, sedimentation, or adverse impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or the Needham Wetlands Protection By-Law.

Where any proposed discharge may affect streams, wetlands, and/or the MS4 or its conveyance system, the DPW Director or Permitting Authority may require minimization or elimination of such impacts based on site conditions and the capacity of the existing stormwater system.

10.5. Low-Permeability Soil

During the design of the Stormwater Management and Erosion Control Plan, the site, in whole or in part, may be found to contain soils with low permeability that do not allow stormwater to infiltrate effectively. Low-permeability soils are those that absorb water slowly due to natural soil properties, compaction, or seasonal saturation. Supporting information, such as soil test locations prepared by a qualified soil evaluator, should be provided to document how these areas were identified and how they influence the design of stormwater management measures.

The alternative approaches provided are approved methods that should be considered during project development and design to manage stormwater. These methods may be used in place of, or in conjunction with, the traditional infiltration methods described in these Regulations to meet or exceed the required 1.5" infiltration standard. While these alternatives can enhance infiltration, their applicability still depends on soil conditions and site constraints and must be evaluated for suitability at each project site.

Any alternative approaches are subject to the acceptance and approval of the Permitting Authority and will only be considered in cases of existing infrastructure, not for new construction projects that could be designed to accommodate infiltration.

A. On-Site Infiltration/Green Infrastructure Options

- **Bioretention / Rain Gardens**
Suitable where some infiltration is possible; amended soils or underdrains can help improve performance in low-permeability areas.
- **Infiltration Basins or Ponds**
Performance depends on level of soil permeability; may be ineffective if soils are very low-permeability.
- **Green Roofs**
Do not depend on native soils; ideal when ground infiltration is limited.
- **Vegetated Swales / Infiltration Swales**
Can provide some infiltration along flow paths; performance depends on soil permeability.
- **Engineered Soil Strips**
Engineered soil allows infiltration even where native soils are poorly permeable.
- **Rainwater Harvesting Collection System**
Roof runoff is collected and either reused or directed into infiltration systems; useful where soils cannot infiltrate stormwater directly.
- **Tree Trenches or Tree Boxes**
Use engineered soil and storage to provide infiltration where native soils are restrictive.

B. Alternative Compliance / Off-Site Solutions

These options are used when site conditions, such as low-permeability soils, make it infeasible to meet infiltration requirements on-site.

a. Small Diameter Drain

If sufficient evidence and supporting documentation demonstrate that a proposed project site contains, in whole or in part, soils with low permeability and is located within 100 feet of the Town's drainage system, the installation of a small-diameter Schedule 40 PVC drain (minimum 6 inches in diameter) may be proposed to the Permitting Authority to collect roof runoff from the dwelling, building, and/or outbuildings and discharge to the Town's drainage system. The drain must connect to a catch basin, another small-diameter drain, or a drain manhole located adjacent to the edge of pavement or curb and shall be designed to allow future extension to adjacent properties. Refer to the Construction Detail Plan – Typical Small Diameter Drain Construction for additional information.

b. Foundations in Groundwater Table

Foundations constructed within the groundwater table must provide on-site storage equal to the displaced water volume, in addition to other required SCMs, before consideration of a Small Diameter Drain connection.

- c. Stormwater Mitigation Fund
[Reserved]

10.6. Operation and Maintenance Plan

An Operations and Maintenance (O&M) plan is a critical component of stormwater management because it ensures that stormwater systems continue to function as designed over time. Without proper operation and maintenance, even the best-designed stormwater controls can fail, leading to flooding, erosion, water quality degradation, or regulatory noncompliance.

- A. An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Street Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to the Stormwater By-Law and these Regulations. The O&M Plan must be designed to ensure year-round compliance with the Stormwater By-Law and remain effective throughout the life of the system.
- B. The O&M Plan shall apply to the entire property and shall encompass all existing SCMs and green infrastructure and not be limited to the most recently permitted area.
- C. The O&M Plan must be recorded prior to issuance of an Occupancy Permit or Certificate of Compliance with the Registry of Deeds, and proof of recording must be submitted to the Permitting Authority.
- D. The owner of the property shall maintain a log of all operation and maintenance activities, including without limitation, inspections, repairs, replacement and disposal. Annual inspection and maintenance records for all stormwater control measures (SCMs) shall be made available to the DPW and Permitting Authority upon request.
- E. For residential and commercial development, the O&M Plan, signed by the property owner, shall consist of:
 - An annual inspection of the SCM, and removal of sediment, leaves and/or debris as needed.
 - A plan or map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
 - An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
 - Any other information required by the Director of Public Works/designee.

10.7. As-Built Drawing

- A. An As-Built drawing showing all stormwater management systems as constructed shall be submitted to the Permitting Authority prior to the issuance of an Occupancy Permit.
- B. As-Built drawings must be prepared, signed, and stamped by a Massachusetts Registered Professional Engineer and include a statement of compliance with approved plans, stormwater regulations, and permit conditions.
- C. As-Built drawings shall accurately reflect the final configuration, elevations, dimensions, and materials of all stormwater infrastructure, including but not limited to

infiltration systems, green infrastructure, drainage pipes, manholes, catch basins, and outfalls.

D. Please refer to Appendix B: Example Site Plan for details.

10.8. Design Criteria

- A. Post-construction measures shall, at a minimum, provide a combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall over the total impervious area of sites with no more than 4,000 square feet of impervious surface, including all buildings and other impervious surfaces.
- B. For sites with total impervious area equal to or greater than 4,000 square feet, compliance with combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall shall be demonstrated through supporting hydrologic and hydraulic calculations, design details, and supporting documentation prepared by a qualified professional and submitted to the Permitting Authority for review and approval. Showing that post construction rate of runoff and volume does not exceed the pre-construction rates for the 2-, 10- and 100-year storm events.
- C. For new construction, the stormwater management system must be designed to remove 80% of the average annual load of Total Suspended Solids (TSS), generated from the post-construction impervious area. Refer to the Massachusetts Stormwater Handbook for methodology of calculation.
- D. In accordance with the MS4 General Permit, projects must be designed to remove 60% of the average annual load of Total Phosphorous (TP) generated from the post-construction impervious surface areas and remove pathogens.
- E. The bottom of stormwater infiltration systems shall be a minimum of 2 feet above the estimated seasonal high groundwater elevation.
- F. A groundwater mounding analysis may be required, at the discretion of the Permitting Authority, to ensure that the infiltration system will not cause groundwater to break out above land surface, seep into basements of nearby buildings, or cause other problems. All infiltration systems shall be designed to drain within 72 hours.
- G. Detention/retention basins shall be designed to have a minimum of 1 foot of freeboard during the 100-year design storm. The volume of sediment forebays (if applicable) shall not be counted towards the storage volume of the detention/retention basin. For design purposes, it shall be assumed that there will be no infiltration of stormwater within the drainage basin unless the basin is designed as an infiltration basin in accordance with the MSH. Detention/retention basins and associated forebays shall be required to drain within 72 hours. Basins shall be designed with an emergency overflow device, such as a weir, to safely pass the 100-year design storm to prevent overtopping and potential erosion of the berm, assuming the primary outlet is not functioning. The bottom of any sediment forebay shall be constructed of concrete or grass that may be mowed, for ease of maintenance. Depending on the depth and size of the basin, the Permitting Authority

may require fencing or other effective measures to be installed to prevent unauthorized persons and vehicles from entering the basin.

1. Place inlets and outlets to maximize the flow path through the basin.
2. Low flow outlets shall be designed to prevent clogging.
3. At the discretion of the Permitting Authority, these requirements may be waived or modified.

H. Minimize the total area of site disturbance and avoid unnecessary clearing and grading. Clearing and grading shall be limited to areas required for construction of structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and associated infrastructure.

SECTION 11 ENFORCEMENT

The Director of Public Works, their designee, shall enforce the Stormwater By-Law and these regulations and may pursue all applicable civil and criminal remedies for violations. Enforcement provisions are detailed in the Needham Stormwater By-Law.

Issued by the Select Board

DATE

TRUE COPY ATTEST: _____

Louise L. Miller, JD, Town Clerk

Appendix A: Preparation of Plans and Specifications

I. General Requirements

- a. All stormwater system plans and specifications shall be prepared as follows:
 - Professional Preparation
 - Every system shall be designed by a Massachusetts Registered Professional Engineer for permits triggered through the Building Department or Conservation Commission.

II. Street Permits

For street permits, the Department of Public Works may authorize an agent for the property owner if, in their opinion, the individual has sufficient background, experience, and certification, and the project will result in less than 500 square feet of impervious area.

- a. Stamp and Signature
 - Every plan submitted for approval must be dated and bear the stamp and signature of the designer.
- b. Scale
 - Plans shall be at a suitable scale (not more than 1 inch = 20 feet for plot plans).

III. Required Plan Information

- a. Each plan shall include the following information:
 - Legal boundaries of the property
 - Holders and locations of any easements
 - Location of all existing and proposed dwellings/buildings
 - Existing and proposed impervious areas (driveways, parking areas, walks, patios, pools, decks, etc.)
 - Dimensions and details of the stormwater system(s)
 - System design calculations
 - North arrow and existing/proposed 1-foot contours
 - Location and logs of deep observation hole tests, including:
 - Date of test
 - Existing grade elevations
 - Soil evaluator of record
 - Subsurface utilities
 - Drainage system details
 - Benchmark (NAVD 88 or Town of Needham sewer base) within 50–75 feet of the system.
 - Materials of construction and specifications.
- b. Engineered Site Plan
 - Title Block
 - Preparer's name, address, and phone number
 - Owner's name
 - Date

- Engineer's PE stamp and signature
- Land Surveyor's stamp/signature (if applicable)
- Assessor's reference, deed reference, and plan reference
- Zoning district
- Existing Conditions
 - Street bounds found and set
 - Lot area, lot and house number
 - Zoning setback lines
 - Adjacent abutter names (N/F)
 - Legend
 - Topography (lot and ROW): contours, spot elevations, retaining walls, utilities, structures
 - Utility mains: water, drain, sewer (size, type, slope), gas, electric, communications.
 - Sewer/drain structures: rim and invert grades for catch basins, manholes, point discharges, inlets
 - Street trees (size, type, drip edge)
 - Sidewalks and curbing (type/material)
 - Wetland line with flags/numbers, 100-ft buffer zone, and other jurisdictional zones
 - Nearest catch basin or measured distance to nearest catch basin (for foundation drain connections)
 - Existing building footprint (sf)
 - Total impervious area (sf)
- Proposed Conditions
 - New structures with dimensions and offsets to property lines
 - Proposed utility services: water, sewer, drain, gas, electric
 - Driveways: max. grade 12%, max. width 24 ft (at back of sidewalk or property line)
 - Major tree clearing limits
 - Slopes: no toe of slope within 5 ft of property line
 - Proposed topography, contours, spot elevations, structures, retaining walls, impervious areas
 - Spot elevations: building corners, driveway apron centerline, gutter line
 - Elevations: top of concrete, garage floor
 - Erosion control barrier
 - Stormwater requirements: plan and details
 - Building footprint (sf)
 - Total impervious area (sf)
 - Foundation drain(s) with invert elevations at structure and outfall
- General Notes
 - Reference Appendix B (sample engineered site plan).

IV. Design Standards and Construction Requirements

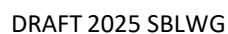
- a. Porous pavement is considered an impervious surface for calculating Required Water Quality Volume and Required Recharge Volume. The larger of the two must be used to size the storage media beneath porous pavement.

- b. Subsurface components shall not be backfilled or concealed until final inspection is conducted by the Approving Authority and written permission to backfill is granted by both the Approving Authority and the design engineer. Any covered components without such permission shall be uncovered at the request of the Approving Authority or the Department.
- c. Upon request, the designer shall submit an electronic ACAD-compatible site plan.

V. Field Testing and Infiltration System Requirements

- a. Every proposed infiltration area shall be assessed using:
 - Deep observation hole testing.
 - Soil profile determination.
 - Landscape position.
 - Hydrogeologic properties.
- b. Minimum Setbacks and Separation Distances
 - Minimum horizontal setback: 10 feet to property lines or basement structures.
 - If setback cannot be met, applicant must evaluate and provide protection to nearest receptors.
 - Minimum vertical separation: 2 feet between bottom of stone beneath infiltration system and high groundwater elevation.
 - For systems with <4 feet separation, a mounding analysis may be required by the approving permit authority.

DRAFT 2025 SBLWG



Appendix C: Sample Operations and Maintenance Plan (O&M)

Stormwater Management System Operation and Maintenance (O&M) Plan

This Stormwater Management System Operation and Maintenance (O&M) Plan describes the inspection and maintenance of the drainage and stormwater management system installed system at (address) in Needham, Massachusetts.

Responsible Party

The Property Owner is responsible for the operation and maintenance of the stormwater management system on the property.

Inspection and Maintenance

The stormwater management system covered by this O&M Plan consists of *(describe system and location)*.

In general, inspection and maintenance activities shall be conducted by qualified personnel and in accordance with best management practices and manufacturer's recommendations.

Inspection to be carried out every six months for the first year of service. Future inspection frequency can be adjusted based upon previous inspection observations however, inspections will be provided no less than annually.

Record-Keeping

Homeowner shall maintain a log of all inspections and maintenance activities which shall be made available to the Conservation Department upon request. The log shall include the following information:

- Date of inspection or maintenance
- Name of inspector or maintainer
- Conditions observed
- Description of cleaning or maintenance needs
- Description of maintenance provided

This O&M Plan shall be signed by the Property Owner and filed with the Registry of Deeds along with the Certificate of Compliance.

This O&M Plan is valid in perpetuity and any future Property Owners are solely responsible for management of the stormwater system on-site in accordance with this O&M Plan.

Property Owner

Name: _____ Signature: _____

Address: _____

(Attachments: if any)



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

MEETING DATE: 9/24/2025

Agenda Item	Needham Heights Banner Program
Presenter(s)	Paul Good, Needham Community Revitalization Trust Fund Committee Chair

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Needham Community Revitalization Trust Fund Committee has proposed a new banner program for display in the Needham Heights business district. The Select Board must approve these banners, in accordance with SB-DIS-005 (Banner Policy).	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board authorize the display of the Needham Heights business district banner program as proposed by the Needham Community Revitalization Trust Fund Committee.	
3.	BACK UP INFORMATION ATTACHED
a) Descriptions and Images of Proposed Banners b) Select Board Policy (BOS-DIS-005)	

NCRTF - Needham Heights Place Making and Parking Banner Proposal (Updated) 09/08/2025

The concept and design (prior to the new Needham Logo/font update) was approved by the Needham Design Review Board in March of 2024.

The project was delayed in submission to the Select Board due to the new Town logo design project completed at the end of 2024.

Concept goals for the Needham Heights Placemaking / Parking Banner Project are:

Placemaking Banners - Highland Avenue Location - To create an experience of place and positive energy, publicly showcasing Needham Heights as a vibrant community. These banners define you are within Needham Heights and will be visible as you enter or leave town from either direction.

Public Parking Banners With Placemaking - Mark Lee Rd and Hunnewell Ave.

To create higher visibility of Public Parking in the Heights center, highlight features of the immediate area to parkers and add positive energy to a blacktop parking area.

Placemaking Banner Features

Shopping / Dining / Avery Common / Needham Arts

Needham Heights center is a vibrant area with a variety of Shopping, Dining / Eatery and Services opportunities, centered around the recently revitalized Avery Common.

It is also host to public art, colorful town banners, Gorse Mill Art Gallery and more.

In an effort to help create greater public awareness of our active Needham Arts community of professional artists, including the performance arts, and multiple gallery venues throughout town, the “Needham Arts” feature helps consistently present Needham as an “Art Centric” community experience.

Placemaking Banner Locations:

Highland Avenue

The four banner / light poles spanning from Blue On Highland to Starbucks on that side of the Highland Avenue block.

One additional banner pole is located on Avery Common across from that block.

Each pole will have two identical banners per pole. All images are double sided.

Parking Lot “Public Parking” Banners - Parking Lot Behind Blue On Highland

Location: On the corner of Mark Lee Rd and Hunnewell Streets.

All blue and white “P” banner images are also double sided.

Goal for the Public Parking banner project:

Currently this public parking lot has only one small sign indicating it is a Public Parking Lot. It is currently a corner blacktop lot with no vibrancy and without being easy to identify as public parking, especially for new visitors to shops and restaurants.

The Public Parking "P" banners, (as used on Chapel Street to identify the Chapel Street Parking Lot for years) will add color and energy to this blacktop area and utilize the empty banner / light poles that light the lot's three entrances and lot.

The poles next to each entrance will display the blue "P" banners. Two banners per pole. Three poles. (Three entrances.)

There are two other poles located within this lot.

One is in the island between the two street entrances on Mark Lee.

The second is located at the rear of the parking lot in the right rear corner.

These two poles will display the Needham Heights Placemaking banners to bring these features to view for everyone who parks within the lot each day and evening.

These banners will both clearly identify the lot as Public Parking at any time, showcase some of the features of beautiful Needham Heights and add colorful, positive energy to this area.

The poles with the Placemaking banners in this lot will also create another visual connection to the Heights Center when people walk down Mark Lee from the parking lot and see the other Heights placemaking banners along Highland Avenue.

Materials and Durability

All the banners are to be made from Sunbrella material and the blue banner color used as the banner fabric is the closest match to the Needham colors as well as a traditional color for Public Parking signs. (Blue and White)

The updated design of the Needham Heights Placemaking banners incorporates both the new Needham logo branding and font.

The Public Parking banners are also updated to use the National Highway font for public signs.

These banners are a one time installation and will remain in place through all seasons.

The Public Parking banner currently on Chapel St, made from the same Sunbrella materials and ink, was in place for over 12 years before it was recently replaced with its spare.

The banner order includes two spares of each banner to allow for possible weather damage.

If the Needham Select Board approves this banner project the NCRTF will immediately solicit funding with a goal of having them fully installed by November.

Cost of project: \$3200.

We look forward to presenting this project and answering any questions you may have.

Thank you for your consideration.

Paul

Paul A. Good
Chair
The Revitalization Trust Fund Committee (NCRTF)
781-718-5552



**NEEDHAM
HEIGHTS**

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Brookline Bank

REST
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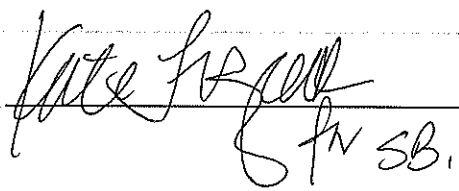
Brookline Bank



STARBUCKS COFFEE



Town of Needham Select Board

Policy Number:	SB-DIS-005
Policy:	Banner Policy
Date Approved:	March 23, 2021
Date Revised:	
Approved:	 Chair, Select Board for SB.

Section 1. Definitions

Needham Community Revitalization Trust Fund (NCRTF) – The NCRTF is a Committee appointed by the Select Board. The Committee manages and helps fund the installation of banners (and poles) in conjunction with the Board and the Office of the Town Manager.

Pole Banner – A pole banner is defined as a piece of cloth bearing a symbol, logo, slogan or other message that is attached to a designated pole on both ends.

Street Banner – A street banner is defined as a piece of material bearing a symbol, logo, slogan or other message that is displayed across a public street by being affixed to designated poles or other sturdy mechanisms on either side of the street.

Public Building Banner – A building banner is defined as a piece of material bearing a symbol, logo, slogan, or other message that is affixed to a public building. Building banners are limited to extraordinary circumstances or emergency situations as set forth in Section 3.5 of this policy.

Section 2. Policy

It is the policy of the Town of Needham to allow the use of banners in the Chestnut Street, Needham Center and Needham Heights business districts as provided herein.

- 2.1 Banners may be authorized by the Select Board for Town purposes and for non-profit organizations with a substantial Needham connection, with a particular emphasis on the placement of banners that highlight positive attributes of the Town or publicize upcoming events. For purposes of this section a substantial Needham connection may include having a mailing address in Needham, having principals who live or are employed in Needham, having a demonstrated history of providing services or programs, or sponsoring events, that benefit Needham, etc.
- 2.2 Banners must be in compliance with all applicable Town By-laws and this Select Board Policy.

- 2.3 Banners may not be used for commercial advertising; provided, however, that the name and/or logo of a commercial sponsor of a public event to be held by a non-profit organization or the Town may appear on a banner.
- 2.4 Banners must comply with the banner design, installation, and maintenance guidelines as provided in the Banner Guidelines to be developed in conjunction with the NCRTF.

Section 3. Programs

3.1 Symbols of Pride Program This includes approved banners, or the American Flag, to be installed on cobra head streetlight poles and period-styled, double-banner style streetlight poles along Great Plain Avenue, Chestnut Street, and Highland Avenue.

- 3.1.1 All banner artwork must be reviewed and approved by the NCRTF and the Select Board to ensure that the design and specifications are appropriate for the program.
- 3.1.2 The Symbols of Pride Program currently consists of 26 Cobra Head poles and 23 Period-styled pole locations.
- 3.1.3 The American Flag will be on display for Patriot's Day, Memorial Day, Flag Day, Independence Day and Veterans' Day.

3.2 Chapel Street Banner Showcase Program This program is designed to increase awareness of Municipal and Needham-based non-profit organizations, publicize events, and impart messages.

- 3.2.1 Showcase banner designs should be "Evergreen" in nature (without a specific event time/or date) to maximize the value of their production costs over multiple years of display.
- 3.2.2 This program consists of ten (10) designated period-style, double banner arm light poles on Chapel Street. These ten double poles along Chapel Street are configured to display 10 Anchor banners (non-rotating) and two Five Banner (rotating) cycles designed to allow for two different banners to be displayed at the same time.
- 3.2.3 Showcase banners are limited to a 30-day period unless otherwise approved by the Select Board.

3.3 Street Banner Program – Reserved

3.4 Public Building Banner Program The Select Board may approve the display of a building banner on the front of Town Hall or other municipal building under the jurisdiction of the Board, consistent with the policies set forth in Section 2.

- 3.4.1 Public Building Banners will only be authorized in extraordinary circumstances or for emergency situations.

3.4.2 Public Building Banners are limited to a 30-day period unless otherwise approved by the Select Board.

3.4.3 Approval of Public Building Banners is limited to municipal uses only.

Section 4. Exceptions

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



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

MEETING DATE: 9/24/2025

Agenda Item	Trails Initiative Update
Presenter(s)	Dave Herer, Conservation Commission Chair Deb Anderson, Director of Conservation
1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Conservation Commission and staff from the Conservation Division will present to the Board an update on the Trails Initiative. They will also discuss the status of implementing the Trails Master Plan.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Slide Presentation b. Trailhead Format Examples	



NEEDHAM TRAILS

Trail Initiative Update

AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

Background

Town of Needham Trails Master Plan



Needham Trails Advisory Committee

Lisa Standley - Chair
Kay Cahill Allison
Janet Bernardo
Cynthia Chaston
Mike Connors
Allen Downey
John Fountain
Michael Francis
Dawn Stolfi Stalenhoef
William Tedoldi
Patricia Carey - Park and Recreation Director
Kristen Phelps - Conservation Agent

Approved by the following Town Boards:
Board of Selectmen
Conservation Commission
Park & Recreation Commission
School Committee

November 2008

Funding for the preparation of this plan was provided by the
Town of Needham's Community Preservation Fund.

2007 – The Trails Advisory Committee was formed and tasked with creating the Trails Master Plan.

2008 – The Trails Master Plan (“TP”) was published, and outlined its own plan for implementation which includes:

The identification of a Town staff-person as “Trails Coordinator”

- Oversees the implementation of the TMP under the advisory guidance of the Trails Advisory Group (“TAG”)

The formation of the Trails Advisory Group

- Consists of a member of each board/departments that owns stake trails in the Town (ConCom, Select Board, Parks & Rec, Parks & Forestry, School Committee).
- The TAG is to be governed by the TMP and oversee its implementation quarterly under the Trails Coordinator.

AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

Implementation of the Trails Master Plan

Six major goals, to be accomplished over a six-year time period

Short-Term

(1) Establish the structure of the TAG under a Trails Coordinator

(2) Improve trail visibility, access, and use



"A journey of a thousand miles begins with a single step"
- Chinese Proverb

Long-Term

(3) Bring existing trails up to a uniform standard

(4) Build new trails to provide loops and access to important features

(5) Build new trails that connect existing properties

(6) Implement an ongoing maintenance plan

AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

Goal 2: Improving Trail Visibility, Access, and Use



A 2024 report by *Tighe & Bond* financed by CPA funds outlined priorities for accomplishing this goal and they are:
to standardize trail identification signage, kiosks, and maps across all "Needham Trails" properties.

TRAIL MARKERS - ISSUES

- INCONSISTENT TRAIL MARKER STYLE, MATERIALS, AND COLORS
- TRAIL MARKER COLOR DOESN'T MATCH TRAIL MAP
- INCONSISTENT TRAIL NAME AND DIRECTIONAL SIGNAGE

TRAIL MAPS - CURRENT ISSUES

- TRAIL LINE TYPES AND COLORS ARE BASED ON TRAIL CLASSIFICATION, WHICH ARE NOT USER FRIENDLY.
- SEGMENTAL TRAIL LENGTH AND NAMING
- LACK OF TRAIL INFORMATION: distance, elevation gain, marking, difficulty, time, special features, viewpoint, etc.
- MISSING INFORMATION ON THE MAP

INFORMATION KIOSK - ISSUES

- INCONSISTENT TRAIL MAP & INFORMATION DISPLAY
- INCONSISTENT REGULATION SIGNAGE DISPLAY
- INCONSISTENT TRAILHEAD KIOSK SIZE AND STYLE

This promotes safety and visibility, increases trail use, enhances user experience, and further protects our natural resources.

Feedback from the TAG is essential in the early phases because the formats identified would be in use on Town properties **regardless of ownership**, and reducing the piecemeal appearance of Town trails is important in this improvement.



AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

Status Update

Funds

Early 2025 - \$104,000 of CPA funds were awarded to this venture with the Town's two largest properties, Ridge Hill Reservation and the Town Forest, being the first to see this plan follow through.

The initial application and concepts were created and presented by Dave Herer, current chair of the Conservation Commission.

Trail Signage Improvements

CPC Presentation
January 22, 2025



Town of Needham
Conservation Department and Commission

Through this process Dave was able to obtain quotes and identify vendors for sign fabrication, signpost installation, and kiosk construction/installation.

Currently, a Purchase Order was approved for *Premier Fence* to begin the installation of new wooden posts at trail intersections and trailheads at Ridge Hill and the Town Forest (for signs to be affixed at a later date).

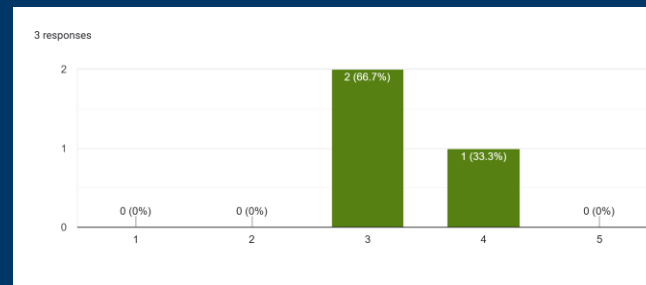
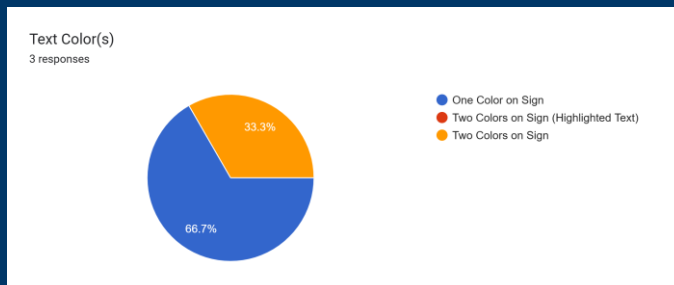
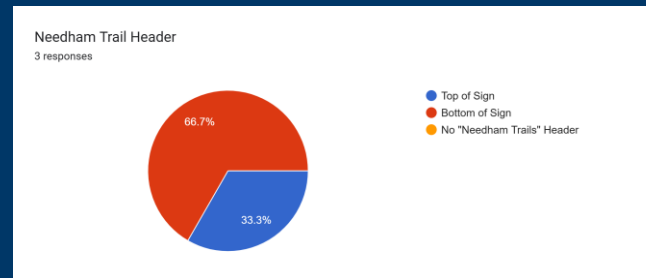
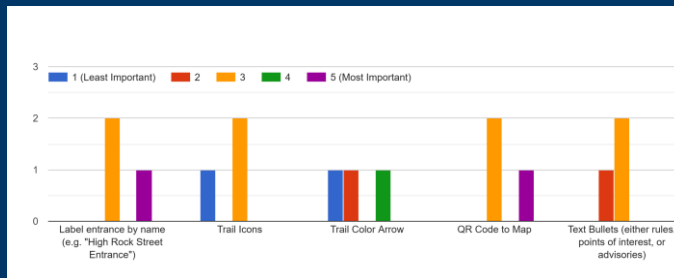
Status Update

Signs

Draft signs that adhere to the Town Branding Style Guide, and contain the information outlined in the TMP.

Feedback desired in the form of the TAG.

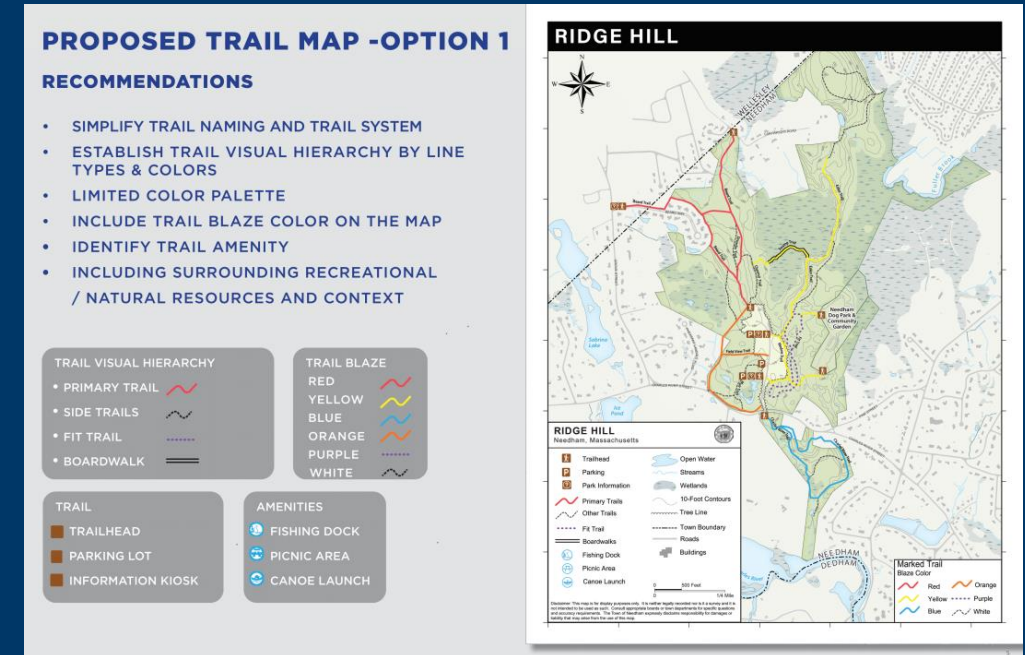
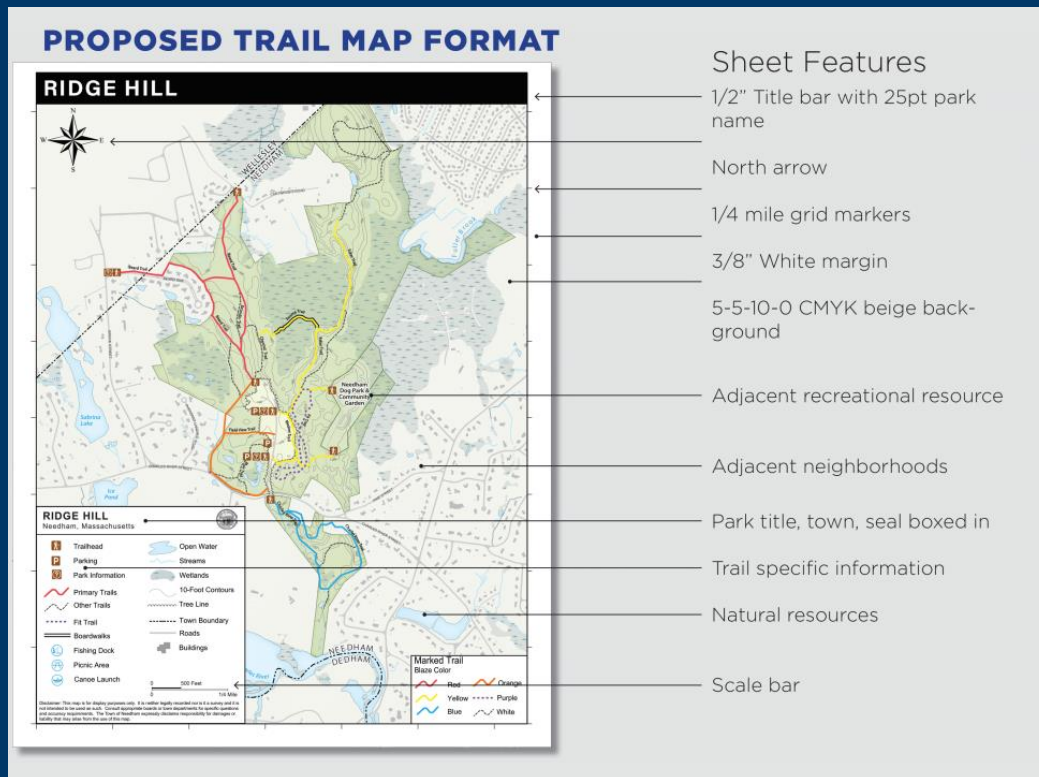
Town-wide implementation projected for Spring 2026.



Status Update

Maps

Map formats to be drafted in collaboration with the Town GIS Specialist and similarly voted upon by TAG members for all “Needham Trails” kiosk locations.



Status Update

Looking Forward

Short-
Term

- Early Fall 2025 – Wooden posts installed at trailheads and intersections of Town Forest and Ridge Hill
- Late Fall 2025 – Trails Advisory Group officially formed
- Winter 2025/2026 – Trail signage design approved by TAG
 - Map design approved by TAG
- Spring 2026 – Trail sign installation
 - Launch of “Trail Stewards” volunteer program

Long-
Term

- Summer 2026 – Beginning of Goal 3 (trail improvements) with 2025 CPA funds and Trail Stewards (at Ridge Hill and Town Forest)
- Spring/Summer 2027 – Implementation of Goals 2 & 3 at other Needham properties
- 2028-2030 – Improve trail networks
- 2031 – Status quo maintained through ongoing plan with Trail Steward program

AGENDA

🌿 Background

🌿 Implementation of the Trails Master Plan

🌿 Goal 2: Improving Trail Visibility, Access, and Use

🌿 Status Update

🌿 Action

How can the Select Board support the vision of the Trails Master Plan?

Feasibility of Select Board involvement in the Trails Advisory Group?

What advisory oversight would be desired in the short-term goals?

Comments and questions?



Thank you!

NEEDHAM TRAILS





NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead





NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead



High Rock Street
Entrance



NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead





NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead





NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead



Map & Info

Needham Town Forest Horsford Road Trailhead



Map & Info



NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead



NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead

High Rock Street Entrance



Map & Info



NEEDHAM TRAILS

Text Option – Email – Phone Number - Website

Needham Town Forest

Horsford Road Trailhead

High Rock Street Entrance

- Carry-in and Carry-out Litter
- No Fires
- All Dogs Must Be Leashed
- Bikes Allowed On-Trail Only
- Open Dawn to Dusk
- 0.15-miles to High Rock
- 1.1-miles to Central Ave. Parking Lot



NEEDHAM TRAILS



NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead





NEEDHAM TRAILS

Needham Town Forest

Horsford Road Trailhead



**High Rock Street
Entrance**

Needham Town Forest Horsford Road Trailhead

High Rock Street Entrance

- Carry-in and Carry-out Litter
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NEEDHAM TRAILS



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

MEETING DATE: 9/24/2025

Agenda Item	Proposed Updates to Alcohol Regulations
Presenter(s)	Myles Tucker, Support Services Manager
1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Periodically, staff proposes recommended updates to the Town of Needham Regulations for the Sale of Alcoholic Beverages (“regulations”) based on input from the Board, changes in state law, feedback from licensees, and changes to the practice of license administration. The proposed changes before the Board are in line with this practice. The Board most recently updated the alcohol regulations in April 2023. A public hearing on the proposed updates will be scheduled for the October 14, 2025 meeting of the Select Board.
2.	VOTE REQUIRED BY SELECT BOARD
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	a. Background Memorandum, 9/16/2025 b. Proposed Update to Town of Needham Regulations for the Sale of Alcoholic Beverages – Clean Draft, 9/24/2025 c. Proposed Update to Town of Needham Regulations for the Sale of Alcoholic Beverages, 9/24/2025



MEMORANDUM

TO: Select Board
CC: Katie King, Town Manager; David Davison, Deputy Town Manager/Director of Finance; John Schlittler, Chief of Police; Tim McDonald, Director of Health and Human Services; Christopher Heep, Town Counsel
FROM: Myles Tucker, Support Services Manager
SUBJECT: Town of Needham Regulations for the Sale of Alcoholic Beverages – Proposed Update
DATE: September 16, 2025

Background

Periodically, staff proposes recommended updates to the Town of Needham Regulations for the Sale of Alcoholic Beverages (“regulations”) based on input from the Board, changes in state law, feedback from licensees, and changes to the practice of license administration. The proposed changes before the Board are in line with this practice. The Board most recently updated the alcohol regulations in April 2023.

As additional background, below is a summary of the current inventory of issued licenses relative to the quota allotted to the Town:

Type	Quota	Issued	Remaining
On-Premises, All Alcohol	34	21	13
On-Premises, Wine and Malt	7	1	6
Off-Premises, All Alcohol	7	7	0
Off-Premises, Wine and Malt	7	0	7

Discussion

The proposed changes primarily cover a series of substantive changes (listed in order by their appearance in the proposed regulations):

Addition of Continuing Care Retirement Communities as Category and Regulating Self-Service Taps

In 2025, the Board approved an on-premises alcohol license to North Hill, a Continuing Care Retirement Community (CCRC). North Hill was the first CCRC to apply for and be granted an alcohol license in Needham. The proposed regulations add a new section governing CCRCs. Similar to the unique motion the Board voted to approve North Hill’s license, these regulations draw from existing regulations for non-profit clubs. North Hill was also the first establishment in Needham to utilize self-serve taps. The proposed changes now include text regulating this service model.

Extension of On-Premises Last Call Time to Midnight

In 2018, the Board changed the allowable last call time for on-premises licenses from midnight to 11 PM (note: state law allows for service as late as 2 AM). However, the Board did not require that restaurants change their ABCC approved hours following this change and many continue to keep their previously approved hours. Further, the Board has granted several newer licensees exceptions to have last call time at midnight. In total, 15 of the 22 on-premises licensees in Needham are currently licensed to serve alcohol until midnight, including 12 of 16 restaurants. To align with practice, the proposed regulations restore the Town’s allowable last call to midnight.

Changing Employee Roster Reporting

In 2023, the Select Board included a requirement for licensees to provide the Town with an updated staff roster within 45 days of any new hire and during their annual license renewal process. The purpose of this requirement is to ensure that each staff member involved in alcohol service is properly trained. Over the past two years, the 45-day requirement has proven onerous in practice both to licensees and Town staff. The proposed changes remove this requirement, while maintaining annual reporting and clarifying that the Board may request a current roster at any time.

Training Changes and Clarification

On the recommendation of the Needham Department of Health and Human Services, the proposed regulations permit live virtual training as a substitute for live in-person training requirements. This training medium is becoming increasingly common. It can be accessed more expeditiously and at a lower cost than in-person training in the event that free, Town-provided training is not available on a suitable timeline. Further, the proposed regulations clarify that only the staff involved in the service of alcohol must be trained in alcohol service.

Innkeeper Updates

The proposed regulations make two changes to Innkeeper licenses. First, “cocktail lounge” is replaced with “restaurant or guest lounge”, aligning with current industry practice. Second, the proposal removes text linking restaurant regulations to hotels, since hotels also serve alcohol at front desk concession desks. The current text contradicts a later section that discusses sales at the concession stand.

Existing Common Victualler Standard

Over the past five years, the Board has chosen not to hold restaurant applicants to a current regulation that requires 12 months of operation as a restaurant before applying for an alcohol license. The proposed regulations removes this requirement to align with current practice.

Annual Service Report CPA Requirement

Current regulations require that the annual alcohol service report provided by restaurants be completed by a certified public accountant (CPA). The Town has heard feedback from businesses that this requirement is onerous and that the report can be accurately generated without a specialized professional. The proposed regulations remove the CPA requirement while maintaining annual reporting.

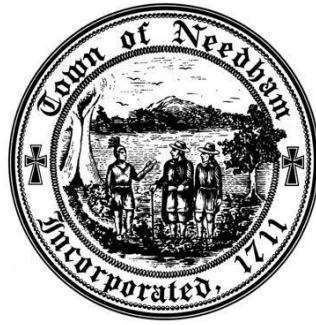
Penalties

The proposed regulations make two changes to penalties. First, based on case law and recent practice, the recommended first penalty for a compliance check failure now includes text recommending the suspension be held in abeyance. Of note, the Board is welcome to hold any penalty in abeyance. Second, following recent Board input, language requiring that penalties be served consecutively is removed, along with the addition of language codifying the Board’s practice to hold a hearing following a third violation or compliance check failure.

Administrative and Technical Changes

The recommended regulations also recommend several technical and administrative changes aimed at updating stale language and replacing it with evergreen text; improving clarity; updating text to account for advances in technology and procedures; making numerical changes necessitated by changes to section numbering; and formatting adjustments. Specific examples include:

- Replacement of references to specific citations in Massachusetts General Laws with references to “applicable regulation[s] of Massachusetts General Law”
- Clarifies that a building inspection is required prior to issuing an initial license
- Removes the requirement for applicants to provide other licenses issued by the Town or ABCC
- Clearly states that scanner apps on cell phones may be acceptable card scanning device
- Removes text alluding to a fee schedule attachment that is redundant to the current Select Board fee schedule



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

Amended and Revised: DD Mon YYYY

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

Licensing Authority: Select Board

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

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

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

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license. The sale of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.
- 1.5 Continuing Care Retirement Community Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in a continuing care retirement community under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.
- 1.6 Continuing Care Retirement Community All Alcoholic Beverages: issued to qualified applicants to sell all alcohol beverages in a continuing care retirement community under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.

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

II. COMPLIANCE

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

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

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board except those applicable to Special One Day Licenses (Section 8).

3.1 Hours of Operation

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

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 12 a.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

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

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

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

3.1.3 Off-Premises Consumption

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

3.1.4 Adjustments

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

3.1.5 Employees and Staff

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

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

3.2 Payment of Charges and Taxes

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

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License.

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

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Certificate of inspections, where required;
- e. Employee roster (Section 3.4.2.); and
- f. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.2 Application for Renewed License

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

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required;
- d. Employee roster (Section 3.4.2.); and
- e. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.3 Abutter Notification

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

3.3.4 Insurance

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

3.3.5 Fees

All license fees of the Board are incorporated into the Select Board licensing fee schedule. This schedule is reviewed on an annual basis and updated by the Select Board as required.

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

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

3.3.6 Floorplans and Signage

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

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

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

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

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

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

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

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

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

3.4.2 *Employee Roster*

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided prior to operation when first opening, annually upon license renewal, and upon the request of the Select Board or its designee.

3.4.3 *Training*

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

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

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

3.5 *General and Miscellaneous Provisions*

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

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

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

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

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

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

5.1 Purpose

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

The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.

5.2 Common Victualler's License

No alcohol license will be issued to any Applicant unless such Applicant is the Licensee named in a current or pending Common Victualler's license.

5.3 Food Service

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

5.4 Fire Safety Inspections

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

5.5 Bar Service

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

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

5.6 Reporting

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

VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

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

VII. RULES AND REGULATIONS APPLICABLE TO CONTINUING CARE RETIREMENT COMMUNITIES

- 7.1 Every continuing care retirement community (CCRC) applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 93, Section 76 of the General Laws of the Commonwealth of Massachusetts. The within provisions may be waived by the Select Board.
- 7.2 Every CCRC shall be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each Applicant shall furnish a copy of legal evidence of its eligibility as herein specified when requested by the Select Board.
- 7.4 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager of record who is of good moral character

and a responsible person. The manager of record will act on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors, the manager of record shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

7.5 Section 5.3 of these policies shall apply to all CCRCs.

VIII. RULES AND REGULATIONS APPLICABLE TO SPECIAL ONE DAY LICENSES

8.1 Hours of Sale

Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.

8.2 Notice

Special Event Licenses are exempt from the legal notice and publication requirements.

8.3 Eligibility

8.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board. No person shall be granted a Special Event License for more than 30 days in a calendar year.

8.4 Application

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

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

8.5 Conditions

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

IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

9.1 General Provisions

- 9.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may employ a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.
- 9.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.
- 9.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 9.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 9.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 9.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within

the premises to which customers do not have direct access, such as behind a counter.

9.2 Deliveries

9.2.1 For all deliveries conducted off the licensed premises, the Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

9.2.1.1 Deliveries must be made during the operating hours of the store.

9.2.1.2 Deliveries shall be made by persons no less than 21 years of age.

9.2.1.3 A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

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

9.3 Sample Tastings

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

9.4 Food Store Alcohol License Requirements

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

with any and all requirements.

- 9.4.2 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.
- 9.4.3 Regular sales and operation of the food store must continue during all times when the sales of alcoholic beverages are permitted.
- 9.4.4 Package store licenses issued to food stores shall be limited to wine and malt beverages only; provided, however, that a farm stand, as defined in 330 CMR 22.02, shall be eligible for an all-alcohol package store license.

X. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

10.1 Applicants

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

10.2 Purpose

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

10.3 Water Station

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

10.4 Occupancy

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

10.5 Food Service

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

XI. VIOLATIONS

11.1 Violations

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

11.2 Suggested Orders

Except as provided in Section 11.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances.

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten to thirty day suspension. Licensee shall be required to provide the Board with a satisfactory written plan to prevent further violations, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license. The Select Board shall hold a hearing relative to the offense.
4 th Offense	Revocation.

11.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance

checks, which are intended to be educational by design. Other violations discovered during the course of a compliance check may following the suggested order scheme identified in Section 11.2. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances.

Offense	Suggested Order
1 st Offense	One to two day suspension, which may be held in abeyance for one calendar year.
2 nd Offense	Up to five-day suspension.
3 rd Offense	Up to ten-day suspension. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan to prevent further violations, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license. The Select Board shall hold a hearing relative to the offense.
4 th Offense	Minimum ten-day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.

11.4. Training

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

11.5 Prior Violations

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

11.6 Hearings

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

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

11.7 Notice of Suspension

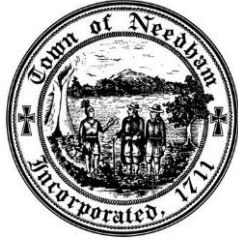
On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and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

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022
Amended and revised: 4/25/2023
Amended and revised:

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

Amended and Revised: DD Mon YYYY

I. Types of Licenses to be Granted in Needham

II. Compliance

III. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town

IV. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders Only

V. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants

VI. Rules and Regulations Applicable to Clubs and Veterans Organizations

VII. Rules and Regulations Applicable to Continuing Care Retirement Communities

VIII. Rules and Regulations Applicable to Special Event Licenses

IX. Rules and Regulations Applicable to Package Stores

X. Rules and Regulations Applicable to Farmer Series Pouring Permittees

XI. Violations

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Licensing Authority: Select Board

Revision Date:

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

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

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

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license. ~~applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license.~~ The ~~sale~~ Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)

- ~~1.2~~ 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license. ~~applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license.~~ (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)

- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license. ~~applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license.~~ (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)

- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Law, this regulation, and any

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and all conditions stipulated for the specified license. applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)

1.5 Continuing Care Retirement Community Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in a continuing care retirement community under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.

1.6 Continuing Care Retirement Community All Alcoholic Beverages: issued to qualified applicants to sell all alcohol beverages in a continuing care retirement community under the applicable regulations of Massachusetts General Law, this regulation, and any and all conditions stipulated for the specified license.

1.4

1.51.7 Special EventOne Day: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, this regulation, and any and all conditions stipulated for the specific license.f

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

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~~4.61.8~~ Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. ~~(Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)~~

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~~4.71.9~~ Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. ~~(Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)~~

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~~4.81.10~~ Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word "license", "Licensee", and "licensed premises" shall include a "Farmer Series Pouring Permit", "Farmer Series Pouring Permittee", and "premises subject to a Farmer Series Pouring Permit", respectively, unless otherwise noted.

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II. COMPLIANCE

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

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

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board, except those applicable to Special One Day Licenses (Section 8).

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3.1 Hours of Operation

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

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 12⁺
~~a~~p.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

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

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

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

3.1.3 Off-Premises Consumption

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

3.1.4 Adjustments

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

~~3.1.5~~ Employees and Staff

~~3.1.5~~

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

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

3.2 Payment of Charges and Taxes

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

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License

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

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Certificate of inspections, where required;
- e. Employee roster (Section 3.4.2.); and
- f. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).
- ~~e. —~~
- ~~d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and~~
- ~~e. Any additional information the Select Board shall request.~~

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3.3.2 Application for Renewed License

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

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- ~~e.d.~~ Employee roster (Section 3.4.2.); and
- ~~e.c.~~ Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

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3.3.3 Abutter Notification

When conducting a public hearing to consider the issuance or transfer of a

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

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3.3.4 Insurance

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

3.3.5 Fees

All license fees of the Board are incorporated in ~~these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable to the Select Board licensing fee schedule. This schedule is reviewed on an annual basis and updated by the Select Board as required.~~

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

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

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3.3.6 Floorplans and Signage

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

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

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

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

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

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

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

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

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

3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided prior to operation when first opening, annually upon license renewal, and upon the request of the Select Board or its designee to the Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 Trainings

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

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

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

3.5 General and Miscellaneous Provisions

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

~~3.5.1~~ M.G.L. c.138, §19C or §19D.

~~3.5.2~~ No Licensee shall sell alcoholic beverages in any part of the premises not

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specified on its license or such other license issued by the ABCC. No change of such area or location shall be made without prior written approval of the

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~~3.5.2 Select Board~~—The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

3.5.3 The licensed premises must be well ~~lighted~~lit at all times.

3.5.4 There shall be no indecent or immoral entertainment on the licensed premises.

3.5.5 Gambling, lotteries, or other ~~illegal machines or~~ games are prohibited except as otherwise permitted by law.

3.5.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the Town so directed by the Select Board.

3.5.7 ~~No licensed restaurant, innkeeper, continuing care retirement community,~~ Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.

3.5.8 Service of alcoholic beverages shall be completed by a trained staff member by a bartender/server/wait person or through a metered self-service station under the supervision on a trained staff member (applicable to on premise Licensees only, including Farmer Series Pouring Permittees).

3.5.9 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

3.5.10 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

~~3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.~~

~~3.5.13~~3.5.12 The Licensee shall request proof of identification from any patron appearing to be under the age of 40 prior to any alcohol sale and confirm the authenticity of the identification card through the use of a digital card scanner or a card scanning application on an electronic device, such as a tablet or cellular phone.~~digital card scanner.~~

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

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

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

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

5.3 Food Service

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

5.4 Fire Safety Inspections

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

5.5 Bar Service

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

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

5.6 Reporting

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

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VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

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

VII. RULES AND REGULATIONS APPLICABLE TO CONTINUING CARE RETIREMENT COMMUNITIES

- 7.1 Every continuing care retirement community (CCRC) applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 93, Section 76 of the General Laws of the Commonwealth of Massachusetts. The within provisions may be waived by the Select Board.
- 7.2 Every CCRC shall be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each Applicant shall furnish a copy of legal evidence of its eligibility as herein specified when requested by the Select Board.

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7.4 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager of record who is of good moral character and a responsible person. The manager of record will act on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors, the manager of record shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

7.5 Section 5.3 of these policies shall apply to all CCRCs.

VIII. RULES AND REGULATIONS APPLICABLE TO SPECIAL ~~EVENT~~ ONE DAY LICENSES.
VI.

7.18.1 Hours of Sale

Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.

7.28.2 Notice

Special Event Licenses are exempt from the legal notice and publication requirements.

7.38.3 Eligibility

~~7.3.1~~ No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

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~~7.3.28.3.1~~ No person shall be granted a Special Event License for more than 30 days in a calendar year.

~~7.58.4~~ Application

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

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

~~7.6~~ 8.5. Conditions

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

~~7.7~~ Alcohol Training

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

~~VIII.~~ IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

~~8.19.1~~ General Provisions

~~8.1.19.1.1~~ Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may

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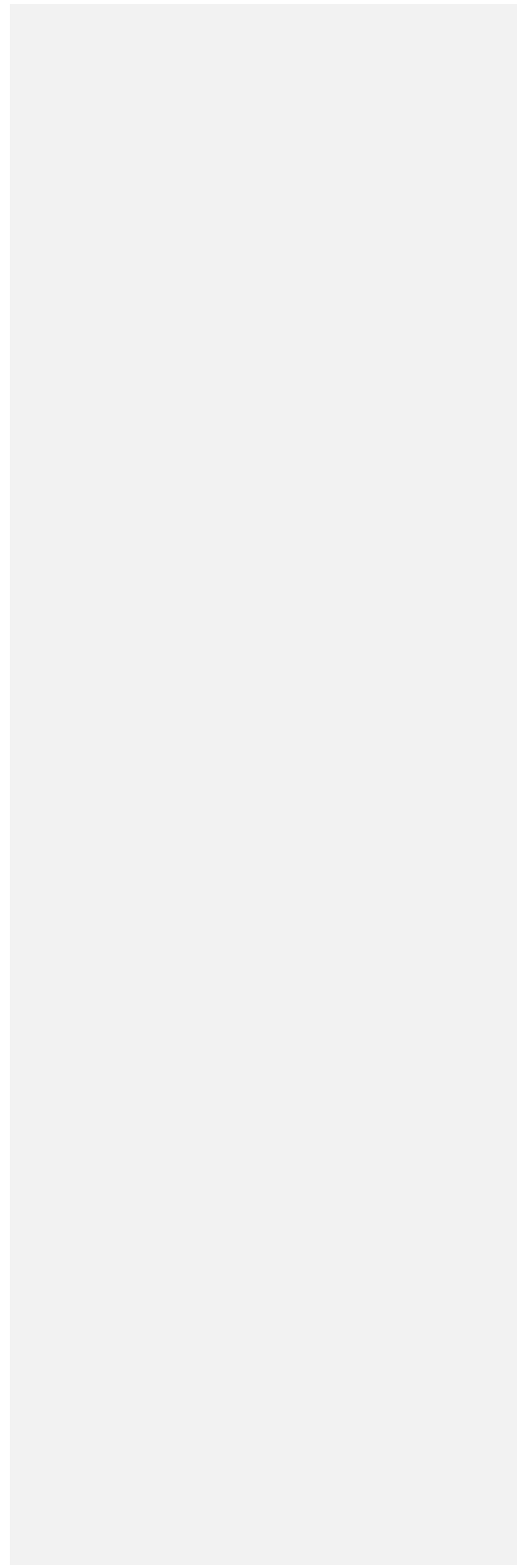
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a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages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

8.1.29.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.

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8.1.39.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.

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8.1.49.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.

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8.1.59.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.

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8.1.69.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.

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8.1.79.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

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8.29.2 Deliveries

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

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

~~a)~~9.2.1.1 Deliveries must be made during the operating hours of the store.

~~b)~~9.2.1.2 Deliveries shall be made by persons no less than 21 years of age.

~~c)~~9.2.1.3 A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

~~8.2.29.2.2~~ Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

8.39.3 Sample Tastings

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

8.49.4 Food Store Alcohol License Requirements

~~8.4.19.4.1~~ A food store is defined as a farm stand, grocery store, or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an Applicant is a food store as set out herein and in compliance with any and all requirements.

~~8.4.19.4.2~~ A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.

~~8.4.29.4.3~~ Regular sales and operation of the food store must continue during

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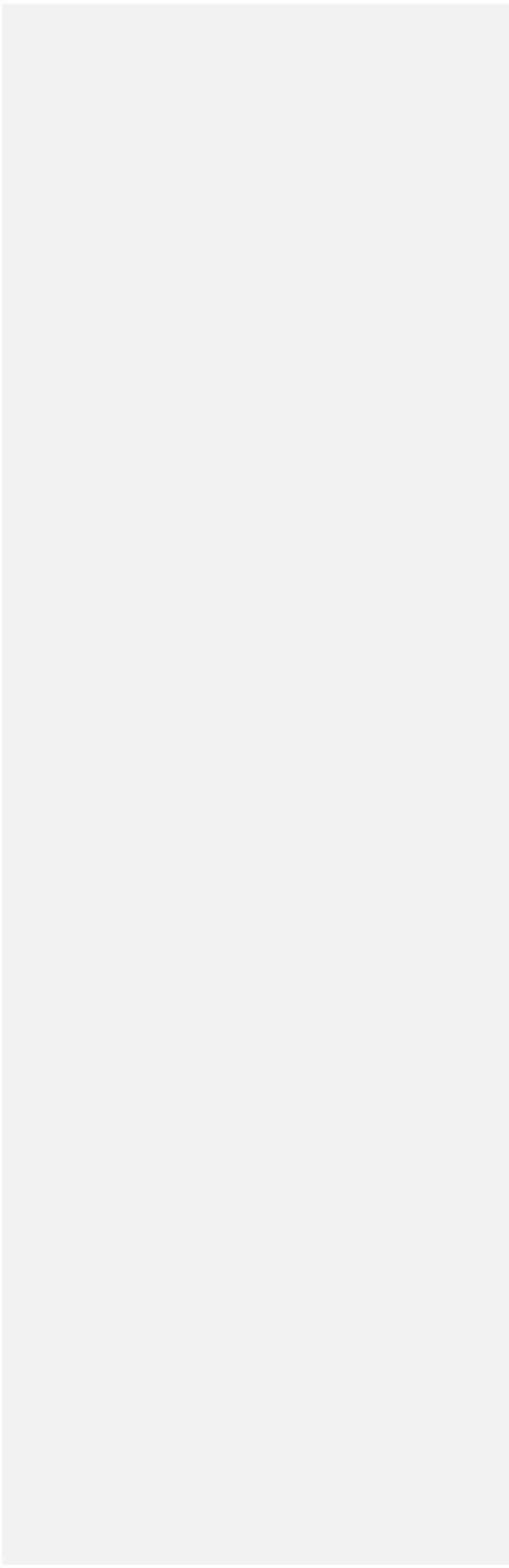
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times when the sales of alcoholic beverages are permitted.

~~8.4.39.4.4~~ Package store licenses issued to food stores shall be limited to wine and malt beverages only; provided, however, that a farm stand, as defined in 330 CMR 22.02, shall be eligible for an all-alcohol package store license.

~~IX.X.~~ RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

~~9.1~~10.1 Applicants

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

~~9.2~~10.2 Purpose

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

~~9.3~~10.3 Water Station

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

~~9.4~~10.4 Occupancy

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

~~9.5~~10.5 Food Service

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

X.XI. VIOLATIONS

40-211.1 Violations

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

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40-211.2 Suggested Orders

Except as provided in Section 40-211.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. ~~Dates of suspension will be determined by the Select Board and suspensions of more than one day will be served consecutively.~~

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten to thirty day suspension. <u>Licensee shall be required to provide the Board with a satisfactory written plan to prevent further violations, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license. The Select Board shall hold a hearing relative to the offense.</u>
4 th Offense	Revocation.

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40-211.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, which are intended to be educational by design. Other violations discovered during the course of a compliance check may following the suggested order scheme identified in Section 11.2. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances. ~~Dates of suspension will be~~

determined by the Select Board and suspensions of more than one day will be served consecutively.

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

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10.11.4. Training

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

10.11.5 Prior Violations

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

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10.11.6 Hearings

10.6.11.6.1 A Licensee shall have a right to notice and ~~public~~ hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency

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circumstances as allowed by Law suspend the license pending hearing.

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~~10.6.2~~11.6.2 A Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

~~10.7~~11.7 Notice of Suspension

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

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022
Amended and revised: 4/25/2023
Amended and revised:

SELECT BOARD

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

MEETING DATE: 9/24/2025

Agenda Item	Introduce Deputy Town Manager
Presenter(s)	Katie King, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will introduce Liz LaRosee, newly appointed Deputy Town Manager.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Resume for Liz LaRosee	

PROFESSIONAL PROFILE

Seasoned municipal leader with over 10 years of dedicated service to the Town of Randolph, with a demonstrated history of leading multiple town departments, ensuring fiscal responsibility, and fostering community engagement. Skilled in overseeing complex operational functions, including budget management for combined department funds, and supervising a workforce of 70+ employees across recreation, library, elder services, social services, and veterans' services. Known for strategic HR management, procurement, and grants administration, as well as successfully collaborating with the Town Manager on interdepartmental priorities, union negotiations, and capital projects. Proven expertise in coordinating community events, from local programs to major town-wide gatherings, and in crisis response leadership. Recognized for innovative solutions that enhance quality of life, inclusivity, and responsiveness to community needs.

EDUCATION

Local Government and Leadership Management	2023
Suffolk University, Certificate Program	
Diversity & Inclusion	2020
Cornell University, Certificate Program	
Master of Science in Library and Information Science	2015
Simmons College, Boston, MA	
Bachelor of Arts in Political Science	2008
Boston University, Boston, MA	

WORK EXPERIENCE

Director of Library, Recreation, and Community Programs	<i>Randolph, MA</i>
Town of Randolph	<i>Feb 2020 - Present</i>
• Direct oversight and strategic management of five departmental budgets (human services), five department heads as direct reports, direct liaison to multiple town boards, and oversight of a diverse workforce of 70+ employees (consisting of full time, part time, contracted, seasonal, union, non-union, and per diem staff). Direct oversight for capital improvement, grants, ARPA monies, revolving funds, and various other funding sources for these departments. This includes the operation and maintenance of two state-of-the-art facilities, a community pool, an ice rink, as well as several parks and recreational buildings. • Town of Randolph Communications Manager – Marketing and public relations for town departments including Town website (implemented 2022 re-design with equity enhancements), newsletters, and press releases. • Randolph Emergency Management Team - Create and coordinate PR, data, marketing, and events pertaining to Covid-19 mitigation, testing (over 150 clinics), vaccine (over 90 clinics), and safety standards. Coordinate interdepartmental information; train and implement town staff on google and other technologies to improve communication methods. Create and implement emergency policies for all town departments. Chair the Randolph Resiliency Committee, working with United Way to raise over \$4 mil to help residents in need. Chair the Vaccine Equity & Outreach Committee to host data sharing meetings, outreach events, and act as liaison to state officials. Manage purchasing with Cares Fund, FEMA funding, and ARPA funding.	

Library Director
Turner Free Library

Randolph, MA
Feb 2019 – Feb 2020

- Envisioned, blueprinted, and financed Randolph's first public digital innovation lab at the Turner Free Library, enabling advanced level technology training and intergenerational opportunities.
- Implemented a cloud-based staff-training manual, staff website, and crisis management documentation/training for the library's first emergency action plan and security procedure.

Assistant Director; YA and Emerging Technologies Librarian

Randolph, MA

Turner Free Library

Nov 2014 – Feb 2019

- Collaborated, planned and implemented new technologies including RFID, self-checkout stations, a new security system, and new HVAC controls during the 2016 major library renovation.
- Redesigned website and rebranded library for 2017 marketing campaign with increased library visibility of 17% in the community.
- Evaluated and implemented new technology, including staff and community training modules.
- Planned and facilitated programs for all ages - including STEM, increasing attendance by 50%.

Reference Librarian

Needham, MA

Needham Free Public Library

Oct 2018 – Feb 2020

- Reference and technology assistance; Sunday building supervisor

Data Analyst and Customer Liaison

Boston, MA

Optum360, United Health Care – Boston Medical Center/Boston Children's Hospital

Dec 2009 – Nov 2014

- Data analysis: On-site liaison and ad hoc reporting for five clients; Accounts payable and receivable.
- Data storage, archives, project management, and HIPAA compliance training.

VOLUNTEER AND LEADERSHIP WORK

Municipal Liaison, Municipal Immigrant Support Network with MAPC

Greater Boston, September 2021-Present

Executive Board Member, Self Help, Inc. Community Action Agency

Southeastern Region, February 2021-Present

Committee Chair, Local Cultural Council

Randolph, MA, October 2021 –December 2024

ARPA Expenditures Committee Member, Health Resources in Action (HRIA)

Randolph, MA, September 2022-September 2024

Site Liaison, Girls on the Run Mentorship Program

Greater Boston, February 2021-2023

Committee Member, Randolph Public Schools Service Coordination Committee

Randolph, MA, November 2019-2023

Steering Committee, Community Health Improvement Plan

Randolph, MA, April 2019-2023

Mentor, Randolph Youth Council

Randolph, MA, January 2017 – March 2019

Deputy District Leader, Humane Society of the United States

Boston, MA, January 2018 – December 2020

Mentor, Boston Speaks: Women Own the Room Program

State-Wide, Spring 2019-Fall 2019

Committee Member, YALSA Division and Membership Promotion Committee

National, July 2018 – July 2019

Vice Chair, OCLN Technology Roundtable

South Shore, MA, April 2018 – March 2019

President, South Shore Young Adult Roundtable

South Shore, MA, March 2015 – September 2017

eContent Purchaser, OCLN eSelection Committee

South Shore, MA, September 2015 – July 2017

Book Club/Discussion Volunteer, Bridgewater State Prison

Bridgewater, MA, February 2015 – September 2016

Public Library Volunteer, Whitman Public Library

Whitman, MA, September 2012 – November 2014

PRESENTATIONS/PUBLICATIONS/GRANTS/AWARDS

- United Way Summer Step Up Grant (2021 - 2024) – Early Childhood Learning Program
- State Earmark Funding (2022-2024) – Town-wide Social Worker Salary and Expenses
- Emergency Response and Social Services Speaker (2024) - MEMA Local workshop
- Congressional Earmark, Community Project Funding (2023) - \$524k Bookmobile Project
- National Fitness Campaign Blue Cross Grant (2023) - Outdoor Fitness Court Implementation
- Mass Cultural Council Festivals Grant (2023) – Randolph Day Festival
- Mass Council on Aging Behavioral Health Innovation Grant (2022) – Hoarding Disorders in Seniors
- Community Cornerstone Award (2022) – State and House Citations, Randolph Community Partnership
- Community Transit Grant (2022) – Mass Department of Transportation, Senior Van
- Massachusetts Municipal Association Kenneth Pickard Innovation Award - Resiliency Fund (2021)
- MLA Annual Speaker (2021) – “Redefining Essential: Public Libraries as Command Centers”
- USA Swimming Foundation Learn to Swim Grant for Community Pools (2021 & 2022)
- AGO Health Youth Summer Internship Grant (2021)
- OCLN Legislative Event Speaker (2020) – “Using Libraries to Promote Community Voice”
- Internet Librarian Speaker (2019) – “Fiscally Responsible Space Use in a Digital Age”
- Walmart Community Grant (2019) – Assistive Devices for Persons with Disabilities
- Communities in Crisis: Libraries Respond Speaker (2019) – “Training Your Staff for Crisis”
- Changemakers in 21st Century Libraries (Democratic Knowledge Project) – Harvard University (2019)
- Rhyme and Reason Fund Library Initiative for Teens/Tweens Grant (2018 & 2019)
- Penguin Random House Library Award for Innovation Book Grant (2018)
- Randolph Stepping Up For Youth Award Recipient (2018), Legislative Citation
- Computers in Libraries Speaker (2018) – “Supporting Staff with New Tech”
- YALSA Summer Intern Grant (2018)
- Leadership Development Institute (2017)
- Walmart Community Grant (2017) – Emergency Preparedness
- Elizabeth LaRosee (2016), “Teen Book Covers: What’s Missing,” JRYLA 7, no 3: published article on lack of diverse representation and “whitewashing” on young adult book covers
- MLA Annual Speaker (2016) – “Social Responsibilities Panel - Outreach”
- NOBS Programming Speaker (2016) – “Empowering Teens in Your Community”
- OCLN Legislative Event Speaker (2016) – “Traveling Library – Outreach”
- LCC Grant (2015) – “African Drumming and Cultural Awareness”
- LSTA Grant (2015) – “Teens and Tweens”
- NELA Ignite Session Speaker (2015) – “Creating a Podcast at Your Library”

MEMBERSHIPS AND CERTIFICATIONS

Certificate in Municipal Human Resource Management, Certificate in Workplace Investigations, ICMA Creating a Culture of Higher Performance Certificate, Massachusetts Board of Library Commissioners Certificate of Librarianship (MBLC), National Association of Government Communicators, American Library Association, Massachusetts Library Association, Beta Phi Mu (Book Award Recipient), Randolph Complete Count Census Committee, International Librarians Network Mentor, ServSafe Food Handler, Mental Health First Aid, CPR, AED, Stop the Bleed, and Medical First Aid Certified (including Narcan administration)



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

MEETING DATE: 9/24/2025

Agenda Item	Senior and Veteran Property Tax Work-Off – Proposed Rules and Procedures
Presenter(s)	Katie King, Town Manager Myles Tucker, Support Services Manager
1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED The May 12, 2025 Special Town Meeting authorized MGL Chapter 59, Section 5K and modified the Town’s authorization of MGL Chapter 59, Section 5N, allowing the Town to implement property tax work-off programs for residents over 60 years old and veterans. Both statutes grant municipalities the “power to create local rules and procedures for implementing.” Based on feedback from the Board at its September 9, 2025 meeting, staff will provide an updated draft policy detailing proposed local rules and procedures for discussion.
2.	VOTE REQUIRED BY SELECT BOARD Suggested Motion: Move that the Board adopt SB-ADMIN-011: Senior and Veterans Tax Work-Off Rules and Procedures.
3.	BACK UP INFORMATION ATTACHED a. SB-ADMIN-011: Senior and Veterans Tax Work-Off Rules and Procedures – Clean Draft, 9/24/2025 b. SB-ADMIN-011: Senior and Veterans Tax Work-Off Rules and Procedures – Red-Line Draft, 9/24/2025

Town of Needham Select Board

Policy Number:	SB-ADMIN-011
Policy:	Senior and Veterans Tax Work-Off Rules and Procedures
Date Approved:	September 24, 2025
Date Revised:	
Approved:	

1. Policy

The Senior and Veterans Tax Work-Off Programs (“programs”) were authorized in their current iteration by a vote of the May 12, 2025 Special Town Meeting. The two programs provide property tax relief to property owners over the age of sixty (60) and to those who are qualified veterans of the United States Armed Forces (or spouses of qualified veterans who are either deceased or unable to participate due to a service-connected disability). The programs are governed by a structure authorized under Massachusetts General Law Chapter 59, Section 5K and 5N, respectively.

The May 12, 2025 Special Town Meeting further voted to allow the maximum reduction of the participant’s real property tax bill to be based on up to 125 hours of service at the state minimum wage annually.

The relevant statutes authorizing these programs and accepted by Town Meeting further provide the Select Board “power to create local rules and procedures for implementing” the programs. The Board deems it prudent to establish said rules and procedures to provide for the administration of these programs.

2. Applicability

This policy applies to Town of Needham departments and staff responsible for the provision of the programs. The Board acknowledges that the Board of Assessors has an independent role in the provision of this program.

3. Program Rules and Procedures

3.1 General Administration: The Town Manager shall ensure that the programs are administered, to include application, placement, program year, and property tax bill reduction processes.

3.2 Placement and Participation: The number of active participants in the programs will be limited by the number of placements available at a given time. Placement is not guaranteed and will be prioritized on a first-come, first-served basis determined by the date of receipt of a completed application. A wait list may be established should demand exceed placement opportunities. Both programs will be administered together with a combined placement prioritization and waitlist.

Participants may reject a placement if they do not wish to do the assigned work and will be offered the next available placement. The Town may withhold placement of applicants in the event that funds are not available to compensate participants. The Town may terminate a participant's placement or the placement of their approved representative at any time including, without limitation, upon a determination by the applicable supervisor that the participant has not satisfactorily performed in their assigned role or has failed to act in keeping with expected conduct.

- 3.3 Designation of Approved Representative: Qualified participants physically unable to complete assigned work may designate an approved representative to complete the work on their behalf. Approved representatives must be identified by the participant. Approved representatives must be at least eighteen (18) years old and capable of accomplishing the work required by the placement.
- 3.4 Income Cap: To qualify for the programs, eligible applicants must have a household income at or below eighty (80) percent of the Boston-Cambridge-Quincy Area Median Income (AMI).
- 3.5 Residency: To qualify for participation in the programs, an eligible applicant's primary residence must be the property that they would be working off the property tax of.
- 3.6 Tax Status: To qualify for the programs, eligible applicants must be current on all tax payments due to the Town of Needham.

Town of Needham Select Board

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3. Program Rules and Procedures

- 3.1 General Administration: The Town Manager shall ensure that the programs are administered, to include application, placement, program year, and property tax bill reduction processes.
- 3.2 Placement and Participation: The number of active participants in the programs will be limited by the number of placements available at a given time. Placement is not guaranteed and will be prioritized on a first-come, first-served basis determined by the date of receipt of a completed application. A wait list may be established should demand exceed placement opportunities. Both programs will be administered together with a combined placement prioritization and waitlist.

Participants may reject a placement if they do not wish to do the assigned work and will be offered the next available placement. The Town may withhold placement of applicants in the event that funds are not available to compensate participants. The Town may terminate a participant's placement or the placement of their approved representative at any time including, without limitation, upon a determination by the applicable supervisor that the participant has not satisfactorily performed in their assigned role or has failed to act in keeping with expected conduct.

3.3 Designation of Approved Representative: Qualified participants physically unable to complete assigned work may designate an approved representative to complete the work on their behalf. Approved representatives must be identified by the participant. Approved representatives must be at least ~~fourteen~~^{eighteen} (18) years old and capable of accomplishing the work required by the placement.

3.4 Income Cap: To qualify for the programs, eligible applicants must have a household income at or below eighty (80) percent of the Boston-Cambridge-Quincy Area Median Income (AMI).

3.5 Residency: To qualify for participation in the programs, an eligible applicant's primary residence must be the property that they would be working off the property tax of.

3.6 Tax Status: To qualify for the programs, eligible applicants must be current on all tax payments due to the Town of Needham.

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

MEETING DATE: 9/24/2025

Agenda Item	Display Policy
Presenter(s)	Katie King, Town Manager
1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will discuss the current Select Board Display Policy, which governs displays and structures on Town property under the jurisdiction of the Select Board.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. BOS-DIS-001: Display Policy	

Town of Needham Board of Selectmen

Policy Number:	BOS-DIS-001
Policy:	Displays on Town Property
Date Approved:	October, 2001
Date Revised:	May 11, 2010
Approved:	 Chairman, Board of Selectman

Policy:

1. Unattended structures and objects not owned by the Town are prohibited on Town property under the jurisdiction or control of the Board of Selectmen.
2. Attended structures and display objects not owned by the Town are prohibited on Town property under the jurisdiction or control of the Board of Selectmen, except by permit of the Board of Selectmen.
3. Permits for attended structures and display objects will be issued only when the Board of Selectmen determines that the placing of the structure or display object will not endanger the peace or safety of the public, and will not be a hazard to Town property.
4. This policy shall apply only to property not located within a building.
5. This policy shall apply only to property not located within a public way.
6. The permit of the Board of Selectmen shall be limited to a maximum of ten hours per day, between the hours of 7:00 a.m. and 10:00 p.m.
7. Such permits may contain terms and conditions calculated to protect the Town's Property and the peace and safety of the public, and to insure the restoration of Town property.
8. In the event of an emergency, where there is not sufficient time to convene a majority of the Board to issue a permit, the Town Manager is authorized to issue a permit which will be effective until the Board holds a meeting, at which time the Board may affirm the permit and/or issue another permit.



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

MEETING DATE: 9/24/2025

Agenda Item	Quiet Zone Update
Presenter(s)	Katie King, Town Manager Carys Lustig, Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager and Director of Public Works will provide an update on two components of the Town's initiative to eliminate regular train horn sounding: (1) the design of a Quiet Zone at Needham's five at-grade street crossings: West Street, Rosemary Street, May Street, Great Plain Avenue, and Oak Street; and (2) a proposed feasibility study for a culvert to create a grade-separated crossing at the Needham Golf Club. The Board will discuss recommendations from the Quiet Zone Working Group.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Needham Quiet Zone – Conceptual (10%) Opinion of Probable Construction Cost, dated September 16, 2025 b. Proposal for Feasibility Study, Needham Golf Club Crossing, dated September 17, 2025	

Needham Quiet Zone – Conceptual (10%) Opinion of Probable Construction Cost

TO: Carys Lustig, Tom Ryder; Town of Needham
FROM: Daniel L Murphy; Tighe & Bond
DATE: September 16, 2025 (Rev 9/17/25)

As requested, Tighe & Bond and Benesch have prepared this 10% Opinion of Probable Construction Cost (OPCC) for the implementation of a proposed quiet zone as presented in conceptual plans at the Field Diagnostic meeting held on March 19, 2025 and described in the notes from that meeting.

Grade crossing estimates below include pre-wired signal enclosures with constant warning time devices, crossing controllers, and recorders, conduit and cable, warning devices, and communication equipment. No rail replacement or improvement is anticipated.

Roadway estimate considers pavement milling and overlay, curbing and sidewalk construction, pavement markings and signage. An allowance has been included for adjacent roadway traffic signal modifications, to be coordinated with others.

DESCRIPTION	COST
Rail Signal Items	
West Street Grade Crossing Signal	\$825,000
Rosemary Street Grade Crossing Signal	\$630,000
May Street Grade Crossing Signal	\$805,000
Great Plain Avenue Grade Crossing Signal	\$865,000
Oak Street Grade Crossing Signal	\$825,000
Positive Train Control (PTC)	\$500,000
Wayside Modifications	\$250,000
Roadway Improvements	
Sidewalks and resurfacing (all crossings)	\$900,000
Traffic Signal Modifications (allowance)	\$250,000
Subtotal:	\$5,850,000
Design Contingency (30%):	\$1,755,000
Total:	\$7,605,000

P5001-0017
September 17, 2025

Town of Needham
Carys Lustig, Director of Public Works
500 Dedham Avenue
Needham, MA 02492

Re: **Proposal for Engineering Consultation Services
Feasibility Study
Needham Golf Club Crossing**

Dear Ms. Lustig:

Tighe & Bond is pleased to provide the Town of Needham (Town) with this proposal to conduct a feasibility study related to proposed construction of a grade-separated crossing of the MBTA Commuter Rail Needham Line for golf cart and pedestrian use at the Needham Golf Club.



Figure 1 -Aerial View of Golf Club at Proposed Crossing Location

Project Understanding

Currently, there is an existing at-grade crossing for golf club patrons to utilize when crossing the MBTA RR tracks that traverse the site. It is regulated by gates, flashing lights, and bells, as well as train horns that sound upon approach. The Town is interested in closing the at-grade crossing and replacing it with a new railroad-over, grade-separated crossing. The proposed grade-separated crossing would be a safety improvement for club patrons and also eliminate the need for train horns to be used when passing through the area. The proposed concept for the grade-separated crossing would be a culvert-like structure capable of accommodating golf cart and pedestrian use.

The Town has requested engineering consultation services from Tighe & Bond to conduct a feasibility study for the proposed grade-separated crossing. The intent is that information from this feasibility study will assist the Town in evaluating the proposed project and developing a plan for its implementation.

Scope of Services

Task 1 – Site Assessment and Existing Data Review

Tighe & Bond will perform a site visit to make visual observations of the existing conditions, including but not limited to observations of the surrounding landscape and features, and conditions of the existing railroad features in the vicinity of the proposed grade-separated crossing. Tighe & Bond will review available, existing record information to understand the composition of the existing site and support our evaluations for the feasibility study.

Task 2 – Geotechnical Assessment

Tighe & Bond will perform a preliminary geotechnical assessment of the existing conditions and work required for construction of the proposed grade-separated crossing, to evaluate the feasibility of the proposed project. The preliminary assessment will be based on our experience, available soil mapping and related data, and our understanding of general construction methods for railroad crossings. Any assumptions used as part of the preliminary geotechnical assessment will be included in the feasibility study.

Work performed under this task does not include material sampling or subsurface investigations (borings).

Task 3 – Permitting Assessment

Tighe & Bond will perform a dashboard review of online resources and databases to identify permitting requirements for the proposed project. The preliminary environmental assessment will be based on the existing site features and surrounding areas, and our experience. Any assumptions used as part of the preliminary permitting assessment will be included as part of the feasibility study, as will a summary of the permits that will be required to construct the project.

Task 4 – Conceptual Plans and Cost Estimate

Tighe & Bond will develop up to three conceptual plans of the proposed crossing, including a plan and elevation view as well as a proposed typical section. The conceptual plans will be based on preliminary info received from the Town showing a potential location for the crossing and/or other potential crossing locations based on our site assessment and existing data review. Site survey to be provided by the Town. Conceptual cost estimates will be developed for the potential crossing locations to assist with evaluation of implementation of the proposed work. Conceptual cost estimates will include appropriate contingencies based on the preliminary nature of the evaluation at this time, and all relevant assumptions will be identified.

Task 5 – Feasibility Report

Tighe & Bond will prepare a Feasibility Report that summarizes the pertinent observations from our preliminary assessments, describes our engineering evaluation of the existing conditions and proposed work, and identifies the feasibility of the proposed project with respect to factors such as estimated costs, benefits to the Town and club patrons, and potential challenges that could arise during implementation of the project. Tighe & Bond will provide up to three hard copies and a PDF/electronic copy of the final report.

General Services

As part of the work performed under the above noted tasks, Tighe & Bond will coordinate and meet with the Town and the MBTA, as needed, to discuss aspects of the preliminary assessments and associated findings for development of the feasibility study report. We have assumed up to four meetings with the Town and/or MBTA.

Excluded Activities

In an effort to provide you with a reasonable budget for the desired services, Tighe & Bond has prepared the above-listed scope of services based upon our understanding of your request. The following section describes those services that have not been included in the scope of services at this time. If these services are required, please notify us and we will modify our proposal accordingly.

- Pre-design services such as site survey, wetland delineation, and geotechnical exploration and evaluation.
- Engineering services to model and/or analyze the proposed structure for demand and capacity analysis (i.e., Load Rating).
- Preparation of Contract Bid Documents, Bid Administration Services, and/or Construction Phase Services.
- Test pit explorations to confirm conditions of subsurface foundations, and/or other subgrade investigations.
- Sampling and testing to determine the presence of hazardous materials.
- Permitting coordination with local, state, and/or federal regulatory agencies.
- Material sampling, destructive testing, and/or non-destructive testing to determine existing material properties.
- Coordination with utility companies and/or Right-of-Way Acquisition

Schedule

Tighe & Bond will complete work within 12 weeks of a signed agreement.

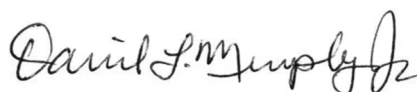
Fee

Tighe & Bond will perform these services for a lump sum fee of **\$44,000**, invoiced monthly based on percentage complete. In the event that the scope of work is increased for any reason, the lump sum fee to complete the work shall be mutually revised by written amendment. Our attached Terms and Conditions are part of this letter agreement.

We look forward to the opportunity to work with you on this project. Please contact Dan Murphy (508-944-0627; dlmurphy@tighebond.com) if you have any questions about the project understanding or our proposed scope of services. If this proposal is acceptable, please sign and return one copy to our attention as your authorization to proceed.

Very truly yours,

TIGHE & BOND, INC.



Daniel L. Murphy, Jr., PE
Senior Project Manager



William P. Mertz, PE
Senior Vice President

Acceptance

On behalf of the **Town of Needham**, the scope, fee, and attached terms are hereby accepted.

Authorized Representative

Date

Print Name and Title

Enclosures: Terms and Conditions – REV 04/2020

"CLIENT" is defined in the acceptance line of the accompanying proposal letter or the name the proposal is issued to; Tighe & Bond, Inc. is hereby referenced as "CONSULTANT"; "PROJECT" is defined in the accompanying proposal letter

1. SCHEDULE OF PAYMENTS

1.1 Invoices will generally be submitted once a month for services performed during the previous month. Payment will be due within 30 days of invoice date. Monthly payments to CONSULTANT shall be made on the basis of invoices submitted by CONSULTANT and approved by CLIENT. If requested by CLIENT, monthly invoices may be supplemented with such supporting data as reasonably requested to substantiate them.

1.2 In the event of a disagreement as to billing, the CLIENT shall pay the agreed portion.

1.3 Interest will be added to accounts in arrears at the rate of one and one-half (1.5) percent per month (18 percent per annum) or the maximum rate allowed by law, whichever is less, of the outstanding balance. In the event counsel is retained to obtain payment of an outstanding balance, CLIENT will reimburse CONSULTANT for all reasonable attorney's fees and court costs.

1.4 If CLIENT fails to make payment in full within 30 days of the date due for any undisputed billing, CONSULTANT may, after giving seven days' written notice to CLIENT, suspend services and retain work product until paid in full, including interest. In the event of suspension of services, CONSULTANT will have no liability to CLIENT for delays or damages caused by such suspension.

2. SUCCESSORS AND ASSIGNS

2.1 CLIENT and CONSULTANT each binds itself, its partners, successors, assigns and legal representatives to the other parties to this Agreement and to the partners, successors, assigns and legal representatives of such other parties with respect to all covenants of this Agreement. CONSULTANT shall not assign, sublet or transfer its interest in this Agreement without the written consent of CLIENT, which consent shall not be unreasonably withheld.

2.2 This Agreement represents the entire and integrated Agreement between CLIENT and CONSULTANT and supersedes all prior negotiations, representations or Agreements, whether written or oral. This Agreement may be amended only by written instrument signed by both CLIENT and CONSULTANT. References to this agreement include these Terms & Conditions, any accompanying proposal or description of services, as well as any other documents referenced or incorporated therein. In the event one or more provisions of any of the foregoing documents conflict with the provisions of these Terms & Conditions, the provisions of these Terms & Conditions shall control.

2.3 Nothing contained in this Agreement shall create a contractual relationship or cause of action in favor of a third party against CLIENT or against CONSULTANT.

3. STANDARD OF CARE

3.1 In providing services, CONSULTANT will use that degree of care and skill ordinarily exercised under similar circumstances by individuals providing such services in the same or similar locality for similar projects.

4. TERMINATION

4.1 This Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In addition, CLIENT may terminate this Agreement for its convenience at any time by giving written notice to CONSULTANT. In the event of any termination, CLIENT will pay CONSULTANT for all services rendered and reimbursable expenses incurred under the Agreement to the date of termination and all services and expenses related to the orderly termination of this Agreement.

5. RECORD RETENTION

5.1 CONSULTANT will retain pertinent records relating to the services performed for the time required by law, during which period the records will be made available upon reasonable request and upon reimbursement for any applicable retrieval/copying charges.

5.2 Samples - All soil, rock and water samples will be discarded 30 days after submission of CONSULTANT's report, unless mutually agreed otherwise or unless CONSULTANT's customary practice is to retain for a longer period of time for the specific type of services which CONSULTANT has agreed to perform. Upon request and mutual agreement regarding applicable charges, CONSULTANT will ship, deliver and/or store samples for CLIENT.

6. OWNERSHIP OF DOCUMENTS

6.1 All reports, drawings, specifications, computer files, field data, notes, and other documents, whether in paper or electronic format or otherwise ("documents"), are instruments of service and shall remain the property of CONSULTANT, which shall retain all common law, statutory and other reserved rights including, without limitation, the copyright thereto. CLIENT's payment to CONSULTANT of the compensation set forth in the Agreement shall be a condition precedent to the CLIENT's right to use documents prepared by CONSULTANT.

6.2 Documents provided by CONSULTANT are not intended or represented to be suitable for reuse by CLIENT or others on any extension or modification of this PROJECT or for any other projects or sites. Documents provided by CONSULTANT on this PROJECT shall not, in whole or in part, be disseminated or conveyed to any other party, nor used by any other party, other than regulatory agencies, without the prior written consent of CONSULTANT. Reuse of documents by CLIENT or others on extensions or modifications of this project or on other sites or use by others on this PROJECT, without CONSULTANT's written permission and mutual agreement as to scope of use and as to compensation, if applicable, shall be at the user's sole risk, without liability on CONSULTANT's part, and CLIENT agrees to indemnify and hold CONSULTANT harmless from all claims, damages, and expenses, including attorney's fees, arising out of such unauthorized use or reuse.

6.3 Electronic Documents - CONSULTANT cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic writeable format. If CONSULTANT provides documents in writeable electronic format for CLIENT's convenience, CLIENT agrees to waive any and all claims against CONSULTANT resulting in any way from the unauthorized use, alteration, misuse or reuse of the electronic documents, and to defend, indemnify, and hold CONSULTANT harmless from any claims, losses, damages, or costs, including attorney's fees, arising out of the unauthorized use, alteration, misuse or reuse of any electronic documents provided to CLIENT.

6.4 Electronic Data Bases – In the event that CONSULTANT prepares electronic data bases, geographical information system (GIS) deliverables, or similar electronic documents, it is acknowledged by CLIENT and CONSULTANT that such PROJECT deliverables will be used and perhaps modified by CLIENT and that CONSULTANT's obligations are limited to the deliverables and not to any subsequent modifications thereof. Once CLIENT accepts the delivery of maps, databases, or similar documents developed by CONSULTANT, ownership is passed to CLIENT. CONSULTANT will retain the right to use the developed data and will archive the data for a period of three years from the date of PROJECT completion.

7. INSURANCE

7.1 CONSULTANT will retain Workmen's Compensation Insurance, Professional Liability Insurance with respect to liabilities arising from negligent errors and omissions, Commercial General Liability Insurance, Excess Liability, Unmanned Aircraft, Cyber Liability, and Automobile Liability during this PROJECT. CONSULTANT will furnish certificates at CLIENT's request.

7.2 Risk Allocation - To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of the CONSULTANT to the CLIENT and anyone claiming by or through the CLIENT, for any and all claims, losses, costs or damage, of any nature whatsoever, the liability of CONSULTANT to all claimants with respect to this PROJECT will be limited to an aggregate sum not to exceed \$100,000 or CONSULTANT's compensation for consulting services, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

7.3 Damages – Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither CLIENT nor CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the PROJECT or to this Agreement. This mutual waiver of certain damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that may be incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both CLIENT and CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this PROJECT.

7.4 CLIENT agrees that any and all limitations of CONSULTANT's liability or waivers of damages by CLIENT to CONSULTANT shall include and extend to those individuals and entities CONSULTANT retains for performance of the services under this Agreement, including but not limited to CONSULTANT's officers, partners, and employees and their heirs and assigns, as well as CONSULTANT's subconsultants and their officers, employees, and heirs and assigns.

8. DISPUTE RESOLUTION

8.1 In the event of a disagreement arising out of or relating to this Agreement or the services provided hereunder, CLIENT and CONSULTANT agree to attempt to resolve any such disagreement through direct negotiations between senior, authorized representatives of each party. If any disagreement is not resolved by such direct negotiations, CLIENT and CONSULTANT further agree to consider using mutually acceptable non-binding mediation service in order to resolve any disagreement prior to proceeding to litigation.

9. SITE ACCESS

9.1 Right of Entry - Unless otherwise agreed, CLIENT will furnish right-of-entry on the land for CONSULTANT to make any surveys, borings, explorations, tests or similar field investigations. CONSULTANT will take reasonable precautions to limit damage to the land from use of equipment, but the cost for restoration of any damage that may result from such field investigations is not included in the agreed compensation for CONSULTANT. If restoration of the land is required greater than those included in the scope of work, upon mutual agreement this may be accomplished as a reimbursable additional service at cost plus ten percent.

9.2 Damage to Underground Structures - Reasonable care will be exercised in locating underground structures in the vicinity of proposed subsurface explorations. This may include contact with the local agency coordinating subsurface utility information and/or a review of plans provided by CLIENT or CLIENT representatives for the site to be investigated. CONSULTANT shall be entitled to rely upon any information or plans prepared or made available by others. In the absence of physically confirmed underground structure locations, CLIENT agrees to accept the risk of damage and costs associated with repair and restoration of damage resulting from the exploration work.

10. OIL AND HAZARDOUS MATERIALS

10.1 If, at any time, evidence of the existence or possible existence of asbestos, oil, or other hazardous materials or substances is discovered, outside of any agreed scope of work or greater than those anticipated in any agreed scope of work, CONSULTANT reserves the right to renegotiate the fees for CONSULTANT's services and CONSULTANT's continued involvement in the PROJECT. CONSULTANT will notify CLIENT as soon as practical if evidence of the existence or possible existence of such hazardous materials or substances is discovered.

10.2 The discovery of the existence or possible existence of hazardous materials or substances, outside or greater than any proposed in the agreed scope of work, may make it necessary for CONSULTANT to take accelerated action to protect human health and safety, and/or the environment. CLIENT agrees to compensate CONSULTANT for the cost of any and all measures that in its professional opinion are appropriate to preserve and/or protect the health and safety of the public, the environment, and/or CONSULTANT's personnel. To the full extent permitted by law, CLIENT waives any claims against CONSULTANT and agrees to indemnify, defend and hold harmless CONSULTANT from any and all claims, losses, damages, liability, and costs, including but not limited to cost of defense, arising out of or in any way connected with the existence or possible existence of such hazardous materials substances at the site.

11. SITE INVESTIGATIONS

11.1 In soils, groundwater, soil gas, indoor air, or other investigations, conditions may vary between successive test points and sample intervals and for locations at or between where observations, exploration, and investigations have been made. Because of the variability of conditions and the inherent uncertainties in such evaluations, explorations, or investigations, changed or unanticipated conditions may occur that may affect overall PROJECT costs and/or execution. These variable conditions and related impacts on cost and PROJECT execution are not the responsibility of CONSULTANT.

11.2 CLIENT recognizes that special risks occur whenever engineering or related disciplines are applied to provide

information regarding subsurface conditions. Even an agreed sampling and testing program, implemented with appropriate equipment and personnel with the assistance of a trained professional performing in accordance with the applicable professional standard of care, may provide data or information which differs significantly from that discovered or encountered subsequently. Environmental, geological, and geotechnical conditions, that CONSULTANT may infer to exist between sampling points may differ significantly from those discovered or encountered subsequently. The passage of time also should be considered, and CLIENT recognizes that due to natural occurrences or direct, or indirect human intervention at or near the site, actual conditions may quickly change. CONSULTANT shall not be responsible for the identification of emerging contaminants for which no current regulatory provisions exists nor shall CONSULTANT be held liable for not identifying or discussing these compounds even if those compounds are detected at a later date. CLIENT realizes that these risks cannot be eliminated. The services included in this agreement are those agreed to, or selected, consistent with CLIENT's risk preferences and other considerations including cost and schedule.

11.3 By authorizing CONSULTANT to proceed with the site investigation services, CLIENT confirms that CONSULTANT has not created nor contributed to the presence of any existing hazardous substances or conditions at or near the site. CLIENT recognizes that there is an inherent risk in drilling, borings, punching or driving probes, excavating trenches or implementing other methods of subsurface exploration at or near a site contaminated by hazardous materials. Further, CLIENT recognizes that these are inherent even through the exercise of the Standard of Care. CLIENT accepts the risk and agrees to defend, indemnify, and hold CONSULTANT and each of CONSULTANT's subcontractors, consultants, officers, directors, and employees harmless against and all claims for damages, costs, or expenses direct or consequential, in connection with a release of hazardous substances, except to the extent that such claims, damages, or losses are adjudicated to have resulted from CONSULTANT's gross negligence or willful misconduct in the performance of the services.

12. FEDERAL AND STATE REGULATORY AGENCY AUDITS

12.1 For certain services rendered by CONSULTANT, documents filed with federal and state regulatory agencies may be audited after the date of filing. In the event that CLIENT's PROJECT is selected for an audit, CLIENT agrees to compensate CONSULTANT for time spent preparing for and complying with an agency request for information or interviews in conjunction with such audit. CLIENT will be notified at the time of any such request by an agency, and CONSULTANT will invoice CLIENT based on its standard billing rates in effect at the time of the audit.

13. CLIENT'S RESPONSIBILITIES

13.1 Unless otherwise stated in the Agreement, CLIENT will obtain, arrange, and pay for all notices, permits, and licenses required by local, state, or federal authorities; and CLIENT will make available the land, easements, rights-of-way, and access necessary for CONSULTANT's services or PROJECT implementation.

13.2 CLIENT will examine CONSULTANT's studies, reports, sketches, drawings, specifications, proposals, and other documents and communicate promptly to CONSULTANT in the event of disagreement regarding the contents of any of the foregoing. CLIENT, at its own cost, will obtain advice of an attorney, insurance counselor, accountant, auditor, bond and financial advisors, and other consultants as CLIENT

deems appropriate; and render in writing decisions required by CLIENT in a timely manner.

14. OPINIONS OF COST, FINANCIAL ANALYSES, ECONOMIC FEASIBILITY PROJECTIONS, AND SCHEDULES

14.1 CONSULTANT has no control over cost or price of labor and materials required to implement CLIENT's PROJECT, unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that may materially affect the ultimate PROJECT cost or schedule. Therefore, CONSULTANT makes no warranty, expressed or implied, that CLIENT's actual PROJECT costs, financial aspects, economic feasibility, or schedules will not vary from any opinions, analyses, projections, or estimates which may be provided by CONSULTANT. If CLIENT wishes additional information as to any element of PROJECT cost, feasibility, or schedule, CLIENT at its own cost will employ an independent cost estimator, contractor, or other appropriate advisor.

15. CONSTRUCTION PHASE PROVISIONS

The following provisions shall be applicable should the CONSULTANT be retained to provide Construction Phase Services in connection with the PROJECT:

15.1 CLIENT and Contractor - The presence of CONSULTANT's personnel at a construction site, whether as onsite representatives or otherwise, does not make CONSULTANT or CONSULTANT's personnel in any way responsible for the obligations, duties, and responsibilities of the CLIENT and/or the construction contractors or other entities, and does not relieve the construction contractors or any other entity of their respective obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the construction contract documents and for providing and/or enforcing all health and safety precautions required for such construction work.

15.2 Contractor Control - CONSULTANT and CONSULTANT's personnel have no authority or obligation to monitor, to inspect, to supervise, or to exercise any control over any construction contractor or other entity or their employees in connection with their work or the health and safety precautions for the construction work and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor(s) or other entity or any other persons at the site except CONSULTANT's own personnel.

15.3 On-site Responsibility - The presence of CONSULTANT's personnel at a construction site is for the purpose of providing to CLIENT an increased degree of confidence that the completed construction work will conform generally to the construction documents and that the design concept as reflected in the construction documents generally has been implemented and preserved by the construction contractor(s). CONSULTANT neither guarantees the performance of the construction contractor(s) nor assumes responsibility for construction contractor's failure to perform work in accordance with the construction documents.

15.4 Payment Recommendations - Recommendations by CONSULTANT to CLIENT for periodic construction progress payments to the construction contractor(s) are based on CONSULTANT's knowledge, information, and belief from selective observation that the work has progressed to the point indicated. Such recommendations do not represent that

continuous or detailed examinations have been made by CONSULTANT to ascertain that the construction contractor(s) have completed the work in exact accordance with the construction documents; that the final work will be acceptable in all respects; that CONSULTANT has made an examination to ascertain how or for what purpose the construction contractor(s) have used the moneys paid; that title to any of the work, materials, or equipment has passed to CLIENT free and clear of liens, claims, security interests, or encumbrances; or that there are no other matters at issue between CLIENT and the construction contractors that affect the amount that should be paid.

15.5 Record Drawings - Record drawings, if required as part of CONSULTANT's agreed scope of work, will be prepared, in part, on the basis of information compiled and furnished by others, and may not always represent the exact location, type of various components, or exact manner in which the PROJECT was finally constructed. CONSULTANT is not responsible for any errors or omissions in the information from others that are incorporated into the record drawings.

16. DESIGN WITHOUT CONSTRUCTION PHASE SERVICES

The following provisions shall be applicable should the CONSULTANT be retained to provide design services but not be retained to provide Construction Phase Services in connection with the PROJECT:

16.1 It is understood and agreed that the CONSULTANT's Scope of Services under this proposal does not include project observation or review of the Contractor's performance or any other construction phase services, and that such services will be provided by the CLIENT or others. The CLIENT assumes all responsibility for interpretation of the Contract Documents and for construction observation, and the CLIENT waives any claims against the CONSULTANT that may be in any way connected thereto.

16.2 In addition, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the CONSULTANT, its officers, directors, employees and subconsultants (collectively, CONSULTANT) against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Contract Documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of the CONSULTANT.

17. SCHEDULE

17.1 The CLIENT agrees that the CONSULTANT is not responsible for damages arising directly or indirectly from any delays for causes beyond the CONSULTANT's reasonable control. For purposes of this Agreement, such causes include, but are not limited to, strikes or other labor disputes; severe weather disruptions or other natural disasters, pandemics, or acts of God; fires, riots, war or other emergencies; failure of any government agency to act in timely manner; failure of performance by the CLIENT or the CLIENT's contractors or consultants.

17.2 The CONSULTANT's schedule includes reasonable allowances for review and approval times required by the CLIENT, performance of services by the CLIENT's consultants, and review and approval times required by public authorities having jurisdiction over the PROJECT. This schedule shall be equitably adjusted as the PROJECT progresses, allowing for changes in scope, character or size

of the PROJECT requested by the Client, or for delays or other causes beyond the Consultant's reasonable control.

18. MISCELLANEOUS TERMS

18.1 GOVERNING LAW - The CLIENT and the CONSULTANT agree that this Agreement and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of the jurisdiction where the PROJECT is located, without regard to any conflict of laws provisions, which may apply the laws of other jurisdictions.

18.2 LENDERS' REQUIREMENTS - The CONSULTANT shall not be required to execute any documents subsequent to the signing of this Agreement that in any way might, in the sole judgment of the CONSULTANT, increase the CONSULTANT's contractual or legal obligations or risks, or adversely affect the availability or cost of its professional or general liability insurance.

18.3 CORPORATE PROTECTION - Notwithstanding anything to the contrary contained herein, the CLIENT agrees that as the CLIENT's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the CONSULTANT, a Massachusetts corporation, and not against any of the CONSULTANT's individual employees, officers or directors.

18.4 TITLES - The section headings used in this Agreement are intended principally for convenience and shall not be used in interpreting this Agreement or in determining any of the rights or obligations of the parties to this Agreement.

18.5 Upon execution, these terms as incorporated into the accompanying proposal represent the final intent of the parties. Any modification, rescission, or waivers of these terms shall only be effective and binding if agreed to in writing by the parties.



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

MEETING DATE: 9/24/2025

Agenda Item	Positions on Warrant Articles
Presenter(s)	Katie King, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will review articles on the October 20, 2025 Special Town Meeting Warrant.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motions: 1. That the Board vote to support (not to support) article _____ in the October 20, 2025 Special Town Meeting Warrant; and 2. That the Board vote to remove Article 10 – Appropriate for Golf Course Culvert Feasibility and Article 11 – Appropriate for Quiet Zone Construction.	
3.	BACK UP INFORMATION ATTACHED
a. October 20, 2025 Special Town Meeting Warrant Draft, September 23, 2025 (Added Supporting Document) (Edited Supporting Document) b. Status of Articles as of September 19, 2025	

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 20, 2025

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft - 9/25/2025

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 TWENTIETH DAY OF OCTOBER 2025

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

HUMAN RESOURCES ARTICLES

**ARTICLE 1: 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: Article Be Adopted

HUMAN RESOURCES ADVISORY COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Police Superior Officers Union have agreed on a one-year contract extension for FY2026. The Agreement provides for a general wage increase of 3% in fiscal year 2026 and a change in the detail rate. The contract brings the Police Superior Officers Union current. The parties will continue to meet to reach agreement on a successor agreement for fiscal year 2027 and beyond.

**ARTICLE 2: FUND 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 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: Article Be Adopted

HUMAN RESOURCES ADVISORY COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Police Union have agreed on a one-year contract extension for FY2026. The Agreement provides for a general wage increase of 3% in fiscal year 2026 and a change in the detail rate. The contract brings the Police Union current. The parties will continue to meet to reach agreement on a successor agreement for fiscal year 2027 and beyond.

FINANCE ARTICLES

ARTICLE 3: **APPROPRIATE FOR INFILTRATION AND INFLOW**

To see if the Town will vote to raise and/or transfer and appropriate \$132,000 for infiltration and inflow improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Sewer Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: The Planning Board issued a Major Project Special Permit to Children's Hospital for its development at 360 First Avenue, which included a condition requiring Children's Hospital to remove an amount of inflow and infiltration of wastewater into the Town's sewer system equal to four times the net increased sewage flow due to the development of the Pediatric Medical Facility. Children's opted to meet this requirement by paying a fee to the Town's Inflow and Infiltration Program at a rate of \$8.00 per gallon required to be removed. This article applies the \$132,000 required payment from Children's Hospital to the Town's Inflow and Infiltration program, which funds investigation studies and subsequent sewer repairs including but not limited to the rehabilitation of the Town's interceptor sewer along Route 128.

ARTICLE 4: **APPROPRIATE FOR INTERSECTION IMPROVEMENT ANALYSES**

To see if the Town will vote to raise and/or transfer and appropriate \$25,000 for traffic improvement analyses, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: The Planning Board issued a Major Project Special Permit to Children's Hospital for its development at 360 First Avenue with a required payment of \$25,000 for the traffic signal warrant analysis and roadway safety audit of the Kendrick Street and 4th Avenue intersection. Safety and operational issues have been identified at this intersection. A signal warrant includes a collection of traffic counts representing typical traffic to determine if conditions are met to justify the installation of a traffic signal. If appropriated, these funds will be used by the Department of Public Works to complete the signal warrant analysis at Kendrick and 4th.

ARTICLE 5: **APPROPRIATE FOR STEPHEN PALMER LEASE EXPIRATION**

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of funding efforts to manage the return of the Stephen Palmer Building to the Town at the expiration of the existing

Ground Lease, with said funds to be expended under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the Warrant, the parties had not reached an agreement.

ARTICLE 6: AMEND THE FY2026 OPERATING BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Operating Budget adopted under Article 13 of the 2025 Annual Town Meeting by reducing the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
10	Reserve Fund	1,784,395	TBD
12B	Town Clerk Expenses	136,635	148,235

And to meet this appropriation that \$11,600 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The purpose of this article is to amend the fiscal year 2026 operating budget.

Line Item 10: At the time of the printing of the Warrant, the parties had not reached an agreement.

Line Item 12B: The Town Clerk's Office has requested an automated envelope opening and date stamping machine to handle the opening of mail and date stamping of the voluminous mail received by the office. Automating the envelope opening and date stamping of envelopes is anticipated to reduce labor expenses and free staff for other tasks. The Town Clerk's Office receives a minimum of 25,000 pieces of mail per year. During years when there is more than one election, the amount of mail received can exceed 60,000 pieces of mail. Funding is requested now so that the equipment will be in place before the next election. The use of the equipment will be shared with other departments.

ARTICLE 7: AMEND THE FY2026 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Sewer Enterprise Fund Budget adopted under Article 14 of the 2025 Annual Town Meeting by increasing the amount under the following line item, and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201D	MWRA Assessment	\$7,445,411	\$7,763,087

And to meet this appropriation that \$317,676 be raised from Sewer Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: This article is to provide funding for the increase in the MWRA sewer assessment that was approved at the May 5, 2025 Annual Town Meeting in the amount of \$317,676. The Town received the final assessment after the adoption of the Sewer Enterprise Fund budget. The MWRA budget line was level funded in May. The net change in the MWRA assessment from last year is 4.3%.

ARTICLE 8: AMEND THE FY2026 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Water Enterprise Fund Budget adopted under Article 15 of the 2025 Annual Town Meeting by increasing the amount under the following line item, and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301D	MWRA Assessment	\$1,212,985	\$1,776,283

And to meet this appropriation that \$563,298 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: Similarly to the Sewer Enterprise Fund Budget article, this article is to provide funding for the increase in the MWRA water assessment that was approved at the May 5, 2025 Annual Town Meeting in the amount of \$563,298. The Town received the final assessment after the adoption of the Water Enterprise Fund budget. The MWRA budget line was level funded in May. The net change in the MWRA assessment from last year is 46.4%. This is reflective of the increased amount of MWRA water used by Needham during calendar year 2024.

ARTICLE 9: APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING

To see if the Town will vote to raise and/or transfer and appropriate \$268,220 for the purpose of funding and supporting public, educational, and government (PEG) programming provided by the Needham Channel, said sum 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 Be Adopted

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 10: APPROPRIATE FOR FEASIBILITY STUDY - CULVERT AT NEEDHAM GOLF COURSE COMMUTER RAIL CROSSING

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of paying the costs of a feasibility study for the installation of a culvert to allow for passage underneath the MBTA Commuter Rail crossing at the Needham Golf Course, for the purpose of removing said crossing and thereby eliminating the need for sounding horns at this location, with said amount to be expended under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

ARTICLE 11: APPROPRIATE FOR QUIET ZONE CONSTRUCTION

To see if the Town will vote to appropriate a sum of money for the purpose of constructing a Quiet Zone, including the payment of all costs incidental or related thereto, said amount to be expended under the direction of the Town Manager, and that 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 any other enabling authority; or take any other action relative hereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

GENERAL ARTICLES

ARTICLE 12: AMEND GENERAL BY-LAWS – DOG AND KENNEL LICENSING

To see if the Town will vote to amend the General By-Laws as follows:

1. By deleting Section 3.9 (Vaccination Requirement) in its entirety, and inserting in its place the following:

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

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

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

2. By deleting Section 4.1 (Dog Licenses) in its entirety, and inserting in its place the following:

SECTION 4.1 DOG AND KENNEL LICENSING

4.1.1 Licenses. As required by M.G.L. Chapter 140, any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license from the Town Clerk for that dog which shall be valid for a period beginning on January 1 of each year through December 31. Any person who during any license period becomes the owner or keeper of a dog who is not licensed in the Town of Needham, shall license the dog for the remainder of the licensing year.

4.1.2 Application. When applying for a license, the applicant must show proof that the dog has received a veterinarian certificate for rabies vaccination or present a veterinarian's certificate that the rabies vaccination is considered inadvisable and the Board of Health has declared the dog exempt, as required by M.G.L. Chapter 140, Section 145B. No fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

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

4.1.4 Fees. The fees for registering and licensing dogs of all types in the Town shall be established from time to time by the Town Clerk provided that no fee shall be increased without a majority

vote of Town Meeting. The Town Clerk may issue late fees in an amount not to exceed the amount of the licensing fee.

4.1.5 Failure to License. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to fines as stated in Section 8.

4.1.6 Kennel Licenses. A person maintaining a kennel shall obtain a kennel license. A kennel is defined as set forth in M.G.L. Chapter 140, Section 136A. Kennels can be private (more than four(4) dogs, 3 months old or older owned or kept on a single premise) or commercial, including a commercial boarding or training kennel (an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal), commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel. A person maintaining a kennel shall obtain a kennel license from the Town Clerk. The Town Clerk shall issue, suspend, renew and revoke kennel licenses as provided in M.G.L. Chapter 140, Section 137A and any regulations promulgated by the Massachusetts Department of Agricultural Resources. In the case of an applicant for initial licensure or license renewal, the Town Clerk shall deny a kennel license until the kennel has passed inspection by an Animal Control Officer.

The kennel license shall be valid for a period of one year, beginning January 1 of each year through December 31. The fee for the issuance and renewal of a kennel license shall be established from time to time by the Town Clerk; provided, however, that in determining the amount of the license fee for a kennel, a dog under the age of 3 months shall not be counted in the number of dogs kept in the kennel. Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

The Town Clerk shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the Town Clerk and the Animal Control Officer following the required annual inspection of all kennels by the Animal Control Officer.

Failure to license a kennel as required by M.G.L. Chapter 140, Section 137A shall result in a fine as stated in Article 8.

3. By amending Section 8.2.2 (Non-Criminal Disposition) to add the Town Clerk as an enforcement entity for Section 3.7.9, so that this row in the table reads as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
3.7.9	Vaccination Requirement	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk

4. By amending Section 8.2.2 (Non-Criminal Disposition) to revise the existing row for Section 4.1.4 (Failure to License) to renumber it as Section 4.1.5 and to add the Town Clerk as an enforcement entity, so that this row in the table reads as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
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4.1.5	Failure to License	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk
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5. By amending Section 8.2.2 (Non-Criminal Disposition) to insert in numerical order a new row for Section 4.1.6 to read as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
4.1.6	Requirements applicable to kennels	\$500 – 1 st offense \$1,000 each subsequent offense	Per Offense	Any Sworn Police Officer or the Town Clerk

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town Clerk has requested changes to the Rabies Vaccination and Dog Licensing Bylaws, primarily to update them to reflect recent changes to Massachusetts Law since the existing Needham By-Laws were adopted. Other changes are for clarification of language and for alignment of duties with responsible authorities.

Proposed By-Law Changes - Article 3

The proposed changes to Article 3 are housekeeping changes to align the language of Needham's By-Law to current State law language.

Proposed By-Law Changes - Article 4

Article 4.1.1, 4.1.4, and 4.1.5 proposed changes clarify the period of time that a dog license is effective. Dog license renewal in Needham has taken place from January 1 through April 30, with fines for failure to license if the dog is not licensed by April 30. This results in some dogs having expired licenses for multiple months. The new Bylaw would clarify that the licensing period is January 1 through December 31 in line with the licensing period for kennels. This would mean that the Town Clerk's office would begin the renewal process on December 1 with renewals of licenses due by January 1 of the license year. The Town Clerk would have authority to implement late fees. Currently, there are no late fees, because the renewal period runs for 4 months after expiration of the dog license after which time, fines are issued through the Police Department. Under the proposed Bylaw, fines for dogs not licensed by April 30 would remain the same.

Article 4.1.2 aligns the language of Needham's By-Law to current State law regarding service animals.

Article 4.1.6 is new and implements Ollie's Law. The purpose of Ollie's Law is to ensure that municipalities provide oversight to any location that offers commercial kennel services or has a private kennel. All persons maintaining a kennel must obtain a kennel license. A kennel is any pack or collection of dogs on a single premise, including training, breeder, charitable, personal, or veterinary kennels. The minimum number of dogs to qualify as a personal kennel is 5. There is no longer an option to obtain a private kennel license rather than individual dog licenses for owners of fewer than 5 dogs with no other dogs on the premises. All dogs in a private kennel must have individual dog tags. Ollie's Law removed the option of

dogs having a kennel tag. Having individual tags allows for better control of compliance with rabies vaccination requirements and knowledge of individual dogs being kept. Commercial, training, and breeder kennels are clearly defined. Commercial and training kennels are establishments used for boarding, holding, day care, and overnight stays or training of animals that are not the property of the owner of the establishment, in exchange for consideration and in the absence of the owner of the animal. Breeder kennels are establishments, other than personal kennels, engaged in the business of breeding animals in return for consideration.

All kennels must receive and pass an inspection of the premises prior to being issued a kennel license. The Animal Control Officer (ACO) conducts the inspection. The ACO and the licensing authority determine the type of kennel licenses (personal, commercial, training, breeder, charitable, or veterinary) and the maximum number of dogs that the establishment is licensed for. After the initial inspection and licensing, kennels must be inspected at least annually. The ACO inspects for such minimum conditions as: adequate shelter, fresh food and clean water, appropriate management of waste, adequate ventilation, adequate temperature, cages, enclosures or other housing in good repair, no sharp edges, functional latches. Municipalities are free to further define required conditions of inspection.

Proposed By-Law Changes – Article 8

Fines for violations are proposed to be updated to add the Town Clerk as an enforcement agent. The Town Clerk is the office with the information regarding rabies vaccination and licensing. The issuance of fines through the Police Department on behalf of the Town Clerk results in unnecessary administrative work. The Town Clerk issues the fines and mails them on behalf of the police. The Police Department then fields calls intended for the Town Clerk and that need to be referred to the Town Clerk. The ability to levy late fees as proposed in the changes to Article 4 before fines are issued would allow the magnitude of the fee to be more commensurate with the cost of the license and would streamline the administrative work both in the Town Clerk's Office and the Police Department.

The statutory fine for failure to license a kennel has been added to the list of fines. Fines for a kennel violation are set by statute at \$500 for the first offense and not more than \$1,000 for a second and subsequent offenses. These amounts are required by the law and therefore override the \$300 maximum fine that ordinarily applies to other local bylaw violations. Ollie's law provides that the licensing authority or the ACO may enforce the kennel law.

ARTICLE 13: AMEND GENERAL BY-LAW – STORMWATER

To see if the Town will vote to amend the General By-Laws by deleting Article 7 (Stormwater) in its entirety and inserting in its place the following:

ARTICLE 7

STORMWATER

SECTION 7.1 GENERAL

7.1.1 Purpose

The purpose of this by-law is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the Town of Needham. It supports compliance with State and Federal statutes and regulations related to stormwater discharges, including the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. This is accomplished by establishing minimum requirements and procedures to address the adverse

impacts of soil erosion, sedimentation, construction site runoff, post-development stormwater runoff, and nonpoint source pollution associated with new development and redevelopment projects.

Quality

The U.S. Environmental Protection Agency (EPA) has identified sedimentation from land disturbance activities and polluted runoff from land development and redevelopment as significant sources of water pollution, affecting drinking water supplies, natural habitats, and recreational resources. Regulating activities that disturb land and generate runoff is essential to protect water bodies and groundwater resources, safeguard public health, safety, and welfare, and preserve wetlands and other natural resources.

Quantity

The Town of Needham has identified stormwater management as a critical component to help mitigate flooding occurrences and severity by setting standards that minimize runoff from public and private properties. Properties that are altered by activities such as new construction, increased impervious surfaces or other alterations of surface grades may strain capacity within the townwide drain system and may result in increased/adverse runoff to neighboring properties. The Stormwater By-Law also seeks to avoid potential damage to public property, private property, and infrastructure.

7.1.2 Objective

The purpose of this by-law shall be achieved through the following objectives:

General

- a) Establish the legal authority necessary to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring, and enforcement.
- b) Promote infiltration and recharge of groundwater.
- c) Authorize the Town to monitor and enforce the efficacy of infiltration infrastructure.
- d) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- e) Promote best practices and foster public participation through education and increased awareness of stormwater management.

Quality

- a) Ensure compliance with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the EPA, the Massachusetts Stormwater Standards—regardless of a property's proximity to wetlands or other resource areas—and the 1996 Memorandum of Understanding (MOU) between the Town of Needham and the EPA.
- b) Prevent and correct illicit connections and discharges.
- c) Support the administration of the Stormwater Assessment Fee.

Quantity

- a) Address stormwater capacity challenges affecting the Needham community.
- b) Support the preservation of trees/tree canopy subsequent to land disturbance activity.
- c) Review and approval of Stormwater Control Measures (SCMs) designed to mitigate or prevent runoff to abutting properties and resource areas, prevent soil erosion and sedimentation resulting from construction site stormwater runoff and manage soil grading activities.

SECTION 7.2 DEFINITIONS

For purposes of this by-law, the following terms shall have the following definitions, unless the context clearly states otherwise.

Alter Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site. (including tree and vegetation removal)

Applicant Any person or entity requesting a Permit.

Application Standard form for application as issued by the Permitting Authority and any other documentation, which shall include, but shall not be limited to, plans, charts, drawings, specifications, narratives, or any other documents or pieces of information required by applicable federal, state or local laws, rules and/or regulations, submitted in connection with a permit, as applicable, and as defined in the regulations promulgated by the Department of Public Works in support of this by-law.

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

Clearing Any activity that removes the vegetative surface cover.

Designated Agent Any person or entity designated by the DPW Director to assist in the administration, implementation or enforcement of this by-law and its regulations.

Development Any construction or activity that disturbs or alters a parcel of land.

Erosion The wearing away of the ground surface by natural or artificial forces and the subsequent detachment and transportation of soil.

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

Existing Lawn Grass area which has been maintained or mowed in the previous two years.

Grading Changing the level or shape of the ground surface.

Grubbing The act of clearing ground surface by digging or grinding up roots and stumps.

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

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

Impervious Surface/Cover An impervious surface is an area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited

to, buildings, driveways (including paving, concrete, stone, gravel and dirt), parking lots, paved walkways, pools, patios, sports courts, and other similar non-porous areas.

Infiltration The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

Land-Disturbing Activity or Land Disturbance Any activity, including, without limitation, clearing, grubbing, grading, digging, cutting, removal of vegetation or trees, excavation, placement of fill, resurfacing and construction that causes a change in the position or location of soil or a change in the pattern of drainage and/or infiltration of water. This may include the demolition of existing structures and site features, along with any site preparation required for new construction.

Lot A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed or on a recorded plan.

Low Impact Development (LID) A comprehensive land planning and engineering design strategy that seeks to maintain a Site's pre-development ecological and hydrological function through the protection, enhancement, or mimicry of natural processes. LID systems and practices emphasize reduction of effective imperviousness and conservation, and use of existing natural Site features integrated with distributed small-scale Stormwater controls to result in the treatment, infiltration, evapotranspiration, and/or use of Stormwater close to its source.

Low Permeability Soil Low Permeability Soil refers to how easily water or other liquids can flow through a soil. It's a key factor in how well a soil drains and how easily it allows water to pass through. Examples include, but are not limited to clay, silt, ledge or hardpan.

Massachusetts Stormwater Management Standards The Standards issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and the Massachusetts Clean Waters Act M.G.L. c. 21, §§ 23-56, and any successor statutory provision.

Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4) The system of conveyances designed or used for collecting or conveying Stormwater, including, without limitation, any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

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

New Construction Refer to the Needham Zoning By-Law or the Needham Wetlands Protection Regulations as applicable.

Normal Maintenance Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

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

Owner A person or entity with a legal or equitable interest in property.

Permittee The person or entity who holds a permit.

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

Plot Plan A plot plan (also known as a site plan) is a scaled drawing that shows the layout of a property, including the location of existing and proposed structures, property lines, setbacks, easements, driveways, walkways, utilities, topography, and drainage features.

Point Source Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Pollutant A pollutant is any substance or material that, when introduced into the environment—particularly air, water, or soil—can cause harm to ecosystems, human health, or the natural balance of the environment. Pollutants may be chemical, biological, or physical in nature and can originate from both natural sources and human activities. Common examples of pollutants include sediment, nutrients such as nitrogen and phosphorus, heavy metals, oils and grease, pesticides and herbicides, bacteria and viruses, trash and debris, light and even excess heat, which is considered thermal pollution.

Pre-Construction All activity in preparation for construction.

Pre-Development The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

Post-Development The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

Qualified Soil Evaluator A professional who can demonstrate to the permitting authority, the necessary experience/credentials or a Massachusetts Registered Professional Engineer with expertise in soils to perform soil evaluations specifically for stormwater management purposes, including infiltration feasibility.

Recharge The process by which water from precipitation, surface water, or other sources infiltrates into the ground and replenishes underground aquifers or groundwater supplies.

Reconstruction The process of rebuilding or significantly restoring a structure, feature, or area that has been damaged, removed, or deteriorated. This typically involves replacing or reconfiguring existing elements to match or improve upon the original condition.

Redevelopment The process of altering, improving, or repurposing previously developed land or property. It typically involves the demolition, renovation, or replacement of existing structures and infrastructure to accommodate new uses or to bring the property into compliance with current standards and regulations.

Runoff The portion of water from precipitation, such as rain or melting snow, or from human activities like irrigation, that flows over the land surface instead of soaking into the ground. This occurs when the soil is saturated, the surface is impervious (such as pavement or rooftops), or the water is applied faster than it can infiltrate.

Sediment Solid particles of soil, sand, silt, or clay that are eroded from the land and transported by wind, water, or ice.

Sedimentation The process by which sediment is transported by water, wind, or ice and eventually settles out of suspension, accumulating in a new location. Runoff carries eroded materials into waterways, detention basins, or storm drains, where the particles settle to the bottom.

Site Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

Soil A natural, unconsolidated mixture of mineral particles, organic matter, air, and water that forms the upper layer of the Earth's surface. The composition of soil can vary widely based on location, climate, and organic content, affecting its texture (sand, silt, clay), fertility, permeability, and drainage capacity.

Stormwater Water that originates from precipitation events, such as rain, snow, or hail, which flows over the ground surface and into natural or man-made drainage systems.

Stormwater Control Measure (SCM) Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" SCMs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Non-structural" SCMs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

Stormwater Management The use of SCMs designed to control or reduce the quantity, rate, and quality of stormwater runoff; to promote groundwater recharge; to prevent erosion and sedimentation; to protect water quality; and to minimize impacts on adjacent properties, infrastructure, and natural resources. Stormwater Management includes planning, designing, implementing, and maintaining measures to manage runoff from precipitation events, including rain and snowmelt.

Stormwater Regulations Policies and rules that govern the design, implementation, and maintenance of systems and practices to control stormwater runoff and its impacts on water quality, flooding, and infrastructure.

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

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

Wetlands Freshwater wetland, marsh, bog, wet meadow and swamp as defined in M.G.L. c. 131, §40, the Town of Needham Wetland Protection By-Law, or any successor statutory provision.

SECTION 7.3 AUTHORITY

The Stormwater By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the Federal Clean Water Act (found at 40 CFR 122.34 published in the Federal Register on December 8, 1999, as amended). No change to the aforementioned regulations should affect the validity of this by-law.

7.3.1 Permitting Authority

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

7.3.2 Emergency Suspension of Storm Drain System Access

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

SECTION 7.4 APPLICABILITY

7.4.1 Activities Subject to the Stormwater By-Law

Anyone proposing construction or land work that meets any of the following thresholds must comply with this by-law:

- New construction or project that increases existing impervious surface. (See Stormwater Regulations for applicability parameters.)
- Construction or alteration of drainage systems.
- Change in grading or existing water flow resulting in additional surface water being shed onto other properties, public infrastructure, or natural resources.
- New construction or additions increases existing impervious and also require approval under one or more of the following:
 - Needham Wetland Protection By-Law (Conservation Commission)
 - Zoning By-Law (Board of Appeals)
 - Subdivision Regulations (Planning Board)
 - Other permitting authorities identified in this by-law.

No construction or land disturbance activities that meet one or more of these thresholds may commence prior to obtaining approval pursuant to this by-law.

7.4.2 Stormwater Management and Erosion Control

Activities subject to the Stormwater By-Law shall not be segmented or phased to avoid compliance. All land disturbances—including those not requiring a permit—must incorporate Stormwater Management and Erosion Control measures to ensure that the activity does not increase stormwater runoff or introduce pollutants to roadways or adjacent properties.

The relevant permitting authority, with guidance from the Department of Public Works (DPW), shall review each project for compliance with this by-law. Any permits issued must include a statement confirming that the project meets the requirements of this by-law. This does not limit the

authority of any permitting board to enforce more stringent standards under its own by-laws, rules, or regulations.

The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed. Projects involving only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.4.3 Modification of Stormwater Plan

The applicant, or an agent thereof, shall obtain the approval of the permitting authority prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the permit. Applicant shall request in writing a change or modification to the original submission. Once the permitting authority has acknowledged receipt of request in writing, approval or rejection of the requested change or modification will be noted on the plot plan within thirty (30) calendar days.

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

7.4.4 No Approval Required

For activities listed below, provided erosion control measures are used, and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- Repair, replacement or reconstruction of an existing driveway, patio, pool, and other improvements so long as it does not increase impervious square footage and remains in the same location.
- Restoration of existing lawn areas without lot grading.
- Approved temporary structures.

SECTION 7.5 ADMINISTRATION

The Stormwater By-Law is administered and enforced by the DPW Director. When work is subject to this by-law and applicants are seeking a related permit or approval from the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, they must demonstrate compliance with the by-law and its regulations to the applicable permitting authority.

If a proposed activity is subject to the Stormwater By-Law but is not otherwise subject to review by the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, the applicant must submit the project for review through a Street Permit application prior to beginning any work. This process ensures that activities such as grading or other land disturbances—especially those that may not involve traditional construction—are reviewed for compliance with the Stormwater By-Law and its regulations.

The applicable permitting authority may accept the application as compliant, accept it with conditions, or reject it—based on input from the DPW Engineering Department or in accordance with applicable state or federal laws and regulations. If the application is rejected, the applicant may submit a revised plan demonstrating compliance.

The DPW Director may take action to enforce the provisions of this by-law, as may the Building Commissioner or Conservation Agent if requested by the DPW Director.

SECTION 7.6 REGULATIONS

The Select Board shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this by-law, after conducting a public hearing to receive public comment.

7.6.1 Purpose

The purpose of accompanying regulations is to provide detailed guidance for the implementation and administration of this by-law. The regulations establish specific standards, procedures, definitions, and technical requirements necessary to achieve the objectives of the Stormwater By-Law, including but not limited to performance standards, design criteria, review processes, and compliance measures.

7.6.2 Massachusetts Stormwater Handbook

The DPW Director and/or their designee will utilize the criteria, specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook to execute the provisions of this by-law. Unless otherwise specified in the Stormwater Regulations, SCMs that are designed, constructed, and maintained in accordance with the design and sizing criteria in the Massachusetts Stormwater Handbook will be presumed to be protective of Massachusetts water quality standards.

SECTION 7.7 STORMWATER ASSESSMENT

The Town of Needham is subject to a federal requirement to reduce the amount of pollution from stormwater runoff discharging to local waterways, including substantial phosphorous reduction requirements of runoff into the Charles River. As a result, to meet federal and state permit obligations, the Town must increase its investment in stormwater infrastructure management. In May 2023, the Needham Select Board approved a Stormwater Mitigation Assessment Fee Program, charged through water/sewer billing, which is designed to spread the cost of this public service through a formula based on impervious cover on each property resulting in a tiered fee structure that reflects the potential contribution to stormwater runoff.

7.7.1 Stormwater Mitigation Assessment

The Department of Public Works (DPW) has long been responsible for operating, maintaining, and improving the Town's drainage system, which includes miles of pipeline and thousands of catch basins, manholes, and water quality treatment practices. A well-functioning drainage system keeps roads passable and protects public health and private property. Stormwater management has expanded to include water quality considerations under the Clean Water Act. Stormwater management activities in Needham have historically been funded primarily through the General Fund (tax revenue).

A Stormwater Mitigation Assessment that generates revenue through fees is a more equitable way to support funding for this necessary work. Revenue is collected from all properties (including tax-exempt) and is dedicated to stormwater-specific costs.

7.7.2 Municipal Authority

Massachusetts municipalities are authorized under Massachusetts General Laws to establish a stormwater management authority, empowering them to charge fees to property owners, just as

traditional utilities are allowed to charge fees for electricity, drinking water, and sewer services (MGL Chapter 40 Section 1A, Chapter 40A Section 5, Chapter 44 Section 53F-1/2, and Chapter 83 Section 16).

SECTION 7.8 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

The DPW Director and/or their designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges. No person or entity shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.8.1 Regulated Activities

In order to protect the Town of Needham's water resources and comply with the requirements of the NPDES program, the following activities are regulated to prevent and eliminate illicit discharges to the MS4 and ensure proper connection to municipal infrastructure.

7.8.1.1 Illicit Connections

No person or entity shall connect any pipe, swale, drain, or other appurtenance to the Town of Needham's Sanitary Sewer System or MS4, or perform any modification, repair, rehabilitation, or replacement work on either system, without first obtaining an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.8.1.2 Illicit Discharges

No person or entity shall discharge, or allow to be discharged, any pollutant or non-stormwater substance to the MS4 or any part of the stormwater system, either directly or indirectly. No person or entity shall allow any pipe, swale, or other point source to discharge directly, prior to filtration, onto a public way unless prior authorization is obtained through the Department of Public Works.

7.8.1.3 Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the DPW Director.

7.8.2 Allowable Non-Stormwater Discharges

The following non-stormwater discharges are exempt from the prohibition, provided that the source is not a significant contributor of a pollutant to the MS4 drain system or the waters of the Commonwealth:

- a) Water line flushing
- b) Landscape irrigation
- c) Foundation and footing drains
- d) Air conditioning condensation
- e) Water from crawl space pumps
- f) Lawn watering
- g) Individual residential car washing
- h) Dechlorinated swimming pool discharges
- i) Street and sidewalk wash water
- j) Discharges from firefighting activities
- k) Flows from wetland resource areas
- l) Rising ground waters
- m) Uncontaminated ground water (groundwater that is free of pollutants)
- n) Discharges from potable water sources
- o) Discharges necessary to protect public health, safety, welfare or the environment.

7.8.3 Detection and Elimination

Upon identification of an illicit discharge or illegal connection, the responsible party shall be notified and required to eliminate the discharge or connection in a timely manner as directed by the Permitting Authority.

If the responsible party fails to act, the Town may take necessary enforcement actions, including but not limited to fines, cease and desist orders, or performing corrective work at the property owner's expense.

SECTION 7.9 PERMITS

7.9.1 Applications

All activities subject to the Stormwater By-Law must include Stormwater Management and Erosion Control provisions.

The applicable permitting authority shall review and approve the Stormwater Management and Erosion Control Plan prior to issuing any permit. The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed.

Projects that involve only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.9.2 Fees

Fees may be established by the Select Board to pay for expenses if it is determined that an outsourced professional or expert consultation is necessary to adequately evaluate a proposed project. This may include retaining a registered professional engineer or other qualified consultant to advise the permitting authority on one or more aspects of the submitted plans.

If such consultation is required, the applicant may be required to pay the associated review fees in advance. The applicant may also be responsible for ongoing consultant costs, if necessary for the duration of the project, through an account established in accordance with M.G.L. c. 44, §53G, or any successor statutory provision.

7.9.3 Permit Amendments

If the permitting authority determines that material changes or alterations to an approved project plan are significant, the applicant may be required to submit a new application. Minor adjustments, such as those made to address field conditions or similar non-substantial changes, generally do not require a new application. The applicant may revise and resubmit an application as needed to meet the objectives and comply with the requirements of this by-law.

7.9.4 Non-Compliance

Any person who fails to comply with the conditions of an issued permit, including an approved Erosion and Sedimentation Control Plan, Operations and Maintenance Plan, or any order issued under the Stormwater By-Law, shall be considered in violation and subject to enforcement action.

SECTION 7.10 STORMWATER MANAGEMENT AND EROSION CONTROL PLAN REQUIREMENTS

7.10.1 Low Impact Development (LID)

The Town of Needham supports, encourages, and anticipates the use of Low Impact Development (LID) practices wherever possible or practicable, as a preferred approach to managing stormwater and preserving site-specific ecological and hydrological functions. Applicants are expected to incorporate LID principles into their site planning process.

7.10.2 Regulated Activities

Any construction or land disturbance activity regulated under this by-law shall require the preparation and submission of a Stormwater Management and Erosion Control Plan. The purpose of the Plan is to ensure that adequate measures are in place to manage stormwater runoff, minimize erosion, and prevent sedimentation both during and after construction. The Plan must demonstrate that the proposed activity will not result in adverse impacts to abutting properties, public infrastructure, or natural resources, and that it complies with the performance standards and design criteria outlined in the Stormwater Regulations. The permitting authority shall review all submitted plans for completeness and conformance with the requirements of the Stormwater By-Law prior to approval.

7.10.3 Exempt Activities

The following activities shall be exempt from the requirement to submit a Stormwater Management and Erosion Control Plan under this by-law:

- a) Emergency activities necessary to protect public health or safety as determined by the authority having jurisdiction;
- b) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this by-law.

7.10.4 General Requirements

If authorized by the Owner or other party in control of the property, the permitting authority, its designee, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as deemed reasonably necessary to determine compliance with the permit.

7.10.4.1 Pre-Construction

A Stormwater Management and Erosion Control Plan along with soil testing results from a qualified soil evaluator shall be submitted as part of a Plot Plan or independently with an application for a Building Permit, Street Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any activity subject to this by-law.

7.10.4.2 Construction

The Stormwater Management and Erosion Control plan shall include construction-period measures such as a dewatering plan during and after construction to prevent the discharge of silt or sediment to the MS4, roadway, wetland resources or abutting properties. The Permitting Authority or its designee may perform inspections as necessary at various stages of the project to verify and document compliance with the issued permit.

7.10.4.3 Post-Construction

For all projects subject to this by-law, the Stormwater Management and Erosion Control Plan shall include post-construction measures designed to provide a minimum combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall over the total impervious area of the site, including all buildings and other impervious surfaces.

Projects subject to this by-law requiring approval from the Conservation Commission, Planning Board, or Zoning Board of Appeals, the plan shall also include stormwater runoff quality controls. These controls must incorporate structural and/or non-structural Stormwater Control Measures (SCMs) that are designed to remove pollutants from stormwater prior to infiltration into the ground, in accordance with the Massachusetts Stormwater Handbook.

The purpose of these post-construction measures is to minimize or prevent increases in stormwater volume and peak flow to the MS4, and to reduce the pollutant load entering the MS4 and receiving waters.

7.10.4.4 Low-Permeability Soils

In cases where low-permeability soils are present, the DPW Director may, in consultation with the Engineering Division and Permitting Authority, authorize modifications that are consistent with the intent of this by-law. The applicant must conduct and submit soil testing results that describe soil types and groundwater elevations.

7.10.4.5 Operation and Maintenance Plan

An Operation and Maintenance (O&M) Plan shall be submitted with any application for a Building Permit, Street Permit, or application to the Planning Board, Board of Appeals, or Conservation Commission pursuant to this by-law. The O&M Plan must be designed to ensure year-round compliance with this by-law and remain effective throughout the life of the system. The Plan must be recorded with the Registry of Deeds, and proof of recording must be submitted to the permitting authority. Annual inspection and maintenance records for all stormwater control measures (SCMs) shall be made available to the DPW and Permitting Authority upon request.

7.10.4.6 As-Built Drawing

At the completion of any project subject to the Stormwater By-Law, as-built drawings must be submitted and shall include all stormwater management systems as constructed. These drawings must be prepared, signed, and stamped by a Massachusetts Registered Professional Engineer. The as-built drawings shall accurately reflect the final configuration, elevations, dimensions, and materials of all stormwater infrastructure, including but not limited to infiltration systems, drainage pipes, manholes, catch basins, and outfalls.

The as-built drawings must accompany the certified as-built Plot Plan, which is required to be stamped by a Massachusetts Registered Land Surveyor. Together, these documents provide verification that the stormwater management systems have been constructed in accordance with the approved plans and comply with the requirements of this by-law and associated regulations.

7.10.4.7 Design Criteria

Infiltration and other stormwater management systems shall be designed in accordance with SCMs as outlined in the Massachusetts Stormwater Handbook and the Stormwater Regulations. For building additions that increase the existing impervious footprint by 25% to 50%, infiltration is required for the newly constructed area. For additions that increase the impervious footprint by more than 50%, infiltration is required for the entire impervious area, including both the addition and the existing structure.

For properties containing 4,000 square feet or less of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5”) of rainfall. Impervious surfaces beyond the roof—such as driveways, decks, and patios—

may be directed to the same infiltration system or managed separately using other acceptable methods such as rain gardens, drainage trenches or swales, detention basins, or other SCMs.

For projects resulting in more than 4,000 square feet of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5") of rainfall over the total impervious area, including roofs, driveways, patios, decks, and other hardscapes. In addition, the applicant must demonstrate compliance with the Massachusetts Stormwater Standards, specifically Standard 2 (Peak Rate Attenuation) and Standard 3 (Recharge).

In the absence of any other law, by-law or regulation, the Applicant shall plant on the project property three 2" caliper or larger, native trees for each required infiltration chamber system or designed drywell shown in the proposed plan.

Projects subject to this by-law requiring approval by the Conservation Commission, Zoning Board of Appeals, or Planning Board must also comply with the applicable requirements and approvals of the relevant Permitting Authority. Applicant must demonstrate compliance with the Massachusetts Stormwater Standards for Stormwater Management and Erosion Control measures.

Erosion and sediment controls must be designed to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance or construction activities.

There shall be no change to the existing conditions of abutting properties or public ways from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, displacement, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection By-Law.

When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the DPW Director and/or their designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.11 ENFORCEMENT

The DPW Director and/or their designee is authorized to oversee and review all matters relating to stormwater management within the Town of Needham. The DPW Director, or their designee, shall administer and enforce the Stormwater By-Law and Stormwater Regulations, including orders, violation notices, and enforcement orders. The Director may pursue all applicable civil and criminal remedies and penalties including without limitation non-criminal disposition as provided in Section 8.

7.11.1 Written Order

The DPW Director and/or their designee may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include, but are not limited to, the following:

- a. A requirement to cease and desist until there is compliance with the Stormwater By-Law;
- b. Elimination of illicit connections or discharges to the MS4;
- c. Maintenance, installation or performance of additional Erosion and Sedimentation control measures;
- d. Monitoring, analyses, and reporting; and/or
- e. Remediation of contamination, erosion and/or sedimentation resulting directly or indirectly from the permitted activity.

7.11.2 Appeal of Determination

Any person or entity aggrieved by a decision of the DPW Director and/or their designee under a provision of this Stormwater By-Law may submit a letter of appeal to the Select Board who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.11.3 Injunctive Relief

If a person violates the provisions of this by-law, or any regulation, permit, notice, or order issued thereunder, the DPW Director or their designee, with the approval of the Select Board, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: .

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 9th day of September, 2025.

Heidi Frail, Chair

Catherine R. Dowd, Vice Chair

Joshua W. Levy, Clerk

Marianne B. Cooley, Member

Kevin Keane, Member

SELECT BOARD OF NEEDHAM

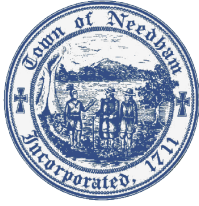
A TRUE COPY

Attest:

Constable:

Status of Articles as of 09/19/2025
October 20, 2025 Special Town Meeting

#	Article	Status	SB Position	FC Position	HRAC Position	SB	FC
1	FUND FOR COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION			Adopt		Heidi	
2	FUND FOR COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION			Adopt		Heidi	
3	APPROPRIATE FOR INFILTRATION AND INFLOW			Adopt		Cathy	
4	APPROPRIATE FOR INTERSECTION IMPROVEMENT ANALYSES			Adopt		Cathy	
5	APPROPRIATE FOR STEPHEN PALMER LEASE EXPIRATION					Marianne	
6	AMEND THE FY2026 OPERATING BUDGET			Adopt		Josh	
7	AMEND THE FY2026 SEWER ENTERPRISE FUND BUDGET			Adopt		Josh	
8	AMEND THE FY2026 WATER ENTERPRISE FUND BUDGET			Adopt		Josh	
9	APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING			Adopt		Josh	
10	APPROPRIATE FOR GOLF COURSE CULVERT FEASIBILITY					Marianne	
11	APPROPRIATE FOR QUIET ZONE CONSTRUCTION					Marianne	
12	AMEND GENERAL BY-LAW – DOG LICENSES					Cathy	
13	AMEND GENERAL BY-LAW – STORMWATER					Kevin	

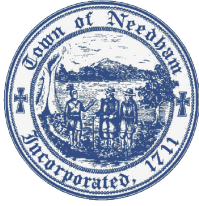


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/24/2025

Agenda Item	Town Manager's Report
Presenter(s)	Katie King, 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	

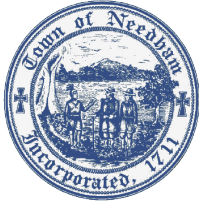


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/24/2025

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: 9/24/2025

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Exception 6: To discuss the purchase, exchange, lease or value of real property – Stephen Palmer Building, 83 Pickering Street, Needham, MA.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board enter executive session pursuant to: a. Exception 6, to discuss the purchase, lease and value of real property, in particular the residential dwelling units located at the Stephen Palmer Building, 83 Pickering Street, Needham, MA, where the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body [the chair so declares]; and b. To adjourn at the conclusion of the executive session without returning to open session.	
3.	BACK UP INFORMATION ATTACHED
None.	

**Town of Needham
Select Board
Special Meeting
Minutes for September 9th, 2025
Glavin Chapel
17 Babson College Drive
Wellesley, MA 02482**

8:00 a.m. Call to Order:

A meeting of the Select Board was convened by Chair Heidi Frail. Those present were Vice Chair Cathy Dowd, Marianne Cooley, Kevin Keane, Joshua Levy, and Town Manager Katie King. Also present were Babson President Stephen Spinelli and members of the Babson Senior Leadership Team:

- Ariel Armony, Provost and Executive Vice President
- Donna Bonaparte, Vice President, Human Resources
- Sadie Burton-Goss, Chief Inclusive Excellence Officer
- Caitlin Capozzi, Vice President for Learner Success and Dean of Campus Life
- Erin Carcia, Executive Director, Campus Safety and Chief of Police
- Ed Chiu, Governor Craig R. Benson Endowed Executive Vice President of Advancement
- Katherin Cravin, Executive Vice President, Administration
- Kate Deeb, Associate Vice President for Strategic Investments and Initiatives
- Michael Layish, Vice President and General Counsel
- Ruthanne Madsen, Vice President, Enrollment Management and Financial Aid
- Colleen Meader, Executive Assistant to the President
- Kerry Salerno, Vice President and CMO
- Donna Stoddard, Dean of the Faculty

President Spinelli provided the Board with a state of the college, including entrepreneurship, fundraising, capital planning, and the College's recent rank as the #2 college in the U.S. by the Wall Street Journal. He discussed recent approvals to construct a new Executive Lodge and Conference Center. There was discussion of the challenges some incoming international students faced securing required documentation to study in the U.S. Mr. Keane shared his appreciation that Babson offers the annual scholarship program to Needham students. President Spinelli expressed interest in ongoing collaboration with Needham.

The meeting ended at approximately 9:30 a.m.

**Town of Needham
Select Board
Special Meeting
Minutes for September 19th, 2025
Great Plain Room, Town Hall
1471 Highland Avenue
Needham, MA 02492**

- 8:04 a.m. Call to Order:
A meeting of the Select Board was convened by Chair Heidi Frail. Those present were Vice Chair Cathy Dowd, Marianne Cooley, Kevin Keane, Joshua Levy, and Town Manager Katie King. Also present were Deputy Town Manager/Director of Finance Dave Davison, Town Counsel Chris Heep and Support Services Manager Myles Tucker.
- 8:05 a.m. **Motion by Ms. Frail that the Board vote to enter into Executive Session pursuant to Exception 6: to discuss the purchase, lease and value of real property located at the Stephen Palmer Building, 83 Pickering Street, Needham, MA, where the Chair declares that an open meeting on both of these items may have a detrimental effect on the negotiating position of the public body [The Chair so declares.] and to adjourn at the conclusion of the executive session without returning to open session. Second by Mr. Keane. Passed unanimously by a roll call vote.**
- Ms. Frail: Yes
Ms. Dowd: Yes
Mr. Levy: Yes
Ms. Cooley: Yes
Mr. Keane: Yes**



Town of Needham Select Board Fee Schedule

CALENDAR YEAR 2026

ON PREMISE ALCOHOLIC BEVERAGE

\$4,525	Innholders
\$4,025	Restaurants - All Alcoholic
\$1,500	Restaurants & Brew Pubs–Wine /Malt
\$1,500	Farmer Series Pouring Permit
\$ 510	Clubs & Continuing Care Retirement Communities
\$ 150	New License/Transfer License
\$ 100	License Amendments

OFF PREMISE ALCOHOLIC BEVERAGE

<u>Initial</u>	<u>Renewal</u>	
\$3,500	\$2,500	Retail Package Goods Store, All Kinds of Alcoholic Beverages
\$3,000	\$2,000	Retail Package Goods Store, Wine & Malt Beverages Only

MISC. LICENSES/PERMITS

Automatic Amusement	\$ 50 per machine
Bowling	\$ 10 per lane
Class I and Class II	\$ 200
Common Victualler Licenses	\$ 100
Innkeeper	\$ 25
Livery	\$ 25
Lodging License	\$ 50
Mobile Food	\$ 100 per weekday for annual license
	\$ 10 for one-day license on public lots
	\$ 20 for one-day license in public ways
One-Day Special Liquor License	\$ 25
Outdoor Dining	\$ 25*
Pool Table	\$ 25
Sunday Public Entertainment	\$ 100
Weekday Public Entertainment	\$ 100
Road Race	\$ 25
Second Hand Articles	\$ 25
Taxi	\$ 10 per cab

**Outdoor Dining Fee License applied to Common Victualler License Fee upon approval. Does not include any use fees for sidewalk and/or parking space use defined in Select Board Policy SB-LIC-016.*



Town of Needham Select Board Fee Schedule

CALENDAR YEAR 2026

ON PREMISE ALCOHOLIC BEVERAGE

\$4,525	Innholders
\$4,025	Restaurants - All Alcoholic
\$1,500	Restaurants & Brew Pubs–Wine /Malt
\$1,500	Farmer Series Pouring Permit
\$ 510	Clubs <u>& Continuing Care Retirement Communities</u>
\$ 150	New License/Transfer License (On Premise & Off Premise Licenses)
\$ 100	Change in License <u>Amendments</u> (On Premise & Off Premise Licenses)
	Includes:
	Change of Manager
	Pledge of License/Stock
	Alteration of Premises
	New Officer/Direetor
	Change of Corporate Name or D/B/A
	Most other changes

OFF PREMISE ALCOHOLIC BEVERAGE

<u>Initial</u>	<u>Renewal</u>	
\$3,500	\$2,500	Retail Package Goods Store, All Kinds of Alcoholic Beverages
\$3,000	\$2,000	Retail Package Goods Store, Wine & Malt Beverages Only

MISC. LICENSES/PERMITS

Automatic Amusement	\$ 50 <u>each-per</u> machine
Bowling	\$ 10 <u>each-per</u> lane
Class I and Class II	\$ 200
Common Victualler Licenses	\$ 100
Innkeeper	\$ 25
Livery	\$ 25
Lodging License	\$ 50
<u>Mobile Food</u>	<u>\$ 100 per weekday for annual license</u>
	<u>\$ 10 for one-day license on public lots</u>
	<u>\$ 20 for one-day license in public ways</u>
One-Day Special Liquor License	\$ 25
Outdoor Dining	\$ 25*
Pool Table	\$ 25
Sunday Public Entertainment	\$ 100
Weekday Public Entertainment	\$ 100
Road Race	\$ 25
Second Hand Articles	\$ 25



Town of Needham Select Board Fee Schedule

Taxi

\$ 10 ~~each~~per cab

**Outdoor Dining Fee License applied to Common Victualler License Fee upon approval. Does not include any use fees for sidewalk and/or parking space use defined in Select Board Policy*

SB-LIC-016.

DRAFT

Town of Needham
Town-Financed Community Housing Oversight Committee
(T-CHOC)
Committee Charge & Composition

Type:	Semi-Permanent (for duration of project)
Legal Reference:	Select Board Vote
Appointing Authority:	Select Board
Number of Voting Members:	Eight
Term of Appointment	Three Years
Special Municipal Employee	Yes
Staff Support	Assistant Director of Finance

Members	Seat/Appointing Body	Year Appointed	Term Expiration
John Connelly	Current Finance Committee Member/Finance Committee	2023	2026
Irwin Silverstein	Current or Former Member of the Permanent Public Building Committee (PPBC)/PPBC	2023	2026
Cathy Dowd	Current Select Board Member/Select Board	2023	2026
Peter Pingitore	Current or Former Member of the Community Preservation Committee (CPC)/CPC	2023	2026
Avery Newton	Current Affordable Housing Trust (AHT) Member/AHT	2023	2026
Rhonda Spector	At-Large, with Experience in Housing Finance/Select Board	2023	2026
Rick Zimbone	At-Large/Select Board	2023	2026
Denise Garlick	At-Large/Select Board	2023	2026
Dave Davison	Deputy Town Manager - Director of Finance, ex-officio/Select Board	2023	2026

Composition:

- Current Member of the Finance Committee (FC), appointed by FC
- Current or Former Member of the Permanent Public Building Committee (PPBC), appointed by PPBC
- Current Member of the Select Board*
- Current or Former Member of the Community Preservation Committee (CPC), appointed by the CPC
- Current Member of the Affordable Housing Trust (AHT), appointed by the AHT.
- Three at-large Community Members, at least one with experience in Housing Finance
- Deputy Town Manager/Director of Finance (ex officio, non-voting)*

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

** Unless otherwise noted, all appointments are by the Select Board

Purpose:

The T-CHOC shall oversee the use of funds appropriated by the Town to support the development of community housing by third parties and advise Town boards, committees, and Town Meeting on the use of those funds.

Charge:

- The Committee will monitor Town investments (through grants, loans or otherwise) in the development, creation, rehabilitation, restoration, preservation or support of community housing (collectively, "Community Housing Projects") by third parties.
- The Committee will meet regularly to review the progress of Community Housing Projects in which the Town has made an investment. .
- The Committee will meet with the developer's project team to review project status, finance update, schedule, and the like.
- The Committee will provide advice to the Community Preservation Committee (CPC), Select Board, Finance Committee and Town Meeting as to the appropriateness of expenditure of Town funds and the advisability of future investment in the project.
- The Committee will elect a chair and vice chair who shall rotate at least biannually.
- The Committee Chair is responsible for the timely posting of all Committee meetings.
- The Committee will provide minutes of all meetings, both open and executive session. The minutes must be typed and include:
 - Date, time and location of meeting;
 - Names of those members present and absent;
 - A record of all votes, decision, and actions taken;
 - Brief summary of the discussion;
 - A list of the documentation and other exhibits used at the meeting.

Charge Adopted: 6/23/2023 **Charge Revised:** 1/7/2025, 9/24/2025
SME Status Voted: 6/23/2023

Town of Needham
Town-Financed Community Housing Oversight Committee
(T-CHOC)
Committee Charge & Composition

Type:	Semi-Permanent (for duration of project)
Legal Reference:	Select Board Vote
Appointing Authority:	Select Board
Number of Voting Members:	Eight
Term of Appointment	Three Years
Special Municipal Employee	Yes
Staff Support	Deputy Town Manager/Director of Finance Deputy Town Manager/Director of Operations <u>Assistant Director of Finance</u>

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Members	Seat/Appointing Body	Year Appointed	Term Expiration
John Connelly	Current Finance Committee Member/Finance Committee	2023	2026
Irwin Silverstein	Current or Former Member of the Permanent Public Building Committee (PPBC)/PPBC	2023	2026
Cathy Dowd	Current Select Board Member/Select Board	2023	2026
Peter Pingitore	Current or Former Member of the Community Preservation Committee (CPC)/CPC	2023	2026
Avery Newton	Current Affordable Housing Trust (AHT) Member/AHT	2023	2026
Rhonda Spector	At-Large, with Experience in Housing Finance/Select Board	2023	2026
Rick Zimbone	At-Large/Select Board	2023	2026
Denise Garlick	At-Large/Select Board	2023	2026
Katie King	Deputy Town Manager-Director of Operations, ex-officio/Select Board	2023	2026

Dave Davison	Deputy Town Manager - Director of Finance, ex- officio/Select Board	2023	2026
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Composition:

- Current Member of the Finance Committee (FC), appointed by FC
- Current or Former Member of the Permanent Public Building Committee (PPBC), appointed by PPBC
- Current Member of the Select Board*
- Current or Former Member of the Community Preservation Committee (CPC), appointed by the CPC
- Current Member of the Affordable Housing Trust (AHT), appointed by the AHT.
- Three at-large Community Members, at least one with experience in Housing Finance
- Deputy Town Manager/Director of Finance (ex officio, non-voting)*
- ~~Deputy Town Manager/Director of Operations (ex officio, non-voting)*~~

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 - Date, time and location of meeting;
 - Names of those members present and absent;
 - A record of all votes, decision, and actions taken;
 - Brief summary of the discussion;
 - A list of the documentation and other exhibits used at the meeting.

Charge Adopted: 6/23/2023 **Charge Revised:** ~~01/07/2025~~, 9/24/2025
SME Status Voted: 6/23/2023

September 10, 2025

Needham Select Board
1471 Highland Avenue
Needham, MA 02492

Dear Chair Frail,

On behalf of the Needham Business Alliance of the Charles River Regional Chamber, I am writing to request the Select Board's approval for a temporary road closure of Pickering Street during the Needham Harvest Fair on Sunday, October 5, 2025.

For the fourth consecutive year, the Harvest Fair will take place at Greene's Field in conjunction with the Needham Farmers Market (use of the space has already been approved by Parks and Recreation). The event will feature approx. 100 business, nonprofit and town-dept booths on Greene's Field.

We are requesting a full road closure during setup, from 8:30 to 11:00 a.m., to allow us to safely manage one-way traffic for unloading. During the event itself (11:00 a.m. to 4:00 p.m.), we ask that Pickering Street remain closed from Great Plain Avenue to just before the Walgreens lot. This will provide a pedestrian walkway and space for children's activities that have historically been a highlight of the fair—such as fire ladder truck and police cruiser displays. We will secure a police detail to assist with traffic and pedestrian safety on the day of the event.

Additionally, we request approval to place lawn signs (wire h-frame) promoting the event beginning Monday, September 29, at the following town-owned locations:

- Town Common along the fence by Great Plain Avenue
- Needham Heights Square
- Town Dump entrance
- Outside DPW on Route 135
- Needham Library lawn or berm
- Along Harris Green near Pollard
- At town entry points on Dedham Avenue, Webster, Kendrick, and Great Plain

The Chamber remains committed to continuing the tradition of the Harvest Fair, supporting our local businesses and community organizations, and providing a fun, safe, family-friendly event.

Should you need additional information, I can be reached at 617-916-9064. Thank you for your consideration of our request.

Sincerely,

Katherine Herer
VP, Operations, Charles River Regional Chamber
kherer@charlesriverchamber.com

Town of Needham
Water Sewer Billing System
Abatement Form

FROM: DEPARTMENT OF PUBLIC WORKS
TO: TOWN TREASURER AND COLLECTOR
CC: TOWN ACCOUNTANT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer, stormwater revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-\$842.05
Water Irrigation:	\$0.00
Water Admin Fees:	\$0.00
Sewer Sales:	-\$852.92
Stormwater Fees:	\$0.00
Transfer Station Charges:	\$0.00

Total Abatement: -\$1,694.97

Order #: 1353
Read and Approved:

Date

Date


Superintendent of Water, Sewer, and Drains

09/16/25

Select Board


Director of Public Works

9/16/25

Customer Name	Customer		Location		Street #	Street Name	Domestic		Irrigation		Stormwater	Reason		
	ID #		ID #				Water		Sewer			Water		Total
John Geraci	1641		5914		38	Lincoln	-\$161.35		-\$141.59		\$0.00	-\$302.94	ACC	KW
Lisa Halim	29449		14692		92	Meetinghouse Cir	-\$680.70		-\$711.33		\$0.00	-\$1,392.03	ACC	KW

Domestic	Irrigation			Reason	
	Water	Sewer	Water	Stormwater	Code
Water					Prepared By:
-\$161.35	-\$141.59	\$0.00	\$0.00	-\$302.94	ACC KW
-\$680.70	-\$711.33	\$0.00	\$0.00	-\$1,392.03	ACC KW
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$842.05	-\$852.92	\$0.00	\$0.00	-\$1,694.97	

Verified By:

Kuiter Wright
Management Analyst, DPW